



# NEGOTIATING SOCIAL POLICIES IN KENYA: AID, ETHNICITY AND RESOURCE STRUGGLES

Mariana S. Cifuentes Montoya



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Mariana Sofia Cifuentes Montoya

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Research School for Resource Studies for Development.



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# NEGOTIATING SOCIAL POLICIES IN KENYA: AID, ETHNICITY AND RESOURCE STUGGLES

DE TOTSTANDKOMING VAN SOCIAAL BELEID IN KENYA:  
ONTWIKKELINGSHULP, ETNICITEIT EN DE STRIJD OM DE MIDDELEN

## Thesis

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*For Jonathan*



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## Acronyms

APS	AIDS Programme Secretariat
ART	Anti-Retroviral Treatment
ARV	Antiretroviral
BBC	British Broadcasting Corporation
CACCs	Constituency AIDS Control Committees
CBO	Community Based Organization
CC	CACC Coordinator
CCM	Country Coordinating Mechanism
CDF	Constituency Development Fund
CGD	Center for Global Development
CIDA	Canadian International Development Agency
COBPAP	Community Based Programme Activity Reporting
CSO	Civil Society Organizations
DAC	Development Assistance Committee
DACC	District AIDS Control Committee
DARE	Decentralized Reproductive Health and HIV/AIDS
DDO	District Development Officer
DEO	District Education Officer
DFID	Department for International Development
DTC	District Technical Committees
EFA	Education for All
EMIS	Education Management Information System
ERS	Economic Recovery Strategy
EU	European Union



FPE	Free Primary Education
FSE	Free Secondary Education
FTI	Fast Track Initiative
FMA	Financial Management Agency
GDP	Gross Domestic Product
GER	Gross Enrolment Rate
GFATM	Global Fund for AIDS, Tuberculosis and Malaria
GOK	Government of Kenya
HIV/AIDS	Human Immunodeficiency Virus/ Acquired Immune Deficiency Syndrome
HQ	Headquarters
ICC	International Criminal Court
IEC	Information, Education and Communication
IMF	International Monetary Fund
IP-ERS	Investment Programme-Economic Recovery Strategy
IPS	Inter Press Service
KACC	Kenya Anti-Corruption Commission
KADU	Kenya African Democratic Union
KAIS	Kenya AIDS Indicator Survey
KANU	Kenya African National Union
KAU	Kenya African Union
KCPE	Kenyan Certificate of Primary Education
KDHS	Kenya Demographic Health Survey
KESSP	Kenya Education Sector Support Programme
KfW	Kreditanstalt Für Wiederaufbau (German Development Bank)
KHADREP	Kenya HIV/AIDS Disaster Response Project
KIPPRA	Kenya Institute of Public Policy Research and Analysis
KNUT	Kenya National Union of Teachers
KRT	Key Resource Teacher
KSH	Kenya Shillings
LCD	Least Common Denominator
LDP	Liberal Democratic Party

MAP	Multi Country HIV/AIDS Program
MDG	Millennium Development Goal
MOE	Ministry of Education
MOU	Memorandum of Understanding
MPs	Members of Parliament
MWENGO	Mweleko wa NGO (Kiswahili for NGO Reflection and Action)
NACC	National AIDS Control Council
NAK	National Alliance Party of Kenya
NARC	National Rainbow Coalition party
NASCOP	National Aids and STI Control Programme
NEPHAK	Empowering People Living with AIDS
NER	Net Enrolment Rate
NGO	Non-Governmental Organization
ODA	Official Development Assistance
ODA	Overseas Development Assistance
OECD	Organization for Economic Cooperation and Development
OPEC	Organization of Petroleum Exporting Countries
PACC	Provincial AIDS Control Committee
PEPFAR	U.S. President's Emergency Plan for AIDS Relief
PhD	Philosophiae Doctor (Doctor of Philosophy)
PLWA	People Living with AIDS
PMTCT	Prevention of Mother-To-Child Transmission
PRSP	Poverty Reduction Strategy Paper
PWC	PricewaterhouseCoopers
QASO	Quality Assurance and Standards Officer
SAP	Structural Adjustment Policies
SBTD	School-based Teacher Development
SIC	School Infrastructure Committee
SIMBA	School Instructional Materials Bank Account
SIMSC	School Instructional Materials Selection Committee
SMC	School Management Committee
SPRED	Strengthening Primary Education

STEPS	Strengthening Education in Primary and Secondary
STI	Sexually Transmitted Infection
SWAp	Sector Wide Approach
TAC	Teachers Advisory Centre
TOWA	Total War against AIDS
TSC	Teacher Service Commission
UCLA	University of California at Los Angeles
UKNAO	UK National Audit Office
UN	United Nations
UNAIDS	Joint United Nations Programme on HIV/AIDS
UNDP	United Nations Development Programme
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNICEF	United Nations Children Emergency Fund
US	United States
USAID	US Agency for International Development
USD	United States Dollars
VCT	Voluntary Counselling and Testing
WB	World Bank



## Abstract

Since independence, the Kenyan state claims to have pursued the principle of equal rights as an important part of its nation-building project. At the same time, Kenya's population is differentiated economically and politically along ethnic lines with state resources benefiting mainly those communities close to the ruling elite. At the beginning of the 21st century, important political events took place that seemed to address these inequalities. Focusing on a ten-year period from 2000–2010, this thesis examines the nature of Kenyan state–society relations through the prisms of two social policies: free primary education and HIV/AIDS prevention and care.

The thesis asks: what roles have the enactment of social policies and aid within decision-making arenas played in the configuration of the contemporary Kenyan state?; and how have ethnicities and local redistribution of resources shaped negotiations within the implementation arenas? These questions are examined by means of a qualitative enquiry. Fieldwork was undertaken over a period of 11 months from August 2008 to July 2009 in which secondary data was collected and in-depth interviews and participant observations undertaken. Based on these data, the thesis analyses relationships among actors and how these relations led to particular political configurations and social institutional arrangements. It is argued that Kenya's political competition for resources, together with donor-led reforms, eroded government social provision thereby strengthening other means of redistribution that are ethnicity-based.

The empirical enquiry found that donor involvement illuminates contradictory facets of statehood. On the one hand, national and transnational actors in the social sector weave donor assumptions into these two

policy processes, raising questions regarding the legitimacy of the policy environment. On the other hand, implementation of the policies is closely linked with local patrimonial relations as well as nation-wide corruption. As a result, the implementation processes simultaneously reinforce nationalism and ethno-centrism. These tentative findings suggest that, contrary to donor assumptions regarding national unity and universal social protection, Kenya's social policies are part of a political machinery that fosters both the ruling elite's self-preservation and ethnic fragmentation. In this context, social policies have a limited impact in addressing inequality since the population understands that, in addition to social provision, redistribution happens through different mechanisms, namely through ethnic-biased allocations, patronage and corruption. This places the study within a body of literature that sees the African state as an undetermined process, in which domination is never exerted exclusively by one actor but is exercised by different actor groups that compete over the institutionalization of power relations..

*De totstandkoming van sociaal beleid in Kenia:  
Ontwikkelingshulp, etniciteit en de strijd om de middelen*



## Samenvatting

Sinds de onafhankelijkheid stelt de Keniaanse overheid dat het principe van gelijke rechten een belangrijk onderdeel vormt van het project van staatsvorming. Tegelijkertijd verschillen de diverse etnische groeperingen binnen de Keniaanse bevolking in economisch en politiek opzicht van elkaar en komen overheidsmiddelen vooral ten goede aan de gemeenschappen die het dichtst bij de heersende elite staan. Aan het begin van de 21<sup>e</sup> eeuw vonden er belangrijke politieke gebeurtenissen plaats en leek er iets gedaan te worden aan deze ongelijkheid. In dit proefschrift wordt de aard van de relatie tussen de staat en de maatschappij in Kenia gezien door de prisma's van twee vormen van sociaal beleid: gratis basisonderwijs en preventie en zorg op het gebied van hiv/aids. Het onderzoek richt zich op de periode tussen 2000 en 2010.

De onderzoeksvragen van dit proefschrift zijn:

- Welke rol hebben het vaststellen van sociaal beleid in de besluitvormingsarena's en ontwikkelingshulp gespeeld bij de configuratie van de huidige staat Kenia?
- Hoe hebben etnische factoren en de lokale herverdeling van middelen de onderhandelingen vormgegeven binnen de implementatie-arena's?

Deze vragen waren het onderwerp van een kwalitatief onderzoek. Gedurende 11 maanden (van augustus 2008 tot juli 2009) is veldwerk gedaan waarbij secundaire gegevens verzameld zijn en onderzoek verricht is door middel van diepte-interviews en participerende observatie. Op grond van deze gegevens zijn de verhoudingen tussen actoren geanalyseerd en is onderzocht hoe deze verhoudingen hebben geleid tot bepaalde politieke configuraties en sociaal-institutionele arrangementen. In dit onderzoek wordt betoogd dat de politieke strijd om de middelen in Kenia, in combinatie met door donoren ingezette hervormingen, geleid heeft tot de

uitholling van sociale voorzieningen van overheidswege. Hierdoor zijn andere, op etniciteit gebaseerde manieren van herverdeling versterkt.

Uit het empirisch onderzoek blijkt dat betrokkenheid van donoren tegenstrijdige aspecten van de onafhankelijkheid belicht. Enerzijds verweven nationale en transnationale actoren in de sociale sector aannamen van donoren met deze twee beleidsprocessen, waarbij vragen rijzen over de legitimiteit van de beleidsomgeving. Anderzijds is de implementatie van het beleid nauw verbonden met lokale patrimoniale verhoudingen en wijdverbreide corruptie. Het gevolg hiervan is dat het implementatieproces zowel nationalisme als etnocentrisme versterkt. In tegenstelling tot aannamen van donoren over nationale eenheid en algehele sociale bescherming duiden deze voorlopige gegevens erop dat het sociaal beleid in Kenia deel uitmaakt van een politieke machinerie die zowel zelfbehoud van de heersende elite als etnische versplintering cultiveert. In deze context is de invloed van sociaal beleid op het bestrijden van ongelijkheid beperkt aangezien de bevolking begrijpt dat er naast sociale voorzieningen andere mechanismen zijn die voor herverdeling zorgen, namelijk op etniciteit gebaseerde toewijzingen, begunstiging en corruptie. Hiermee behoort dit onderzoek tot de literatuur die de Afrikaanse staat beschouwt als een onbepaald proces waarin nooit één actor de exclusieve heerschappij heeft, maar waarin verschillende groepen actoren die strijden om de institutionalisering van machtsverhoudingen de heerschappij voeren.

*Map of Kenya's provinces and districts, 2003*



Source: KWI (2003)



# 1

## Aid, Redistribution and Ethnicity: Kenya's Social Policies

### 1.1 Introduction

During the colonial years, Kenya was subjected to a racialized governing system that favoured White settlers over the indigenous African population. In 1963, after a violent military conflict, Kenya became independent from the British Crown. During the independence ceremony President Kenyatta promised that the newly formed state would pursue the principle of equal rights regardless of race and ethnic differences. Throughout Kenya's post-independence history, this ambition was seen as important for the nation-building project, with several social policies exemplifying the state's commitment to equality. Despite of this commitment uneven a combination of politics with economic development led to important ethno-regional inequalities, differentiating the population between those ethnic groups who benefited – and those who did not – from their relationship with the presidents. Consequently, and contrary to the public claims about equality, Kenya fostered an ethnic and tribal pattern of voting and political rewards which in turn preserved the political powers of a single-party system (Andersen 2004: 128).

At the end of 2002, two important events occurred which were expected to address these political and economic inequalities. First, a democratically elected ethnic coalition came to power in the peaceful elections that ended the 24-year autocratic rule of President Moi. Second, the political transition coincided with an increase of development assistance from donors who saw the 'new' democratic Kenya as a promising recipient of aid. Both events translated into a significant increase of resources for the social sector which was seen at the time as crucial for Kenya to achieve economic growth and to fulfill its potential. By 2010, however, there was little to show for the initial high expectations. Not only had inequality persisted but the country had witnessed one of its worst epi-

sodes of ethnic-based violence. Thus, it seemed that multi-party democracy and a new aid system had not made Kenya more stable or prosperous but rather increased uncertainty about the legitimacy of established identities, rights and claims (Broche-Due 2005: 2).

This thesis concentrates on the first decade of the 21<sup>st</sup> century to examine the paradox at the heart of this picture: how an increase in resources with the goal of achieving national unity and socio-economic development actually reinforced an ethnicized political system. The paradox brings to the fore the complex relationships between policies promoted by donors and the marked ethnic differences found in Kenyan politics. To unravel this paradox, the thesis focuses on two policy processes – free primary education and HIV/AIDS prevention and care – enacted at the time of the political transition. These policies were supported by important donors such as the World Bank and the UK's Department for International Development (DFID), among others. By choosing these two policies the thesis does not intend to compare them but to analyze as part of inter-related political arenas – with decision-making arenas taking place at national level and implementation arenas taking place in two ethnically and politically contrasting districts – in order to bring out the 'messy convergence of complex, on-going struggles over identities, power and resources that involve the process of statehood' (Ruigrok 2011: 19). By doing so, the thesis highlights the unforeseen consequences that a democratic multi-ethnic political system can have for the distribution of central government resources. These consequences are examined through two main research questions. The first question discusses the enactment of social policies and aid in the configuration of the contemporary Kenyan state. The second question looks at how ethnicity and local redistribution shape negotiations within the implementation arenas. The thesis will demonstrate how, in the cases examined, social policies had a limited impact in addressing inequality since, in addition to social provision, redistribution happened through different mechanisms, namely through ethnically-biased allocations, patronage and corruption.

## 1.2 Ethnicity, aid and the African state: A review of the literature

Based on the thesis' paradox, this section examines the literature on ethnicity and aid and their relationship with the African state.

### 1.2.1 Ethnicity

In Kenya, the politics of the state must be understood in light of the shifting social formations along ethnic lines. This is true for most of African countries, where ethnicity is seen as an important phenomenon around which individuals, households and communities aggregate for common action (Thomas-Slayter 1991: 303). While ethnicity usually refers to a group's shared cultural identity and derives from a common language, nationality, religion or ancestry, its meaning continues to be contested within the social sciences. In 1969, Frederik Barth highlighted the constructed and interdependent nature of ethnicity after studying the interface between groups. By stressing the importance of the 'us-them' dichotomy in defining ethnic boundaries, Barth emphasized the perceptions and purposive decision-making of social actors towards their ethnic identity thus moving away from viewing individuals as more-or-less determined, general 'bearers' of the norms and values of their culture (Barth 1969). Despite this important contribution, the conceptualization of ethnicity continued to be disputed. Two debates are of particular importance. The first was between scholars defending the primordial and the instrumentalist positions. Was ethnic identity 'primordial' – that is profoundly rooted in, and generative of, collective experiences; or did it arise as a political strategy (Eriksen 2001: 42)? The primordial view took ethnicity to be the result of the irreducible facts of shared biology – blood connection – that was believed to be a source of loyalty and a frame within which groups identified themselves (Cohen 1974); the instrumentalist view took ethnicity as the façade of a political strategy used as a resource by interest groups for achieving secondary goals such as an increase in wealth, power or status (Wawire 2010:10).<sup>1</sup> The second debate was between scholars supporting the constructivism or the essentialism positions. The scholars engaged in this debate questioned whether ethnic or national communities were created more or less consciously or whether they grew organically out of pre-existing cultural communities. Constructivists viewed national and ethnic identities as the product

of historical forces, even when the identities were presented as old. Essentialists viewed ethnic identity as a fixed trait defining social actors and not the result of social action (Eriksen 2001: 42).

Partly as a result of these debates, the understanding of ethnicity changed considerably over the last century with ethnicity now positioned as an enduring phenomenon that needs to be examined and understood in its own terms (Esman 1994: 13). Because of this, Comaroff and Comaroff (2009: 38) argue that the contemporary study of ethnicity must understand it as:

[A] loose, labile repertoire of signs by means of which relations are constructed and communicated; through which a collective consciousness of cultural likeness is rendered sensible; with reference to which shared sentiment is made substantial... always the product of specific historical conditions which, variable in measure, impinge themselves on human perception and, in so doing, frame the motivation, meaning and materiality of social practice.

In addition, ethnicity has to be understood as an expression of identity that has many facets as well as being one of a set of multiple potential identities. Because the importance of ethnic identity will depend on the social context (Sen 2006: 23), ethnicity is studied by positioning it within the context of the social forces in which it happens. Therefore, ethnicity is considered in its relation to, and in interaction with, other social dynamics (Doornbos 1991: 56). Finally, ethnicity when linked to politics is regarded as essentially fluid and manipulable as it embodies a distinctive duality: it is a cultural identity and consciousness laden with possibilities for political mobilization; it is also a multi-faceted, ambiguous and conflict-ridden process of multiple meanings and negotiations (Berman 1998: 312).<sup>2</sup>

### ***Ethnicity, politics and the post-colonial state***

If ethnicity is meaningful only in a relational framework, then most post-colonial states dealing with multi-ethnic populations illustrate ethnicity's dynamic nature. In contrast to the Western liberal model, most post-colonial states retain wide ethnic differences among their citizenry, while at the same time being recognized as territorially-bounded states.<sup>3</sup> A multi-ethnic citizenry presents a number of challenges, particularly related to state legitimacy. Ndegwa (1997: 600) argues that for post-colonial states citizenship combines both ethnic allegiances, where legitimacy and au-

thority rest on non-legal, non-bureaucratic forms of organizational and cultural practices, and a national allegiance based on a single political membership, authority and legitimacy of the nation-state. This makes the post-colonial state an arena in which competing identities and claims are asserted, contested and regulated (Esman 1994: 13). Demands for the recognition of difference mean that political allegiances shift depending on the context, not always adhering to the project of nation-building (Englund 2004: 7). This scenario is conceptually distinct from liberal politics organized on the basis of individual interests and preferences. The reality of post-colonial states, with multiple political communities, has led to intense theoretical scrutiny to address the problems of identity politics (Hayward and Watson 2010: 9). The challenges generated by multiple political allegiances led political theorists to focus on how the state should treat identity groups and/or the different identity claims that people advance in their name. Hayward and Watson (2010: 12-13) argue that this means moving away from the assumption made by liberal political theory towards toleration of differences in order to protect individual rights and promote peaceful coexistence across identity divides.<sup>4</sup>

Toward the close of the 20<sup>th</sup> century, political theorizing about identity and difference took an important turn as a result of claims advanced by feminists, nationalists and participants of the 'new social movements'. In 1994, the liberal perspective towards toleration of differences was challenged by Charles Taylor (1994) who argued that toleration was not enough, and that recognizing difference in identities was closely linked to well-being. He distinguished between equal *dignity* and equal *recognition*, with equal dignity being a product of the 'difference blindness' exemplified by the politics of rights, and equal recognition being a product of equal respect for group identities or at least the presumption that all groups deserve equal respect (Hayward and Watson 2010: 14). Thus, he argued, states had to follow a 'strong multiculturalist position' by granting their citizens equal respect and promoting differential liberties (Englund 2004: 7, Hayward and Watson 2010).

The position of Taylor was debated by many scholars, expanding the field of identity politics and questioning the role of the state in the recognition of minorities. The theoretical positions within the field of identity politics varied widely, from claims that the state should recognize the groups' differences to claims that it should abstain from doing so as group identity could harm those individuals who fell within the no-

identity category (Hayward and Watson 2010: 20-21). This thesis takes the position that the state plays a fundamental role in defining groups' identities: in other words, the state does not simply 'recognize' but produces and reproduces identities (Siebers 2004: 99). Of particular importance to this thesis is the way in which states determine inclusion and exclusion processes by allocating resources, in turn recreating groups' identities (Hayward and Watson 2010: 33). Thus, the thesis understands identity politics as the linkage between power, inclusion and exclusion processes in relation to resources on the one hand and the struggle over identifications on the other.

***The African state: Social policy and patrimonialism as mechanisms of state-formation***

Throughout the history of the African continent, ethnic plurality has been common. After the European powers started the colonization process, this ethnic diversity represented a challenge for the political ideology of nationalism (Englund 2004: 19). African colonies used local collaborators as a solution to the problem as the colonial state. These collaborators exerted their authority over the different tribes, which were turned into geo-political categories for the service of the colony (Broch-Due 2005: 7). In this manner, the colonial state gave ethnic boundaries an imagined solidity and a key role within its administrative apparatus. Placing ethnic reserves as administrative units established a mode of rule paved with coercion. Mediated by various ethnic institutions at the local level, colonial rule imposed itself even without the direct presence of colonial masters (Englund 2004: 20).<sup>5</sup>

After independence, African states had great difficulty in acknowledging and accommodating ethnic differences while drawing on the 'modern' nation-state model. Ethnicity was condemned as an aspect of the 'tribal' past that had no future in the independent nation-state, and considerable effort went into the inculcation of national identities (Englund 2004: 9). Governments engaged in several forms of nation-building in an attempt to foster a single national identity. The answer came through a twin process of nation-building. On the one hand, following much of the Western state-project, recently independent African states established social policies for the purpose of developing a 'collective identity' (Clapham 2002, Ingham 1990, Kpessa, Béland and Lecours 2011). This included the introduction of universal access to primary education and health care with the aim of attracting different groups to associate with

the state (Doornbos 2006). These policies helped the independent state to soften its image and reinforce its political legitimacy while also dealing with issues of regional and social redistribution (Béland and Lecours 2008). In this respect, social policy was implicated in setting the ideological and material conditions for the realization of a national identity (Taylor 1998).

On the other hand, the nation-building project helped to concentrate power in the hands of ruling elites. These elites were drawn largely from one dominant ethnic category and were inclined to project the cultural identity of that group on to the multi-ethnic state (Doornbos 1991: 58). Werbner (2002: 130) argues that through the elites' involvement the public sphere was expanded in order to give voice to ethnic minorities, thereby revealing an area for political intervention. The rise of the elites was also an outcome of the multiple demands over the state from the various ethnic groups. Ethnic identity, articulated with class, became an important element through which class politics was mediated (Berman 1998, Doornbos 1991). The contests over representation in plural and unequal politics meant that the state also became the focus for competition and social conflict (Salih and Markakis 1998: 7). Patrimonial networks were built around normative sharing of strategic resources and expectations of loyalty and obligation in exchange for support and protection. This cemented a two-level process of negotiations: on the upper level ethnic representatives interacted with a ruler and on the lower level populations interacted with ethnic leaders who in turn were expected to bring in state resources (Chazan *et al.* 1990). Patrimonialism, embedded in the now independent civil service, enabled rapid accumulation of wealth. One-party unity was possible in many African countries because of the cement of patronage which balanced inequities, if never completely addressing them, between ethnic winners and losers (Doornbos 1991: 61).

From the 1980s onwards, however, economic stagnation led to growing popular disillusionment with the central state, which abandoned the initial nation-building project. This particular historical process had a profound effect on the construction of modern ethnicities in Africa since it activated a combination of identity, interest and common action. Subordinated and deprived people used ethnicity to construct distinctive identities for themselves to defend their interests. At the same time, political representatives objectified ethnicity in order to compete for re-



sources (Siebers 2004: 99).<sup>6</sup> The lean economic times showed that ethnicity was not only an instrument of elite manipulation or of self-aggrandizement by the rich and powerful, but also comprised demands from below for the internal redistribution of resources and the external protection and promotion of communal interests (Berman 1998: 331). As resources dwindled in the 1990s, transnational pressure increased and political transitions led to calls for the introduction of democratic elections and multi-partyism, all aimed at restructuring the way African political systems operated (Doornbos 2006). The arrival of multi-partyism, however, did not close the door on ethnic politics and its demands for ethnic and regional representation; instead, the multiple African identities adapted to the new political context (Englund 2004: 2–3). On the contrary, contemporary African politics of identity continue to revolve around ethnicity and patronage; with African citizens assuming different allegiances depending on the arena of competition in which they find themselves (Ndegwa 1997: 602–603).

### 1.2.2 The Western aid system

Kenya is deeply embedded to the global economy, with most of its development policies partially funded with aid. Aid, also known as official development assistance (ODA), consists of financial flows provided by donors to particular countries through technical cooperation, grants or subsidized loans with the stated aim of promoting economic development and welfare (McCormick, Mitullah and Manga 2007: 4). Aid is given by Western donors, which comprise a loose aggregation of more than 150 multilateral agencies, including the UN system and the global and regional financial institutions, 33 bilateral agencies which are members of the Organization for Economic Cooperation and Development/Development Assistance Committee (OECD/DAC) and a growing number of vertical global funds. Aid from OECD countries primarily involves three main forms. First, bilateral aid is given by donors dealing directly with recipient countries through their own aid agencies. This type of aid contributes around 60 per cent of the total aid disbursed world-wide (Burall and Maxwell with Menocal 2006: 4). Second, multilateral aid is provided through projects funded by the United Nations, IMF or the World Bank. Multilateral aid covers some 30 per cent of development assistance (World Bank 1998). Third, and representing a much smaller share of



overall aid, foundations, trusts and global funds have created new delivery mechanisms that fall between the bilateral and multilateral categories.

Aid giving is a dynamic process that has changed over time. It started with the Point Four Programme of President Truman in 1949, at a time when the policy of the United States was to aid the efforts of economically under-developed areas – especially European countries recovering from World War II – to enhance their resources and improve the living conditions of their populations. This aid was characterized by idealized political motivations of solidarity, interdependence and an understanding of ‘common good’ based on the concepts of the Universal Declaration of Human Rights of 1948 (Kamanzi 2007: 3). Through the 1950s and 1960s, the motivation for providing aid was based on the need to maintain commercial relationships between the ex-colonies and the former colonial masters. Aid increased significantly at the end of the 1970s to address the economic effects of the oil crises (Hout 2007, Dowling and Hiemenz 1985). In the 1980s, economic recession throughout the developing world led to new increases in aid flows through multilateral aid assistance. This aid had economic conditionalities attached, in the shape of structural adjustment policies, which aimed to reorganize developing states by prioritizing the market and shrinking state responsibilities.

In the late 1990s, and linked to the end of the Cold War, donors incorporated political conditionalities into the aid process through the requirement for ‘good governance’ (see Booth 2011). Doornbos (2003) argues that the ‘good governance’ model attempted to re-invent states by establishing political systems that conformed to the neo-liberal model of governance: multi-party democracy and small governments. Multilateral institutions, spearheaded by the World Bank and the IMF, used the ‘good governance’ rhetoric to impose institutional reforms in developing countries (Hout and Robinson 2009: 3). Donors saw the absence of ‘good governance’ in any country that did not conform to established dichotomies, such as the separation between state/non-state and public/private – in other words, they sought to impose a single style of governance throughout the world. As a result, the ‘good governance’ agenda brought increasing tensions between international and local ideas of politics (Mooij 2009). The highly complex nature of political conditionalities made them as difficult to achieve as their economic counterparts from the 1980s. Despite high levels of aid being channelled into developing

countries' institutions, corruption, arbitrary authority and poor regulation continued.

At the turn of the century, the aid system re-invented itself once more. Following the growing attention of Western political leaders to the problems of global poverty, donors pledged their support for the United Nations' eight Millennium Development Goals (MDGs), which committed to halve world poverty by 2015 (Riddell 2007: 2). International pledges towards the achievement of the MDGs were significant as they implied that aid spending was now linked to the attainment of welfare on a global scale (Murray and Overton 2011: 313). The hope of attaining the MDGs also encouraged donors to work together and to increase existing aid levels. These efforts coincided with a widespread reform of the international aid regime in response to criticism of the neo-liberal model. Hout (2007: 5) argues that aid reform led to an emphasis on 'aid effectiveness', which was derived both from lessons learnt over previous decades and from a 'new public management' approach that valued well-defined targets, new delivery mechanisms and greater attention to the selection of country recipients. The aid effectiveness discourse gave way to broad reforms called the 'new aid architecture', which differentiated itself from past practices by channelling aid to those countries that voluntarily chose the 'good governance' path of reform.

The Poverty Reduction Strategy Paper (PRSP) was the first step towards the reform of the aid regime as it reformulated the World Bank's conditionalities by focusing aid on well-defined targets and giving greater attention to non-government actors within recipient countries. The PRSP was presented as an instrument to engage civil society in poverty reduction policies in turn enhancing the legitimacy of economic policies. Through the PRSP, the recipient state was expected to provide a strongly articulated development strategy which was then supported by significant financial assistance from the World Bank and IMF. Thus, by following this new aid modality, the World Bank was moving away from past practices in two important ways. First, the adoption of a PRSP showed a country's actual commitment to the 'good governance' agenda, where previously support had been based on the longer-term possibility of the country introducing policy reforms in the future. Second, the PRSP clearly defined targets, which in turn was expected to increase aid effectiveness.

In addition, multilateral donor agencies – acknowledging the problems created by the multiplicity of donors and their projects – began to cooperate through new donor-coordination agreements (Oden and Wohlgemuth 2011). In 2005 the Paris Declaration on Aid Effectiveness was launched to encourage donors to harmonize their aid efforts and to align those efforts with country policies in order to reinforce ‘country-owned’ development (Booth 2011: 15). This led the new aid architecture to focus on three principles: harmonization, alignment and ownership. Harmonization meant that donors needed to work together to achieve the MDGs. Alignment meant that donors had to adopt ‘common arrangements at country level for planning, funding, disbursement, monitoring and reporting to government on donor activities and aid flows’ (High Level Forum on Aid Effectiveness 2005: 6 quoted in Hout 2007: 18). Alignment also meant a commitment by donors and recipient countries to reaching the MDGs. Finally, ownership meant that recipient countries were responsible for their commitment towards ‘good governance’.

These principles were intended to address donor fragmentation, high transaction costs, parallel monitoring systems and limited national ownership. All of these factors were important for recipient countries which faced increasing problems with donor management – not surprisingly, since they had an average of 26 multilateral and bilateral donors each (Acharya, Fuzzo de Lima and Moore 2004: 4 quoted in Riddell 2007). Two aid-disbursing modalities, in particular, emerged from the new aid architecture: budget support and the Sector-Wide Approach (SWAp). Budget support was a new aid modality in the form of un-earmarked contributions to the recipient government budget – including funding to support the implementation of macroeconomic reforms (structural adjustment programmes, poverty reduction strategies) – through a transfer of resources from donors to the recipient government’s national treasury. These funds were to be managed in accordance with the recipient’s budgetary procedures. SWAps were introduced as a mechanism to combine donor funding at the sector level. They implied a different approach to donor support as they moved policy reform into the donors’ domain and could only be used in countries with existing budgetary and accounting procedures.<sup>7</sup> In sum, the new aid architecture meant that the ‘state was brought back in’ to allow the aid regime to become more ‘democrat-

ic, responsive, accountable and efficient' (Murray and Overton 2011: 315).

### *A critique of the new aid architecture*

The new aid architecture has become a central focus of attention, as mirrored in the agendas of international meetings and UN summits. Despite the changes introduced, the new aid architecture has been criticized because recipient governments have to fulfil ex-ante conditionalities, such as strategic plans and donor-approved financial and procurement systems, in order to access aid (Rodrik 2006). These new conditionalities are usually linked to political conditionalities attached to the 'good governance' agenda (McCormick, Mitullah and Manga 2007: 17). Doornbos (2003: 5) argues that for donors, 'good governance' refers to sound administration while also implying a certain depoliticization of political processes. By linking administrative requests to the policy process, the good governance discourse prepares the way for policy intervention. Easterly (2002) has criticized the new aid architecture, claiming that the aid industry has not changed much. He argues that maintaining better coordination among donors is relatively meaningless if there are no clear rules of enforcement, not least because developing countries cannot put any pressure on donors as they need the aid and are willing to accept any donor-led initiative. As a result donors continue to be unaccountable, while developing countries' citizens have few chances to express their needs or to exit the aid system. Easterly has labelled the new aid architecture 'the cartel of good intentions' since donors continue to dictate the terms to their 'customers'. Easterly argues that the cartel of good intentions maximizes its net revenues by increasing the total amount of aid disbursed rather than improving the amount of services delivered. The cartel has also a short-term memory and tends to describe most aid efforts as 'new' so there is little learning from the past. By forming a unified front, this cartel is also able to diffuse and deflect the blame among its various members when economic growth and socio-economic development in recipient countries do not improve according to plan.

Four other points build on this critique. First, despite claims of recipient countries 'ownership' the new aid architecture retains its interventionist nature: it continues to shift the locus of authority both upwards and downwards, blurring the boundaries of the state, thereby undermining policy sovereignty in the recipient countries (Kalb, Pansters and

Siebers 2004). Second, the new aid regime ignores unequal power relations between donors and recipients for determining aid policy and outcomes (Murray and Overton 2011: 317). Third, donors face incentives to give loans even when the conditions of the loans are not met (Easterly 2006, Petras and Veltmeyer 2002, Thomas 2007). Fourth, aid has negative effects as a result of inefficiencies caused by the very real political and bureaucratic constraints embedded in donor–government relations. Moss, Pettersson and van de Walle (2006: 14–18) argue that aid can have two negative effects. In the short term, aid can reinforce patrimonial relations in countries with weak accounting systems by altering the relationship between government elites and their citizens while making governments primarily accountable to donor agencies. In the long term, aid dependency can undermine a government's accountability towards its citizens and make recipient countries less democratic as they come to rely on aid as an 'unearned' income with limited, if any, accountability.<sup>8</sup>

### *New aid architecture, corruption and the African state*

The high levels of poverty in most African states have made them the main recipients of aid as compared to countries in Asia and Latin America. Donors in rich Western countries justify aid as a moral issue and as a re-distribution process from the Global North to the Global South. Since 2000 global aid budgets to Africa have risen significantly, in 2008 they reached USD 44 billion.<sup>9</sup> Aid, however, retains some of its conditionalities and remains dependent on decisions made within donor agencies (Riddell 2007: 374). The most significant of the new conditionalities is the implementation of Poverty Reduction Strategy Papers that together with promises of debt relief, have locked African countries into the new aid system (Cooksey 2012: 2).<sup>10</sup>

PRSPs and other aid modalities such as SWAPs and budget support have a strong 'good governance' component attached, with the aim of shaping the African state to fit more closely to Weber's (1922/1978) legal-rational model in which the state is portrayed as coherent, integral and autonomous. As a result, a large proportion of aid is devoted to reforming the budgetary process, to strengthening the judiciary, and establishing anti-corruption agencies (Cooksey 2012: 7). Donor initiatives have generally failed to achieve lasting change in the desired direction yet, despite the poor results, aid continues to flow into the corrupt states of the continent. Two explanations are offered for this. First, there is the

argument that aid needs to continue in order for countries to achieve the necessary growth and to escape the poverty trap (Sachs *et al.* 2004). This position contends that aid can only be effective in a 'good policy environment', hence the emphasis on good governance and technical reforms. Donors, led by the World Bank, tend to define corruption in Africa as a local issue that can be addressed by supporting policy initiatives of a largely technical nature. These policies assume that corruption is an indigenous problem, to which aid offers an assortment of solutions (Cooksey 1999: 18). The second argument claims that donors must pretend that their apolitical, technical development interventions are in fact capable of providing solutions to highly political problems (Ferguson 1990: 68-69). Within this position, continuation of aid is understood as the result of donors' embedded interests in delivering aid, which forces them to ignore the failure of institutional reforms, economic growth and poverty reduction (see Easterly 2002, Moyo 2009, Randeria 2003, White 1992). The thesis follows this second perspective, where corruption is understood as a systemic problem in which aid is deeply implicated rather than being separate from it.

### 1.3 Analytical framework: Negotiating social policies

This thesis proposes an analytical framework that focuses on the negotiation of Kenyan statehood by observing the variety of terrains and actors involved in the making of public policy and the allocation of resources related to these policies. Three conceptualizations make up this framework: the negotiating of the Kenyan state, social policy as political arenas and the struggles for resources as part of institutionalized practices. Each of these is explained below.

#### 1.3.1 Negotiating the Kenyan state

The thesis understands the Kenyan state not as an entity 'holding' or 'exercising' power but as forming a meeting point for the coordination of power relations. This argument is expanded upon by Ferguson (1990: 273-274), who argues that the state is 'not an actor but a way of tying together, multiplying and coordinating power relations, a kind of knotting and concealing power'. The adoption of this definition has two implications for the analysis of the Kenyan state. First, it means that there is no necessary hierarchical relationship between the state and its citizenry.

Rather, Kenyan statehood becomes 'multiple parallel spaces in which power is encountered and negotiated' (Newman 2005: 2 quoted in Kennnnett 2008: 4). Second, it is understood that although important, the Kenyan state is not necessarily the primary architect of policy (Titeca and de Herdt 2011). Thus, this analytical framework recognizes the relevance of a plurality of political institutions and actors in the 'authoritative allocation of values' (Easton 1965 quoted in Ruigrok 2011: 23).

Following this definition, Kenyan statehood is understood as an undetermined process in which domination is never exerted exclusively by one power but by different actor groups that compete over the institutionalization of power relations. The negotiations over state power among heterogeneous groups – and the imprints of domination by the more powerful over weaker groups – lead to contemporary political configurations and institutional arrangements (Hagmann and Péclard 2010: 545). Thus, negotiating statehood frames the interactions among actors, drawing attention to the manifold efforts made by the African state to 'arrive at new arrangements for the organization of public authority' (Hagman and Péclard 2010: 557).

### 1.3.2 Social policies as political arenas

Public policy is normally defined as a plan of action pursued by the state with a clear public purpose (Mooij 1996: 28). Sub-national, national and transnational actors participating within these arenas attempt to benefit from these policies. Following this perspective, policy is understood as not only determined by the state but as resulting from negotiations between varieties of actors who operate as poles of public authority (Lund 2006). As a result, policy varies over time and is intrinsically messy – to the point of being incoherent – while centred on the 'image' of the Kenyan state as a provider of the ultimate regulatory framework.

This thesis sees the two social policies under study not as linear mechanical procedures – moving from plan to implementation to outcome – but as political processes with many fractures and dislocations, with contestation in different forms on each level as well as contingently related factors co-determining what is happening (Mooij 1996: 30).<sup>11</sup> The analysis focuses on two differentiated political arenas within the two policies. First, there is the political arena where donors, politicians and senior government officers participate in negotiating the terms of the poli-



cies. The ‘policy-making’ arenas are interesting as it is here that donors introduce technical policy models in exchange for aid. Second, the ‘implementation’ arenas denote the diverse bottom-up struggles for resources that exist close to the service providers. These arenas operate in parallel while following different values, interests and world-views. This is what Doornbos (2006) calls a ‘plurality of claimed legitimacies’, pointing to the various situations which co-exist or compete with one another. This is because what is legitimate, especially within the policy process, varies between and within cultures and over time and is continuously (re-)established through conflict and negotiation (Lund 2006: 693).

### 1.3.3 Resource struggles: Redistribution, corruption and patrimonialism

To understand how actors operate within the social policy arenas, it is necessary to consider how actors’ interests are translated into struggles for resources. Three considerations must be made with regard to these struggles. First, not all actors within the social policy process have access to equally distributed resources. Second, by allocating resources the state plays a role in producing and reproducing identities. Third, actors have multiple organizational affiliations undermining any simple classification and giving them the flexibility to benefit from the policy process (Mosse and Lewis 2005: 7). Bierschenk *et al.* (2002) argue that within this scenario of fragmented politics, power is exercised both through formal bureaucratic logics and through a diverse range of ‘supra-local’ associations and networks in which intermediate actors and organizations flourish.

In Kenya access to resources, in this case linked to social provision, is intrinsically embedded with ethnic politics and aid. The entanglement of aid and ethnicity in the policy process frames three struggles for resources. First, in theory social policy is supposed to involve a horizontal redistribution of government resources to ensure equitable and socially sustainable development. Thus, redistribution is part of the ‘official’ state process by bringing taxes and aid together to finance social services that have the stated aim of increasing the welfare of citizens in a particular sector. Second, patrimonialism is linked to Kenya’s patron–client system that provides the foundation for an ethnically-biased allocation of resources. Third, corruption is part of an unofficial code of conduct within the state bureaucracy: it follows its own institutional rules, relations of hierarchy and redistribution of the collected spoils.<sup>12</sup> All of these re-



source struggles are the result of different norms of conduct within the same institutions. Following Mooij (1992: 233), this can be described as normative pluralism: different sets of rules exist within the same social field – government institutions. These struggles for resources are, to varying degrees, systemic and supported by aid. Both directly and indirectly, aid is heavily implicated in the reproduction of the political systems that it is trying to reform.

#### **1.4 Research questions and central thesis statement**

The thesis is guided by two main research questions and four subsidiary research questions. First, what roles have the enactment of social policies and aid within decision-making arenas played in the configuration of the contemporary Kenyan state? Second, how have ethnicities and institutionalized forms of resource redistribution shaped negotiations within the implementation arenas?

The thesis argues that the social policy process has different and contradictory effects on statehood. First, national and transnational actors in the social sector impose technical solutions in a deeply political policy environment. Second, implementation of these policies is fundamentally shaped by existing ethnicity and patrimonial relations. Because of the separation between policy design and implementation, social policies in Kenya simultaneously reinforce national cohesion, ethno-centrism and notions of policy success. In this context, social policies have a limited impact in addressing inequality since the population understands that redistribution happens not only through established mechanisms for social provision but also through different mechanisms, namely ethnically-biased allocations, patronage and corruption.

#### **1.5 Methodology and data collection**

The thesis follows an epistemological position that stresses the socially constructed nature of reality, the intimate relationship between the researcher and what is studied and the situational constraints that shape the inquiry (Lincoln and Gupta 2003: 258-259). The approach does not strive for causal explanations in the social world as the emphasis is on understanding (Grix 2004: 84). Among the many epistemological positions related to qualitative research, the thesis adopts a constructivist epistemological position in which actors' perspectives are interrogated to

understand how they achieve politically established goals (Fischer 1998, Wildemuth 1993). Three important issues come from adopting this epistemological position and approach. First, it is assumed that knowledge accumulation is possible through informed and sophisticated reconstructions. Second, it is assumed that knowledge is not disinterested, apolitical and exclusive of affective and embodied aspects of human experience but is in some sense ideological, political and permeated with values. Third, it is assumed that dominant views will serve the interests and perspectives of those who exercise the most power in a particular time and place (Quinn Patton 2002: 98).

Three qualitative research methods – in-depth interviews, informal discussions and participant observations – as well as secondary data were chosen to investigate the social relations behind the policy processes under study. The fieldwork started in August 2008 and lasted eleven months. The fieldwork was divided into two phases: the first phase looked at implementation of the policies at the lowest administrative level in two rural districts; the second phase took place in Nairobi city and focused on the relationships between politicians, senior government officers, donors and other transnational actors involved with the ‘decision-making’ arenas (see Appendix 1 for more information on data collection and analysis). The following sub-sections describe the district selection process, the credibility and limitations of the data collection and the position of the researcher.

### **1.5.1 District selection: Bringing together ethnicity and resource allocation**

Kenya has a population of approximately 37 million people living in eight provinces. The country has more than 42 ethnic groups: Kikuyu are the largest group (20 per cent), followed by Luhya (14 per cent), Luo (13 per cent), Kalenjin (11 per cent) and Kamba (11 per cent). Kenya’s ethno-politics are a determining factor with regard to access to political and economic benefits (see Chapter 2). The first criterion for selection was therefore ethnic differences. Two ethno-regions were chosen: the Kikuyu of Central Province and the Luo of Nyanza province. The second criterion was differences in poverty levels despite similar per capita government allocation. Two districts – Maragua located in Central province and Rachuonyo in Nyanza province – were selected (see Table 1.1).

**Table 1.1**  
*Characteristics of selected districts*

District	Province	Ethnic group	Rural (%)	Resource allocation Ksh (1999-2004)*	Poverty (%) **	HIV/AIDS prevalence (%)
Maragua	Central	90% Kikuyu	77	250	35	3
Rachuonyo	Nyanza	85% Luo	72	250	70	15
National ave.	-	-	75	587	54	7

Source: Kiringai (2006:30); MoE Statistics (2004).

Note: \*= Average per capita district allocation; \*\*= Average poverty level (1999/2000-2003/2004)

By choosing these districts, the thesis foregrounded two aspects of ethnicity. First, ethnicity is examined as a fluid social category where 'relations of dominance and subordination are continually contested and re-ordered through agency of individuals and groups' (Hayer 2005: 58). Second, ethnicity is examined in its relation to state resource allocation, with the Kikuyu who were in power at the time of the research getting more and the Luo getting less. Because these two aspects of ethnic identification are deeply historical and cultural, the following sub-sections provide a brief description to nuance the understanding of the Kikuyu and Luo people living in these districts as well as their relative position with regard to the ethno-politics of the country.

### *The Kikuyu from of Maragua district*

Maragua district is located in the south of Central Province. The capital of the district is the town of Maragua. Politically the district has three MPs, representing Maragua, Kandara and Kigumo constituencies. Administratively the district is divided into four divisions. Kandara division – the wealthiest of the four – focuses on tea production and dairy livestock; Kigumo division is a medium-potential area with good soils for growing coffee and fruits; Maragua and Makuyu divisions have shallow and poorly drained soils, where banana, mangos and drought-tolerant crops do well. People from Maragua district are part of the Kikuyu group, whose social structure is based on patrilineal descent with the

male head of each agricultural homestead owning and controlling the means of production, including land, livestock, tools and fruit trees.<sup>13</sup>

Land-based economic differentiation was established by the colonial administration after it gave land-titles and allowed rural elites to grow tea and coffee in exchange for political compliance. This economic differentiation was reinforced during the Kenyatta regime, which awarded four-fifths of the available farmland to Kikuyu politicians and businessmen close to the president while the majority of farmers were left with small plots (Maas 1986: 11).<sup>14</sup> The absence of a true land reform was temporarily masked by the economic boom in the coffee industry. Kikuyu farmers growing coffee and tea rapidly increased the wealth of the area while landless farmers were able to find employment on the big farms. Thus, although people in Maragua did not play an important role of the Kenyatta ruling elite, coffee farmers of Maragua were given positions within the KANU party and the local coffee cooperatives. This translated into sustained development in the infrastructure of the area (Hedlund 1992: 190).

However, this changed after Daniel arap Moi, a member of the Kalenjin group, became president. In order to reduce the power of the Kikuyu group, the Moi government took control of the coffee cooperatives (Hedlund 1992: 176). This political tactic coincided with the crash in international coffee prices in the mid-1980s. This economic and political fall from grace had a negative effect on the district's infrastructure as residents lacked the resources for maintenance. Subsequent economic crises led many smallholders to sell or reduce their land, increasing both the number of landless farmers in the area and over-dependence on casual labour in the big plantations. The arrival of a second Kikuyu president, Mwai Kibaki, did not dramatically improve the economic prospects of the district as Kibaki's political and economic support came from the north of the province.

By 2008, 33 per cent of Maragua's households were living in poverty, making it one of the poorest districts in Central province but still among the better-off in the country (GoK 2008b).<sup>15</sup> The economic decline has unleashed a wave of interfamilial conflict and violence, particularly between brothers and sisters who come into conflict over inheritance (Hayer 2005). There is growing resentment against the Kenyan government among the youth in Maragua. Many youth become members of the Mungiki, a violent sect inspired by the Mau Mau movement, which de-

mands money from those operating the private transport business (Folke Frederiksen 2010: 1080). The Mungiki bring together three social dimensions of ethnic identity: rebellion against the older generation, a re-created pre-colonial Kikuyu identity and rebellion against the existing class structure. Kikuyu leaders recruited members of the Mungiki group during the 2008 post-election unrest to inflict violence on Luo people living in the Rift Valley province.<sup>16</sup> In Maragua district, the Mungiki are also blamed for stealing textbooks from primary schools in the district as well as terrorizing and 'taxing' the business people in the area.

### *The Luo from of Rachuonyo district*

Rachuonyo district is a Luo district located in the south of Nyanza Province. The landscape of the district changes from flat and dry beside Lake Victoria, to green and hilly in the uplands. The district has two MPs representing Kasipul Kabondo and Karachuonyo constituencies and is divided into four administrative divisions: Kasipul, Kabondo, East Karachuonyo and West Karachuonyo. Most of the district has poor soils and it is often affected by drought. The more fertile areas of the district – Kasipul and Kabondo divisions – produce cotton, sugar and rice. People living in the Karachuonyo divisions depend on subsistence farming as well as wage labour, petty trade and fishing (Ogoye-Ndegwa and Aagaard-Hansen 2006).

Since their land was not suitable for European settlement, people in Rachuonyo had a different relationship with the colonial state than the Kikuyu of Maragua. Efforts to make the inhabitants of Nyanza province into cash-crop cotton growers failed repeatedly (Atieno-Odhiambo 2002: 233-235). This allowed the Luo group to retain both its social structure and a decentralized political system (Ocholla-Ayayo 1976). The social structure of the district follows a segmentary lineage society in which kin groups – based on real or alleged male descent – divide and sub-divides like branches of a tree (Shipton 1989: 19). This segmentary structure has a pyramid form: at the bottom of the pyramid are the clans, which are the smallest and most informal segment (Southall 1975: 210). The clans make up the minor lineage segments clustering several households together. These are followed by locations, which are the areas that encompass major lineage segments. This is then followed by the clan of elders that represent the maximal segments within sub-clans. This top layer attracts considerable loyalty from the clans but acts only if all interests

come together and unite for certain purposes. In general, its activities are intermittent, allowing the other two levels to act relatively independently. Thus, it is the principle of male seniority both in age and descent carried throughout the social structure that frames the Luo society of Rachuonyo. Luo men are considered an important resource for the well-being of their clans. Rural households invest in the education of young boys, hoping that once they become adults they will find work and send remittances. As a result, Luo professionals – such as university lecturers and senior servants – are the object of great pride to their clans. These important contributions notwithstanding, Rachuonyo district has one of the highest poverty levels in the country (70 per cent) (GoK 2008c).<sup>17</sup> Despite this, the district has received only low levels of government allocations since the 1990s.

In part, this is because of the role of Luo ethnic representatives in the political opposition. The Luo had no conflict with the colonial government until the 1940s, when opposition to colonialism was galvanized by Oginga Odinga, an elder from the maximal segment line who became a nationalist leader. However, the Luo of Nyanza resisted Oginga Odinga's political dynasty from the mid-1960s onwards. Flamboyant Justice and Constitutional Affairs Minister Tom Mboya emerged as the main challenger to Oginga Odinga. Through the involvement of these charismatic politicians, the Luo occupied centre stage in the politics of nationalism until the Kenyatta government marginalized them at the end of the 1960s. The Luo were the driving force of opposition politics during the Kenyatta and Moi governments. In the mid-1990s, Raila Odinga, the son of Oginga Odinga, took over the leadership. His leadership has not been smooth as Luo decentralized ideology does not easily accept regional leaders. Moreover, despite Raila Odinga becoming prime minister, the district and the rest of the province remain among the poorest, with low levels of service provision, while the Odinga family benefits from access to the corridors of power (Nairobi Star 2011).

These short descriptions of the two districts highlight how both Luo and Kikuyu constituencies are used by elites to benefit from any state redistribution. This situation was accentuated after the 2008 post-election violence, when both districts had to take care of large numbers of internally displaced people with no additional government resources. There was increased resentment in Maragua and Rachuonyo towards the

president and the prime minister due to their failure to 'provide' better services or infrastructure for the districts.

### 1.5.2 Credibility and limitations of data collection

To ensure analytical credibility, the analysis followed three steps. First, data from different methods of data collection – in-depth interviews and participant observations – were triangulated to add one layer of data to another 'to build a confirmatory edifice' (Fine *et al.* 2003: 187). Second, an effort was made to reflect all perspectives and show the multiple layers of meanings. Third, the analysis involved a self-reflexive process to understand the multiple realities encountered.

In spite of undertaking these steps, the study has two important limitations. The first limitation is that I was a foreigner and had no knowledge of the Kikuyu and Luo languages spoken in the districts where I was conducting fieldwork. This meant a risk of 'partially understanding' the actors I was studying. To address this risk, I hired a local research assistant and developed a relationship of trust. With the help of this research assistant I was able to further understand the social dynamics involved at school and community level. In addition, I made considerable efforts to have a broad knowledge of the areas I was studying and tried to gain the confidence of the people. The second limitation relates to the nature of my study: trying to understand the contemporary Kenyan state by focusing on two policies. This is an important limitation as these policies comprise only a part of the complex political scenario that makes statehood in Kenya. This limitation notwithstanding, the in-depth nature of the study provides glimpses of how political processes take place.

### 1.5.3 Position of the researcher

Qualitative research is based on the idea that knowledge is produced inter-subjectively, involving issues of power and affected by the researcher's social identity (Marshall and Rossman 2006: 10). The researcher becomes an active social agent who struggles to understand social processes by entering life-worlds of local actors who, in turn, actively shape the researcher's own fieldwork strategies and the outcomes of the research process itself (Long and Long 1992). With this in mind, I was aware of the multiple identities that I carried at various times and places



and how these either aided or impeded the research process. As Thompson (2008: 325) argues, the 'intersectional identities and the inconsistency with which these identities are granted status in various environments, leave the researcher well positioned to explore social stratification, hierarchies of power, and inequality'.

By the time of the fieldwork I had lived in Nairobi for four years working as a researcher with youth in peri-urban areas and as an independent consultant. Most of this work had taken place within Nairobi and I was worried about how I was going to be perceived outside of the city. My social identity in both districts was constructed around two issues. First, I was perceived as a non-White foreigner. In rural areas people tried to place me within a race category that they were familiar with – White, Arab-origin or Indian-origin. But as I did not fit these categories, most people resorted to calling me Chinese, as road-building companies from China were making their presence felt in rural areas across the country. The second issue was the fact that I was a woman travelling on my own, who drove a car and had employed a translator. These factors made government officers think that I was employed by donors. This was challenging as it made them wary of criticizing the policies and more likely to highlight their need for additional resources in their areas of work. At the same time, because district officers helped me arrange meetings in schools and with the community-based organizations working on HIV/AIDS, non-governmental interviewees had the impression that I was working for the government. Therefore, I would start each interview by carefully explaining who I was and why I was there. However, it is likely that some biases remained as interviewees would be wary of sharing their thoughts. Better interviewing techniques, developing a relationship with key informants, and close observation sought to compensate for this bias. In contrast, my nationality and gender were not an issue when I was interviewing Kenyan senior officers, international consultants or donors as they understood my position as a researcher and my 'powerlessness', since I was dependent on their time and the information they gave me. This meant many hours in waiting rooms and interviews cancelled at the last minute.

Despite many rewarding experiences during the fieldwork, there were several challenges to be faced. It is important to mention two ethical issues. First, the research highlighted corrupt practices within the policy processes. As Blundo (2006) explains, it is not possible to engage with



the world of corruption and its practices without posing questions of an ethical nature. As a researcher I had to refrain from moral condemnation and normative judgement. This was not easy as I was finding out about corruption both in education and health sectors while also observing the impact of these practices on people. Nevertheless, corruption was an entry point to important elements of a far wider work around public spaces in Africa. For example, reflecting on my experience after falling ill in Nyanza helped me understand how decentralization of resources, to schools or health clinics, was manipulated by line ministries as service providers had to return funds to the bank accounts of officers working for the Ministry of Health. The mobility of these funds gave me an insight into the versatility of corruption and made me wonder whether the same thing was taking place in the school sector. Also, having to pay 'sitting allowances' to members of civil society to be interviewed showed me how these informal transactions take place between development projects and civil society.

Second, there was an ethical question around the management of information. This question linked ethics with epistemology as the research project interrogated dominant forms of knowledge, while policy practitioners relate to forms of knowledge that justify organizational arrangements (Cowburn 2007: 137). The two forms of knowledge were highlighted for me after several international consultants and project managers had given me frank accounts of what had gone wrong during the funding processes on which they had worked. Because this sensitive information could be traced back to them and could damage their careers, this thesis takes care to maintain their anonymity. Going to lengths to ensure confidentiality in the disclosure of sensitive material can diminish the credibility of the study; nevertheless it is necessary if research is to be written up in an ethically defensible way.

## **1.6 Organization of the Thesis**

The remainder of the thesis is organized as follows. Chapter 2, entitled 'Kenya's Political System', sets the context of the thesis by providing a historical perspective of Kenya's political system. The chapter shows how the political system is based on ethnicity and the relationship between a strong president and ethno-regional representatives. This political system encourages corruption and biased redistribution of state re-

sources, while multi-party politics further increases the competition over state resources. The Kibaki government fostered corruption, a biased redistribution of resources for the Kikuyu group and protection for the position of the imperial president. Although going against the agreements established between members of the NARC party, these factors provided the background for the implementation of the two social policies under study. Political fragmentation reached its peak in 2008, when ethnically-based post-electoral violence took place after the results of the presidential election were contested. The crisis was a reflection of the failed attempts by the political class to agree on how to devolve power from the president as well as offering a blunt reminder of the drawbacks of the 'winner-takes-all' political system.

Chapter 3, entitled 'Two sides of a public policy innovation: The Kenya Education Reform', argues that the two sides of the reform – one regarded as successful by donors and the other one as corrupt – are in fact parts of the same political process. Each side was driven by different motivations in order to simultaneously accommodate interests for aid increases and ethnically-biased redistribution into the process. This, however, does not imply that donors wanted to induce corruption. What it means is that by ignoring the political dynamics of Kenya and applying the label of 'success' without adequate monitoring, aid took on an instrumental role that reinforced state power. The chapter concludes by pointing out that donors' actions to reduce poverty in reality reinforced an existing political system. As a result, aid linked to the education SWAp played two roles: some of it was used as a free resource to finance the patronage networks of the Kibaki government, while at the same time some funds were used to partially fulfill the goals of financing textbooks and school infrastructure.

Chapter 4, entitled 'Ethnicity as a Determinant for the Implementation of FPE', looks at how actors involved with the implementation of free primary education negotiated changes in the student population, especially in light of different resource allocation due to ethnic biases. The chapter argues that the politics of ethnicity led to unanticipated consequences in the implementation of FPE in public schools in two ethnically different districts. Despite these differences between districts, both were involved in corruption due to the relationship between head teachers, the district administration and the Ministry of Education headquarters. These networks made it possible to mismanage an important per-

centage of the FPE resources, in turn affecting the chances for public schools to compete against private schools. Thus, corruption reinforced the existing social stratification patterns both at district level and national level.

Chapter 5, 'Kenya's Adoption of the World Bank HIV/AIDS Policy Package', argues that the introduction of HIV/AIDS policy is an example of how 'policy packages' are a carefully negotiated affair in which both donors and the Kenyan government benefit. The chapter discusses the lengths that the World Bank went to in order to convince the Kenyan government to adopt its policy model. Before accepting it, the Kenyan government introduced a number of modifications that would ensure the ruling elite access to the sector's resources. As corruption escalated, the World Bank responded by introducing institutional reforms that were never completely implemented. As a result, the reforms had a limited impact on improving accountability. The chapter concludes by highlighting three issues. First, access to aid drives policy to some extent. Second, because of the hidden interests of both donors and the Kenyan government, a sector can have competing interests. Third, donors are also prepared to turn a blind eye to corruption.

Chapter 6, 'HIV/AIDS Grants as Political Resource', uses the implementation of the HIV/AIDS policy to analyze the relations established by MPs and civil society organizations. The chapter argues that the redistribution of HIV/AIDS resources was embedded in local patronage networks and as a result the process was neither transparent nor democratizing. By focusing on the use of resources, the chapter highlights sub-ethnic dynamics within the Kikuyu and Luo groups. The chapter concludes by pointing out that the allocation of HIV/AIDS grants was deeply embedded in other social relationships and identities formed around gender, generation, locality, class, religion and ethnicity. Because the policy model had a flawed understanding of these social and political dynamics, it had limited success in addressing the epidemic, while the main responsibility for dealing with its impact was placed on the shoulders of those vulnerable community groups who were excluded from the grant process.

Chapter 7, entitled 'Aid for Continuity: The World Bank Negotiation of Kenya's Policy Agenda', analyses two periods of Kenyan history where the country was granted continuous aid flows despite not always achieving donor conditionalities. The first period comprises the last three

years of the Moi government (1998 to 2002); the second period covers the time in which the NARC government was in power (2003 to 2005). In both periods, the World Bank contributed millions of US dollars. The chapter argues that because of the interests embedded in the provision of aid, the World Bank showed little concern for the fulfillment of Kenya's 'good governance' agenda, while the government benefited from access to aid in order to remain in power. The chapter concludes by pointing that because of this the World Bank is indirectly implicated in the corruption and the continuation of the political system in place.

Chapter 8 'Summary and Conclusion', argues that since the formation of the Kenyan state, aid has played a determining role in shaping Kenya's state-society relationship. The thesis concludes that, despite the importance of social policies, redistribution through ethnic channels is significant. Because of this, aid provided to the two policies under study tends to reinforce the existing political system. This finding has to be understood within the limitations of the study, as already indicated, since clearly looking at two policies is not enough to understand the nature of the Kenyan state. Following these two policy processes provides only a few glimpses of the complex social forces that determine ethnicity, redistribution and the making of statehood in Kenya.

## Notes

<sup>1</sup> The instrumentalist view questioned the integrity of ethnic identity and solidarity, arguing that it was instead a resource for individuals and groups to promote their fundamental security and economic interests. Both modernization developmentalists and orthodox Marxist analysts conceived of ethnicity as an anachronistic mode of thinking which would soon be surpassed and engulfed by either – and here they differed again – the spirit of rationality and modernity or by mature class consciousness, itself also a token of rationality (Doornbos 1991: 56-57).

<sup>2</sup> It is important to highlight that the link between ethnicity and politics is only one of many identities. Comaroff and Comaroff (2009: 42) argue that the political character of ethnicity is often highlighted because of the constructivist/instrumentalist perspectives, which assert that any kind of collective consciousness is seen, by nature, as a political act.

<sup>3</sup> In the 19<sup>th</sup> century, Western liberal theory argued that the strength of the nation-state rested on the concept of citizenship which, as the main unit of social value, ended 'artificial' barriers to parochial allegiances. Because of this, state-formation and nation-building were accompanied by policies of cultural homoge-

nization in order to construct a correspondence of political and cultural collectivity.

<sup>4</sup> For more than three centuries, liberal political philosophy argued that multiple political identities had to be tolerated.

<sup>5</sup> 'Traditions' and 'customs', even when invented, cannot have effect without active participation and further elaboration by African intermediaries (Englund 2004: 20).

<sup>6</sup> In this thesis, patron–client relationships are referred as patronage

<sup>7</sup> SWAPs bring together several donor agencies supporting a sector-wide strategy and act as an agreement between donors and the recipient government on the broad outline for implementing and managing the sector strategy within a medium-term expenditure framework (Riddell 2007).

<sup>8</sup> Aid-dependency can be compared with a natural resource that provides unearned rents for the state – although aid usually comes with more strings attached than oil.

<sup>9</sup> Net aid to Africa increased by a third between 2005 and 2008, with multilateral aid increasing from USD 11.5 billion in 2006 to 16.2 billion in 2008. The European Union, the World Bank/International Development Association and the African Development Fund were the main multilateral donors (Cooksey 2012: 1-2).

<sup>10</sup> Forty African countries have borrowed from the World Bank's International Development Fund after adopting the PRSPs (Baliemoune-Lutz 2009: 2).

<sup>11</sup> Because of this, a deterministic relationship between the various policy levels cannot be assumed: objectives do not translate simply into institutions because there are many political and strategic choices involved in the process of institution-building (Mooij 1996: 28-30).

<sup>12</sup> Donors define all informal redistribution as corruption. Corruption, understood as the abuse of public office for private economic gain, follows a positivist neo-liberal world view in which rational economic behaviour is embedded epistemologically in a self-interested perpetrator who has succumbed to temptation because of inadequate regulation and sanctions. Corruption, seen from this point of view, can only be eradicated through strong regulatory frameworks established through technical reforms. Donor policy against corruption is deeply embedded in views related to the 'good governance' agenda. This perspective places donors as exempt of corrupt practices, while those same practices become an automatic characteristic of the political systems of recipient countries.

<sup>13</sup> The traditional inheritance system requires that after a man's death, the homestead is passed to the eldest son instead of the widow.

<sup>14</sup> For example, the family of former President Kenyatta owns a farm that has over 40,000 acres of land in the district.

<sup>15</sup> Maragua has a stratified land-based society with three categories of people considered to be at the margin of the social structure: landless households; people inhabiting the lowlands where it is only possible to farm subsistence crops; and women who are traditionally banned from owning property.

<sup>16</sup> Prominent politician Uhuru Kenyatta – son of the country’s first president and until February 2012 the Minister of Finance and Deputy Prime Minister – was indicted by the International Criminal Court in The Hague for his role in funding the group to carry out the attacks.

<sup>17</sup> In addition to high levels of poverty, the district faces other development challenges including poor agricultural output, high HIV/AIDS prevalence, environmental degradation and gender inequality.

## 2

## Kenya's Political System

### 2.1 Introduction

From the arrival of British administrators in the 19<sup>th</sup> Century until today, Kenya has been ruled by a political system that divides citizens through two social cleavages. The first is ethnicity as a system of social stratification. A product of the colonial era in which indigenous people were categorized into closed groups, ethnicity evolved to become a main source of identity and the most important form of political mobilization in Kenya.<sup>1</sup> The second is a system of social differentiation in which ethnic representatives use patrimonial relations to benefit from the state. This system started when the colonial government encouraged 'straddling' between official duties and lucrative activities (Bayart 1993: 71).<sup>2</sup> This chapter argues that although ethnicity and patrimonialism are two recurrent characteristics in African countries, Kenya's home-grown combination has led to a distinct form of statehood. The chapter asks how Kenya's political system used ethnicity and patrimonialism to consolidate power. By looking at the country's political history, it seeks to explain how the presidency became a key position in the political system and how different presidential governments developed institutions with which to govern.

The first section describes the development of nation-wide parties prior to independence. The following sections each focus on one president. One shows how President Kenyatta (1963–1978) recreated the key coercive institution of the colonial era – the provincial administration – to assert his control over the state. The next describes the Moi government (1978–2002). Like his predecessor, President Moi co-opted new ethnic elites from small ethnic groups which were previously out of power in order to counteract the Kikuyu hegemony. President Moi concentrated power in the presidency and ruled by increasing repression and

the co-opting of elites through the sharing of state resources. The last section shows how President Kibaki (2003–2010) was confronted by a political system of fluid coalitions and new political movements. To counteract these, President Kibaki directed resources to his ethnic supporters. As a result, the 2007 elections became an ethnic battle for the presidency. The close election results and the subsequent claims of fraud led to ethnic-based violence that culminated with the formation of a coalition government. The chapter concludes by noting that the heavily centralized presidency – and its use of ethnicity and patrimonial relations to benefit the Kikuyu group – provide the background for the implementation of the two social policies under study.

## 2.2 The winners of the post-independence period

After the First World War – and as a result of the need to reduce expenditures – the British Crown made Kenya a self-governing colony. The new political status gave white settlers' increased control over the political and economic affairs of the colony (Stasiulis and Yuval-Davis 1995, Tignor 1976). In 1920 the colonial government increased taxes for African labourers and forced them to comply with an identity card system to restrict their movement (Kyle 1999: 3). These measures led to the emergence of a number of African political associations in Nairobi, the Kikuyu reserve and Western province (Muganzi 1999: 39). In Western province, the Young Kavirondo Association was created to demand the abolition of the identity card system, a reduction of taxes and security of land tenure (Kyle 1999: 20). Similarly, the Kikuyu Central Association was formed to demand African political participation in the colonial government, labour rights and security of land tenure. This organization was headed by Jomo Kenyatta, a mission-educated Kikuyu man who represented the Kikuyu elite and its demands for the expansion of indigenous capitalism (Swanison 1978: 361). In Nairobi, the East African Association was formed by a trans-ethnic membership of educated white-collar workers. It called for the first African mass meeting, at which members resolved that if Europeans reduced wages, then all Africans would stop working and return to the reserves (Kyle 1999: 19).

The colonial state moved swiftly to tame such associations and to institutionalize forums for articulating grievances within specific localities. The aim was to confine politics within the contours of ethnic zones



(Ndege 1996: 69). Associations were banned and their leaders arrested. However, in the 1930s, a rapid deterioration of living conditions in the reserves led to the emergence of new political organizations. The Kenya African Union (KAU) party was formed to represent the interests of educated African elites.<sup>3</sup> The KAU aimed to legitimize the African elite's capitalist interests through constitutional channels. In a similar fashion poor African labourers organized through the African Workers Federation.

The KAU and the African Workers Federation differed in two important ways. First, KAU believed in constitutional methods, while the Federation believed in direct action against the colonial government. Second, KAU's desire to remove obstacles for individual capitalist advancement contrasted with the Federation's goal of collective Kikuyu restoration (Holmquist 1984: 73). These were difficult times for Kenyatta as he was confronted by demands of Kikuyu elites for a peaceful negotiation while the poor Kikuyu involved with the African Workers Federation denounced him as a collaborator and challenged his leadership. In 1950, the members of the Federation started the Mau Mau insurgency (Kyle 1999: 41). The insurgency was a peasants' revolt against both customary authorities and the colonial state. It fought for the recognition of the interests of an indigenous civil society (Leys 1975: 50). Despite the differences between KAU and the Federation, the white settlers regarded Kenyatta as the leader of the insurgency. In October 1952, the Governor arrested Kenyatta together with a hundred Kikuyu activists (Bienen 1974: 77).<sup>4</sup>

After Kenyatta's trial, the colonial state imprisoned him and proclaimed a ban on his name. A State of Emergency was declared that lasted from 1952 to 1960. During the Emergency, the Colonial Office made important concessions to stem African support for the Mau Mau. African elites considered loyal to the colony benefited from the Swynnerton Plan that allowed for individual land titles. This plan removed restrictions on credit loans as well as lifting the ban on African-grown coffee. By supporting educated and propertied Africans not only among the Kikuyu but among politically active tribes, the colonial government invested in a system of social differentiation in which African beneficiaries became the protectors of the system that made this possible. The new land-owners included chiefs' families and any African with secondary education had access to well-paid white-collar jobs (Leys 1975: 51). In

return, African loyalists were expected to denounce all those who supported the Mau Mau. It was this combination of forces – the British imperial army, the Kenya colonial army and police and, most significantly, the Kikuyu Home Guard – that made possible to defeat the Mau Mau (Atieno-Odhiambo 2002: 236). By the end of the conflict, more than 13,000 African and 32 European civilians had died (Kyle 1999: 52).

After the Mau Mau rebellion, the colonial government accepted that wider African participation in the political system was an imperative to retain stability (Kyle 1999: 87). In 1957, the Lyttelton Constitution approved African representation within the Legislative Council. However, since the aim of this measure was only to establish a base of ‘collaborative’ African leadership, the constitution did not grant adult suffrage but a ‘qualified vote’. Eight African leaders were elected to represent different regions in the country, while at the same time countrywide political organizations were banned in order to restrict African political activity. In addition, the African Elected Members were divided into two groups. On one side were the Kikuyu and Luo politicians who supported independence. On the other were the leaders of Kalenjin and Maasai tribes who had opposed the Mau Mau. According to Anderson (2003: 550), the colonial administration encouraged these raw, inexperienced politicians to develop power bases in non-Kikuyu areas. The only commonality among these new leaders was fear of a Luo–Kikuyu political and economic axis that would exclude smaller ethnic groups. Because of this, the leaders supported *Majimbo* (regionalism) or a system that retained autonomous, ethnically-based governance over each region.

In 1959, the Colonial Office announced the establishment of African ownership in the White Highlands and the re-introduction of nationwide political parties. A new Colonial Secretary, Ian Macleod, announced the end of the State of Emergency and plans for a Constitutional Conference to take place the following year. White settlers panicked when they understood that they would no longer have control over the affairs of the colony and large portions of land were put on the market. The absence of buyers to absorb this land triggered an economic crisis (Leys 1975: 58). To address the problem of land excess in the market, the British government negotiated a loan from the World Bank to purchase land, which would then be redistributed among landless Kikuyu.

In late 1959, the State of Emergency ended and two political parties were formed representing the interests of different ethnic groups: the

Kenya African National Union (KANU) which brought together an alliance of Luo and Kikuyu politicians who wanted independence from the British government; and the Kenya Africa Democratic Union (KADU) which represented a loose coalition of leaders from smaller tribes that supported regionalism. In 1961, the British government organized the Lancaster House talks in London to open the discussion on Kenya's path to independence. However, this discussion only seemed to highlight the growing differences between KADU and KANU. After the talks, two Luo politicians – Oginga Odinga and Tom Mboya – intensified their campaign for independence by declaring 'Uhuru Kenyatta' (Freedom to Kenyatta) as the slogan of the independence struggle (Kyle 1999: 86). In August 1961, Kenyatta was released from prison and given a hero's welcome. Shortly afterwards, Kenyatta accepted the KANU presidency. However, he found it difficult to dominate Kenya's new political landscape – or identify with it – as the Emergency had shifted the political leadership from the hands of the Kikuyu to the Luo elite as well as bringing in new players from smaller tribes. In turn, Kenyatta's return to politics fuelled leadership rivalries within the two main political parties.

After it became clear that Kenyatta could not unite the political factions, the British government invited both parties to Lancaster House for a second round of talks to discuss the terms of independence and a new Kenyan Constitution. Here, KADU proposed the establishment of a *Majimbo* constitution that decentralized state power through six regional authorities with legislative and administrative powers. KADU's proposal involved a cumbersome administrative structure that Britain considered Kenya could ill afford. In contrast, KANU supported a constitution based on the Westminster model of a centralized government based on majority rule. After seven weeks of discussions, Kenyatta convinced KANU to accept a compromise with KADU because he thought that the regional constitution could be changed once Kenya became independent (Kyle 1999: 139). The compromise proposal accepted by the British government, KANU and KADU entailed a vague commitment towards regional assemblies, with the precise character of these bodies, their composition and their exact relationship to the central government still to be worked out. KANU, on the other hand, gave assurances to the British government that the authority of central government would not be undermined, particularly with regard to the disbursement of budgets to the regions (Anderson 2003: 556). After this, both parties agreed to a

coalition government of KANU and KADU leaders until independence, when elections would be conducted.<sup>5</sup>

The elections that brought Kenya to independence took place in May 1963. Anderson (2003: 561) argues that KANU won a majority at the polls because it was better financed and organized. The KANU interim government was formed on 1 June 1963, with Jomo Kenyatta at its head. By the time of the Third Lancaster Conference in September 1963, KADU was crumbling. During these negotiations, the British government agreed to give Kenya its independence before the end of 1963. Kenyatta convinced the British government to agree that the new government had the right to introduce a second constitution that moved away from regionalism. In order to reduce political instability, the Colonial Secretary persuaded Moi, the leader of KADU, and Kenyatta, the leader of KANU, to work together in order to discuss regional and tribal troubles (Kyle 1999: 195). The negotiations were successful and on 12 December 1963 Kenya was proclaimed free.

After independence, Kenyatta began the grand meta-narrative of the rise of nationalism. This version of Kenya's history obscured the uncomfortable reality of the Mau Mau years – avoiding any acknowledgement towards the freedom fighters – and also denied any alternative visions of Kenya's post-colonial future, such as those involving regionalism (Anderson 2003: 547). In this manner Kenyatta started Kenya's nationalist myth of national unity and equality above race and ethnicity.

### **2.3 President Kenyatta: The triumph of nationalism and Kikuyu hegemony**

After independence, Kenyatta ensured that key institutions from the colonial state remained intact under his command (Ochieng 1995: 93). This gave him control over the provincial administration which was responsible for providing vital socio-economic resources such as land, agricultural services and education to rural populations (Bienen 1974, Branch and Cheeseman 2006). The provincial administration was also responsible for licensing and control of public meetings, allowing Kenyatta to maintain a tight grip on district affairs (Swanison 1978). Through the provincial administration, Kenyatta was able to mobilize rural populations, which allowed him to take control of the state and amass wealth. The flourishing businesses of the 'family' of Jomo Kenyatta appeared 'as the most

powerful and most efficient groups of private interests in East Africa' (Bayart 1993: 88).

Kenyatta borrowed nearly £17 million from the British government to buy 200,000 acres of land previously owned by white settlers. This land was to settle 70,000 African families through a programme called the million-acre scheme. The programme offered loans for three types of resettlement options: high density schemes of 7–50 acres; medium density scheme of 15–70 acres; and large units of 5,000–10,000 acres available for cooperatives (Nyangira 1987: 27). The million-acre scheme was significant in three ways. First, it relieved the land-hunger of poor Kikuyu peasants and those unemployed in cities, whilst at the same time allowing, by the third year of the programme's implementation, a return to the production levels achieved by the European-owned farms (Kyle 1999: 155). Second, the land scheme made it possible for Kenyatta to maintain his influence over rival ethnic/regional politicians during the first years of independence (Throup 1987: 34). Kenyatta extended loans to political elites for the purchase of 400 to 500 mixed European farms averaging 100 acres each. These farms were allocated to the 'big men' – those with political influence, or in the higher echelons of the bureaucracy, who could raise the required capital. Wealthy Kikuyu benefited the most from these loans. The Kalenjin and the Luyha came second and even the Luo were rewarded with settler land in the Kisumu area (Throup 1987: 43). In the end, only about 20 per cent of the highlands were divided among smallholders. The selling of these farms secured Kenyatta's grip on power and allowed him to pass thirteen constitutional amendments that gave the president enormous executive powers. Third, the loan represented a commitment by Kenya towards a capitalist system in which private property was respected. This meant that the Kenyan state supported the interests of the dominant classes and state intervention was important to create the economic conditions for growth (Hebinck 1990: 224–225).

After the transition of Kenya to a republic, opposition party members voted unanimously against the *Majimbo* (federal) constitution. Anderson (2003) argues that Kenyatta effectively killed regionalism by labelling the *Majimbo* supporters as 'tribalists' who opposed the broader goals of nationalism. KANU's election victory in 1963 was a victory for nation over region and for nation over tribe. As Kenya became a *de facto* one-party state in the months following independence, opposition KADU MPs rapidly crossed the floor and federalism quickly gave way to Jomo Ken-

yatta's call for 'unity' (Anderson 2003: 547). Nationalism was translated into support for the enlargement of presidential powers. These powers, together with control of the all-important provincial administration, enabled Kenyatta to act without consulting the party or the legislature, consequently replicating the direct control of the colonial era.<sup>6</sup>

After independence, Kenyatta announced that the Kenyan government would invest in broad-ranging social provision. Central to this was a promised expansion of social policy in a direction that would significantly improve the health and nutritional status of Kenyans, expand access to education and offer greater opportunities for employment (Ndeda 2006: 13). Kenyatta summarized this promise in his call to start the great task of nation-building, or *harambee* ('let's pull together').<sup>7</sup> *Harambee*, the first social policy proclaimed by the independent government, covered infrastructure for social services such as nurseries, primary and secondary schools, village polytechnics, health centres, water supplies, local roads and cattle dips (Holmquist 1984: 73).<sup>8</sup> It expanded social amenities, particularly rural education and health, and in the process it considerably increased Kenyatta's popularity. *Harambee* affected state-civil society relations in two ways. First, it put the government at the centre of community initiatives. Second, the provincial administration became an arena for bargaining between citizens and bureaucrats. These two factors helped the Kenyatta government to keep control and to prevent other politicians from dominating specific regions (Holmquist 1984: 88). However, *harambee* was not the all-inclusive movement portrayed by its official narratives. Rather, it was a means through which Kenyatta's handlers (an ethnically organized group) accumulated capital and expanded the patron-client political economy (Akoth 2011: 8).

Despite the success of *harambee*, there was little evidence to support Kenyatta's redistributive claims as Kenya remained firmly committed to capitalism. The publication of Sessional Paper No. 10 on African Socialism sparked fresh controversies about the type of socialism that the Kenyatta government was promoting. Critics argued that what had started as a progressive social force at independence was now promoting the interests of Kenyatta's inner circle and 'maintaining the social order that benefited the political elites' (Doornbos 1991: 64). In 1965, Odinga and Bildad Kaggia, a former Mau Mau fighter, came out strongly against Kenyatta and began advocating better redistributive programmes particularly with regard to land in the former white settler areas. A year later,



Odinga officially resigned from the party after the KANU government accused him of communism and subverting the government. He started a new party called the Kenya People's Union (KPU) that advocated credit for small traders, minimum wages for workers and land redistribution which would address the demands of the unemployed and landless Kikuyu (Kyle 1999: 200). KANU responded by passing constitutional changes that forced KPU members to stand again in by-elections, called the Little Election of 1966. Kenyatta used the state apparatus to repress the political opposition, calling Kikuyu KPU politicians 'renegades allied to a Luo' (Nyangira 1987: 27). In the end, the KPU politicians lost 21 out of the 28 seats contested. This brief experience of multi-party competition exposed the authoritarian face of the Kenyatta government (Throup 1993: 375).

In July 1969, at a time of intense internal rivalries within KANU for Kenyatta's successor, Kenyatta's inner circle assassinated Tom Mboya as he was considered a strong candidate for the Presidency (Karimi and Ochieng 1980: 10–11, quoted in Ajulu 2002: 261). Mboya's assassination put the Kenyatta government under huge political pressure to which Kenyatta responded with more violence, banning the KPU and detaining its leaders. Ajulu (2002: 261) argues that the political assassination had two important repercussions. First, it increased resentment by a majority of ethnic groups towards the consolidation of economic and political power by the hegemonic Kikuyu ruling elite. Second, it united the Luo and other ethnic groups behind Odinga. Kenyatta's clique reacted by seeking cover under Kikuyu ethnicity. Kenyatta mobilized the Kikuyu peasantry to defend the House of Mumbi, the eponymous founder of the Kikuyu tribe, in order to protect his control over the state (Ajulu 2002: 261). By the end of 1969, the Luo opposition was eliminated and a single-party system was in place. Atieno-Odhimabo (2002: 242) argues that the Luo were excluded from the 'common good' – the right to power and access to developmental resources. Having thus dealt with his opponents, Kenyatta was finally free to pursue his own agenda. The Kikuyu notion of civil society was extended to the political arena of the Kenyatta state (Atieno-Odhimabo 2002: 243).

At the beginning of the 1970s, the government was the centre of wealth accumulation and the most important dispenser of patronage and resources (Southhall 1999: 93). At the same time, the Kenyatta government was quick to use violence to curb popular dissatisfaction. Although

significant income redistribution was ruled out by the structure of Kenya's economic sectors and the pattern of political and ethnic leverage, the expansion of social amenities through *harambee*, the announcement of free lower-primary education and the provision of credit to small businesses gave Kenyatta the political stability he sought (Holmquist, Ford and Weaver 1994: 79).

Kenyan political life was not limited to confrontations between different ethnic groups. In 1975, the government was responsible for the assassination of J.M. Kariuki – a wealthy Kikuyu MP and Mau Mau detainee – who called attention to the hegemonic position of Kenyatta's inner circle (Tamarkin 1978: 301). Articulating the growing sense of inequality in the country, Kariuki pointed out that the country had '10 millionaires and 10 million beggars'. But Kariuki's assassination was not enough to prevent the Kikuyu elites from splitting as Kenyatta's health deteriorated.<sup>9</sup> It was this intra-Kikuyu fighting that decided the question of Kenyatta's succession. Daniel arap Moi, a Kalenjin leader, was brought into the Kenyatta inner circle, which was headed by Mr Njonjo, a native of Kenyatta's district and Attorney General at the time, and Mr Kibaki who was Vice President.

The Kenyatta inner circle sought to prevent Kikuyu politicians from other factions from taking power. Moi was therefore chosen as Kenyatta's successor as he was considered to be a supporter of Kikuyu interests. He became the new Vice President in January 1967. Given his image as a conciliator, opposition factions regarded Daniel arap Moi as a candidate with whom they could deal.<sup>10</sup> This was to be one of the distinctive political skills of Moi: his ability to survive political in-fighting (Nyangira 1987). Moi also brought with him a Kikuyu–Kalenjin alliance that was crucial after the falling out between the Kikuyu and the Luo (Throup 1993: 380). On 23 August 1978 Kenyatta died and, following the constitution, Moi was sworn in as a ninety-day interim President. The Kenyatta government had established the basis for future transactions: the ruling elite politicized ethnicity to protect its interests and used state resources as a mechanism to establish client–patron relationships.



## 2.4 President Moi: Centralizing power through use of ethnic violence

The period following Moi's accession to power was full of anxieties among the Kikuyu elite (Ogot 1995: 192). To address them, Moi announced that he would follow in the footsteps of Kenyatta. His proclamation defused opposition and bought him time until the 1979 general elections, after which he made comprehensive changes in his government. Prior to the 1979 elections, Moi announced the introduction of free primary education. He toured the country to meet ordinary Kenyans and to condemn corruption and inefficiency. Both actions gave him a formidable network of supporters including Kikuyu disillusioned with the Kenyatta clique (Throup 1987: 48). In 1979, Moi was elected President with a majority in Parliament while most of Kenyatta's ministers lost their seats.

Although the Kenyatta clique expected Moi to be a ceremonial president, it soon became clear this was not to be the case. His majority in Parliament allowed him to form a new and enlarged Kalenjin cabinet that excluded Kibaki and other Kikuyu ministers. Moi began to isolate all Kikuyu leaders from state institutions (Holmquist, Ford and Weaver 1994: 96) and started deconstructing Kenyatta's institutions of control. All but one of the provincial administrators retired from public life; half the district commissioners were transferred from the provincial administration to other ministries. Moi effectively dismantled the social base of the Kenyatta government by reducing the power and role of elected regional leaders closest to Kenyatta as well as those of the provincial administrators (Barkan and Chege 1989: 439).

In their place, Moi opened KANU party branches at district level (Barkan and Chege 1989: 434). The party branches became the hub of political activity as elected MPs were constantly challenged by minor leaders, distracting the attention of MPs from the centre (Widner 1994). Moi also announced a decentralization reform within the provincial administration that made the smaller district the basic operational unit for rural development and for government funding (Barkan and Chege 1989: 44, Holmquist 1984: 84). This meant that MPs had to spend considerable time lobbying for their pet projects back in their districts in order to fulfil their statutory role as members of the District Development Committees (Barkan and Chege 1989: 445). Finally, Moi transformed *harambee*

into an instrument of personal rule; he expected local and regional leaders to give generously to their constituencies. *Harambee* was then linked to his clientelistic network: the closer the politician was to the President – and to state resources – the better he or she could provide for their constituencies (Throup 1993: 377). Moi, like Kenyatta, politicized the allocation of public and private investments – roads, educational infrastructure and agricultural investments were directed towards Moi's political constituency (Ajulu 2002: 263).

Like his predecessor, President Moi was quick to amass wealth. Within a year or two he became involved with the main Asian and coastal business affairs of the country and had investments in all sectors of the economy. The foreign investors and exporters paid bribes to secure endorsement from State House (Bayart 1993: 88). At the same time, Kikuyu businessmen were driven out of trade and finance houses. President Moi showed the true face of his political philosophy by redistributing resources from Central province to favoured regions in the Rift Valley province. Patronage and resources came to be concentrated around President Moi's ethnic group. This system of primitive accumulation fostered a kleptocratic bourgeoisie whose existence and survival depended very much on its continued access to and control of the state (Ajulu 2002: 263).

Moi was less fortunate than Kenyatta as the economy under his rule faced formidable challenges, which meant he was unable to match the impressive growth record that marked the Kenyatta era (Maxon and Ndege 1995: 151). Moi's rule commenced with a doubling of the world oil price (Mwega and Ndung'u 2008, Wanyande 2001). By the 1980s, the cost of oil was absorbing half of Kenya's foreign exchange earnings while the price of its cash crops fell (Throup 1993: 383). The government was forced to seek loans from the World Bank and IMF, leading to the introduction of structural adjustment policies in the mid-1980s that substantially cut public expenditure. Economic decline had important political consequences as it hampered the government's ability to use patronage to undermine the opposition (Holmquist, Ford and Weaver 1994: 91). As a result, Moi became much more nervous about potential rivals. Ministers were regularly sacked or forced to resign and replaced by relatively inexperienced individuals in order to contain the threat of political competition (Throup 1993: 385). In 1982, the government passed a constitutional amendment to legalize the single-party system. A coup

attempt in August 1982 was a desperate attempt by the opposition to find alternatives (Nyong'o 1989, quoted by Holmquist, Ford and Weaver 1994: 92). This resulted in increased state use of violence.

KANU abandoned the secret ballot in favour of 'African democracy', in which voters queued behind the candidate of their choice. This strategy reduced the possibility of change in the elected government, lessened the accountability of elected officials and consolidated Moi's political support (Throup 1993: 385). By the 1990s, there was widespread disillusionment with the single-party system. Advocates for constitutional reform began to organize behind a pressure group called the Forum for Restoration of Democracy (FORD), a broad coalition of diverse opposition elements including the clergy, lawyers and ethnic/regional politicians. The rise of this coalition was supported by international forces. In November 1991, the Paris Club of Donors announced their decision to withhold USD 350 million of aid pending the implementation of substantial political and economic reforms from the Moi government (Storm and Rao 2004). Donors requested the introduction of multi-partyism (Holmquist, Ford and Weaver 1994: 96). The financial pressure from the donors, together with internal claims for multi-partyism, forced the Moi government to abandon KANU's monopoly before the 1992 elections. Democratization was thus made possible due to both Kenyan civil society and donor pressure (Doornbos 2003: 9-10).

President Moi, senior KANU ministers who formed the political elite and their associates in the senior ranks of the bureaucracy did everything in their power to divide and intimidate opposition forces in politics and civil society (Orvis, Throup and Hornsby 1999). President Moi obtained over USD 800 million through grand corruption schemes that helped him to buy loyalty and support for his government. Senior members of the government, including the Vice President, participated in the Goldenberg scandal in which money was taken from the Central Bank of Kenya and paid out to a company named Goldenberg International as compensation for duties paid on non-existent gold and diamond exports. Suitcases overflowing with money were kept in State House to dole out to supporters. The Goldenberg money financed KANU's re-election campaign in the critical multi-party elections (Steeves 2006: 199).

Ajulu (2002: 263-264) argues that President Moi – like Kenyatta before him – responded to the introduction of competitive politics by mobilizing around ethnicity. Confronted with the prospect of an open polit-

ical process, Moi's clique chose to consolidate power through the construction of minority ethnic groups named the Kalenjin, Maasai, Turkana and Samburu Alliance (KAMATUSA). The re-introduction of competitive politics witnessed the return of ethnic conflict in the Rift Valley. Before and after the 1992 elections the opposition remained fragmented, which allowed Moi to win the elections with the support of KAMATUSA and his astute exploitation of fissures among his opponents (Southall 1999: 95). After the 1992 election, President Moi sponsored armed militias to attack Luo, Luyha and Kikuyu communities – the ethnic groups that comprised the dominant opposition political parties (Southall 1999: 99, Ajulu 2002). The government publicly distanced itself from the violence by portraying the 'ethnic clashes' as based on land disputes or instigated by the opposition (Holmquist, Ford and Weaver 1994: 94). The violence killed more than 3,000 people and displaced more than 250,000.

Despite these major human rights transgressions, donors did not challenge the Moi government as by then a new Minister of Finance was implementing the World Bank and IMF economic measures (Ajulu 1998: 284). These economic measures increased Kenya's real GDP growth rate by introducing an austerity programme that cancelled all promised pay increases to the government bureaucracy. The economic stringency, together with new taxes, created discontent among the civil service. The teachers union, which was the biggest and best organized union in the country, threatened a nation-wide strike. The government countered with force deploying police in a violent crackdown on protestors (Southall 1999: 97).

In the run-up to the 1997 elections, state-sponsored violence was again successful in helping Moi to secure a second victory. The electoral results confirmed ethnic patterns of voting: the Kalenjin and other smaller ethnic communities voted for KANU and Moi; the Kikuyu for the Democratic Party and Kibaki; the Luo for the National Development Party and Raila Odinga; and the Luyha for the Forum of Restoration of Democracy-Kenya (FORD-K) (Southall 1999: 98). Once again, the victory of President Moi showed that ethnic-centred practices undermined the opposition (Ajulu 1998: 278).

In 1998, the economy entered a period of declining growth that forced the government to increase domestic borrowing, reaching a total of 45.4 per cent of its GDP (Southall 1999: 95). These economic and

political pressures led the government to reverse its economic reforms and neglect commitments made earlier to the IMF. In response, the IMF suspended lending – including a structural adjustment loan worth USD 220 million – citing poor economic governance and corruption. The World Bank, bilateral donors and the European Union followed suit. The total amount of frozen aid exceeded USD 400 million (Brown 2001: 735). Thus, the beginning of the 21st Century was marked with worse economic prospects than the beginning of the 1990s.

In December 2002, Moi announced his decision to respect the constitution and not to run for another term. Instead he would nominate his own candidate to run for president. Competition for his succession split the KANU party after Uhuru Kenyatta – a Kikuyu politician and the son of former president Kenyatta – was selected. Moi's choice of successor was so controversial that important politicians – including Raila Odinga, Moody Awory, George Saitoti, Kalonzo Musioka and Joseph Kamotho among others – came together to form a new party called the Rainbow Coalition. Around the same time, three opposition parties led by Mwai Kibaki, Wamalwa Kijana and Charity Ngilu coalesced to form the National Alliance Party of Kenya (NAK). For the first time since the formation of KANU, the political opposition came together; the National Alliance Rainbow Coalition (NARC) party was born.

NARC, however, was a coalition of convenience comprising four diametrically opposed political tendencies: the Kenyatta era elite that had lost power and influence in the 1980s; the elite that arose under Moi in the mid-1980s but deserted him when he unilaterally chose a successor in KANU; groups that had been marginalized by both Kenyatta and Moi; and individuals – liberals, social democrats and former socialists – who wanted to influence public policy in the post-Moi era (Mbugua 2008: 7). This coalition had a hard time agreeing on its presidential candidate as well as on the type of constitutional reforms to be introduced if it won the elections. To address these issues, members of the coalition signed a Memorandum of Understanding stating that, if Mwai Kibaki was elected as President, he would appoint Raila Odinga as his Prime Minister and share cabinet posts equally among coalition partners.

The position of prime minister did not exist in the Kenyan constitution. Thus, the agreement was premised on the commitment of the coalition to include the position within the constitutional review process that would be finalized within 100 days of assuming power (Murunga and

Nasong'o 2007: 16). After this, all politicians vigorously campaigned for Kibaki's candidacy. Murunga and Nasong'o (2007: 17) argue that the cohesiveness of the NARC coalition was such that even when the presidential candidate Kibaki was injured in a road accident and hospitalized for a lengthy period of time, the political campaigns continued interrupted. During the campaign, the NARC party promised to reform every facet of Kenya's political-economic dispensation: to build a vibrant economy, to end state extravagance and corruption, to create a new constitution and to allow people to enjoy free speech and civil liberties (Wrong 2009). In December 2002 more than five million Kenyans went to the polls, electing a NARC government and Mwai Kibaki as Kenya's third President. The victory of NARC brought a peaceful end to the 24-year presidency of Daniel arap Moi.

## 2.5 President Kibaki's governments: From change to continuity

NARC won the 2002 elections with a comfortable majority. The peaceful political transition generated a national sense of euphoria as Kenyans hoped for a government that would move away from the corrupt practices of the Moi government. Shortly after the elections, the government announced the re-introduction of free primary education and NARC technocrats started to work on an Economic Recovery Strategy (ERS) to implement the coalition's electoral promises. These measures considerably raised Kibaki's popularity among Kenyans. However, within a short period of time the Kibaki government began to reproduce the same old practices of the previous government.

This was evident in the decision by Kibaki to appoint many of the central figures of the Kenyatta government as well as other Kikuyu political appointees and businessmen to his cabinet. By bringing back these ethnic cronies and establishing patrimonial relations, Kibaki and his 'Mount Kenya Mafia' were reverting to the same tactics that Kenyatta and Moi had employed. The press reported that key political positions, such as the head of the civil service, the security minister, finance minister, justice minister, chief justice and head of the Criminal Investigation Department (CID) – along with many others – were Kikuyu dominated (Murunga and Nasong'o 2007: 11). This dominance of the NARC gov-

ernment by Kikuyu officials was a blow to coalition politics and marked a return to 'politics as usual'.

Despite a proclaimed war on corruption, the Kibaki government used the state as a source of wealth accumulation. Because the political class and economic patronage went hand in hand (Wrong 2009), the Kibaki government failed to prosecute political leaders implicated in corruption scandals. At the beginning of 2004, the press reported that one of President Kibaki's closest advisers and other senior government officials were allegedly involved in corruption during the purchase of passport equipment systems and forensic science laboratories for the police. The transaction, originally quoted at USD 9 million, was awarded to a British firm called Anglo-Leasing for USD 55 million. The payment was approved by the National Security Minister and a senior official from the Finance Ministry. The corruption scandal was followed by public statements by the British ambassador to Kenya, Edward Clay, who estimated that the country had lost over USD 187 million in corruption since Kibaki came to office (Mulama 2005).

The government fostered an air of impunity towards corruption. In 2004, the then Minister of Education, George Saitoti, resigned in order for an investigation to take place on the role he played during the Goldenberg corruption scandal (see section 4.5). A court ruled that Saitoti could not be charged and the President reinstated him in his post. The Kenyan media reacted negatively to this decision, with the Daily Nation editorial reading 'the war on graft is, indeed, lost' (Inter Press Service 2006). Donors temporarily suspended the disbursement of loans, citing concerns over government commitment to investigate the corruption scandal (GoK 2005a: 3). But the World Bank and other donors soon resumed the disbursement of aid funding once the Kibaki government appointed new anti-corruption bodies that gave a modicum of legitimacy to the government, while actually making corruption more sophisticated.

Drafting a new constitution was the issue that finally divided the NARC party. After many delays in the process of constitutional reform, in September 2004, Kibaki announced the end to the coalition as he did not agree with the draft constitution that supported splitting the executive between a President and a Prime Minister, or with the devolution of power to the regions. President Kibaki's refusal to proceed with constitutional reform was of great significance as it brought an end to any form of elite consensus (Branch and Cheeseman 2008: 17). After thus



terminating the coalition, President Kibaki's group started working on its own draft constitution that increased presidential powers. The government was unable to agree on 'contentious issues' in the draft constitution that revolved around the distribution of power between the chief executive and the national legislature. The new constitution was therefore submitted to Kenya's voters in a national referendum, in November 2005, in a process that divided the country into two camps – for and against Kibaki's proposed constitution.

Campaigning for a 'yes' vote, the Kibaki government openly made promises of patronage and resources in return for electoral support. It offered pay rises to bureaucrats and distributed land titles and food in exchange for support. Raila Odinga and other politicians under the Orange Democratic Movement (ODM) supported the 'no' vote. They stoked ethnic tensions and at times misrepresented the content of the proposed draft. The referendum became a contest along ethnic lines as politicians used it to foster support for and against ethnic groups. In November 2005, the government lost the referendum (43 to 57 per cent) to the ODM alliance (Chege 2009: 10). Kibaki accepted defeat in the referendum and Raila Odinga's group expressed hope for reconciliation and a return to the 2002 reform agenda. Instead, the president dissolved the cabinet, and after a month, announced a new one that excluded the opposition.

Ethnic polarization continued during the run-up to the 2007 elections. Ethnic coalitions formed during the referendum remained together. President Kibaki allied the Kikuyu with the other Mount Kenya groups (Meru, Embu and Mbere), the Kisii and parts of the Luyha, under the Party of National Unity (PNU). This group campaigned for re-election on the theme that the country had never seen such a sustained economic boom. The opposition, led by Raila Odinga, forged an alliance between political representatives of the Luo, Kalenjin and parts of the Luyha, under the ODM party. ODM mobilized the electorate around an anti-Kikuyu platform arguing it would do a better job of equitably distributing the fruits of Kenya's economic and political resurgence (Barkan 2008: 2). Viewed through the prism of economic inequality along ethnic lines, ODM used the land question as the central axis of their campaign (Kagwanja and Southall 2009). This ethnic populism resurrected the controversial *Majimbo* (regional) constitution that Kenya had abandoned in the 1960s. By building on the resentment between ethnic groups, the



electoral campaign became a high-risk event and the election itself the most narrowly contested in Kenya's history.

On 27 December 2007, Kenyans voted for a new president. Opinion polls conducted in the lead-up to the elections pointed to a close result (Mutua 2008). Approximately 70 per cent of registered voters participated in the elections. Election stations opened on time, people were able to vote and national and international observers supervised the counting of ballots. However, it became clear that the vote tallies reported by individual polling stations were flawed (Barkan 2008: 1). Raila Odinga, who at one point had been leading the polls by more than 350,000 votes, discovered he had lost when the Electoral Commission of Kenya announced the results, declaring Kibaki the winner. Although international and domestic observers reported that the tallying of the presidential vote was flawed, Kibaki was sworn in an hour after he had been declared victorious.

The next day, the press reported ethnic violence in the strongholds of the opposition as they felt cheated of victory. The violence was aimed against the Kikuyu who were suspected of voting for Kibaki's PNU. At the same time, Kenyan police were accused of shooting innocent demonstrators in ODM strongholds in Nairobi and Kisumu (Chege 2008: 125). The outcome of the post-election violence was horrific: 1,500 people died and 300,000 people were internally displaced.

Finally, in March 2008 a political compromise was reached among the contending parties after the international community, led by Kofi Annan, help to broker a deal. Based on the 2002 Memorandum of Understanding, a PNU-ODM coalition government was formed with – once again – Kibaki as President and Raila Odinga as Prime Minister (Nyanjom 2008). The government increased in size, with two deputy prime-ministers and a cabinet comprising 41 ministers (from 34 previously) and 50 assistant ministers. This increase was seen as necessary to represent Kenya's different ethnic groups. The government was sworn in on 17 April 2008 at the State House (Kagwanja and Southall 2009: 273). For the following two years the coalition struggled to make decisions as opposing sides were constantly arguing. Nevertheless, talks continued on the drafting of a new constitution. Interestingly, the positions had now shifted as ODM leaders, sensing a victory in the coming elections, supported a centralized presidency, while PNU politicians now supported a decentralized government.

In August 2010, Kenyans voted in a second national referendum to adopt a regionally-based constitution. This constitution reduced the power of the Executive, devolved authority to sub-national units and formally guaranteed a host of social and economic rights to women, minorities and marginalized communities (Kramon and Posner 2011: 89). Akoth (2011: 10-12) argues that the Constitution merged the 'old order' with a possible 'new order': it defined Kenya as a multi-ethnic state in which the various ethnic nations had the right to be different in an inclusive Kenya. By redefining what it meant to be a Kenyan, the Constitution established the basis for a unitary nation-state in a context of co-existing, yet antagonistic, pluralities. All Kenya watched as President Mwai Kibaki signed the document into law at an official ceremony in Nairobi.

In December 2010, after several unsuccessful attempts to prosecute those involved with the post-election violence, the International Criminal Court (ICC) issued summons for six individuals – three from the Orange Democratic Party of Raila Odinga and three from President Kibaki's Party of National Unity. Among these were two presidential candidates: William Ruto, an Orange Democratic Movement Kalenjin leader, and Uhuru Kenyatta, from the Party of National Unity. Barkan (2011: 11) argues that the announcement hit Kenya like a bombshell as it threatened Kibaki's authority and complicated the functions of the Grand Coalition government.<sup>11</sup> The debate about what to do with the politicians involved in the post-election violence – and whether trials should be held in The Hague or in Kenya – continue to be used by the ruling elite and the political opposition to discredit each other. Thus, despite the move towards regionalism and several elections consolidating multiparty politics, Kenya's political class retains an ethnic arithmetic logic as well as patrimonial relations.

## 2.6 Conclusion

Following a historical perspective, this chapter has examined Kenya's political system, its presidents and their governments. The chapter has argued that simultaneous to the construction of the image of a unified nation-state, ruling elites have used ethnicity and economic patronage to divide the population and remain in power. This is possible thanks to a system that gives absolute control to the President and his ethnic group

- by using a combination of politicized ethnicity and political patronage
- denying access to state resources to rival ethnic groups.

President Kenyatta (1963–1978) used the provincial administration to assert his control over the state and increase the wealth of the Kikuyu group, while also nurturing social policies like *harambee* to provide ‘meaning’ and legitimacy to his government. President Moi (1978–2002) retained the strategies that Kenyatta had used to manage competing claims on power and resources but without the support of the provincial administration. Instead he used the KANU party district subsidiaries to affirm his control over the state. A declining economy forced the President to reduce social provision in exchange for aid, while also using increasingly repressive measures – such as state-sponsored ethnic violence following the 1992 and 1997 elections – and co-optation of elites through the sharing of state resources to stay in power. These measures were successful and kept President Moi in power for 24 years.

In 2002 the Constitution prevented President Moi in contesting the elections for a third time, which allowed the country to move from a *de facto* single-party to a multi-party system. This created great expectations as it meant that the newly elected President would no longer be able to control the Parliament as he had done in the past. The political opposition coalesced around the NARC party, allowing Mwai Kibaki to be elected through free and fair elections. However, the NARC party was a coalition of interests with little else in common. And once in office, President Kibaki ignored previous agreements of proportional representation with party members. Instead, he brought back political allies and established patrimonial relations to place the control of the economic sector in the hands of the Kikuyu elite.

Because of his interest in retaining control of the government, President Kibaki did not approve a new constitution that would introduce a de-concentration of political power and state resources to the different ethno-regions. In 2008, competitive multi-party politics in Kenya led to intense struggles for the ultimate political prize, the ‘imperial presidency’. The contested electoral results triggered high levels of ethnic-based violence bringing Kikuyu and Luo groups directly against each other in an effort to support their presidential candidates. Capitalising on the ethnic tensions, politicians from Nyanza, Central and Rift Valley provinces financed and organized young men from their constituencies to inflict violence on the neighbouring ethnic groups. Despite a Coalition Govern-

ment established in March 2008, strong political personalities representing the four main ethnic groups continue the battle for the capture of power and ethnic dominance. This chapter, thus, concludes by pointing that ethnicity and patronage – cemented by violence and mistrust among the different ethnic groups – are key characteristics of Kenya's political system and frame the implementation of the two policies under study.

## Notes

<sup>1</sup> During colonial times, indigenous societies were categorized into tribes and confined within native reserves. These reserves were then integrated into the social, economic, cultural and political forces of colonialism. Rights were defined in the plural, as the law of the tribe (Mamdani 1996: 22). Over time, ethnicity became integrated as a product of Kenya's historical process – simultaneously old and new, grounded in the past and perpetually in creation (Berman 1998: 305).

<sup>2</sup> In this sense corruption was an organic part of the system of indirect rule. Appointed by the colonial administration, chiefs and their aides competed with one another in finding new opportunities for extortion (Bayart 1993: 71).

<sup>3</sup> Although it had members of different tribes, the KAU was mainly Kikuyu. In 1947 Jomo Kenyatta took over the presidency of the KAU.

<sup>4</sup> Kenyatta always denied being the Mau Mau leader, despite accusations to the contrary by the colonial government. Once free, he faced opposition from ex-detainees and forest fighters. He, in turn, was extremely tough with them (Bienen 1974: 77).

<sup>5</sup> Kenyatta (KANU) and Ngala (KADU) were made Ministers of State; all other KANU and KADU politicians became ministers (Kyle 1999: 140).

<sup>6</sup> State policy was determined by the President and coordinated by a team of seven provincial administrators, most of whom were Kikuyu. Below the provincial administrators were forty district commissioners, 150 divisional officers and over 3,000 chiefs and sub-chiefs (Barkan and Chege 1989: 438).

<sup>7</sup> The stated notion behind *harambee* was to build a new nation. Rural communities were encouraged to raise funds and labour for new projects; once they were ready, the government would cover the recurring costs of the projects.

<sup>8</sup> Relations with the state were crucial once the infrastructure was built. Peasants tended to choose prominent politicians and bureaucrats as their patrons, so they could later help in contacting relevant ministry personnel (Holmquist 1984: 79).

<sup>9</sup> Kikuyu, despite their common origin, identify first with their sub-clan and its correspondent territory and secondly with their district.

<sup>10</sup> This skill was first demonstrated in 1963–64, when he secured Kenyatta's support after convincing the Kalenjin not to oppose Kikuyu acquisitions of land in the Southern Rift Valley. In return, the Kenyatta government assisted the Kalenjin with capital to bid for land in the Northern Rift Valley (Nyangira 1987: 29).

<sup>11</sup> The announcement led to a realignment of Kenya's ethnic coalitions of Kikuyu, Kamaba and Kalenjin (KKK) under the leadership of Uhuru Kenyatta, reason why this coalition has been dubbed the 'coalition of sinners'. On the other hand, Raila Odinga is playing for the politics of unity and saying that his K coalition stands for Kenyans (Barkan 2011).

# 3

## Two sides of a public policy innovation: The Kenya Education Reform

### 3.1 Introduction

Amidst the social costs unleashed by the neo-liberal policies of the 1980s and 1990s, Kenyans became disenchanted with the state and began to disengage from it (Kpessa, Béland and Lecours 2011: 2129). The decline of state social provisioning enhanced the opportunity structures of an ethnically driven political system, in which members of parliament close to the President coordinated the provision of social services in order to increase their regional and popular legitimacy (see Chapter 2). This decision was welcomed by Kenyans as enrolment rates had dropped to alarming levels due to the inability of parents to cover education costs. Initially donors provided technical assistance to help address the problems resulting from the FPE announcement. Within a few months, however, the national process was overtaken by global forces as donor agencies introduced an ambitious reform based around FPE: the use of electronic transfers to channel increasing resources for the purchase of textbooks in public schools.

The chapter describes this public policy innovation from two different angles. It first presents a technical account of the development of electronic banking transfer to decentralize resources, an innovation made possible by donor collaboration in the education sector. The second part of the chapter focuses on how government officers used the electronic bank transfer system to efficiently and discretely extract rents from schools. The chapter argues that these two sides are in fact parts of the same political process: donors and the Kenyan government engaged in the same policy process but each followed different sets of rules (Mooij 1992: 229). Successful public policy innovation is understood here as re-

sulting in significant improvements in terms of efficiency, effectiveness or quality. Corruption – or the misappropriation of government property – was possible due to ‘residual innovation’ (Braguinsky 1996: 18): that is, actors involved in the same institution in which the innovation took place using asymmetric information and unequal power relations to extract rents from the public policy innovation.

The chapter is based on 17 in-depth interviews undertaken with senior government officials, World Bank and Department for International Development (DFID) staff and international consultants working in the education sector.<sup>1</sup> The interviews focused on how FPE was introduced and the role that donors played in the subsequent FPE reform. Interviews were easy to arrange because at the time (from October 2008 to December 2009) FPE was considered a success story. At the end of 2009 one of my key informant from the Ministry of Education and a number of newspaper articles described how FPE funds were being misappropriated through corruption. Newspaper articles were also used to document the political battle that followed the education corruption scandal.

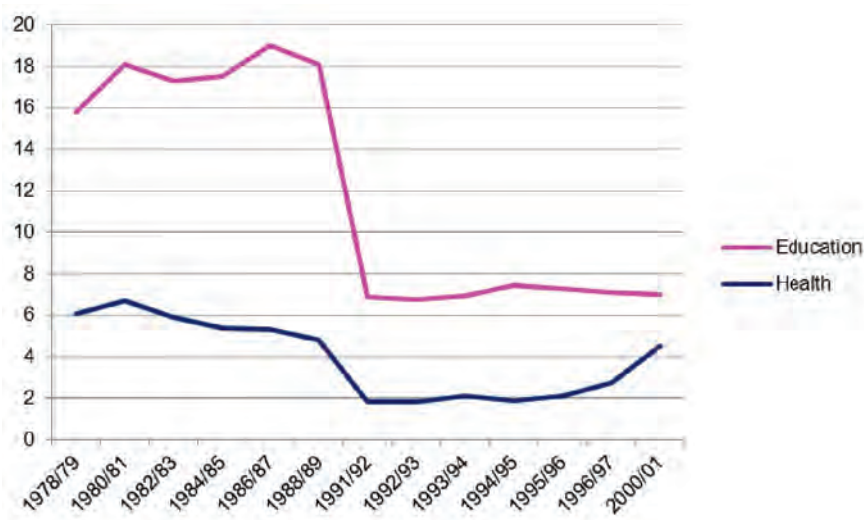
The chapter is divided as follows. The next two sections explain the importance of education as a political project for Kenya and show how FPE became Kibaki’s first political decision. The fourth and fifth sections investigate the two sides of this public policy innovation. The chapter concludes with reflections on the link between unaccountable aid and corruption.

### 3.2 Primary education as a political project

During colonial times, being educated allowed Africans to move into the modern sector economy and earn higher wages (Schilling 1976). These economic opportunities turned education into one of the most sensitive areas of post-independence politics (McKown 1974: 233). Kenya’s first president, Jomo Kenyatta, promised to give every child the right to free education, stressing new political values that promoted equal opportunities and social justice. The education sector was reformed in order to dismantle the segregated education system. Together with the expansion of *b Harambee* schools, gross enrolment in primary education increased from around 60 per cent in 1964 to 79 per cent in 1970 (Colclough and Webb 2010: 5). In 1973 Kenyatta chose the celebrations of the first decade of independence to announce the abolition of fees for the first four

years of primary education. In 1978 Daniel arap Moi, Kenya's second president, announced the abolition of fees for the remaining three years of primary education, making primary education free. President Moi also introduced a decree to supply free milk to all school children. The policies were so well received that by the early 1980s, near-universal primary education had been achieved.

**Figure 3.1**  
*Health and education expenditure as GDP percentage during Moi government (1978-2001)*



Source: Republic of Kenya (1976/77 to 2000/2001), Government of Kenya Appropriation Accounts and Budgets Estimates quoted by Njeru and Orodho (2003: 15).

Despite its popularity, the high costs meant that free primary education was short-lived. In 1985, as part of wider structural austerity measures, the government announced the introduction of cost-sharing policies that effectively abolished FPE (Swamy 1994: 3). The cost-sharing policies promoted by the World Bank meant that parents had to pay tuition fees as well as covering the costs of school construction and maintenance. The reversal of FPE occurred in stages. First, the government asked parents to pay school fees. Then it made education officers



responsible for raising all other school operating costs. In 1988 the government stopped supplying textbooks. By 1992 the parents were paying for education fees, building construction and maintenance, food, uniforms, textbooks and education supplies as well as all non-salary payments for teachers (Boyle 1999: 149). At the beginning of the 1990s new budget cuts froze teacher recruitment and further reduced the education budget (see Figure 3.1), in turn triggering a further decrease in enrolment rates.

Budget cuts in the sector were highly unpopular as they reduced educational opportunities for Kenyan children. However, an assessment of the effect of a user-fee education policy did not take place until the end of 2001, when the Moi government announced that it was working on a programme to offer free and compulsory primary education after the 2002 elections (Mukudi 2004: 451). By the end of 2002 the government had back-tracked on its promise, saying that the economic situation of the country meant it could not afford free primary education (Transparency International Kenya 2001a, 2001b). In response, the political opposition seized the advantage and announced FPE as one of its key electoral promises.

### 3.3 Free Primary Education: President Kibaki's first political decision

During the 2002 election campaign, the National Alliance Rainbow Coalition (NARC), recognizing the importance of free primary education, used FPE as its leading campaign promise. The NARC presidential candidate, Mwai Kibaki, travelled across the country saying that his dream was to see every child go to school. Once again, the promise of free primary education struck a note among parents. At the time the education sector was in a desperate state: rising costs and poverty levels as well as deteriorating infrastructure caused children to drop out or fail to complete primary education. By the time of the elections, it was estimated that 1.6 million children were out of school (Bedi *et al.* 2002). A director of the Ministry of Education said:

NARC campaigners said they were going to eliminate the school fees which to us was a very welcome thing because we witnessed the drop in enrolment in schools in recent years because of poverty

and the fact that parents had to pay school fees (Nairobi, 31/10/2008).

In January 2003, the NARC was declared the winner of the elections just two weeks before the opening of the new school year. Despite the short timeframe, and although the country was in the middle of an economic recession, the new government decided to implement its campaign promise for free primary education. A senior government advisor said:

Having made the pledge the big question was whether the government was going to implement it? The government knew there was going to be overcrowding, they knew they required to hire new teachers and to buy new equipment and build more classes. But they said just start; don't give those who doubt a chance (Nairobi, 3/12/2009).

On Saturday 4 January 2003, the Minister of Education gave a press conference to announce that primary education was free and schools would open as scheduled on the following Monday. For the first time in over fifteen years, the Ministry of Education became responsible for the recurrent expenses of all primary schools and for removing the cost barriers to primary education. At the beginning of term, an additional 1.1 million children showed up for school. Understandably, schools faced many urgent problems. However, the Ministry of Education did not have the resources to deal with them as the FPE budget had not yet been discussed in Parliament. To address the urgent need for resources, the Ministry of Finance sent an initial payment of USD 370 to each school to cover the most immediate expenses (MoE 2003a). Although this was not enough to cover school costs, it represented a guarantee that the government would stand by its promise.

The Ministry of Education faced a new blow when the Kenya National Union of Teachers demanded a salary increase of 150 per cent that had been negotiated (but never implemented) during the Moi administration. With the teachers' union threatening that teachers would go on strike if the increase was not implemented, the Ministry of Education was forced to accept a 150 per cent salary increase, which was to be distributed over a five-year period. During the negotiations, the Minister of Education tried to convince the teachers' union to accept the recruitment of unqualified teachers to improve the teacher–pupil ratio while

respecting the public service staffing-ceiling established by the IMF. However, the teachers' union refused this proposition as it was thought to weaken teachers' position in the long term. A senior government advisor said:

They [the teachers] thought that the government would continue hiring new teachers at a lower salary, so they felt threatened because when you are dealing with unions it is not about the salaries but the benefits (Nairobi, 3/12/2009).

The failed negotiations meant that the high pupil–teacher ratio caused by the introduction of FPE remained unresolved. However, the lack of teachers was quickly overshadowed by the fast-paced changes that took place in the following months. In May 2003, the Kenyan Parliament approved an increase in the education budget of 17.4 per cent, of which 9 per cent was for the implementation of the FPE policy. This increase was the first important change in government spending in the primary education sector.

DFID, who since 1993 had financed an education programme focusing on school-based teacher training and the provision of textbooks, was quick to offer help to the Ministry of Education to address the challenges faced in the primary education sector. Within a month, a DFID programme called Strengthening Primary Education had organized a mass teacher-training programme to help teachers deal with large classes. The quick response earned the appreciation of senior education officers at Ministry of Education HQ who were under a huge amount of pressure to make FPE work. A middle-level manager of the Ministry of Education said:

Teachers were not prepared to deal with situations such as children who have been out school for a long time or children not used to school life. DFID dealt with that problem quickly by providing teacher training (Nairobi, 31/10/2008).

Once the mass teacher training was in place, DFID took the opportunity to expand an ambitious textbook component that it had been working on. Three important aspects of textbook provision had already been implemented. First, the Ministry of Education had agreed to terminate the monopoly of government publishers and open up the publishing of textbooks, so that both government and private publishers were

able to compete on equal terms to produce and sell textbooks. Second, the Ministry – with support from education specialists and international consultants – had revised the primary education syllabus to reduce the number of core subjects. Third, the manner in which schools were to receive funds changed after the approval of financial decentralization.

Despite these changes, the Ministry of Education was reluctant to commit to offering free textbooks. The FPE announcement opened an opportunity for DFID to contribute to the education reform process by expanding the textbook programme. Arguing that textbooks would help maintain the quality of education despite increases in access, the textbook programme was expanded to national level. This was made possible by giving schools the responsibility to purchase the textbooks they required from local providers (MoE 2007a). This approach moved away from the existing centralized distribution of textbooks where the books often became stuck in regional stores as a result of inadequate district budgets to deliver them and poor communications between district officers and head teachers. The belief that giving cash to schools was the most effective means for textbook provision guided the public policy innovation (MoE 2007b).

### **3.4 The first side of the innovation process: Donors' coordinated involvement in the education sector**

FPE was acclaimed by the international community which praised the commitment of President Kibaki to the Millennium Development Goal for Universal Primary Education and the UNESCO declaration on Education for All. The international press portrayed the plight of a democratic government in a resource-poor African country that, despite its commitment to the welfare of its citizens, could not afford to give them education. With DFID and the World Bank both interested in participating in the sector, officers from the two agencies started collaborating on the provision of free textbooks, promising the government that they would work together under a unified front in order to fund the textbook project. A senior government advisor said:

The WB and IMF wanted to be part of it, almost overnight... Everybody found some money to give to FPE. President Clinton said 'I would like to know this president [Kibaki] and congratulate him'. The tide of international opinion had already changed from cost-

sharing to state provision [of primary education]. I think this is one thing that really favoured him [President Kibaki] (Nairobi, 3/12/2009).

Since DFID had experience in the sector, the World Bank agreed to provide a USD 50 million grant to mainstream the textbook programme. This grant meant that all public schools would be able to receive funds for the purchase of textbooks in a short timeframe. Coincidentally, the textbook component supported decentralization to the schools at the same time that the country was debating wider political decentralization, in an attempt to move away from the centralized logic followed during the Moi government. It is likely that this nation-wide debate played an important role in devolving more responsibility and more finance to various levels in the system. To achieve this decentralization, the Ministry of Education and the Ministry of Finance decided that the government would pay a grant of Ksh 1,020 (approximately USD 13.5) for each child enrolled in public primary schools. The grant was expected to cover the costs of primary education. However, the problem remained of how these grants would reach all primary schools on time.

Both DFID and the World Bank provided technical advice to address this problem. It was decided that electronic bank transfers would be the best way to channel funds to schools. The transfers were a radical departure from the traditional system of sending money through hand-written cheques from the Ministry of Education headquarters to the provincial education office, then to the district education office and finally to the schools. The new decentralized transfers to schools were seen by donors as a way for schools to avoid paying bribes. Another advantage of the transfers was that they were not difficult to implement, as school bank accounts could be opened easily. The Ministry approved the electronic transfers and drafted the Money Transfer Act to give a legal mandate for the devolution of funds to public primary schools. Most schools were able to access funds – which were to cover school maintenance and the purchase of textbooks – forty-eight hours after the transfer was made (GoK 2004b). The electronic transfer was a technical response to the problem of resource transfer which had two immediate advantages: it allowed schools to buy textbooks without delays, and it meant that donors could channel aid for the purchase of textbooks quickly. By 2004 the World Bank had released a USD 50 million grant for the textbook

programme and, together with DFID, was working on how to expand aid in the sector.

In 2005 DFID and the World Bank agreed to establish a single financial structure called the Sector Wide Approach (SWAp). The SWAp, an element of the new aid architecture, required donor harmonization by focusing all activities within a sector-wide education reform rather than individual projects. There were also important changes in the financial structure, with all funds being pulled into a common financial pool. However, the SWAp required the Ministry of Education to produce an education strategy that requested donors for large amounts of aid. This meant that each sector within the Ministry of Education had to provide specific financial requirements for a five-year period (2005–2010). Although there was an education policy framework (Sessional Paper No. 1 of 2004 on Education and Training), this document was not useful to donors as it lacked funding requirements.

DFID contracted two consultants to prepare the SWAp. One consultant worked with middle-level managers of the Ministry of Education to develop a five-year strategic plan that included financial requirements for the entire sector. This consultant bridged the interests of the Ministry and the donors by identifying priorities and producing 23 investment programmes that both the Kenyan government and donors would fund. Once the strategic plan was ready, it was given to senior-level managers for discussion. A second consultant worked on developing a financial document for harmonizing donor contributions to the education sector. This financial agreement included advice on developing linkages between policies, plans, medium-term fiscal frameworks and annual budget cycles. The financial agreement established that all donors, independently of the amount of money they committed, had the right to vote equally. In addition to DFID, World Bank staff also worked on the procurement system in order to meet World Bank requirements. Measures were undertaken to strengthen the internal audit unit and an international accounting company (PricewaterhouseCoopers, PwC) was hired to audit grants made to schools. A DFID consultant said:

There were many [DFID] people working on the project and the World Bank had its own people... DFID had a consultancy to help the Bank prepare the [grant] submission to its board and authorize disbursement. There was a lot of work [done] on procurement laws

in the Ministry of Education, and the government (Nairobi, 06/06/09).

Parallel to this process, both DFID and the World Bank supported the reform of the senior management structure. At the Ministry of Education, the new post of Education Secretary was established, replacing the Director of Education (until then head of the Ministry of Education). Under the new Education Secretary, five new directorships were put in place: Basic Education; Technical Education; Higher Education; Policy and Planning; and Quality, Assurance and Standards. This restructuring displaced many senior staff within the Ministry of Education, including the Director of Education, whom donors had found extremely difficult to work with. A DFID consultant said:

There was quite a bit of nepotism [in the top echelons of the Ministry of Education]. I remember the Director of Education... [this person] was a Moi appointee. [The Director] was not liked by other professionals in the Ministry because [this person] had no background in the civil service as the Director came from a secondary school. People felt that it was a wrong appointment. [This Director] did not last very long; within 18 months [the person] was deposed and moved down (Nairobi, 13/02/09).

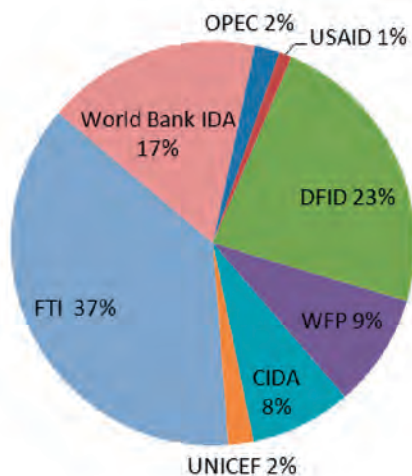
After the new positions were created, the Ministry of Education opened a competitive recruitment process. Professor Karega Mutahi was hired as the Education Secretary. A highly educated man who had done postgraduate studies in UCLA and obtained a PhD in Linguistics, Professor Mutahi was charismatic and able to talk the donors' reform language. Donors were pleased with the appointment as they felt that this reform-minded Education Secretary would facilitate the work of the SWAp. Once all senior managers – Education Secretary and five Directors – were in place, donors started working on finalizing the education strategy, called Kenya Education Sector Support Programme (KESSP). In July 2005 Parliament approved the education strategy, which became the Sessional Paper No. 1 of 2005 for Education, Training and Research (GoK 2005b). After its launch, DFID advised the Ministry of Education to apply for the United Nations Fast Track Initiative. Kenya's Fast Track Initiative application was reviewed by donors working in the education sector in Kenya, among them the World Bank and DFID, which naturally supported the application. From 2005 to 2009, the Fast Track Initia-



tive awarded USD 24.2 million annually to the sector, with most of the money going to the national textbook programme (GoK 2007: 89). A DFID consultant said:

Kenya was the largest recipient because it had a good plan [KESSP] and the [World] Bank was supportive and [Kenyan] politics had changed. It was a large amount to ensure the Dakar commitment was honoured (Nairobi, 06/06/09).<sup>2</sup>

**Figure 3.2**  
*Share of External Contributions to KESSP by donor 2005/06-2007/08*



Source: Thompson *et al.* (2010: 26) quoted by Colclough and Webb (2012: 10)

The funding from the Fast Track Initiative was the first to reach pool funds under the SWAp. In July 2006 the World Bank, DFID, CIDA and UNICEF joined the funding pool with a joint contribution of USD 182 million. This was a staggering amount for a sector that had received so little funding for the last 20 years. Although this contribution was channelled to the whole education sector through the KESSP, the bulk of the aid was committed to the primary education sector; only three higher education projects were funded. The textbook programme received 51



per cent of the total external support for 2006/2007. School infrastructure projects also benefited from aid (Colclough and Otieno 2009: 74). Thus, despite the emphasis on a sector-wide strategy, donors were able to direct most funding into sector components that advanced their anti-poverty agenda (see Figure 3.2).

By the end of 2006, there were increasing tensions over the control of the reform between DFID and the World Bank. When the other donors supported the World Bank, DFID became isolated in the Donors Working Group, and eventually lost the chairmanship of the group to UNICEF and USAID. This did not affect the SWAp, however, as the funds were committed for a five-year period (2005–2010). Interviews revealed that senior government officers were aware of tensions between the donors but decided not to take sides. A DFID consultant said:

The Bank begun to overstep its mandate and interfered with the disbursing pattern...The Bank officials were controlling the FTI funds ... [this] eventually drove a wedge between the Bank and DFID (Nairobi, 06/06/09).

The in-fighting among donors took place at a difficult time in Kenya. In early 2008, ethnic violence spread over the country. Official statistics reported that 1,000 people died and 600,000 were displaced during the post-election violence (BBC 2008). President Kibaki needed to regain the trust of the Kenyan population. In an attempt to appease the public, in February 2008 he announced the introduction of free secondary education.

Donors did not welcome the financial costs of free secondary education. DFID, in particular, did not consider secondary education to be pro-poor and felt it would detract from the needed investment in primary education. After the presidential announcement, senior officials placed the financial requirements of free secondary education within the KESSP, but donors replied that aid could not be disbursed until a Secondary Education Strategy was established. This strategy would indicate how much aid free secondary education required. Moreover, prior to any allocation, the Ministry of Education first needed to recruit 'critical leadership' that would take the secondary education strategy forward. The donors thus stalled for time, which meant that free secondary education would not be eligible for aid until 2010 because the existing SWAp funds were already committed (World Bank 2010a). Despite the country's po-

litical tribulations (see section 2.5), donors believed that the SWAp was a success. DFID viewed the education sector interventions in Kenya as ‘very effective’ due to ‘highly regarded programmes in primary education and effective funding mechanisms for textbooks and learning materials in the form of per capita grants at school level’ (DFID 2007). Similarly the World Bank reported that ‘progress was being made towards achieving the project development objectives’ (World Bank 2008).

Thus, from 2004 to 2010, the notion of ‘success’ was accompanied by increasing amounts of aid and continuous control over the sector. Donor control was at such a level that donors no longer followed the government objectives but rather dictated the terms of the reform for the Kenyan government, as exemplified in the drafting of the Kenyan education strategy and with regard to the funding of free secondary education. This allowed donor agencies to pursue their own interests by maximizing the amount of aid mobilized. Paradoxically, these achievements were at the cost of close monitoring of aid disbursed. Thus, the notions of ‘FPE success’ seemed to be enhanced by donors’ own interests.

### 3.5 The second side of the innovation process: Corruption in the education sector

For almost five years, donors believed that aid was reaching its intended purposes. This view was based on the apparently successful technocratic response to the challenges of FPE; however, it failed to take into account the political nature of resource distribution in Kenya. One of the few times at which donors doubted the success of the reform came in 2005 when the then Minister of Education, George Saitoti, was suspended because of his alleged involvement in one of Kenya’s biggest state-led corruption scandals – the Goldenberg case (see section 2.4).<sup>3</sup> Following this incident, the World Bank undertook an audit over the use of funds by the Ministry of Education (GoK 2008a). Surprisingly this audit focused on the national level and did not look at the management of textbook funds at the school level, even though Textbook Publishing houses were complaining that they were not selling textbooks (Nation 2005). The result of the audit reassured donors that aid was not being mismanaged and FPE continued to be regarded as a success story. The focus on the management of resources at national level was justified by the Bank arguing that it was the responsibility of the Kenyan government and

Kenyan parents to look after the disbursement of school funds. A World Bank officer said:

It is difficult to follow up the decentralization as there are 19,000 public primary schools. The only way to monitor is to increase social accountability; that is, having the community police the schools. Another way would have been hiring independent auditors. However, this would have taken a huge amount of money. Also through auditing of schools every year, but that implied too much work. Instead, the head teachers were asked to write the funds the school was receiving in a board, in order to publicize it. Overall the decentralization process was quite successful (Nairobi, 30/03/10).

The emphasis on decentralization and local accountability was part of the new aid architecture, in which aid is given to ‘selected countries’ and the monitoring of how aid is disbursed is seen as the responsibility of the receiving country (see section 1.2.2). Thus, the ‘selectivity’ logic followed by the education SWAp meant that donors did not monitor implementation. The first time that donors suspected things were not what they seemed was in September 2009, when the Ministry of Education could not account for the disappearance of USD 1.45 million of KESSP funds. As a result, the SWAp aid was frozen, although this issue was not made public until December 2009 when a government officer leaked the story to the press. Shortly after this, 25 senior officers were charged with corruption. This was followed by a strong statement from the Minister of Education, who apologised for the matter and promised donors that the missing funds would be repaid. Although these prompt actions were expected to stop further inquiries, they had the opposite effect.

The press, sensing a good story, started to follow up the case, especially given that, with just one exception, all the suspended officers were middle-level and junior managers (Standard 2009a).<sup>4</sup> The exclusion of senior officers from the investigation fuelled a new wave of national scrutiny over the FPE implementation. The teachers’ union and the Kenya Parents Association openly criticized the government for not investigating the Minister of Education, the Education Secretary or the senior financial officer as they were the signatories of education funds (Nation 2009a, Nation 2009d). The Minister of Education rebuffed all criticisms. Together, the Minister and the President made several state-

ments in which they reassured the public that formal enquiries were underway and that the truth would be uncovered (Standard 2009b).

The high-level statements could not prevent the press from investigating. It soon reported four different types of corruption. First, it was found that schools had not received the specified amount to cover for tuition fees. A newspaper found that the Ministry of Education could not account for USD 54.75 million which should have been given to schools between 2004 and 2008.<sup>5</sup> The lack of accountability over the disbursement of funds had been already raised by an official auditing report (MoE-UKNAO 2009), which highlighted that the Ministry of Education was sending different amounts to schools. Second, it was found that a cartel of senior financial officers were extracting rents by sending higher amounts to schools, which were then transferred by head teachers to an undisclosed bank account. After doing this, head teachers were instructed to submit fake receipts accounting for all the funds. A newspaper published school bank statements showing how, after receiving USD 5,384, a school had sent back 88 per cent of this amount to an unspecified bank account. A head teacher was quoted saying:

At times they send excess cash, but ask school managers to withdraw the money and send the extra to officers at Jogoo house [MoE HQ] (Standard 2009c).

Two factors enabled the cartel to extract this rent: first, the Ministry of Education officers concerned were the only people who knew the amount that each school was to receive; and, second, they were at the top of a highly hierarchical institution and knew that head teachers would follow their orders. The corruption was thus possible as a result of 'residual innovation' (Braguinsky 1996: 14-15): rents were extracted by the corrupt officers using the same technology that had been introduced to simplify resource transfers to schools. This innovation showed that as donors' methods became more complex, government officers had adapted their actions accordingly to circumvent them. This type of corruption required a careful coordination between senior officers, district officers and head teachers in order to organize the transfer of funds from individual schools back to the Ministry headquarters. This meant that 'informal rules of conduct' required for corruption to take place had developed despite donors' careful recruitment processes.

The third story to break was that schools were not buying textbooks. In an open letter, the chairman of the Kenya Publishers Association estimated that the government had lost billions of shillings as schools were not buying textbooks, despite the funds released for that purpose by the Ministry of Education. Publishers kept the textbooks in their warehouses while salespeople in the field sent reports of collusion between education officials, teachers and booksellers. He said:

Nobody seemed to be buying books. People were selling air to schools and paying with real money. The matter was taken up with the Education Secretary, who told us to stop spreading gossip against the Ministry of Education officers. Then the publishers went with DFID and the WB to intervene but nothing happened... Corruption begins at the Ministry of Education headquarters and stretches across the field (Standard 2009d).

This letter pointed out that donors were failing to monitor the results of their own reform, even when evidence of corruption was presented to them. It also showed that donor assumptions regarding ‘social accountability’ and the role of parents in the FPE reform were misplaced. Fourth, it was found that USD 20.5 million (around a quarter of total funds) meant for infrastructure development in schools under the KESSP had been channelled to ineligible schools accounts (Nation 2009b). An officer said:

The infrastructure department is usually busy before the end of the financial year because each senior officer wants to include a school which she or he has an interest in the disbursement list. Even MPs bring schools to benefit in the infrastructure list (Standard 2010a).

After these findings, public pressure mounted. President Kibaki was criticized for not taking the necessary measures to address corruption. The criticism reached such a pitch that opposition MPs threatened to recall Parliament to prosecute the Minister of Education if the President did not take action. The President resisted and the Minister and his Education Secretary remained at their posts. As a result of the increasing doubts over the credibility of the Ministry of Education, DFID commissioned a team from the UK National Audit Office, the Ministry of Education and the Kenya National Audit Office to determine the number of textbooks in schools. The study estimated that 9 per cent of the 58 mil-

lion books bought under FPE – at a total cost of USD 14.5 million of donor and government money – had been either stolen or vandalized. The report recommended an investigation of 5,000 schools from which large numbers of books were missing.<sup>6</sup> The resulting report recommended that the Ministry of Education should emphasize the importance of record-keeping to ensure that schools are accountable for the public funds they receive. A second study by the UKNAO found that approximately 40 per cent of the total FPE funds allocated to schools for textbooks had been stolen.

In addition to these findings, an audit by the Treasury (Ministry of Finance) revealed that the constituency of the Education Minister had received half of the funds, seriously damaging the credibility of the Minister (Nation 2009c, Nation 2009e). Despite these findings, the President refused to open an investigation into the role of the Minister and senior education officers in the misuse of education funds. This pointed to the lack of accountability at the top of Kenya's political system. Amid the corruption scandal, UNESCO published its Education for All Monitoring Report that said Kenya was on track to achieve universal basic education in 2015 (UNESCO 2010). However, the report advised that Kenya required the allocation of additional resources to address internal disparities. This request to the international community to disburse additional aid was surprising in light of the recent announcements of corruption, and highlighted the naivety of international reports within specific African contexts.

### **3.6 Linking corruption with ethnically-biased redistribution of education resources**

This is a clear manifestation of the misuse of public resources by the President and members of the ruling coalition to maintain themselves in power (Amadi 2009: 19). In this environment, there is very little likelihood that the government will subject itself to public accountability. In February 2010, three young Ministry of Education officers were charged with embezzling USD 89,700, concluding the legal case regarding corruption in the primary education sector. After this, the Kenyan government paid back to donors the remaining USD 560,000 that could not be accounted for and the Minister of Finance announced that the government would disburse the money necessary to ensure the continuation of

the FPE programme. Nevertheless, the public remained outraged by the lack of an independent enquiry on the education budget. The Prime Minister Raila Odinga, in an attempt to build political capital for the coming elections, took advantage of this situation and began to make public demands for the President to remove the Minister of Education and his Education Secretary to pave the way for a full investigation. If this was not done, the Prime Minister said, he would ask the government Efficiency Monitoring Unit to conduct an independent investigation.<sup>7</sup> After weeks of national debate, the President suspended the Education Secretary for three months while he was being investigated by KACC.<sup>8</sup> However, the Minister of Education – an ethnic ally of the President in the imminent elections – remained in his post.

The public reacted badly to this, especially after it became clear that the Minister was modifying the education budget to benefit his constituency. Newspapers reproduced a speech given during a political rally in his home district in which the Minister admitted to altering the primary education budget for school infrastructure.<sup>9</sup> The Minister's speech brought to light how politicians reward their ethnic constituencies by channelling a bigger share of state resources to them. The Minister's speech was widely criticized by Kenyans but despite public disapproval and calls for his resignation the Minister of Education remained defiant. He ignored his role in manipulating the budget and accused Prime Minister Raila Odinga of a political plot to discredit him. The confrontation between the Prime Minister and the Minister of Education had an important political sub-text. The latter had been included in the cabinet after his constituency voted for President Kibaki during the contested 2007 elections (see section 2.5). As part of the new cabinet, the Minister of Education was able to act with impunity and benefit himself and his constituency from state resources. At the same time, the stand-off showed how powerless the Prime Minister's position was, as he could do nothing to defend the interests of his own constituency.<sup>10</sup>

On 12 February 2010 the Prime Minister, in an effort to recover his credibility, publicly suspended the Minister of Education from his post over the loss of FPE money. The suspension was based on a report from the Internal Auditor General that laid credible foundations for the Minister to be investigated. Nevertheless, the Minister defied the Prime Minister's order and continued working. A week later the President officially revoked the decision by arguing that the Prime Minister had not consult-



ed him and the suspension was therefore unconstitutional.<sup>11</sup> The President thus showed Kenyans not only that he retained control over government decisions but also that he approved of an ethnically-biased allocation of education resources (Transparency International Kenya 2010). His position also suggested the possibility that the President, as well as his constituency, might have benefited from more resources.<sup>12</sup> The battle that ensued between the President and the Prime Minister shifted the focus of the FPE corruption scandal into an ethnic contest, in which political alliances among ethnic groups mattered more than accountability of resources. Although the political debate was not interested in establishing the extent of the diversion of education funds, it did portray ethnically-biased redistribution as one of the government bureaucracy's key motivations or *raisons d'être*.

The contest among a variety of actors belonging to the Kenyan state did not interest donors, who continued to blame the Kenyan government as a whole for the misappropriation of FPE resources. Donors announced the termination of funding to the sector without further reflection of a possible link between corruption, ethnicity-based redistribution and the increasing amounts of aid disbursed due to donors' notions of 'success' in the FPE reform. In March 2010 DFID re-directed aid worth USD 14.7 million, moving it outside of the government system and saying that this would not change until the risks of fraud were reduced.<sup>13</sup>

### 3.7 Conclusion

This chapter presented a public policy innovation as two sides of the same political process. First, donors took control of the reform of the primary education sector and allocated large amounts of aid, qualifying the reform as a success for several years. This was a significant shift for the education sector which, after the structural adjustment policies of the mid-1980s, had received little budget support for almost fifteen years. Importantly, this aid followed the new aid architecture agreements and money was disbursed with limited monitoring. Second, the reform's success proved to be illusory, as a cartel of senior government officers – very likely working for the President – were able to extract rents through their asymmetric access to information (knowing how much schools were to receive and when) as well as through their access to the same technology that had simplified resource transfers to schools. Once the



corruption became public, a political contest showed the ethnically-biased redistribution of resources to be one of the reasons behind it. Thus, these two tacit motivations – aid increases and ethnic politics – drove the policy process. This is not intended to imply that donors wanted to induce corruption. What it does suggest is that by ignoring the political dynamics of Kenya and attaching the label of ‘success’ without adequate monitoring, aid took on an instrumental role that reinforced state power. In other words, donors’ actions to reduce poverty actually reinforced an existing political system. As a result, aid linked to the education SWAp had a dual outcome: some of the money was used as a free resource to finance the patronage networks of the Kibaki government, while at the same time some funds were used to partially fulfil the goals of financing textbooks and school infrastructure.

## Notes

<sup>1</sup> See Appendix 2 for a list of interviews.

<sup>2</sup> The UNESCO Dakar Framework was a collective commitment to action, by which governments agreed to ensure that Education for All goals and targets were reached and sustained.

<sup>3</sup> More than 10 per cent of Kenya’s annual Gross Domestic Product was lost through the Goldenberg case at a time when Saitoti was both Vice-President and Finance Minister. This made him a key suspect. However, President Kibaki reinstated him after a court ruled that he could not be charged. The Kenyan media reacted negatively to the decision.

<sup>4</sup> Cecilia Odiek, Deputy Director of Secondary Education, was the only senior officer suspended. Speaking for the other 24 officers, Mrs Odiek said that they were being used as red herrings to distract public attention from the ills gripping the MoE. She dismissed the MoE investigation as a facade (Nation 2009b).

<sup>5</sup> An investigation conducted by a national newspaper found that in 2004, the MoE had sent one US dollar less for each pupil – of the total USD 13.5 stipulated per child – leading to a ‘missing’ USD 7.77 million. In 2005, schools were underpaid by USD 1.5 per pupil, thus withholding USD 11.9 million. In 2006, the under-disbursement was equivalent to USD 28.4 million. In 2007 and 2008, the MoE withheld USD 3.32 million and USD 3.36 million respectively (Standard 2010a).

<sup>6</sup> Following the results of the audit, 5,000 schools were investigated out of a total of 18,000. The Education Secretary said that the MoE had cleared 3,200 schools after establishing that their records were accurate. At the time of writ-

ing, the remaining schools were still under investigation. Some 270 head teachers were fired after failing to provide the correct information on their textbook stocks (Standard 2010c).

<sup>7</sup> Located within the Prime Minister's Office, the Efficiency Monitoring Unit is responsible of investigating scandals and making recommendations.

<sup>8</sup> The Education Secretary was suspended for three months to allow for investigations. On June 2010, he was reinstated in his post by President Kibaki, despite the fact that the investigation had not concluded (Standard 2010b).

<sup>9</sup> Kisii, one of the 42 ethnic areas in Kenya, is located within Nyanza province and is the home area of the Kisii group. This was the home area of the Minister of Education (Standard 2010d).

<sup>10</sup> Raila Odinga is the political representative of the Luo group, also located in Nyanza province and bordering the Kisii group.

<sup>11</sup> The National Accord signed between the President and the Prime Minister states that the removal of any minister nominated by a Parliamentary party of the Coalition shall be made only after prior consultation and concurrence in writing of the leader of that party. This provision was made to ensure stability of the Coalition government because both the President and the Prime Minister must agree on firing a Minister.

<sup>12</sup> The President is the national representative of the Kikuyu ethnic group.

<sup>13</sup> DFID said that it would resume funding after the government undertook an extended audit of KESSP accounts from 2007 to 2009 as only then would it be possible to have a clear picture of the extent of corruption (DFID 2010).

## 4

## Ethnicity as a determinant for the implementation of FPE

### 4.1 Introduction

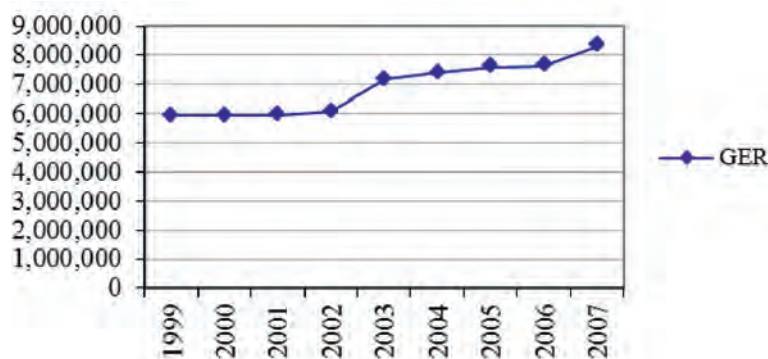
The Kenyan education system has a long history of inequality due to a trade-off between quality and price, with the best schools charging higher fees while poorly equipped and staffed schools have lower fees (Lloyd, Mensch and Clark 2000). These price differences mirror social stratification patterns, with well-off children attending the best schools while poor children are excluded from attaining education (Boyle 1999). In addition, political interests have played a prominent role in the education system by promoting a biased distribution of resources to ethno-regional areas close to the presidents (Bagaka's 2010, Wainaina 2006). Together, economic and political factors have magnified the gap between the rich and the poor. In turn, economic crises during the 1980s and 1990s reduced the ability of parents to cover education costs, leaving 1.6 million children out of school (Bedi et al. 2002). This was expected to change after the introduction of free primary education (FPE) in 2003, which opened access to all public primary schools. FPE was very popular with parents, who within a couple of weeks had enrolled 1.1 million children in public schools across the country (see Chapter 3).

Opening access to public schools triggered important changes in the ways in which the public schools operated (Somerset 2009, Yamano and Jayne 2004). As results in the Kenya Certificate of Primary Education (KCPE) tumbled, well-off parents transferred their children from public to private schools, increasing the number of private primary schools by 38 per cent, from 1,441 in 2002 to 1,985 in 2005 (Nishimura and Yamano 2008: 4).<sup>1</sup> Poor parents had only two choices: to transfer their children to the best performing public schools or to ignore the quality of the education they were receiving. Thus, three years after the introduction of FPE, there seemed to be a widespread public perception that the price–

quality ladder was back with public schools at the bottom and private schools at the top (Alwy and Schech 2004).

This chapter explores how the actors involved in the implementation of FPE negotiated changes triggered by the education reform in one Luo and one Kikuyu district. The chapter argues that to understand the implications of the FPE implementation it is important also to consider the role that ethnicity played in it. Two aspects of ethnicity are considered here: ethnicity as political power, which put Kikuyu pupils at an advantage as they were closer to the ruling elite; and ethnicity as a cultural factor that also influences family decisions about sending children to school. The chapter is divided into five sections. The following two sections explain the FPE reform from the school perspective, and describe the data collection process. The chapter then explores two key differences between the districts that were studied, before analysing the implementation process in each district. The chapter concludes by highlighting how an ethnicity-based allocation of resources perpetuates existing inequalities across these districts.

**Figure 4.1**  
*Gross Enrolment Rate (GER) in public primary schools (1999-2007)*



Source: EMIS, Ministry of Education (2008).

## 4.2 The FPE reform: the school perspective

On 4 January 2003 President Kibaki announced the introduction of FPE. The announcement was made a few days before the opening of the new academic year. At the beginning of term, the government reported that enrolment had increased by 1.1 million children compared to the previous year, placing immense pressure on public primary schools nationally (see Figure 4.1). This enrolment increase was made up of children who until this point had not been able to attend school or had dropped out because of increasing costs as well as children who transferred to public schools in order to take advantage of cheaper education.

The timing of the announcement had important implications for schools as it meant the total withdrawal of parental financial support before any government allocation had been put in place to cover the costs.<sup>2</sup> The combination of high enrolment rates and lack of resources was devastating for schools: head teachers across the country had to deal with the pressure of a huge influx of new pupils, and many schools refused to start until the government disbursed funds. Newspapers reported children sitting on stones, tins or bricks and using their laps as desks; schools were in the difficult situation of lacking enough resources to cater to the needs of the pupils. To make matters worse, instructions issued by the Ministry of Education came sporadically as policy-makers took last-minute decisions on how to solve problems caused by FPE.

It was only in July 2003 that the Minister of Education informed schools they would be given Ksh 1,020 (approximately USD 370) per enrolled student, which was to be paid in two instalments, in September and December of each year (MoE 2003b). Each school was to have two different bank accounts into which the resources would be transferred: a School Instructional Materials Bank Account to cover for the costs of learning and teaching materials; and a General Purpose Account to cover all the school's running costs. This announcement was a radical shift from the past in two major ways. First, the decentralization of resources allowed schools to make their own decisions with regard to the purchase of instructional materials. Second, to account for the resources, head teachers were required to display the funds they received on a public notice board within the school as well as to establish two parent-teacher committees – a School Instructional Materials Selection Committee (SIMSC) and a School Management Committee (SMC).<sup>3</sup>

As soon as the funds were disbursed to schools, the press started printing reports of mismanagement by head teachers, pointing to a general distrust of their role as managers of government funds. This public debate was followed by a national audit to ascertain whether or not schools had purchased the required educational materials. At the beginning of 2004, demonstrating the seriousness of its intentions, the Ministry of Education publicly dismissed 134 head teachers who had either not bought learning materials or had diverted funds to unintended purposes. The Ministry then went one step further by taking the culprits to court. The Teachers' Service Commission (TSC) Disciplinary Committee also barred these head teachers, making them unemployable in primary schools (East African Standard 2004b).

From 2004 to 2009, the Ministry of Education provided funds for the purchase of 58 million textbooks (MoE-UKNAO 2009: 6). Thus, the reform significantly increased the numbers of textbooks and other instructional materials in primary schools across Kenya (Mapenzi-Kubo 2006: 121). After what was seen as a successful implementation of the reform, the government announced in 2005 that a grant from various donor countries would be channelled through the Kenya Education Sector Support Programme (KESSP) to provide infrastructure grants for over 40 per cent of public primary schools.<sup>4</sup>

These important improvements in the school system notwithstanding, the government did nothing about increasing the number of teachers, despite the fact that existing numbers were woefully insufficient, with teachers reportedly having to deal with classes of more than a hundred students. The government's stance was the result of two factors. First, government expenses had increased after President Kibaki committed himself in 2003 to implementing the remaining phases of a teacher salary increase negotiated in 1997, in exchange for support for the FPE reform (Nation 2003).<sup>5</sup> Second, financial ceilings established by the IMF meant that the government was cautious about increasing the cost of the civil service. To partially address the high teacher–pupil ratios, the Ministry of Education and the British Department for International Development (DFID) provided a school-based training programme to help teachers cope with increased enrolment.<sup>6</sup>

High pupil–teacher ratios remained at the centre of a political battle between the Ministry of Education and KNUT (Kenya National Teachers Union), the latter estimating that 50,000 new primary school teachers

were required due to increased school enrolment and the recent departure of 13,400 teachers due to retirement (East African Standard 2004a). A World Bank study in the same year concluded that high pupil–teacher ratios were due to an unequal distribution of teachers, with more teachers being assigned to urban schools than to rural ones. The study argued that the solution was to address this inequality by moving more teachers to rural schools (World Bank 2004: 36).<sup>7</sup> After the findings were published, the Ministry of Education took no action until 2006, when – in a rare acknowledgement of the problem – the Ministry announced it would hire 5,000 teachers through its district offices to replace those teachers leaving the service through natural attrition. Although not nearly enough, the government said it was not possible to hire more teachers due to financial constraints.

The political battle was re-ignited in 2008 with the KNUT requesting a new salary increase of 50 per cent and threatening to call a national strike.<sup>8</sup> Thus, after five years of implementation, FPE remained mired in an environment of distrust between the Kenyan government and teachers. By then it had also been found that there was little transparency in how the government had allocated FPE resources. Not only had schools in Central province received more resources, but there were substantial variations in the number of textbooks held by different schools even within the same district (MoE-UKNAO 2009: 19). It was further reported that schools faced a particularly serious problem of theft, with some 5.2 million textbooks (or 9 per cent) reported as having been stolen.<sup>9</sup>

### **4.3 Data collection**

In order to explore the role of ethnicity in the implementation of FPE, data were collected in one Kikuyu and one Luo district. Semi-structured interviews were used to illuminate the manner in which the policy processes reproduced or transformed social divisions in the public primary schools of these two districts.<sup>10</sup> I collected school-level data from administrative personnel and then interviewed the head teacher, teachers, parents, pupils and members of the school management committee (SMC). By talking to these actors, I expected to find distributive decisions (regarding time, attention and resources) and information about who benefited the most from the FPE funds. The fieldwork commenced in Maragua district and then moved to Rachuonyo.<sup>11</sup> A local youth was hired as a

translator in each district to help with the interviews and explain the cultural nuances. Because the selected schools were contacted with the help of TAC Tutors,<sup>12</sup> schools knew about the visits a few days in advance and were able to request parents to attend. Nevertheless, it was not always possible for parents to come to the interviews, and on some occasions pupils were doing exams or attending sports activities.

**Table 4.1**  
*Interviews undertaken in each district*

District	Actors interviewed
Maragua	24 group interviews with teachers
	21 group interviews with members of SMC
	21 group interviews with parents
	18 pupils
	16 head teachers
Rachuonyo	16 groups of teachers
	14 group interviews with members of SMC
	12 group interviews were done to parents
	14 head teachers
	14 pupils

Source: Fieldwork 2008-2009.

I also interviewed TAC tutors, district officers and four NGOs working in both districts. In particular, TAC Tutors were a great source of information as we would visit schools together and discuss the issues affecting the primary education sector. It is important to mention that the fieldwork began nine months after the post-election violence (October 2008) at a time when schools were struggling to cope with the increase in enrolment resulting from families moving back into areas considered ‘ethnically’ secure. Also, the interviews took place at a tense time since teachers were negotiating a new salary increase and threatening to strike. It is likely that the timing of the fieldwork made teachers reflect more openly about the FPE reform than might have been the case under other conditions.



#### 4.4 Wealth differences: Comparing Maragua and Rachuonyo districts

Two different districts were selected in order to understand the differences in the implementation of FPE (for an in-depth description of each district see section 1.6.1). Rachuonyo, in Nyanza province, and Maragua, in Central province, were selected as they represent a contrast in two respects: level of wealth and ethnic proximity to the president. In terms of wealth, Rachuonyo is one of the poorest districts and Maragua is one of the richest districts in the country. This wealth differential has an impact on the education sector as it means that prior to FPE, Maragua had higher enrolment than Rachuonyo (see Figure 4.2). In addition to enrolment, higher income means that Maragua had a much better network of schools than Rachuonyo.

**Figure 4.2**  
*Net Enrolment Ration (NER) in Maragua and Rachuonyo districts (2002-2007)*



Source: Data from Nyanza and Central Provinces Education Offices (2008).

Ethnic proximity to the president represents access to more resources for Maragua: since 2003 Maragua district has received an average of USD 1 more per student per year than Rachuonyo district. Ministry of Education data from 2011 have shown that since 2003 a school in Maragua got Ksh 611 per student, while a school in Rachuonyo received only Ksh

479 per student (MoE 2011). Such differences in resource allocation were not an exception, but were repeated at province level, meaning that on average a Kikuyu student received more resources than a Luo student. Thus, although the Ministry of Education was supposed to distribute FPE resources equally, ethnic proximity to the president meant a biased resource distribution. These two key differences led to differences in the implementation of FPE in each district. Findings from the two districts are discussed below.

#### 4.5 Maragua district: The withdrawal of well-off students from public schools

Maragua was one of the first areas colonized by the British and it had a good school network built by the colonial government, missionaries and the independent Kikuyu school movement. After independence, the *harabee* school movement benefited from the increasing profits from the sisal, tea and coffee industry (see section 2.2). Access to cash crops translated into a well-developed education network (Bottignole 1984: 122). Maragua district was seriously affected by the crash in coffee prices in the mid-1980s as well as the mismanagement of milk and coffee cooperatives by the Moi government. During this time, many smallholders were forced to sell or reduce their landholdings, which increased the number of landless peasants in the area. Economic decline especially affected the education of children from landless families, who had to look for local wage labour; this in turn translated into poor children dropping out of school. Thus, the education system reflected the social divisions between landowners and landless peasants in the district (Steeves 1978:124). Interviewed parents who were either landless or smallholders recalled their struggle to pay school fees. In many instances, parents did not have enough money to pay for a full school year, so their children had to go in and out of school according to available funds, eventually dropping out to find full-time employment to help their families. A mother said:

I had a lot of problems because I did not have food to feed my children as I do not have land. My children could not finish primary education because I did not have money to pay for fees, lunch, transport and buying uniforms. My children had to work on other peoples' farms. Poor parents had to send their children back home (to work) because of necessity (Kamahuha zone, 09/10/08).

Since relatively few parents could afford to pay school fees, the average class size prior to FPE was 35 students. In addition, the children attending schools were regarded as coming from well-off families so teachers took them seriously. This changed with the introduction of FPE as poor parents stormed into the best performing schools demanding admission for their children. These schools faced an avalanche of new pupils. The new enrolment not only increased teachers' workload but made it much more complicated because of the heterogeneous nature of the student population. A teacher said:

All types of children joined the school: hungry children, street children, orphans, children from single mothers, and boys involved with the Mungiki sect.<sup>13</sup> This was a terrible year for teachers (Kamahuha zone, 2008).

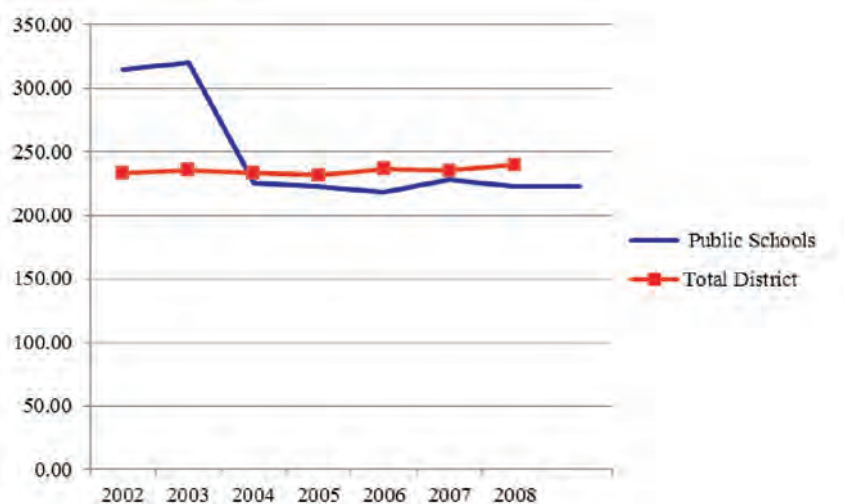
Head teachers did not approve of the changes and many refused to start the education cycle until the Ministry of Education had disbursed funds. It was only because of repeated communiqués from the Ministry of Education threatening schools who opposed the FPE policy that many public schools opened their doors to pupils from all backgrounds and ages. Despite their dissatisfaction, schools had to accept the new enrolments. A head teacher said:

It was challenging because the pupils came in mass... without uniform and without food because they thought maybe food was going to be brought. Facilities were over stretched... Since the government did not bring the funds immediately, we had to do without very many things, especially chalks (Kamahuha zone, 13/10/08).

Across the district, primary schools felt overwhelmed by the demand for places even that district statistics showed that by the end of January 2003 net enrolment had increased by only 7 per cent. According to teachers interviewed, the majority of the new enrolment was composed of children and adolescents from poorer families who had not been able to afford education at all or who had dropped out of school many years ago. There were also children of under five years old, who had been enrolled by their parents in order to avoid paying for pre-primary education. While the high enrolment rate was considered a success at the national level, the perspective was quite different at the school level. Head

teachers felt that they had lost a reliable source of funding as well as no longer being able to restrict admission.

**Figure 4.3**  
*KCPE results in public schools vs. district (2002-2009)*



Source: Maragua district (2009).

Interviews with head teachers indicated that it took almost nine months for schools to receive funding from the government, during which time schools had to manage with the little funding they had, while enrolment continued to expand. Many well-off parents were dismayed with the drop in the KCPE scores at the end of 2003 and transferred their children to private schools (see Figure 4.3). Head teachers complained that private schools followed unethical practices, ‘poaching’ the best students by offering them free education in order to increase their average KCPE grade. As the KCPE results deteriorated in public schools, the number of private schools increased. By 2007, there were 182 public schools and 115 private schools in the district.<sup>14</sup> Only one of the public schools visited during the research has been able to recover the KCPE scores achieved prior to the introduction of FPE in 2003.

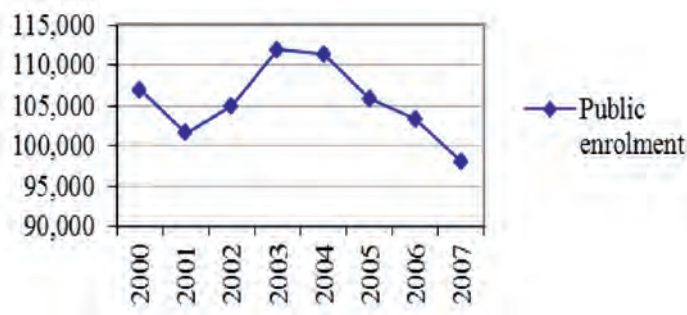
This led teachers to start a selection process in which some students were considered to be 'un-teachable'. Among the un-teachable students were the newly enrolled illiterate adolescent pupils (children over the age of 15) who were attending lower primary. These pupils were not welcomed in schools for two reasons. First, in Kikuyu tradition circumcised adolescents are considered to be adults who can no longer be moulded by schools.<sup>15</sup> Second, many of these over-age pupils combined school with work as day labourers, thus increasing school absenteeism statistics and leading to low academic performance for the school as a whole. This was a serious problem for schools as the Kenyan education system judged schools by their academic performance. A teacher said:

Over-age pupils... only come back to do the exams and this leads to poor performance as the pupils finish school with low grades as they do not intend to continue with their education (Kagundu zone, 30/10/08).

When questioned about enrolment levels, teachers mentioned transfers to other schools, but also talked about the high drop-out rates of over-age pupils (see Figures 4.4 and 4.5). Thus, not all those who enrolled in standard one made it to standard two. As the level of education went up, enrolment went down, especially in upper primary. It was mentioned that boys dropped out after they were circumcised or because they had to work full time, while girls dropped out to work as house girls, or due to pregnancy or early marriages. Together, these factors led to a decline in enrolment in public schools.

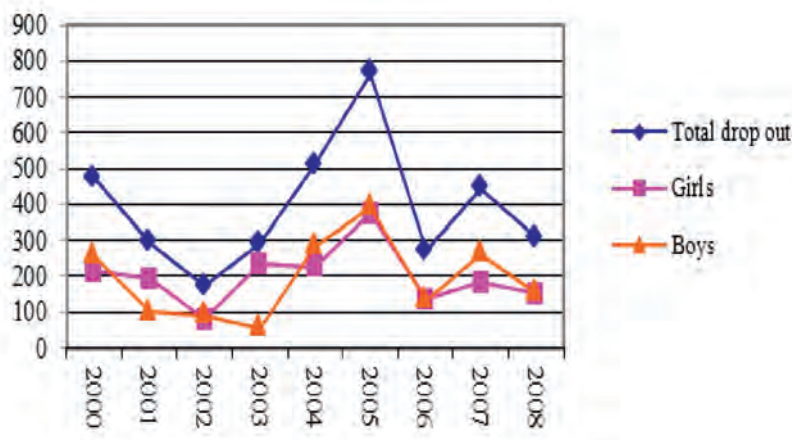
Another reason for the decline in enrolment was that teachers used discipline to make sure that 'inconvenient' pupils dropped out of school, justifying these practices by arguing that adolescent pupils put the overall performance of their school in jeopardy. Teachers' behaviour led to friction with both the over-age students and their parents. Interviewed over-age pupils said that although they worked, they wanted to continue studying until they had finished secondary education. Parents also complained that teachers treated adolescent pupils with contempt, sending them back home for any reason or forcing them to repeat grades before taking their final exams to discourage them from returning to school the next year.

**Figure 4.4**  
*Total public enrolment (2000-2007)*



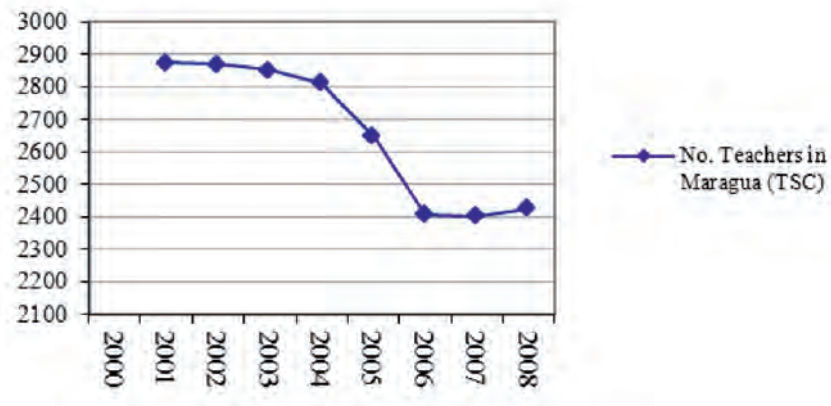
Source: Maragua district (2009).

**Figure 4.5**  
*Drop-out rates in visited schools (2000-2008)*



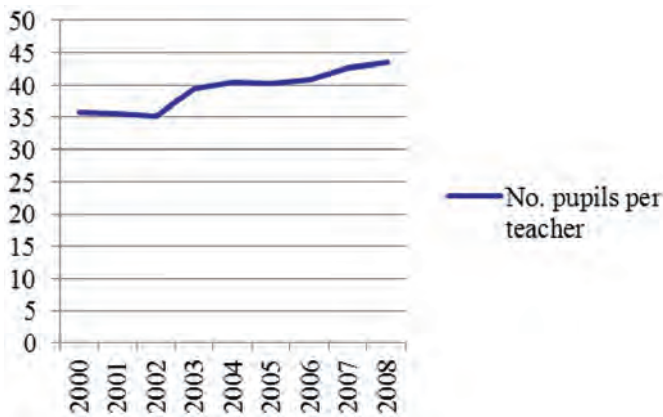
Source: Data from visited schools (2008-2009).

**Figure 4.6**  
*Numbers of teachers in Maragua district (2003-2008)*



Source: TSC 2009.

**Figure 4.7**  
*Numbers of pupils in Maragua district (2003-2008)*



Source: District Education Office Maragua District, 2009.

### 4.5.1 Conflict between Kikuyu parents and teachers

By 2006 the combination of drop-outs and transfers to private schools meant that enrolment in the district had dropped below the enrolment levels prior to FPE. Despite this, all teachers complained that the pupil–teacher ratio remained high as retired or deceased teachers were not being replaced (see Figures 4.6 and 4.7). National databases showed that since 2003, the district had lost an average of 155 teachers per year, every year. By 2009 there was one teacher for 46 students across the district, which was a significant increase from the 1:32 teacher–pupil ratio established by the Ministry of Education (MoE 2009).

Teachers complained that because of the high pupil–teacher ratios they were forced to reduce the number of tests they gave to children during class time. Teachers also said that they reduced the numbers of tests given in class to avoid having to mark them; they also admitted to arriving late in class and leaving school early in order to tend to their farms or private businesses. By not working as hard as before, teachers were openly rebelling against the FPE policy. One teacher said:

If the government does not improve the salaries, then the teachers have no incentives to improve their teaching (Kamahuha zone, 13/10/08).

This was a generalized feeling, voiced by many teachers across the district. Several pupils corroborated this finding when they said that they often marked their own exercises and in many instances they were left to read textbooks on their own. A pupil said:

School performance is not good because there are many pupils but few teachers. Teachers do not do any marking and they speak in Kikuyu, which makes the performance poor during exams (Gaichanjiru zone, 29/10/08).

Further probing showed that the lack of commitment by teachers towards their pupils was also a reaction against the changing attitudes of parents, who were perceived to be no longer interested in the school's performance. Teachers justified this perception by saying that parents no longer paid for additional tuition classes nor recognized the effort of teachers by giving cash gifts to the teacher whose class got the highest KCPE scores. This complaint towards parents was repeated even though



teachers recognized that pupils came from poor families and could not contribute much to school. To address the tension between parents and teachers, TAC Tutors and school inspectors mentioned that they often 'sensitized parents', encouraging them to give money to schools in order to improve performance; however, more often than not, parents refused to pay, arguing that President Kibaki had made primary education free. A teacher said:

Parents do not get involved any more in school affairs because they are not paying. Before, parents use to come to school to quarrel with the head teacher about finances, now there are no finances to quarrel about. They seem to be interested when we fail: when the performance is poor they go shouting to each other about it. If we do progress well they are contented that work is being done (Muthithi zone, 04/11/08).

Teachers resented the change in the role of parents within school life. They felt that parents were deliberately avoiding anything to do with the schools and this had an impact on their morale. One teacher said that she wanted to go back to the time prior to FPE, when parents followed their children's performance and valued teachers' work. Nowadays, she said, parents even avoid coming to school meetings as they fear they will be asked for money. Furthermore, the teacher explained, the fathers send their wives to school meetings, although in Kikuyu culture women are not expected to participate in any public meetings. This comment reflects a generalized teacher perception regarding the loss of social status of public schools.

#### **4.5.2 Decentralization of resources and school robberies**

The parents' circumscribed engagement with school affairs also meant that they were not really involved in monitoring the funding decisions regarding FPE funds. Thus, the head teacher was left with the freedom to manage school finances. As a result, teachers said that not all classes had an adequate number of textbooks per pupil (one textbook per three students in lower primary and one textbook per two pupils in upper primary) even though teachers considered the books to be very important for the learning process. Teachers also said that classrooms were built to low standards, lacking cemented floors, plastered walls or window panes. Suspicion of corruption further demoralized teachers, who compared

their poor salaries with the considerable resources head teachers had access to. The notion of being 'worse-off' was mentioned repeatedly. Most teachers and district officers had suspicions regarding how head teachers were managing the funds; they blamed the head teachers for the decline in school performance as they were no longer concerned with establishing an appropriate learning environment or improving the morale of the teachers. Rather, head teachers were perceived as focusing on the management of FPE funds. Of course, not all head teachers were poorly rated, but there was a generalized perception amongst teachers of poor accountability of FPE resources.

In general the monitoring of resources was indeed poor; even the Ministry of Education did not know the number of classrooms built in the district over the previous five year period. Other accountability mechanisms established by Ministry of Education – such as asking the head teacher to publicize information about funds on a public notice board or asking parents to monitor the funds – had clear limitations, as few parents had the social standing to be able to question the head teacher. A quarter of teachers interviewed (working in four of sixteen schools) openly accused their head teachers of defrauding their schools. In one of these schools, a teacher said:

He is always out, and takes the keys of the school with him. The corruption has been going on for the last four years, and as a result the school has no textbooks and classrooms have been constructed following sub-standard procedures (Makuyu zone, 15/11/08).

When asked why they had not reported this, the teachers answered that the head teacher had powerful 'patrons', like the local Councillor, who would protect him and who benefited from illegal handling of textbook resources. A teacher further reflected that informing the district would not make any difference as the head teacher bribed auditors to approve the school's accounts. This teacher also noted that other education officers also got a percentage of the FPE funds as the head teacher contributed to the annual expenses of TAC Tutors and school inspectors. He thought it was likely that district education officers also got money from the head teacher. He said:

After all, Ministers and politicians are eating billions because they are the big fish. The head teachers are small fish but they keep eating money from schools (Kamahuha zone, 17/06/09).

However, it was not only head teachers who benefited from FPE funds. All the schools in Central province were affected by systematic robberies including schools in Maragua which were hit several times. All the schools visited had lost textbooks through robberies which had taken place since the introduction of the programme in 2003, with some schools reporting that they had been robbed three times in a single year. A head teacher said:

The school has been robbed twice in my time. Once they broke the door, the second time they came in through the roof. (The second time) they took the teachers' reference books (Makuyu zone, 15/10/08).

Robbery was a profitable business because stolen textbooks could be easily sold at second-hand book stalls or in markets. The nature of the robberies made it possible to believe that, as in the past, the Mungiki sect – a violent armed gang – were working for senior Kikuyu politicians, who were ultimately benefiting from the FPE resources distributed to the district (Muhula 2009: 94). All of these factors – lack of monitoring, corruption and rampant theft – meant that pupils did not have enough textbooks or were given old books. A pupil complained that although children in the year above her all had textbooks for the four main subjects her class did not have any. She said:

Pupils are forced by the head teacher to sign a form despite not receiving any textbook. There are 32 pupils in my class and (we have) only six textbooks as teachers give books to their favourites (Makuyu zone, 16/11/08).

Despite all of these problems, parents who kept their children in public schools repeatedly stated that they appreciated that their children could attend school even though academic standards were low. A mother said:

It is good because dropouts came back, and even for those children that cannot afford secondary they know how to read and write. FPE is good for pupils, as children from poor and rich families are in school and they feel they are equal (Kigumo zone, 17/11/08).

In sum, the role of ethnicity in the implementation of FPE affected the parent–school relationship in two ways. First, poor Kikuyu youth

accounted for the bulk of public schools enrolment as well-off parents moved their children (and their financial contributions) to private schools. Second, although Maragua received more resources due to its proximity to the ruling elite, some of these resources were lost due to school robberies linked to the ruling elite. These two factors, combined with lack of teacher support for the reform, led to a relative decline in the quality of education in Maragua schools. Nevertheless, parents and children attending public schools felt that they had benefited from FPE despite the textbook robberies and the drop in academic performance.

#### **4.6 Rachuonyo district: Parent contributions to school finances**

The primary education sector in Rachuonyo district is comprised of many small schools that were built by clans to cater for their children. Education is highly valued as it is seen as one of the few routes out of poverty, opening the door to employment in urban areas and abroad. Because of this, clan elders pool resources to fund schools, knowing that once the best students graduate they will contribute to the financial development of their clans. Not only is education a channel for reinforcing kinship ties, but the resulting Luo professionals – such as university lecturers and senior civil servants – are objects of great local pride. On average, schools in the district have a school population of less than 330 pupils, compared to 1,000 students per school in Maragua. Parents take more of an interest in the performance of their school, and pride in the success of the pupils. In turn, educated and successful members of the clan are involved in providing financial support to their schools. Respected and well-off community members are invited to become part of the school board and, more recently, the School Management Committee (SMC). Exemplifying the close networks she has with the school, an SMC member said:

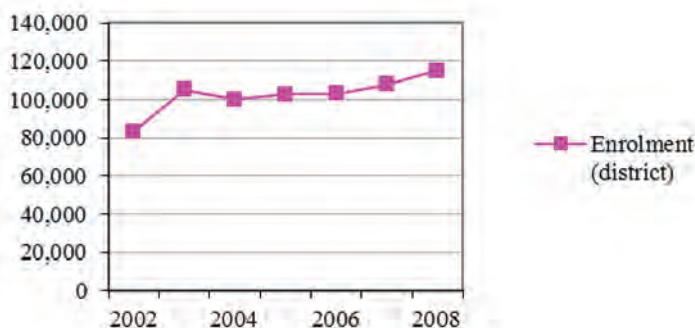
The community elected me because I am a nominated councillor. They felt that I could represent them and that is why I was made the chairlady. I have 3 daughters who live in America. All of them send money to the school because this was their primary school (Kendu zone, 05/03/09).

Parents put a lot of pressure on teachers as they want to see as many children as possible reaching university. Teachers in Rachuonyo have a reputation for being more dedicated than their colleagues in neighbouring districts. In addition, clan schools are intensely competitive and parents tend to move their children (and their financial contributions) to the best performing schools. A head teacher said:

If this school has a KCPE of 268, and a neighbouring school has 270 or 280, then parents take their children there (Miri zone, 09/03/09).

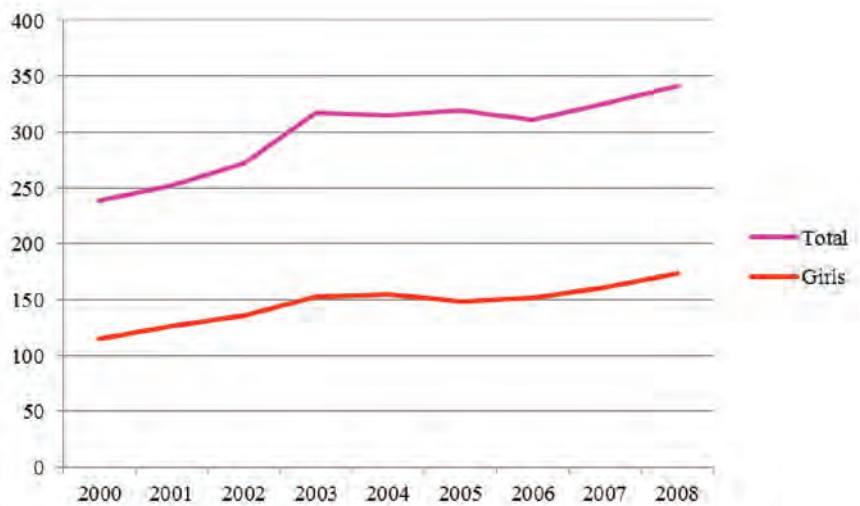
When FPE was announced in January 2003, Rachuonyo district had good school performance but poor infrastructure; schools were not made of permanent building materials, were overcrowded and lacked latrines. The poor infrastructure and high levels of poverty caused many children to drop out of school.<sup>16</sup> FPE made a huge difference in enrolment levels. By the end of 2003 the district had seen a 64 per cent increase in enrolment both for boys and girls (see Figures 4.8 and 4.9). The increase in enrolment has continued since then, reflecting the importance attached to education by parents in Rachuonyo. This is a characteristic of Luo districts where education is perceived to lead to an ‘altogether different world of increased financial reward and enhanced social status’ (Wilson 1994: 205 quoted in Cotts 2000: 732).

**Figure 4.8**  
*Enrolment in Rachuonyo district (2000-2008)*



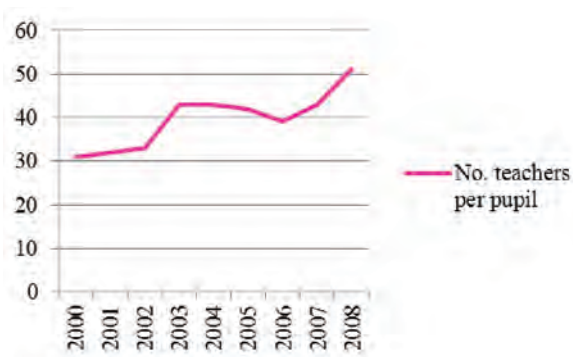
Source: Data collected from District Education Office (2009).

**Figure 4.9**  
*Increase in girls' enrolment in visited schools in Rachuonyo district (2000-2008)*



Source: Visited schools in Rachuonyo (2008-2009)

**Figure 4.10**  
*Teacher staffing data in visited schools (2000-2008)*



Source: Pupil-teacher ratios collected from visited schools (2008-2009).

The new enrolment level put pressure on the schools; together with a simultaneous decline in the number of teachers, it raised the pupil–teacher ratio (see Figure 4.10). Continuous enrolment increases, together with high parental pressure for good results and high teacher attrition rates have forced teachers working in Rachuonyo district to teach more than one class at the time. The majority of teachers interviewed (80 per cent) mentioned that they had to move from one class to another throughout the day in order to cover most subjects in all classes.

By 2008, a teacher in Rachuonyo looked after more than 50 pupils. Teachers argued that their salary did not compensate for the increased workload; they also complained that there were fewer promotions available after FPE. As a result, teachers saw FPE as a political move that, because of poor implementation, did not benefit schools. This perspective was also shared by the district officers. A province education officer said:

There is no quality. This is because FPE was a political gimmick rather than planned. It is not free (parents pay with taxes) yet there is no money set aside for improving infrastructure and the high pupil–teacher ratio (Kisumu, 15/03/09).

This comment highlights the fact that schools in the district had less access to financial resources than in Maragua district. In response to increasing pupil–teacher ratios, teachers in Rachuonyo district also exercised discretion over who was judged to be teachable. They did not mask their low regard for over-age and orphan pupils; they did not encourage over-age pupils to attend school on a daily basis as they were thought to promote disruptive behaviour and influence younger pupils to waste time at school. Orphans were also categorized as trouble-makers who dropped out of school to engage in transactional sex to earn money. A teacher said:

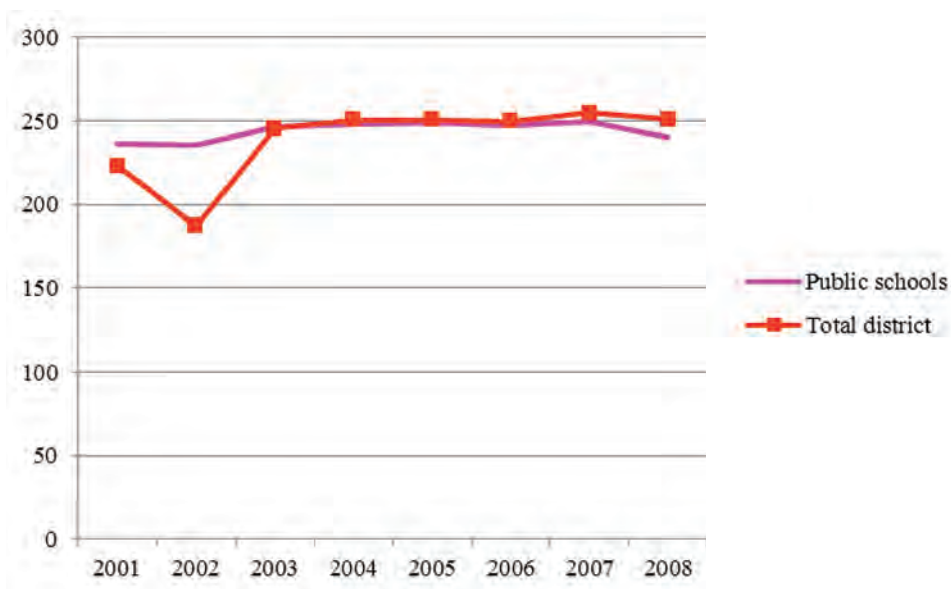
The grandparents support them... when we (the teachers) tell them about it they take no action and feel that we (the teachers) are interfering. They engage in sex as early as 12, 13 or 14 years of age (Got Oyaró zone, 04/03/09).

Teachers explained that orphan children were always hungry and mistreated, and forced to work to survive. Orphans were also thought to lose concentration easily and not do well in exams. They came from

poor families who were not able to contribute to the school. All of these factors meant that teachers saw orphans as a problem. Such attitudes have to be contextualized within a situation of very low teacher numbers, as by 2009 the district had lost 20 per cent of its teaching force. Most schools visited mentioned having an average of seven official teachers looking after 300 students. The limited number of teachers put great pressure on schools. A head teacher said:

In 2008, almost all teachers had left the school. During the first term I was left alone with another two teachers. In the second term, parents hired two more teachers, making it five teachers in the school. One of these teachers was trained, but he was paid Ksh 2,000 per month (approx. USD 31). In 2009, the TSC sent two more teachers, so now we are OK as there are seven teachers for eight classes (Ober zone, 11/03/09).

**Figure 4.11**  
*Comparison KCPE results in visited schools and district average (2000-2008)*



Source: Data from visited schools, Rachuonyo district (2009).



Informal teachers were often used; these are secondary school graduates who work in schools to earn money while they look for other, permanent employment. Informal teachers are not ideal as the low salary means they do not stay in a school for long or work full time. Nevertheless, understaffing makes them essential for the functioning of rural schools. In these circumstances, constant financial support from parents was crucial: they paid the salaries of informal teachers. Thus, and in contrast to Maragua district, parents in Rachuonyo continued paying despite the introduction of FPE. This meant that parents retained some influence over the school: parents ensured that teachers attended their lessons and did not miss classes as much as in Maragua district. This parental engagement remained despite a drop in the KCPE results (see Figure 4.11). The combined effect of strong parental involvement and high levels of poverty (stopping parents from transferring their children to private schools) meant that schools in Rachuonyo district had better scores than the better funded schools in Maragua district.<sup>17</sup>

When asked why they continued to finance schools, parents answered that despite high levels of poverty Luo schools did not expect much from the central government in the first place.<sup>18</sup> There was a common perception that although FPE was still operating, it was very likely that the support would not last long or that the school would receive an inadequate resource allocation. Therefore, parents continued paying to make sure their children were educated, always anticipating the day when the government would withdraw support, as it had done in the past.

#### **4.6.1 Rachuonyo teachers: Low expectations towards the central government**

Like the parents, Luo teachers do not expect much from the government. This attitude is not surprising in light of the serious understaffing that affects not only schools but also the district staff. Perhaps because of this, teachers were much more appreciative of the additional resources given through two components of the FPE reform. In-service teacher training in particular was said to be beneficial as it had helped teachers improve themselves in the subjects they taught. Teachers referred to earlier training in English, Mathematics and Science as well as the 2003 training in Guidance and Counselling and Kiswahili. It was said that the training had not only helped teachers in their daily work but was a

recognition of the hard work of the best teachers with schools paying for the training costs of those selected. A teacher said:

I trained as a Key Resource Teacher (KRT). The school paid for me to go. I was selected because I was teaching Maths. Nowadays, I look after the Standard 8 candidates who are about to graduate (Ober zone, 11/03/09).

Nevertheless, teachers complained that the number of promotions had decreased considerably since the introduction of FPE. It was said to be very expensive to give bribes to district education officers in order to find out when interviews would take place with promotion boards. All teachers agreed that better access to textbooks had had the greatest impact on school life as it made education more interesting for the children. Pupils agreed that textbooks were very important, helping them to learn and work on their own. A pupil said:

Before I got a textbook I could not write. Textbooks are important because they help you to remember things (Kandige zone, 04/03/09).

Teachers in Rachuonyo district have low expectations of the government and thus, ironically, were more appreciative of the extra resources provided to their schools via the FPE reforms. Extra teacher-training and more textbooks were seen to be particularly important.

#### **4.6.2 The attitude of Luo parents towards mismanagement of resources**

Although there was greater access to textbooks, most head teachers were seen as mismanaging the funds for infrastructure. For example, the schools visited had dilapidated classrooms: when asked why this was the case, parents and teachers alike blamed head teachers. Interviewees suggested that the mismanagement of funds was widespread and included all FPE funds.

As was the case in Maragua district, the FPE made head teachers the gatekeepers of school financial resources. The decentralization reforms made head teachers accountable to parents or district officials. In Rachuonyo district, although head teachers were expected to publicize the FPE funds their school received, they avoided doing so in the public

arena, preferring instead to post the figures inside their offices. In most cases these figures were not clear and were rarely updated. Also, head teachers selected members of the SMC and SIMSC. Although not all head teachers engaged in corruption, those who did not were the minority. In the majority of schools visited (10 out of 16) either the current or previous head teachers had co-opted members of the school committees to misuse funds.

Parents closely followed the delivery of textbooks and tried to make sure their children had the books they needed, but it was not always easy to hold head teachers to account, especially when they teamed up with members of the SMC. As a result, children did not always have the right number of textbooks. A teacher said:

The former head teacher was not buying textbooks. There was no SIMSC in the school. Instead, he was paying Ksh 200 to each member of the SMC and more to the SMC chairman (Ringa zone, 11/03/09).

Teachers could not do anything about corruption without jeopardizing their jobs. Instead, they relied on communities to take action. Usually one of the senior teachers would notify the clan elders about the corruption. The teachers then waited to see how community leaders would address the issue with the head teacher. If parents and the community were not able to resolve the issue in an amicable way, then the head teacher might be locked out of the school by the parents until he or she was transferred. Cases of corruption sometimes fractured the support of the community towards the school, for example if the co-opted committee members, themselves influential within the community, refused to get rid of a corrupt head teacher. Furthermore, even when communities reacted against corruption there was no guarantee that the district officers would follow the case. On many occasions, parents complained that nothing had happened to corrupt head teachers as they had false receipts for everything. Instead, head teachers were transferred to other schools without having gone through a proper investigation. A TAC Tutor said:

The corrupt head teacher was transferred to a school close by... The checking has not happened because auditors are compromised with Ksh 3,000 to 10,000. If auditors are found to be corrupt, they are only transferred to another area (Ayiengo zone, 09/03/09).

This comment highlights how the redistribution of resources is shared between the head teachers and the district officers. Teachers are the main losers of this distribution network as they witness the head teacher becoming wealthier while they have no opportunity to share in these additional resources. Widespread corruption has led TAC Tutors and school inspectors to stop visiting those schools involved in corruption disputes, as they know that it is impossible to take these cases to the district office; all they can do is to smooth over the situation and keep the peace, without having any real effect. The decentralization reforms thus seem to have disrupted the education system by reducing supervision from both the provincial education offices and the headquarters of the Ministry of Education.

In sum, although FPE has improved access to school resources, poor monitoring has led to considerable wastage and to wider problems. Teachers and parents agree that the FPE money should not be left in the hands of the head teacher as the corruption which so often results interferes with school performance. Teachers are demoralized when a head teacher is accused of corruption, not least because they have no access to these resources themselves. By giving head teachers the responsibility for managing these funds, the Ministry of Education has effectively eroded the learning process in Rachuonyo district. To some degree, the lack of resources has been counter-balanced by the close relations between parents and schools which in many cases have led to monitoring of academic performance and financing of poor students who are performing well. However, this form of kinship solidarity was not universal and in some circumstances excluded girls and orphans.

## 4.7 Conclusion

In 2003, the Kenyan government introduced free primary education. This announcement triggered a number of reforms – the abolition of school fees, training for teachers, the national distribution of instructional materials, the expansion of the school infrastructure programme – and an increase in resources that changed the manner in which public primary schools operated. In particular, these reforms significantly increased the number of textbooks available in public schools. However, the reforms did not increase transparency in the use of FPE resources or address the high pupil–teacher ratios resulting from increased enrolment.

Declines in the pupils' grades led well-off parents to move their children to private schools with a potential impact on long-term equity. This chapter has argued that to understand the implications of FPE implementation it is necessary to consider the relationship between ethnicity and educational inequality. To do this, the chapter investigated the implementation of the FPE policy in two contrasting districts: a richer Kikuyu district and a poorer Luo district. The chapter found that although teachers in both Maragua and Rachuonyo shared negative attitudes towards the FPE reform, the implementation of the policy varied enormously.

Prior to FPE, Maragua district had high enrolment due to low poverty rates. After the reform, well-off parents resented the access–quality trade-off and moved large numbers of children to private schools. Those who remained in the public schools which were visited during the fieldwork were poorer, over-age pupils who had to work part-time to supplement their families' incomes. On the one hand, this shift was interpreted by teachers as a loss of social status. Because of this interpretation, teachers in Maragua exercised their discretionary power and unilaterally reduced their work-load. On the other hand, poor parents understood FPE as the gift of a Kikuyu president concerned for their needs and drastically reduced their involvement (including financial contributions) in public schools. Although Maragua schools received more funds than other districts, they also lost resources through systematic robberies which in some cases involved the head teacher, the textbook sellers and an armed gang linked to local politicians. Thus, corruption is likely to have reduced the advantageous position of Kikuyu children living in the district.

In contrast, Rachuonyo district had high poverty rates and, prior to the FPE reform, low enrolment rates. After 2003, many more parents enrolled their children in public schools, leading to high pupil–teacher ratios and stretching the limited financial resources received from the Ministry of Education. In this context, parents remained closely involved in providing financial support to hire untrained teachers, while closely following the academic performance of the schools. Despite the high levels of poverty in the district, parents compensated for the insufficient resources received from the Ministry of Education. This involvement has political undertones as Luo parents understand they will never get enough from a Kikuyu government. As a result, Luo parents interviewed

appreciated the little they could get from a government they distrusted. It is also because of this distrust towards the government and its bureaucracy that parents in Rachuonyo took matters into their own hands when they felt that the corrupt practices of head teachers were affecting the academic performance of their children. Indeed corruption was one of the few similarities shared by both districts. Significant amounts of funds were diverted through bureaucratic networks including the head teachers, the district administration and a cartel of officers in the Ministry of Education headquarters. However, the misappropriation was much higher in Maragua, thanks to the robberies, than in Rachuonyo district. Furthermore, corruption proved donor assumptions – that head teachers would be honest and that parents would be able to monitor school funds – to be wrong. These results, although not a complete picture of inequity of education in Kenya, this chapter points to the need to examine the implementation of FPE from a qualitative (rather than quantitative) perspective in order to understand the different challenges faced by Kenyan schools.

## Notes

<sup>1</sup> In contrast, the number of public schools rose by only 1.6 per cent from 17,589 in 2002 to 17,864 in 2005.

<sup>2</sup> Before the reform, parents covered all school costs apart from teachers' salaries.

<sup>3</sup> Prior to the disbursement of funds, the Ministry of Education provided procurement and financial management manuals to all schools; it cautioned head teachers about falsifying enrolment figures in order to get larger amounts of money saying that inspectors would be deployed to verify the facts at each school (Nation, 4 April 2003).

<sup>4</sup> The SWAp donors together with other country donors gave Kenya a USD 14.4 million grant to improve water and sanitation facilities in selected primary schools.

<sup>5</sup> The 1997 salary agreement involved a 150 per cent salary increase for teachers implemented in five phases. However, up to 2003 only 35 per cent of the increase had been given as the government claimed it did not have enough money to honour the remaining amount.

<sup>6</sup> Teachers participated in this training believing it would help them achieve promotions. However, since the training had involved 50,000 teachers (or 25 per cent of the teaching force), promotions would have been far too expensive.

Instead, the Ministry of Education awarded in-service teachers with 20 credits to help them when interviewing for a promotion.

<sup>7</sup> Using data from 1995, the World Bank estimated a 3.3 per cent attrition rate per year, mainly due to deaths, which they thought would be covered with new graduates from teaching colleges. This meant that the study underestimated the existing attrition rates to support the Bank's anti-recruitment position.

<sup>8</sup> Colclough and Otieno (2010: 56) show how by 2008 inflation had eroded teachers' salary by 50 per cent.

<sup>9</sup> It is important to note that this estimate is based on school reports from a postal survey undertaken in 2009 as no systematic audits were conducted.

<sup>10</sup> The first phase took place in November and December 2008 in Maragua district where 24 schools were visited. The second phase took place in March 2009 in Rachuonyo district in which 16 schools were visited.

<sup>11</sup> See Appendix 3 for a list of interviews.

<sup>12</sup> TAC tutors are the education officers close to the schools in charge of mentoring teachers and monitoring the quality of education provision.

<sup>13</sup> Mungiki is a criminal gang of Kikuyu youth.

<sup>14</sup> Private schools underwent exponential growth in Central province, increasing from fewer than 500 in 2003 to more than 1,400 in 2008 (MoE 2008).

<sup>15</sup> The circumcision ceremony takes place when children are between 10 and 15 years old, after which the child is recognized as a full, responsible adult and member of the tribe. This is a ceremony of great importance for the Kikuyu.

<sup>16</sup> The district has poor nutrition as families engage in subsistence agriculture and fishing. The absence of adequate toilets aggravates the health situation, encouraging the diffusion of HIV infection and epidemics (typhus, cholera, malaria and bilharzia).

<sup>17</sup> In contrast to Maragua, by 2007 Rachuonyo district had 324 public schools and 16 private schools.

<sup>18</sup> The interviews took place at the end of 2008, after the post-election violence had displaced many Luo children originally living in Nairobi back to Nyanza province.

## 5

## Kenya's Adoption of the World Bank HIV/AIDS Policy Package

### 5.1 Introduction

In the 1980s, the World Bank became involved with the HIV/AIDS epidemic through its reforms of the health sectors of developing countries. Between 1988 and 1997, the Bank gave USD 500 million to HIV/AIDS projects launched in parallel with wider health reforms (World Bank 2005a). As prevalence rates continued to increase in the African continent, the HIV/AIDS projects were deliberately separated from health reforms – which were regarded as top priority – because HIV/AIDS could not be addressed without first improving health outcomes in Africa (World Bank 1994a). However, the high prevalence rates by the end of the 1990s, with more than 30 million people infected in sub-Saharan Africa, forced the Bank to rethink its position towards the epidemic. In 1999, the Bank distilled a decade of experience from country-based responses into an HIV/AIDS policy model called the Multi-Country HIV/AIDS Programme, or MAP, which considered HIV/AIDS a developmental rather than a health-sector problem and encouraged countries to request loans and to adopt a specific institutional approach to deal with the epidemic. This 'policy package' was exported to countries that received the loans. Kenya and Ethiopia were the first African countries to adopt the MAP policy package. After 'successfully' piloting MAP in these two countries, the World Bank started offering MAP loans more widely. By 2010, MAP had been adopted by 35 of Africa's 53 countries. All these countries had established a national coordinating body that directed funding to civil society organizations for HIV/AIDS prevention and care (World Bank 2010b).

The widespread adoption of MAP shows the dominance of the World Bank over the HIV/AIDS response in Africa as it enforced a particular way of dealing with the illness (Harper 2005). Literature which



focuses on the impact of MAP on African countries either supports or criticizes the policy based on its results (see Harman 2009, O'Manique 2004, Patterson 2006), but little has been said about how African governments negotiated the policy package. Was it an imposition or was it the result of a negotiation process between government officers and World Bank staff? To answer this question, this chapter looks at the Kenyan HIV/AIDS policy process. Because of the pervasive corruption involved in the Kenyan case, particular attention is paid to the challenges posed with regard to the allocation of resources.

The chapter is based on 18 in-depth interviews undertaken between 2008 and 2010 in Nairobi with senior government officers, health practitioners, donors and international consultants involved in the sector.<sup>1</sup> The interviews focused on how HIV/AIDS policy was negotiated between the World Bank and Kenyan government officers in order to identify internally and externally driven policy components. Gathering information was difficult for two reasons. First, donors were preoccupied with providing information that would highlight their response to the National AIDS Control Council (NACC) during the corruption scandals that took place in 2003 and 2005. Second, after audits in 2006 found that NACC staff had been involved in the mismanagement of funds, most senior and middle-level managers were fired. As a result of this staff turn-over, current NACC officers lacked institutional memory. To address this gap, I consulted all public materials published by NACC since its inception. In 2009, an interview with a senior World Bank officer who was part of the design of MAP provided my first insight into how the World Bank introduced the HIV/AIDS policy. In 2010, further in-depth interviews with HIV/AIDS consultants helped triangulate the information given by the senior World Bank officer. More information became available after July 2010 when the World Bank passed its 'Access to Information Policy' that made public all project documents. This new policy allowed me to access project documents for HIV/AIDS as well as documents related to the loans granted to Kenya.

The chapter is structured as follows. The following (second) section describes how World Bank involvement resulted in the establishment of the National AIDS Control Council (NACC). The third section explains the role of this policy in President Moi's administration. The fourth section details the renegotiation that took place between the World Bank and the Kibaki government. The fifth section explains how fighting cor-

ruption in the sector became the main objective of the World Bank after a dubious 'successful' implementation of the first MAP loan. The sixth section describes how the World Bank lost dominance in the sector despite retaining control over NACC. The final section reflects on the dynamic nature of the policy process and the role of aid within it.

## 5.2 World Bank involvement in Kenya's HIV/AIDS epidemic

In 1984, the first case of AIDS in Kenya was reported in the East African Medical Journal published by the University of Nairobi. From 1985, as part of wider health reforms, the World Bank provided technical support and resources to enable the Ministry of Health to introduce two five-year plans (1985–1990 and 1990–1995) that sought to prevent new HIV infections through blood screening and early diagnosis of sexually transmitted diseases. The World Bank position was very different to that of the Kenyan government led by President Moi, who considered HIV/AIDS to be a disease of sexual deviants and prostitutes (Okuro 2010). The president used state-controlled radio to ask citizens to uphold good behaviour, good morals and to abstain from careless sex.<sup>2</sup> The president also 'protected' the tourism industry (and its profits) by controlling information about the spread of the epidemic.

However, ignoring the epidemic did not make it go away and by the beginning of the 1990s HIV/AIDS patients occupied 20 to 30 per cent of hospital beds across the country (Ogot 2004). The rising number of illnesses and deaths from AIDS across the population provoked pressure from business, the media, NGOs and professional societies for clear policy directions from the government (Forsythe *et al.* 1996: 5). In April 1993, and following World Bank advice, the government declared the epidemic a national crisis during the first Conference on AIDS. Following this announcement, the World Bank provided funding and technical support to open a new department within the Ministry of Health to deal exclusively with HIV/AIDS and sexually transmitted diseases. The department was called the National AIDS/STD Control Programme (NASCOP).

Once NASCOP was operating, the World Bank offered a new loan of USD 52 million to fund the HIV/AIDS policy response. Following the Bank's lead, the Kenyan government, together with other donors, increased the NASCOP budget to USD 65 million. This was the largest

amount allocated in Kenya to fight any single disease. Because of the strong World Bank influence, NASCOP incorporated the latest thinking based on neo-liberal philosophy, which meant working closely with civil society as well as reducing public expenditure. This required the Ministry of Health to give grants to NGOs, and to focus on prevention through information campaigns on sex education as well as offering counselling and testing services. By so doing, the NASCOP projects moved away from a traditional health approach into a more 'developmental' approach which took into consideration the social determinants of infection transmission and which was considered more cost-effective than providing treatment.

This unconventional approach brought problems for the Ministry of Health, which was denounced by religious groups for going against Christian values. Because of the close relationship between President Moi and many religious groups, the government exerted pressure on NASCOP to stop the information campaigns. In addition, requests to fund NGOs were ignored by the Ministry of Health: payments were delayed or not made at all. All of these issues made the World Bank rethink its approach to the implementation of the HIV/AIDS policy in Kenya (World Bank 2001, World Bank 2002). A donor officer said:

It was very difficult for the Ministry of Health to channel money to civil society organizations. They wanted to control the money. The budgets were different (from providing health care) and the mandates of what they were expected to do on HIV/AIDS was very different (Nairobi, 09/04/2009).

As a result of this opposition from the Ministry of Health towards NASCOP projects, the World Bank sought other institutional channels for the implementation of the HIV/AIDS policy response. Realizing that any new body would have to be highly placed (above the Ministry of Health), the Bank began to develop a legal basis for a new organization that would focus on coordinating HIV/AIDS programmes across different sectors as well as scaling up HIV/AIDS prevention campaigns. The World Bank, together with the British Department for International Development (DFID) and the Joint United Nations Programme on HIV/AIDS (UNAIDS), provided support to the director of NASCOP in writing a new policy framework for the non-curative aspects of HIV/AIDS. This collaboration resulted in a policy framework that ar-

gued for prevention (instead of treatment) as it was less expensive than treatment and if successful would reduce the socio-economic costs of the epidemic. The policy followed a developmental approach that required the Kenyan government to work together with different Ministries – such as the Ministry of Transport, Communication, Education, etc. – rather than focusing on health alone. Because the multi-sector response involved several government departments, the policy framework recommended the establishment of a new parastatal body to coordinate it, the National AIDS Control Council or NACC. The new body was to operate autonomously and be led by a chairperson appointed by the President. The policy framework also recommended a decentralized structure for the delivery of preventive services and the creation of partnerships between government departments, civil society organizations, people living with AIDS and the private sector. In all these aspects, the policy framework mirrored the thinking of the World Bank. In 1997, and thanks to donor lobbying, the Parliament approved the HIV/AIDS policy framework, which became Sessional Paper No. 4 of 1997. However, the policy was not acted upon as President Moi was worried that openly addressing HIV/AIDS would affect him during an election year.

After the elections, the World Bank and DFID started lobbying once again for the establishment of NACC. Around the same time, however, the IMF suspended loans to the Moi government due to increasing governance concerns and lack of progress in the investigation related to the Goldenberg scandal (see section 2.4). This put the World Bank lobbying for the establishment of NACC on hold. By 1999, negotiations resumed as President Moi softened his stance towards donors' agendas. It was due to these 'reform-oriented' changes that the IMF, the European Commission and the African Development Bank decided to resume lending. At this point, the World Bank country-director arranged a meeting with President Moi to discuss HIV/AIDS, at which President Moi promised his support. A donor officer said:

The World Bank country director had access to the President himself and told him this could not continue... he gave the president calculations of how many people were affected and how many people were dying every day. And that was a shock to President Moi. He had not realized the problem he had on his hands. He finally accepted the disease, and said 'OK; write what I need to say'... This is the story behind

the scene but very few people know actually what happened (Nairobi, 09/04/2009).

The presidential response was a particular relief to the World Bank Kenya office, as there was increasing pressure from World Bank HQ to 'sell' to African countries the HIV/AIDS loans. After the approval of Kenya's first MAP loan, World Bank officers started to prepare Kenya's national strategic plan and the hiring of NACC staff. The World Bank was the centre of the institutional arrangements, providing an external policy model, lobbying and providing funding if it was implemented. A donor consultant said:

NACC was formed by the World Bank. It was the World Bank who came up with the idea of a supra-ministry organization dealing with HIV/AIDS. They linked Kenya HIV/AIDS Emergency Response Programme (KHADREP) to the Office of the President and promised to fund it, with the condition that the government set up NACC (Nairobi, 17/06/2008).

Despite World Bank control over the policy process, the implementation was negotiated with the Kenyan government. President Moi requested NACC to focus its grant allocations at the constituency level. This request generated debate within the World Bank as the constituency was not an administrative level but part of the political structure managed by Members of Parliament (MPs). Constituency offices did not have administrative or financial personnel. However, the Office of the President would not compromise on this point, arguing that, since the fight for HIV/AIDS required political commitment, support could only come from the President and the MPs. Finally, the World Bank officers included constituency committees as part of the NACC structure: this was an important concession to the Moi government as it meant that NACC would not have mechanisms to stop interference by MPs in the grant-allocation process. In other words, the likelihood that corruption would be perpetrated by senior officers close to the President was somehow justified as a necessary evil in order to address the epidemic. A World Bank officer said:

The government argument was that the support could not only come from the President but you also needed the Parliamentarians. We tried to mitigate the risk of too much political support or interference, so

that MPs could not chair, appoint or be part of the constituency committee... The constituency committees could only approve very small projects (USD 5,000), so the MPs would not be interested (Nairobi, 09/04/2009).

These comments demonstrate a 'naïve' approach to the context in which the grants would be allocated and the role of civil society. The officer interviewed seemed to ignore the high levels of endemic poverty and the fact that, in these circumstances, USD 5,000 was a significant amount. One possible explanation for these omissions is what Ferguson (1990: 71-72) calls donors' apolitical, technical 'developmental' interventions. These interventions work through existing government while ignoring the political character of the state and downplaying political conflicts. By following this approach, donors are able to disburse high levels of aid. The loan given to Kenya was the first of three that were expected to be made between 2000 and 2015: the World Bank office had an interest in making sure that the first loan was finalized on time. It is likely that anticipated future aid disbursement determined the size of individual grants.

This donor capacity to compromise made it possible for the HIV/AIDS policy to be adopted by Kenya. On 26 November 1999, the NACC was established by a presidential order under the State Corporations Act and set up under the Office of the President. On the same day, President Moi announced the establishment of a new government body, the NACC, to coordinate the fight against AIDS. He also announced that state radio and television would provide free airtime for AIDS awareness broadcasts, and that the prevention education campaign would be implemented in all schools and colleges. Surprising his critics, the president advised Kenyans to use condoms as they were necessary to fight the epidemic (Inter Press Service 1999). The World Bank read these statements as a victory. The change in the president's public stance meant that more people would recognize HIV/AIDS as a sexually-transmitted illness and that infections could be prevented. Interestingly, the World Bank seems to have 'overlooked' the possibility that the president's new-found support for the HIV/AIDS policy was linked to the need for resources to finance the coming elections.

### 5.3 Setting up the National AIDS Control Council

In addition to President's Moi change of heart towards HIV/AIDS, the World Bank team in Nairobi was facing increasing pressure from its headquarters in Washington to sign off HIV/AIDS loans. At the same time, the Kenya World Bank Health team had high expectations that the new policy model would reduce the human cost of the epidemic. These two factors led the World Bank's Kenyan office to announce, in 2000, the approval of USD 60 million for NACC under a loan called Kenya HIV/AIDS Emergency Response Project (KHADREP). DFID, UNAIDS and UNDP followed the World Bank's lead and provided funds to develop a mid-term policy and planning framework (for 2000–2005) called the Kenya National AIDS Strategic Plan; they also provided funds for training on mainstreaming gender into the policy response and for capacity building (Sakwa 1999, NACC 2002b). The US government made financial contributions to support the training of government officers and the establishment of a national network of people living with AIDS. Thus, as in the 1990s, the Kenyan government received high levels of aid in return for compliance with policy.

Following the World Bank model, NACC's elaborate institutional structure was divided into two tiers. The first tier comprised 20 AIDS units across government ministries. For example, it was through its AIDS unit that the Ministry of Education was given a budget to introduce sex education into school curricula. Similarly the Ministry of Finance received funding for workshops and training of staff through its own AIDS unit. The second tier was composed of AIDS committees established at province, district and constituency office levels. The district and constituency committees distributed grants worth USD 5,000 to civil society organizations offering HIV/AIDS preventive, support and care services. The grants represented a considerable amount of resources which were to be channelled to rural organizations and disseminated with the help of MPs.

It took eight months before the NACC was functioning. Most of this time was dedicated to recruiting a Financial Management Agency (FMA) to take charge of disbursing the grants. Because this took longer than expected, and because both the Kenyan government and the World Bank HQ were putting pressure on NACC to start the grant disbursement, DFID and Kenyan World Bank officers carried out a pilot of the



grant disbursement model in Nyanza province. DFID designed the pilot to assess whether civil society groups had sufficient capacity to write proposals and submit all the requirements for the approval of grants. The pilot showed that the NACC model worked only if grantees were closely supervised.

In early 2002, NACC opened a call for proposals to disseminate grants to civil society organizations working at constituency level. No clear objectives or criteria were specified: instead, it was left open for community groups to apply for the USD 5,000 grants for preventive, care and support services (Harman 2009: 3). A donor officer said:

How would you ask people, if you wanted to involve civil society organizations in a wide coverage, to do it without payment? It was a practical thing. We gave grants because there were real costs involved. How can you ask civil society organizations to cover for the education costs of orphans? Somebody had to take over these costs (Nairobi, 09/04/2009).

The level of funding was set relatively high despite the absence of evidence that the policy model would work or that civil society organizations would be able to provide services to high-risk populations. In addition, the country had high levels of corruption within its civil service. Under these circumstances serious risks were associated with the implementation of HIV/AIDS initiatives. To make matters worse, the first country-wide grant disbursement was to take place in an election year. This was critical because for the first time in 24 years President Moi was barred from running for re-election. Instead, he had to appoint a protégé and campaign for him in what was to be the first real multi-party election. This meant that President Moi had to distribute favours downward, using those MPs who supported his political party to build patron–client relations within each constituency. There was thus a high risk that the HIV/AIDS grants would be used as a crucial resource to help cement President Moi's vast patronage networks (Okuro 2010: 276).

#### **5.4 Political transition and the renegotiation of the World Bank HIV/AIDS policy**

The NACC grant allocation process continued throughout the election period. In 2003, it was announced that Mwai Kibaki, the presidential



candidate from the opposition, had won with a landslide victory over the KANU party candidate Uhuru Kenyatta. The World Bank officers did not waste any time. After congratulating the newly elected President Kibaki, they lobbied for his support for NACC. President Kibaki quickly embraced NACC and the existing HIV/AIDS policy. In March 2003 President Kibaki declared 'Total War' against HIV/AIDS, called on NACC to scale up activities and announced the establishment of a Cabinet Committee on HIV/AIDS that he was to chair. He thus made HIV/AIDS a priority of his government.<sup>3</sup> Following this announcement a team within the Ministry of Finance included HIV/AIDS in the government blue-print document. A government officer said:

We looked at how to scale it (NACC grants). There was a lot of momentum behind HIV/AIDS. We pushed policy initiatives that were not (yet) implemented (Nairobi, 23/06/2009).

President Kibaki's openness towards HIV/AIDS made him part of a small club of African leaders – including President Museveni of Uganda and former President Mandela of South Africa – who did not hesitate to recognize the HIV/AIDS epidemic. This public recognition, together with Kibaki's campaign promise to fight corruption, put Kenya in a good position to receive important amounts of aid through the Global Fund to fight AIDS, Tuberculosis and Malaria (Global Fund for short) and the US President's Emergency Plan for AIDS Relief (PEPFAR). In March 2003 the Global Fund signed an agreement with Kenyan NGOs worth USD 2.8 million, while PEPFAR provided USD 92.5 million to advance HIV programmes in Kenya.<sup>4</sup>

During the first half of 2003, the NACC continued much as it had during Moi's government. In June 2003, President Kibaki requested a detailed audit of NACC activities and some 990 community organizations funded during the Moi government.<sup>5</sup> The audit found that the financial reports submitted by community organizations had several problems. First, an important number of these organizations were owned or controlled by individuals who were related to MPs, thereby raising doubts about the benefits that the organizations offered to the wider public. Second, community organizations had not kept clear account books. Third, the organizations had not opened separate bank accounts for the funds disbursed by NACC so it was not possible to match withdrawals and expenditure related to the grants. Fourth, most organiza-

tions did not adhere to budgetary controls or procurement procedures. The NACC audit concluded that political interference and accountability problems in grant spending made it impossible to confirm that the grants had been used for their intended purposes (NACC 2003). In addition to poor implementation, the audit found irregularities committed by senior officials. In particular, the NACC director had raised her salary to a level well above what was permitted.<sup>6</sup> The audit also found that other NACC senior officers were involved in corruption and that it was likely that senior politicians from the Moi government had benefited from the funds allocated to HIV/AIDS.

Thus, through his monopoly of power, President Moi had been able to enrich MPs close to him, and had allowed allies to create and exploit smaller benefits of corruption (Johnston 2005: 172). Several of the people I interviewed also suggested that, by trying to disburse high levels of aid within a short timeframe in spite of the country's systemic corruption, the World Bank was as responsible for the misappropriation of funds as the corrupt Kenyan government. A similar situation occurred in Uganda, which the World Bank labelled a success story, despite high levels of corruption. A senior government advisor said:

[The NACC director] was one side of the terrible sides of management of HIV/AIDS money. Not only here [in Kenya], but in other places. Uganda was even worse. [Because] you have a lot of money coming in suddenly and it is deployed through grants (Nairobi, 03/12/2009).

Rather than questioning the policy package, the response of the World Bank to corruption was to introduce institutional reforms. With the full support of the Kibaki government, senior officers found guilty of misappropriation were fired and a competitive recruitment process was followed whereby many senior positions were filled from the private sector. In addition to recruitment, the World Bank introduced institutional reforms with the aim of adding transparency to the organization's management of funds. As a result, NACC created three new departments: the Department of Policy, Strategy and Communication; the Department of Coordination and Support; and the Department of Finance and Administration. Most importantly, the audit had acted as a clean sweep through the organization, giving it an aura of honesty compared to the situation prevailing under the Moi government.

In addition to these reforms, the World Bank agreed to two suggestions from the Office of the President regarding the day-to-day running of NACC. First, AIDS units were expanded from 28 to 33, increasing their allocation to approximately USD 1.3 million. This meant that all government ministries were now receiving some element of HIV/AIDS funding even though accountability for these funds was limited. Second, the role of MPs within the constituency committees was maintained. Thus, despite the extensive institutional reforms, the 'new' NACC had done nothing to separate politics from HIV/AIDS resources. On the contrary, the new government seemed to increase the role of these constituency bodies by making them the focal point of all HIV/AIDS activities. Commenting on how this had taken place, a senior government advisor said:

The new Parliament was stronger than the previous one. And Kibaki owed them. Now they had opened up the space, they were giving themselves more power, higher salaries, more responsibility. They were saying we do not want the districts but the constituencies as the basis of HIV/AIDS policy implementation (Nairobi, 03/12/2009).

Although the World Bank tried to oppose this state of affairs, the Kenyan government had strong arguments for leaving things as they were. A donor consultant said:

The new Office of the President argued that the district was too far removed from where services were delivered and where communities were. People within the President's circle were putting pressure to focus on the constituency level because they were already thinking of a wider constitutional change. This was at a time when KANU had gone out and new NARC came in. The decentralization process that the government was going through was impressive (Nairobi, 12/07/2010).

By the end of 2003, NACC was preparing to open a new call for proposals when the Cabinet Committee on HIV/AIDS announced that provincial and district AIDS constituency committees would be disbanded. This decision – led by the Ministry of Health – was executed without prior consultation with World Bank officers. The World Bank read this decision as an effort of the newly appointed Minister of Health to appropriate NACC funds, especially as constituency AIDS committees

(CACCs) had been operating without any monitoring. A donor officer said:

Charity Ngilu [Minister of Health] had strong political motivations... She wanted to use NACC to advance her political career. One of the first things she did was that she took out the AIDS provincial and district committees without any consultation with development partners. She could do that because she was powerful. She just wrote a circular saying the committees were no longer in existence. That made things very difficult because a national body cannot oversee what happens in 210 constituencies... They were trying to dictate to us what they wanted to do (Nairobi, 09/04/2009).

To counter the ambitions of the Minister of Health, the World Bank officers used their contacts to ask the president to reverse the decision, arguing that it represented a breach in the contract, which specified that NACC needed provincial and district committees to oversee the allocation of the grants. Furthermore, the World Bank threatened to cancel the project if nothing was done. And indeed the funding was stopped for six months. A donor officer said:

We had to mobilize the WB senior staff who said that if they wanted to do this we would have to cancel the project and start something new. You cannot do radical changes like that without consultation and still wait for us to pour money into the account. It took a long time to go back into normality. Bit by bit, the Minister of Health realized that the way she was trying to control NACC was not going to work (Nairobi, 09/04/2009).

In early 2004, the World Bank and the Minister of Health came to an agreement that re-instated the AIDS district committees under the name of District Technical Committees that would only provide technical support to the constituency committees.<sup>7</sup> In turn, the provincial committees were reduced to one officer whose role was to support the constituency and district committees. Despite the problems between the Minister of Health and World Bank officers, by mid-2004 NACC had allocated another 900 grants. As NACC prepared to scale-up its grant distribution, new data from a national census showed that HIV/AIDS prevalence had decreased from 13.4 per cent in 2000 to 6.7 per cent (KAIS 2008). The

decrease was seen by the international community as a sign of progress, which validated the MAP model. A presidential advisor said:

Everybody was happy because HIV infection ratio went from 15 to 6 per cent... (Donors) could tell their headquarters in London and Washington 'we have managed to reduce HIV infection rates in Kenya. It is good, it has worked... but it is very expensive' (Nairobi, 03/12/2009).

It was said that the focus on prevention had been able, relatively quickly, to educate Kenyans that HIV/AIDS was an illness that could be prevented (NASCOP 2005). However, donors' claims of a reduction in prevalence was problematic, as the 2000 baseline used HIV sentinel surveillance among pregnant women attending ante-natal clinics and patients attending sexually transmitted infections clinics. This population sample presented an inflated prevalence rate when compared to a 2003 national survey that was representative of the general population and as a result had lower HIV/AIDS prevalence. Thus, it is likely that there were not so many infected people to begin with. Moreover, inflated prevalence levels notwithstanding, it was impossible to determine how community grants had influenced the reduction in HIV/AIDS prevalence.

## **5.5 More reforms: A renewed emphasis on corruption**

In December 2005, the first MAP loan came to an end. It had distributed 6,000 grants to civil society organizations throughout the country.<sup>8</sup> Despite having achieved the loan objectives, NACC was overshadowed by new corruption allegations. To answer its critics, the Office of the President initiated a financial audit. The audit found that once again NACC staff had been involved in fraud. In addition, it was found that 2 per cent of grants had bypassed internal controls and inflated budget claims. After the audit had been completed, the World Bank approached the president to request legal action against guilty staff. This led to the suspension of the NACC Director (in position from 2004 to early 2006) for his role in the disbursement of funds to non-existent community organizations in Nyanza province, as well as an investigation of 128 NGOs suspected of fraudulent activities. In addition to the government audit, the World Bank funded an independent review of the first MAP loan. The review concluded that although NACC officers had allowed corruption, it was because the Financial Management Agency hired by the World Bank had

not monitored or verified the financial reports of the grantees. A NACC officer said:

The Financial Management Agency did not follow its obligations. They were hopeless. There was nobody providing an oversight. They also acted as bosses of NACC (Nairobi, 05/10/2008).

This was an important oversight as the World Bank HQ was responsible for the contract with the FMA. Instead of accepting its responsibility, the World Bank directed its all energies to reforming NACC's institutional structure for a second time, with the firm belief that a technical approach was the solution to the persistent corruption. World Bank officers rallied the support of other donors in the sector – DFID, UNAIDS and the American embassy – to put pressure on the Office of the President to agree on the restructuring. Shortly afterwards President Kibaki accepted all the recommendations. A donor consultant said:

It was extraordinary. The president accepted all the recommendations and that transformed NACC. Professor Were was appointed chair of the NACC board. She was highly credible. Senior managers were competitively recruited. DFID and the Global Fund became involved in strengthening NACC internal processes (Nairobi, 22/10/2008).

The exercise was carried out in three phases. The first phase was to restructure the NACC board, its council and top management. NACC suspended all directors and a new recruitment process took place for top management and sub-directors. New people were hired from the private sector and those who did not meet the required qualifications left. The board was reduced to 15 members and a new Chair was elected. Two new departments were established: an Internal Audit Department and an Audit Committee. Also, new mechanisms were established to separate the constituency committees from the influence of MPs. The second phase was supposed to restructure the middle-level management. However, this phase was not completed and many old officers remained in their posts. The third phase was to restructure lower-level staff and replace old institutional systems. This phase did not take place at all. The lack of consistency during the restructuring exercise left NACC as a dysfunctional organization. Soon the newly recruited senior staff started leaving as the work did not fulfil their professional expectations. An independent consultant said:

The third restructuring did not take place. NACC systems were not revised, and even though it was supposed to be leaner in its staffing, it was not. The director of NACC who came in as part of the first level restructuring process left and a new one came in. The [new] middle-level management also left because basically you come in to an organization being promised it is restructured and going to be effective. You come with visions from the private sector and you find the momentum was fake (Nairobi, 16/07/2010).

In addition the World Bank requested NACC to comply with a new monitoring process in order to minimize corruption. In six months the organization improved its Monitoring and Evaluation Department and launched a new monitoring tool that linked prevalence rates with activities undertaken by civil society organizations. This monitoring tool was the first effort to understand where the community groups were located and the areas in which they specialized.<sup>9</sup> The NACC structure changed considerably to exclude MPs from the grant-making process (World Bank 2007d). Additional rules were introduced to limit an MP's role in the selection of CACC members and civil society organizations. The second MAP loan was to rely on monitoring by a prestigious international accounting firm, PricewaterhouseCoopers, which took many of the responsibilities formerly belonging to the CACCs. These changes were possible due to technical assistance from DFID.<sup>10</sup>

Meanwhile the World Bank office in Kenya was trying to get the new MAP loan approved from its headquarters. This second MAP loan was called Total War against HIV/AIDS – TOWA. The request for new funding was justified by the argument that, as a result of World Bank involvement, Kenya had experienced a decline in HIV/AIDS prevalence. The first request for funding was rejected, however, and NACC went without funding. The lack of funding was a constant reminder of the limited financial support provided by the Government of Kenya despite the stated presidential commitment. This meant that without international support NACC could not fulfil one of its core functions – provision of small grants to community organizations. Although lack of funding should have initiated a debate about NACC's aid dependence, the issue was silenced by the World Bank's concern for accountability on the allocation of the grants. Considering the level of need created by the epidemic, this institutional obsession seemed to be misplaced.



This was a difficult period for NACC staff who were not sure whether the World Bank would give a new loan (Nairobi, 05/10/2008). Not until late 2007 did the World Bank HQ approve it, after it felt that the institutional reforms had made NACC ‘corruption-free’. TOWA amounted to USD 80 million to support NACC activities. In addition to this loan, DFID contributed USD 33 million to the NACC budget and the Kenyan government provided a further USD 2 million, or 2 per cent of the overall budget. Although it did not refer to NACC’s troubles with corruption, the World Bank stated that the decision to provide a new loan was:

Consistent with the emphasis on equity and governance in the recent Country Assistance Strategy Progress Report, we (the WB) are determined that the support should reach the 5 million people in Kenya – especially orphans and young women – who are directly and indirectly affected and made very vulnerable by the disease (World Bank 2007a).

Once the loan was confirmed, NACC opened a new call for proposals (World Bank 2007b). However, it was not until early 2009 that NACC started disbursing grants to community organizations. In all it had taken four years for NACC to start working again. By then the preventive approach adopted by NACC seemed to have lost its appeal: both the Global Fund and PEPFAR were now focusing their aid and resources directly into the health sector.

## **5.6 Shifting international resources and political attention back to the health sector**

From 2006, the HIV/AIDS ground in Kenya began to shift. NACC’s role as a coordinating body came into question as PEPFAR became the biggest donor in the country. In 2005 PEPFAR started distributing the USD 500 million it had earmarked for the HIV/AIDS sector. This funding made it possible for President Kibaki to announce in December 2006 that anti-retroviral and HIV treatment would be provided free of charge in public health facilities across Kenya (Africa News 2006).<sup>11</sup> This affected over a million Kenyans who were living with HIV/AIDS, but who could continue working due to the availability of anti-retroviral drugs. PEPFAR involvement changed the sector not only because of the scale of the funding but also because of the way it operated. For example it



dictated the terms of HIV/AIDS treatment, emphasized abstinence-only education programmes and censored discussion of contraception methods such as condoms. The presence of PEPFAR in the sector led to new issues that were not concerned with the policy guidelines established by the NACC.

PEPFAR channelled its funding through American organizations and, because of its emphasis on the curative aspects of HIV/AIDS, partnered with the Ministry of Health instead of the NACC. Thus, the National AIDS and STI Control Programme (NASCOP), which had been bypassed by the establishment of NACC in 1999, became the point of contact between PEPFAR and the Kenyan government. This partnership integrated tuberculosis treatment, reproductive health services and antenatal care with the provision of anti-retroviral drugs (UNAIDS and WHO 2007). Overall PEPFAR was not interested in collaborating with NACC. A donor officer said:

90 per cent of HIV budget is funded by external assistance. NACC tries to do some harmonization and alignment of development partners. However, both Global Fund and PEPFAR do not like to take decisions with NACC. These two big players need to be integrated but they insist on their own programme. In the case of PEPFAR this is because American aid is usually accountable [only] to the United States Congress (Nairobi, 06/05/2008).

Although it was not expressed openly, it is possible that the two big players did not want to collaborate with NACC due to its lack of legitimacy. Overall, the shift of political support and funding towards the curative aspects of the epidemic left NACC with little to coordinate. In 2010, to address these challenges, NACC presented a bill in Parliament requesting a stronger legal framework that would allow NACC to question line-ministries over their use of HIV/AIDS funds. Although NACC argued that this bill would strengthen its role as the coordination body, Parliament did not approve it. In a new effort to gain relevance, NACC decided to include the health sector – together with policy mainstreaming, community work and coordination – among its core functions. This represented the first recognition, not only from NACC but also from the World Bank, of how to best address the epidemic. Until then, the HIV/AIDS response had focused on prevention, halting other possible

responses. The change in the policy direction also showed that the World Bank was losing its grip over the sector.

When discussing these developments, three senior government officers interviewed welcomed the changes. They did not consider NACC funding to grassroots organizations sufficient to combat an epidemic of the scale of HIV/AIDS. The preventive approach promoted by the World Bank was not recognized as good practice by these officers who saw it as an opportunity for NGOs and community groups to make money. All three officers thought that NACC strategy had wasted money and labelled it 'a gravy train for donors and NGOs'. They all agreed that NACC should have been part of the Ministry of Health, and suggested that the only reason this had not happened was because the Office of the President wanted to control NACC's resources as it was benefiting from them. Despite their objections to NACC, all three officers thought that NACC would remain as long as there were sources of funding. Their comments raise two issues. First, aid is considered an inherent component of Kenyan political processes; second, corruption will remain precisely because the political-ideological interests will continue to play a major role in deciding the fate of aid. Consequently, the solution to the problem of corruption in aid must take a political rather than a technical form.

## 5.7 Conclusion

This chapter described how the World Bank negotiated control with the government for the introduction of its HIV/AIDS policy response. The chapter argued that the introduction of HIV/AIDS policy is an example of how 'policy packages' are a carefully negotiated affair in which both donors and Kenyan government benefit. The chapter has shown that the Bank's involvement in the sector was driven by its interests in allocating a MAP loan and testing a policy model that was to be replicated all over Africa. This, together with a firm belief in its own approach to HIV/AIDS policy, led the Bank to agree to the allocation of financial grants through MPs even though corruption was a very likely outcome. This meant that both President Moi and President Kibaki were able to benefit from aid linked to HIV/AIDS. Over five years, World Bank dominance over the sector meant that the MAP model remained unquestioned, creating a myth of success despite inconclusive evidence.

Although three reforms were introduced to control corruption, these focused on increasing regulatory frameworks within NACC HQ, with limited implications for policy implementation in rural areas. This response was in tune with an understanding of corruption as 'the individual abuse of public office for private economic gain' rather than as part of a political process beyond the NACC structure. Because of this, the reforms were not effective in stopping corruption but they allowed the World Bank to silence concerns over the effectiveness of its policy model. It was not until 2006, when PEFPAR and the Global Fund became more prominent in the sector, that the World Bank faced competition over its way of dealing with HIV/AIDS. These donors rapidly changed the sector by shifting the focus of the HIV/AIDS response back towards treatment. As interviews show, the shift to the health sector was welcomed by some officers in the Kenyan government. However, this did not end government engagement with NACC because World Bank loans continued to be available.

A number of points can be inferred from this chapter. The first is that, as the Kenya HIV/AIDS policy has shown, the promise of aid allows donors to drive the policy process to some extent. This is true as long as the regime in power benefits from it. Second, because of the hidden interests of both donors and the Kenyan government, a sector can have competing policies. This means that the Kenyan government can simultaneously support the coexistence of contrasting policy approaches; this is likely to remain the case for as long as aid is available. Finally, despite their stated roles as bastions of accountability, donors such as the World Bank are also prepared to turn a blind eye to corruption, as long as they are able to achieve the high levels of aid disbursement required. In sum, this chapter has shown that the introduction of the apolitical and technical HIV/AIDS policy package was a carefully negotiated affair in which both donors and the Kenyan government benefited.

## Notes

<sup>1</sup> See Appendix 4 for a list of interviews.

<sup>2</sup> As a result of the president's stance, radio advertising for condoms was banned and newspapers reported that condoms were ineffective or led to immorality (FHI 2011).

<sup>3</sup> Despite the presidential announcement, the cabinet on HIV/AIDS never met.

<sup>4</sup> The Global Fund earmarked approximately USD 173 million to fight AIDS, TB and malaria in Kenya. The financial agreement remained in place despite corrupt allegations during the Moi government. In 2003, money from the Global Fund was disbursed to the Ministry of Finance that would then channel it to NGOs. A few months later the release of AIDS funds was delayed after concerns over how funds were distributed (AllAfrica.com 2003).

<sup>5</sup> According to the proposals submitted to NACC, more than half of the grants were given for prevention and advocacy activities; close to 35 per cent of the grants were for care and support services for people living with AIDS and 15 per cent were to help orphans (NACC 2002a).

<sup>6</sup> The NACC director was subsequently prosecuted for fraud, found guilty and jailed.

<sup>7</sup> The problems continued after the Minister of Health appointed herself chair of the Country Coordinating Mechanism (CCM) of the Global Fund. The World Bank and other donors complained to the Global Fund, which asked the Minister of Health to give up the chairmanship to her deputy. In mid-2004 the Minister complied with the request.

<sup>8</sup> Two-thirds of these grants were used to fund preventive activities. Over 20 per cent of funded activities supported orphans while 7 per cent provided care and support activities for widows, widowers and people living with AIDS (World Bank 2007c).

<sup>9</sup> This tool was constantly revised and in short supply at the constituency level.

<sup>10</sup> Although without a strong presence in the HIV/AIDS sector, DFID provided technical support to NACC while the TOWA credit was processed.

<sup>11</sup> By providing ARVs the US Government was able to protect the interests of its pharmaceutical companies.

## 6

## HIV/AIDS Grants as Political Resource

### 6.1 Introduction

At the end of the 1990s, and based on international experience in a number of countries, the World Bank developed a prevention and care policy model to fight the HIV/AIDS epidemic (see Chapter 5). According with the World Bank view of the epidemic, the policy required high-level political commitment and civil society mobilization in order to quickly spread information about the epidemic to large numbers of people. In 1999, President Moi agreed to introduce the Bank's policy if it included Members of Parliament (MPs), arguing that their presence would facilitate community mobilization. With this, the implementation of the HIV/AIDS policy became an area where MPs could access resources to expand their patronage networks.

A number of authors have shown that, since the formation of the Kenyan nation-state, patron–client networks have operated as a mechanism for the redistribution of social services (Lynch 2006, Mwenda and Tangri 2005, Bienen 1974, Throup 1993). MPs 'bring gifts to an area' through the construction of a road, hospital, school or factory, and the provision of jobs for community members in government service. Patronage is justified as a response to an ethnically divided society with weak political parties, a marked rural–urban divide and ethno-centric ruling elite (Barkan 1980, Holmquist 1984). In this context, MPs are expected to use their connections with the state to access resources for the benefit of their constituents. It is by making their constituents better-off in this way that MPs build their political bases. In other words, this 'mutual' assistance forms the core of patronage. However, in Kenya patronage is also associated with widespread misuse of public resources (Awiti 2008, Amadi 2009). Did such misuse occur during the implementation of

the HIV/AIDS policy? Or did MPs provide the leadership required from them while refraining from controlling the associated resources?

To answer these questions, the chapter follows HIV/AIDS policy implementation in the constituencies of two rural districts. By focusing on the use of resources, the aim is to highlight sub-ethnic dynamics within the Kikuyu and Luo groups. The chapter argues that the redistribution of resources was embedded in local patronage networks and as a result the process was not transparent or democratizing. The chapter is structured as follows. The first section explains the involvement of MPs in the implementation of the HIV/AIDS policy. The second section describes the data collection process in the constituencies of the Kikuyu and Luo districts. Subsequent sections then present the political process behind the implementation of the policy in these districts and shed light on the winners and losers in each case. The chapter reaches the conclusion that the HIV/AIDS policy failed to take account of important aspects of the Kenyan civil society–state relationship – such as the role of the state as an influential player in the development of civil society organizations – with the result that the distribution of HIV/AIDS grants had a political nature that was deeply embedded in other social relationships formed around gender, generation, locality and other social stratifications.

## 6.2 The involvement of MPs in the fight against HIV/AIDS

In 2000 NACC received a loan from the World Bank to implement a World Bank HIV/AIDS policy. The policy was based on three pillars. First, the country's HIV/AIDS strategy was to rely on community participation to reduce the spread of the epidemic; second, because of the scale of the epidemic, communities were judged to be best placed to mitigate the socio-economic impact of HIV/AIDS; third, small grants were to be used to help communities to provide care and support to people infected or affected by HIV/AIDS (GoK 2001: 39). In 2001, NACC established a system for the disbursal of grants to community organizations offering HIV/AIDS prevention, support and care services at the grassroots. The aim was to increase awareness of the epidemic in order to reduce HIV/AIDS prevalence by 20 to 30 per cent by the end of 2005.

Since MPs were seen as the only actors who were able to quickly mobilize civil society across the country (see Chapter 5), the implementation of the policy focused on the constituency level, through Constituency AIDS Control Committees (CACCs) led by MPs. However, this focus was based on two important assumptions: first, that MPs would not try to benefit from these resources; and second, that civil society organizations would act as "homogeneous and harmonious entities" (Meynen and Doornbos 2004: 228) whose altruistic behaviour would help deal with the effects of the epidemic.

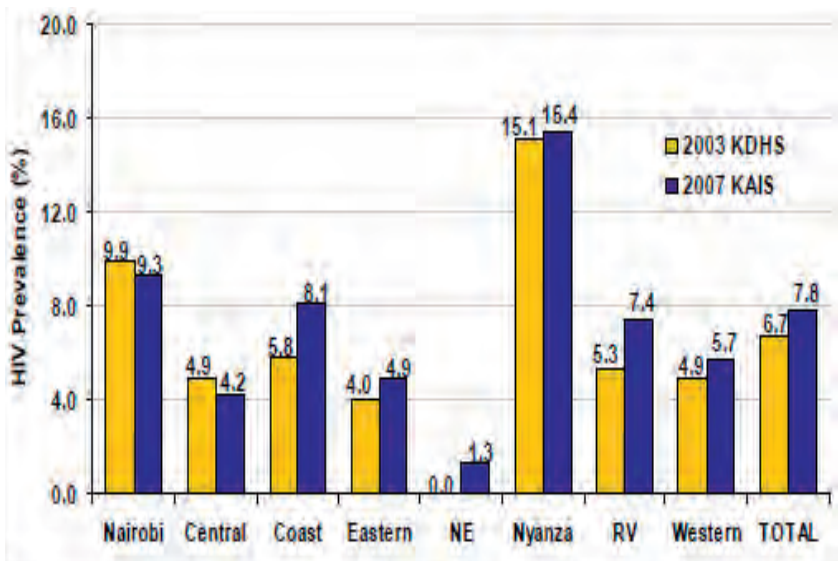
In 2001 NACC launched the implementation of the HIV/AIDS policy by requesting MPs to establish CACCs in each constituency. These bodies were to include a public health officer – seconded from the Ministry of Health – as CACC Coordinator (CC for short) and 21 nominated volunteers. Once this was done, the MP and the CACC members were expected to start work raising awareness about HIV/AIDS as well as identifying community groups that would receive grants to conduct HIV/AIDS preventive and care activities. Because of the degree of stigma towards HIV/AIDS, NACC followed three simple criteria for selecting civil society organizations to be awarded grants: (1) the community groups had to be registered under the Social Services Department of the Ministry of Home Affairs; (2) in order to request a grant, the community groups had to present a clear proposal and budget showing how they planned to use the funds; (3) the CACCs were to give preference to women's groups. Once selected, the community organizations would receive a grant of USD 5,000 for their activities. The grant-allocation process was launched at the end of 2002; but within a few months, in July 2003, NACC announced to all CACCs that institutional changes were to be introduced after an audit had identified corrupt practices taking place at the constituency level.<sup>1</sup>

In response to these irregularities, NACC reviewed its institutional structure and introduced four new rules. First, to add transparency in the grant-allocation process, the CACC membership was to be elected rather than appointed by the MP, and was to include Division Officers as well as women and people living with HIV/AIDS (PLWAs). Second, each CACC was to constitute an Executive Committee that focused on grant allocation while the remaining members focused on disseminating information about the prevention of HIV/AIDS. Third, CACCs were to prioritize proposals that focused on preventive activities and activities to



address the needs of orphans, widows/widowers and PLWAs. Fourth, to encourage long-term sustainability after the grant had come to an end, proposals must include income-generating activities for the group offering the services (NACC 2003). Despite these institutional changes, MPs remained patrons of the CACCs.<sup>2</sup>

**Figure 6.1**  
*HIV prevalence rates per province for 2003 and 2007*

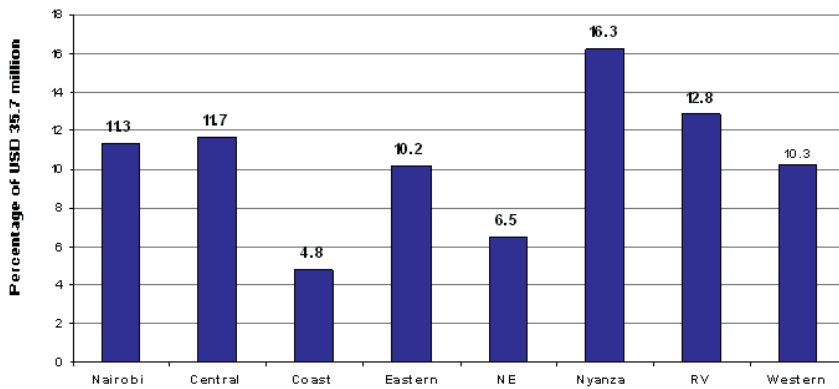


Source: KDHS 2003, KAIS 2007.

The implementation of the policy continued until December 2005 when the World Bank loan came to an end. By then, USD 40 million had been allocated and more than 6,000 grants had been given to civil society organizations. By the end of the first World Bank loan, it was found that although the distribution of the grants bore no relation to the prevalence levels found in each province (see Figure 6.1), and that provinces had received different levels of funding (see Figure 6.2).



**Figure 6.2**  
*Total NACC funding per province*



Source: KAIS 2008, NACC 2007.

The high level of grants disbursed seemed to point to the positive attitude of community groups towards HIV/AIDS related activities, as 90 per cent of the grants were given to community organizations operating at the constituency level. Two-thirds of these grants had been used to fund preventive activities. Over 20 per cent of the funds went to activities to support orphans while 7 per cent provided care and support services for widows, widowers and PLWAs. It seemed that, following the World Bank objectives, the grants had been successful in promoting national awareness of HIV/AIDS: national statistics showed that prevalence rates had fallen by 53 per cent since the beginning of NACC, from 14 per cent at the beginning of 2001 to 6.7 per cent in 2003 (KDHS 2003).

However, a more detailed analysis of the HIV/AIDS implementation phase revealed that things were not as straightforward as they seemed. Despite having achieved its two targets, the World Bank gave this loan a low ranking score (World Bank 2007c) because of the problems faced during implementation, and did not immediately release funds for a second loan. The most significant problem was that NACC was not able to account for the funds it had disbursed. This lack of accountability, together with other corruption issues, made it difficult to judge the extent

to which the loan had contributed to the reduction in HIV/AIDS prevalence rates. A special investigation established by the government as well as other implementation reviews uncovered a wide range of accounting and management irregularities. As a result of these findings, NACC introduced a number of changes in 2006 – focused on reducing corruption – intended to improve its institutional structure.<sup>3</sup> The slow implementation of these changes meant that NACC faced a funding gap of over three years (from 2006 to 2009). This funding gap left CACCs without operational funds and made CACC meetings redundant. MPs stopped engaging in the process as they had become the only source of funds for CACCs. The CACC members no longer attended meetings as there was nothing they could gain from their involvement. Even the CCs returned to their original jobs as public health officers in the Ministry of Health where they dealt with CACC-related issues only on a part-time basis. It was not until the beginning of 2009 that new grants were made available.<sup>4</sup> However, by then things had changed drastically: both the CACC and the MPs were excluded from the grant-allocation process, and community organizations now had to follow a long process proving their credentials in the sector.

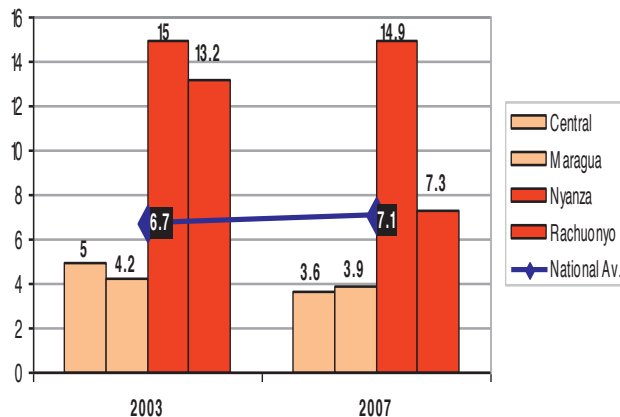
### 6.3 Data collection

This dynamic institutional landscape presented an opportunity to assess the role of ethnic leaders in the civil society mobilization process. Fieldwork was undertaken in two contrasting districts: Maragua in Central province and Rachuonyo in Nyanza province that reflected the different patterns of the Kenyan epidemic with HIV infection rates varying according to ethno-geographic regions (Figure 6.3). Maragua district, located in Central province, had low HIV prevalence (3.9 per cent) compared with the national average of 7.1 per cent in 2007. Rachuonyo district, located in Nyanza province, had much higher prevalence levels than Central province, reaching 7.3 per cent in 2007.

In-depth interviews were undertaken in each constituency to learn how each CACC had implemented the HIV/AIDS policy.<sup>5</sup> The interviews took place from November 2008 to December 2010. In Maragua, the CCs and CACC members from the three constituencies were interviewed. These interviews were not easy to arrange because the CACCs had not received funds in over three years and the CACC members were

no longer involved. Two of the CCs were only recently in post and had limited knowledge of what had happened during the period from 2001 to 2004. To cover this gap, additional interviews were undertaken with CACC members who had participated at the beginning of the implementation phase. In addition, district and provincial officers as well as medical personnel working in the district hospital were interviewed. Sixteen community organizations who had received grants were randomly selected for interviews. Following NACC instruction, the CC was requested to contact these organizations to arrange interviews. However, six of these organizations could not be located by the CCs. The 'disappearance' of these community groups showed that not all past grantees were easy to find, making it necessary to select new community groups that the CCs knew how to contact. The interviewed community groups illustrated the vibrant history of community work in the district. Most of these groups (10 out of 16) had existed before the introduction of the HIV/AIDS policy, working in agriculture-related activities. The remaining four organizations had been established in 2000 to work specifically on issues related to HIV/AIDS.

**Figure 6.3**  
*Selected district HIV prevalence (2003 and 2007)*



Source: NACC 2001, KAIS 2008.

In Rachuonyo, several interviews were conducted with the two CCs as they had worked in the CACCs since 2001. It was interesting to find that, contrary to Maragua, the CACCs in both the Rachuonyo constituencies had remained very active due to support from NGOs operating in the area. This made it relatively easy for me to gain access to previous CACC members and to reach the sixteen randomly selected community groups, since half of my sample had continued working on HIV/AIDS thanks to this NGO funding.<sup>6</sup> Nonetheless five of the initially chosen organizations could not be traced and had to be replaced by other organizations that the CCs could contact. In addition to these interviews, I contacted medical personnel of the district, NGO officers, and women-only groups who had not received any funding, in order to get different perspectives on the work done by the CACCs. Finally, a member of the Financial Management Agency (FMA) working in Nyanza province was interviewed to learn about the high-level institutional misappropriation that had taken place in the province from 2004 to 2006.

#### **6.4 Maragua district: AIDS prevention messages through agricultural activities**

By the time NACC announced the implementation of the HIV/AIDS policy, statistics showed that more than a million Kenyan adults between 15 and 49 years old were infected (NACC 2001). Despite low prevalence rates compared to the rest of the country, Maragua district still faced a serious problem with regard to HIV/AIDS as the epidemic affected the livelihoods of farming households (Nguthi and Niehof 2008: 180). In 2001 the district's three MPs were present at the launch of the three Maragua CACCs; the MPs then nominated people to become involved as CACC members. After these nominations none of the three MPs were directly involved in mobilizing community organizations to receive NACC grants because they were actively campaigning for two Kikuyu politicians who were running for the presidency in the December 2002 elections.<sup>7</sup> This left CCs to work on their own by disseminating preventive information about HIV/AIDS. The work of the CCs increased in June 2002 after NACC opened its first call for proposals. It was difficult for the CCs to find proposals to be submitted for three reasons. First, there were high levels of stigma around HIV/AIDS so community groups did not want to be associated with it. Second, because CCs had been recently appointed they had neither well-established networks

through which they could mobilize groups, nor the political capital to guarantee community groups that they would eventually benefit through their involvement. Third, most of the groups operated informally and therefore failed to meet the main condition for awarding grants established by NACC – namely that groups had to be formally registered with the government (Department of Social Services).

Maragua district, like most rural areas in Kenya, had large numbers of women's groups. In Kikuyu culture women do not have access to their husband's income but they do have responsibility for running their farms. Women's groups offer an opportunity for their members to improve their economic situation through the establishment of rotating savings and credit schemes that allow women to buy household goods, food or clothes.<sup>8</sup> However, although women's groups were active in the community, they were typically informal and not registered with the government authorities, making it impossible for the newly appointed CCs to approach them to apply for grants.

In order to convince the women's groups to register, the CCs attended public meetings organized by the chiefs and sub-chiefs (provincial administration officers) working at different levels within the constituencies.<sup>9</sup> The CCs spoke during these public meetings to raise awareness about the NACC grants. This proved a successful medium, and it did not take long before well-known women's groups became interested in the grants. However, two challenges remained. First, if an informal group wanted to apply for a NACC grant it first had to register with the District Social Services Department and pay a USD 7 registration fee. The initial cost, although small, acted as a barrier. In Maragua district, one of the CCs reporting having enormous difficulty getting groups to register formally as the community groups were not sure they would get the grants and were unwilling to pay for the registration fee. This was such a big problem for CCs that NACC decided to pay registration fees for the groups applying in the first funding round. The second challenge was that, after registration, each group had to submit a proposal (typed and in English) outlining how they were going to use the money. Once again, the community groups had no experience in writing proposals and were reluctant to invest time and resources on this.

The CC of Maragua constituency recalled how in 2002 she had to convince groups that it was in their interest to write and submit a proposal for funding. Proposal writing was one of the key barriers as most

groups comprised illiterate women who only spoke Kikuyu and had no computer skills. Pressure from NACC to submit proposals forced the Maragua CCs to write the proposals for the groups they had identified. It was only through the hard work of CCs that groups were able to access grants in the first round of funding in early 2003. One of the first groups to receive a grant was a women's group from an urban area close to the CACC offices. This group had initially started as a savings group in 2002 to buy water-tanks for each member. The group knew about HIV/AIDS because a member had lost her husband to an AIDS-related illness. They recalled how one of the members had listened to the CC speak during a public meeting organized by the chief of the area. They approached the CC and asked him to help them write a proposal to help AIDS orphans living close to them. A member of this self-help group recalled:

The CC showed us how to write a proposal. We were advised on how to use funds and keep the receipts of all the expenses. We had to sign for every allowance, keep minutes of meetings and even take photos of our events (CBO3, 02/12/08).

By the beginning of 2003 the three constituencies had received ten grants. These grants gave the CCs confidence in the process. People starting talking about the grants and more community groups became interested in applying. Interest was aroused particularly because groups did not have to repay the money once the proposals were accepted. In Central province people were used to paying high interest rates to local informal agents to access credit for agricultural activities. In contrast the NACC grant was very attractive as there were minimal requirements about how the money was to be used. Nevertheless, the community groups remained suspicious. One coordinator said:

There were rumours about this money. Because it was a grant, people were not asked to give interest or give it back. It was given free and nobody would follow up. The 'free money' was associated with devil worshiping and people were scared. You know, our community does not believe in free things (CC1, 27/11/08).

This distrust showed how foreign the NACC service-delivery model was to Kenya. A decade of economic austerity measures finally led some of the groups to follow the NACC procedures; they then found that they could access significant sums of money that had to be spent in a relative-

ly short period of time (six months to one year) with limited accountability about how the money was used. All of these factors made the grants look like free money.

#### **6.4.1 CACC membership as a political reward**

In December 2002, presidential elections were held. Due to a constitutional limit on presidential terms, President Moi was barred from standing for re-election. Two Kikuyu politicians competed for the presidency, which was won by Mwai Kibaki, the opposition candidate. In the same election, 70 per cent of the sitting MPs were voted out. In Maragua district, two of the three MPs were newly elected and became interested in getting involved in the grant-allocation process. As soon as their victory was confirmed, the MPs re-constituted the CACCs by nominating people from areas across their constituency that had helped them get into office. In an interview, a Maragua MP explained that as a university professor it was only due to the support of local business people that he had been able to finance his election campaign. Thus, nominating some of these business people as CACC members was one way of repaying them. Indeed, despite the 'volunteer' label, the CACC members received a regular income – labelled a sitting allowance – for attending meetings, as well as being placed in a position to direct government resources. Other interviews with CACC members revealed that the Kandara MP had also nominated his political affiliates to the CACC membership (for a list of the members, see Table 6.1).

This was regarded as quite natural, as the MPs' patronage is reciprocal, whereby an elected political representative – now regarded as having access to state resources – uses his/her own influence over resources to provide protection or benefits to his/her supporters (clients). Thus, contrary to the first World Bank assumption identified above, MPs became actively involved in the CACCs mainly to benefit from the economic resources that allowed them to cement their political capital within their constituencies. Interviews with CACC members also shed light on the degree of MP control by indicating that shortly after taking power, the Kandara MP had reduced the number of full-time CACC participants in order to keep control over decisions. This meant that it was only the CC, the CACC chairperson and the CACC treasurer who worked full-time while the remaining CACC members advertised the grants within those community organizations close to them.

**Table 6.1**  
*CACC membership in Kandara constituency*

Position	Profession	Period of work
Patron	MP	2003-2008
CC	Public Health Officer	2003-2008
Treasurer	Farmer	2003-2008
Chairperson	Farmer	2003-2008
Member	Business woman	2003-2008
Member	Business man	2003-2008
Member	Pastor	2003-2008
Member	Farmer	2003-2008
Member	Business woman	2003-2008
Member	Councillor	2003-2008
Member	Division Agriculture officer	2004-2008
Member	Civic Educator	2003-2008
Member	Farmer	2003-2008
Member	Youth Officer	2003-2008
Member	Teacher	2003-2008
Member	Teacher	2003-2008
Member	Community Development Adviser	2003-2008
Member	Councillor	2003-2008
Member	Business man	2003-2008
Member	Area Education Officer	2004-2008
Member	Children's Officer	2004-2008

Source: Interview with Kandara CC (4/12/2010).

As word of mouth raised the profile of the NACC grants, more groups became interested in accessing the resources. The three CACCs reported that although community groups were interested in applying, most of them did not have proposals. The lack of proposals provided an opportunity for the CC and CACC members to benefit by charging groups fees for proposal writing. Each group was asked to pay between USD 143 and USD 214 for a proposal. This was a good income for CCs and CACCs as they recycled one proposal for many groups. As a result the proposals were vague on the activities the groups were undertaking, and they listed inflated figures to allow groups to spend the grant money in ways of their choosing within a short period of time.<sup>10</sup> In Maragua and



Kigumo constituencies, community groups said they also had to pay the CC or CACC members to 'push' for their proposal during the CACCs' internal selection process.<sup>11</sup> Those costs acted as a default screening mechanism to reduce the number of groups the CACCs had to consider, as they prevented poor and politically un-savvy groups from accessing grants. Groups that were unable to pay the demands for bribes were simply shut out of the process.

Support groups comprised of people living with AIDS were not regarded as potential recipients for grants for several reasons. Two CCs openly discussed their reluctance to fund such support groups; one CC explained that his committee considered it a bad idea to give grants to these groups as they had a higher risk of members dying and not being able to account for the grant money. Because of this mistrust, people living with AIDS became recipients only of the scattered services provided by wealthier and better-connected community groups that did receive the grants.<sup>12</sup> During the fieldwork it was found that the recipients of grant were usually wealthy groups. Most (90 per cent) of the interviews took place in the house of the chairperson of a group: these houses were constructed with permanent materials and had big gardens; the chairpersons of these groups were able to conduct interviews in English while translation was done for the benefit of the other group members.

#### **6.4.2 Cooperation between CACC members and MPs for group selection**

In January 2004 NACC requested all its CACCs to limit the influence of MPs by electing (rather than appointing) CACC members. Following these new rules, the three CACCs came together at the district office to conduct elections. Although the elections were intended to stop interference, this was compromised as MPs worked closely with district officers and the CCs. Thus, MPs were able to influence the election process of their key allies, with the result that, in all three constituencies, the CACC treasurer and chairman remained in place,<sup>13</sup> effectively protecting the MPs' interests.

However, the MPs did not act alone. A reminder of the importance of the close collaboration between the MP, the CACC and the district personnel was observed in Kandara constituency, where the MP's desire to take full control of the grant-allocation process had raised tensions

among the local bureaucracy and eventually led to an investigation of CACC activities that revealed the presence of several 'ghost' groups. As a result, grants were frozen in the constituency. This anecdote shows that, although powerful, MPs required an extensive network of support to benefit from the grants. In comparison MPs from Maragua and Kigumo constituencies gave considerable freedom to both CCs and CACC members, while also inviting district officers to participate in the grant-making process in order that they might all benefit from it.<sup>14</sup>

By 2005 three types of groups had emerged as beneficiaries of the CACCs. First, there were groups based in the main towns close to the CACC and district offices, which could afford to pay for their proposals to be written and approved; these were the most numerous groups and they generated the most income for the CACC. Second, there were groups based in areas that had provided political support to the MPs. These groups received grants despite the fact that they did not pay the 'processing fees'. They came from areas where the CACC members lived and were indirectly linked to the MPs' political networks. Finally, there were groups directly chosen by the MPs to advance their own local political career. These were in the minority. Even when the MPs intervened in the selection of the groups they had to rely on the local bureaucracy for processing the grants. A member of a well-off women's group in Kigumo constituency said that approval for a grant to her group was given only after her chairwoman had convinced the MP to award it (CBO9, 10/12/08). However, prior to meeting with the MP, the chairwoman had to persuade her local chief to give her the contact details of the CC who in turn had to write a proposal requesting money to help orphans. Only then was it possible for the MP to recommend her proposal during the CACC vetting process. Once the group got the money it bought seven sewing machines and trained ten orphans in tailoring. Although not in their budget, the group also bought goats for each group member. Once the grant had been spent, the group retained the sewing machines as a long-term source of income.

The allocation of grants to women's groups also highlights the political role of these groups in the constituency. Women are the majority in the rural areas in Central Province, which means that they also make up the majority of the electorate. The combination of wealth and strong political mobilization translates into direct support for those politicians who act as patrons. This is a two-way relationship. On the one hand, the

women's groups are able to benefit from the MPs' influence. On the other hand, the support of a women's group with a wide membership is critical for the re-election of the MPs. In addition, this collaboration reproduces the dominance of local political institutions since well-off peasants – both women and men – have a power-base and the attendant patronage relationship gives them preferential access to resources (Van Velzen 1977).

#### 6.4.3 Focus on prevention and income-generating activities

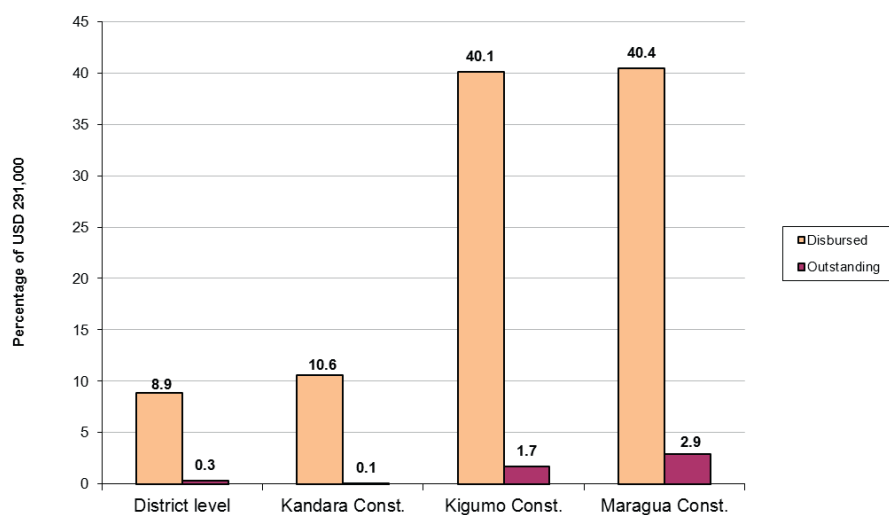
The outcome of this political collaboration shaped the logic for participating in the HIV/AIDS sector. The introduction of a measure to ensure sustainability exemplifies this. In 2004 NACC informed the CACCs that vulnerable groups were to allocate some of their grant money to finance income-generating activities in order to ensure sustainability of services once the grant was over. CACCs took advantage of this measure by applying a wide interpretation of the NACC directive. Most of the grant recipients interviewed (9 out of 16 groups) had income-generating activities. By placing these groups in the category of 'vulnerable groups', and approving income-generating activities that benefited only members, CACCs were able to serve their own interests, raising their profile within the constituency and increasing the number of community groups interested in paying for proposal-writing services. Because the income-generating activities were not regulated by NACC, the successful groups could use large amounts of the grants they received for agricultural-based income-generating activities. Four groups interviewed allocated more than 40 per cent of the grant money to agricultural activities that only benefited group members. These activities included tree nurseries, cattle, goats, poultry, revolving loans, and bee-keeping.

By the end of 2005, 65 community organizations had been funded in Maragua district. These grants amounted to USD 291,428. Most of the awarded grants had been given to Maragua and Kigumo constituencies, while Kandara (due to problems between the MP and the local bureaucracy) had only received 10 per cent of the total number of grants allocated in the district (see Figure 6.4).

Most of the grants (90 per cent) were given to groups delivering prevention messages through drama, poetry and traditional dances, warning the audience to abstain from casual sex and emphasizing the importance

of being faithful. Women's and youth groups who received grants often performed in public gatherings (organized by chiefs and sub-chiefs), narrating the tribulations brought by HIV/AIDS for those people who were involved in out-of-marriage relationships, or for young people who did not abstain from sexual encounters. Prevention usually took a moralistic tone, portraying sexual relations as sinful and associated with a decline in moral values among the young generation. Little was said about condom use as an alternative method to abstinence; about how to avoid mother-to-child transmission; or about the rights of people, especially women, who had infected husbands or were HIV/AIDS positive themselves.<sup>15</sup>

**Figure 6.4**  
*Grants allocated to Maragua district (2003-2005)*



Source: NACC 2007.

Other forms of prevention efforts included visiting schools, markets and churches to show videotapes with images of what happened to the human body once it was infected with HIV/AIDS. The physical decay was expected to frighten audiences and make them abstain from sex. A group member said:

We showed the films. It was terrifying. It showed how a person is attacked by the virus and how the body looks like. After the film, people came to us and asked us what to do and we advised them to be faithful to their partners and for girls to stop messing around with boys (CBO4, 03/12/08).

This type of campaign focused on portraying HIV/AIDS as something that people had to be afraid of. It gave little thought to those who were already affected by HIV/AIDS. Indirectly, the campaigns fuelled stigma towards people who showed any symptoms related to AIDS (Alonzo and Reynolds 1995, Nguthi and Niehof 2008: 181). The lack of concern for PLWAs mirrored the low prevalence rates in the area: the groups disseminating information considered HIV/AIDS to be something affecting other people.<sup>16</sup>

In contrast to the large numbers of groups providing preventive information, only four out of sixteen claimed to include some sort of support for orphans among their activities. Further prompting on the nature of the support found that it did not address the long-term needs of children. A member of one of these groups said:

We helped them (three orphans) by visiting them and gave them money to buy food and drugs. We talked to them. Then (each of us) contributed five hundred per visit. We visited twice and finished the project (CBO9, 10/12/09).

Only two community organizations from the 16 interviewed dedicated the grant for the provision of home-based care services for people living with AIDS and orphan children. When asked why so few groups worked on providing support and care services to PLWAs a member of the group explained:

Whoever does the visits to the sick must take something (with him/her)... they need food, rent, etc. They do not have any financial support. This is a lot of work for the groups. That is why there are not many home-based care groups (CBO2, 02/12/08).

This showed that, contrary to the second of the World Bank assumptions, community groups preferred to avoid providing care services as they represented an important financial commitment. Thus, support to people with AIDS was given at irregular intervals and directed to a small number of people.<sup>17</sup> The lack of systematic support for people infected

and affected by HIV/AIDS was in stark contrast to the benefits group members received through income-generating activities funded by grants. For example one group had used 80 per cent of the grant money to buy goats that, once the grant was finished, remained the property of the group members. Influential people in the district started to look at the NACC grants as an easy way to make money. One CC explained that HIV/AIDS grants had become a source of income for some people:

Someone could come and tell me 'I have my proposal and I want it funded'. When you try to explain, you find this person saying 'no! I need money'. You know, it was as if he thought it was compulsory (CC1, 27/11/08).

Thus the NACC grants continued to be seen as 'free money' that could be spent to cover the needs of the group members. In Nairobi, the World Bank and NACC staff seemed to have little awareness of the existing rural dynamics and how this was shaping the HIV/AIDS response. As a result those who were the intended target of the policy ended up marginalized.

#### **6.4.4 The discontinuation of preventive activities in Maragua's constituencies**

After the first World Bank loan ended, CACCs expected a new funding programme to be implemented within a few months. By the end of 2006 NACC had not issued any new calls for proposals. In Maragua constituency, the MP used some of the money he received from the government to give Ksh 100,000 to two community groups to continue working on HIV/AIDS. However, the MP soon tired of being asked for money. Similarly, the Maragua CC looked outside NACC for funding. The CC said that she had been able to get funding for another two community groups due to her contacts with an international NGO operating in the area. However, this situation changed when new government statistics showed that Central province had low prevalence levels, leading international NGOs to move their HIV/AIDS programmes (and associated funding) to provinces with higher prevalence. MPs and CCs had to explain to community groups why there were no more grants. One group said that after asking their MP for another grant, the group was told this would not be possible because the government had moved the department that provided the finance to another section (CBO7, 05/12/08).

The information given by MPs and CACCs about the lack of funding was interpreted by the community groups in different ways. Some thought it was because they had fallen out of favour with the MP. Some interpreted it as the fault of their MP for not giving enough attention to national matters to ensure a continuation of the funding. Others thought that the MPs were using the NACC grants for their own benefit. Interviewed community groups were upset that their patrons were no longer providing the resources they expected. Community groups that were now focusing on HIV/AIDS as a form of livelihood held out for as long as they could for the new funding. After waiting for two years, many groups stopped seeing HIV/AIDS as an area of interest. Only a small number of groups remained hopeful; they stayed in contact with the CC by doing low-cost sporadic activities such as talking about HIV/AIDS during public meetings or providing small amounts of food to orphans in the hope that they would be able to access funding again in the future. A member of a women's group reflected that their lives had become more complicated after getting involved in the HIV/AIDS sector as:

When we go for a visit, sometimes we have planned to see a family of five members only to meet ten people. So the food is not enough. When passing by we meet with sick people and they expect us to help them and take them to hospital, but we have no money to hire a vehicle. In some homes there is no space and some children have no beddings and others are sleeping on the ground so we are also affected psychologically since we do not have the ability to help them (CBO5, 03/12/08).

The lack of grants meant not only a reduction in the number of community groups involved with CACCs; the CACCs themselves were no longer receiving monthly budgets to cover their day-to-day operations, with the result that they could not provide financial allowances for their members. The absence of allowances led many members to stop attending meetings. By 2007 the CACCs were no longer operational. This was a problem for the CCs, who were the only government officers within these bodies and who had a responsibility to continue monitoring the HIV/AIDS related activities of community groups. In addition to the lack of funds, the national policy on HIV/AIDS was now emphasizing the free provision of anti-retroviral drugs in public hospitals (see section 5.6). The policy shift from preventive to curative care eroded the



CACCs' position, and their difficult situation was aggravated further after NACC undertook a national accounting exercise which found that 5 per cent of the grant money given to Maragua district could not be accounted for. Although the amount was not large, NACC blamed CACCs for not doing their work properly.<sup>18</sup>

In 2008 it seemed that the allocation of grants was to recommence after the Total War on AIDS (TOWA) was announced. This news generated fresh interest in the grant process. However, many things had changed after the NACC accountability exercise, and the CCs were aware that TOWA aimed to stop corruption in the grant-allocation process. A CC said:

Now that we have TOWA, many groups are asking 'are you not going to look at our proposals [submitted during the first World Bank loan]' I tell them no, that chapter is closed (CC1, 27/11/08).

In 2009, the selected community groups were finally announced and given grants. However, the number of grants was limited to three per constituency. This angered groups who were not selected as they had invested time and money to complete the paperwork. Contrary to earlier practices, the MPs and CACC could no longer select who got the grants. Instead, it was an international accounting firm based in Nairobi which selected the groups. All three CCs argued that the financial freedom given to them at the beginning had enabled them to do more for those people affected by HIV/AIDS than TOWA; they looked back nostalgically on the 'good years'. In the words of one CC:

[At the beginning it] was effective because groups got money to support orphans. So many people were infected. It is not like now that we have the ARVs... [These initial] funds helped the community to assist bed-ridden people. It also sensitized the community to assist others. They came to discover that they have got a role. They assisted by giving money directly, or planting food for them. That kind of support helped a great deal in managing the lives of those who were positive. And during that time is when many people started declaring publicly and accepting themselves (CC1, 27/11/08).

However, these comments emphasizing the role of the grants in helping community groups to provide care and support services were not validated during the fieldwork. Rather, evidence suggested that MPs, lo-



cal bureaucrats and well-organized community groups – especially politically relevant women-only groups – benefited from the grants. Thus, in studying the implementation of HIV/AIDS policy it was found that MPs used CACC membership to strengthen their political ties with business people who had financed their political campaigns. The exchange was not embedded in kin-ties, but took the form of a financial transaction or an exchange for political support. This exchange was undertaken after approval from the local bureaucracy. This was a highly exclusionary process for those groups that lacked the financial resources or the political backing to be of use to the MP. In addition, the low HIV/AIDS prevalence in the area gave the grants the appearance of ‘free money’ used to fund agriculture-based activities that benefited only the grantees.

## 6.5 Rachuonyo district: Male-dominated perspective in the HIV/AIDS response

Since the early 1980s Nyanza province has had the highest HIV/AIDS prevalence rates in the country. Increasing numbers of deaths due to HIV/AIDS among males had important social consequences for the Luo society as it put agnatic kinship systems under pressure (Kaler and Watkins 2001: 87).<sup>19</sup> AIDS-related deaths were interpreted as a punishment for people not adhering to traditional Luo practices (Dilger 2006, Okuro 2005).<sup>20</sup> To counteract the ancestors’ punishment, people were advised to engage in traditional practices. Two of the most important practices were wife inheritance (where the widow remarries a close relative of the deceased husband) and widow cleansing (where the widow casts off evil spirits by sleeping with a social outcast). Both practices had sex as a central component thereby fuelling HIV/AIDS prevalence (Ambasa-Shisanya 2007, Luginnah *et al.* 2005).

As HIV/AIDS infection rates increased, stigma and discrimination appeared within families in the form of blame. Families shunned or gossiped about those believed to have contracted HIV or AIDS. They felt less responsible for AIDS-sick relatives who were perceived as being the authors of their own misfortunes, especially young women who had the weakest status within the Luo family structure. Young widows or unmarried daughters sick with AIDS illnesses were often left to die alone.<sup>21</sup> In turn, the death of women left a generation of orphans without caregivers. Grandparents, previously the last resort for orphan care, were

now bearing the burden. In some instances, orphans themselves became the heads of multi-child households.

Increasing numbers of AIDS-related deaths and orphans led many NGOs to establish bases in Nyanza. In the late-1990s the NGOs introduced preventive aspects to their medical work to disseminate information on HIV/AIDS and reduce stigma around those infected by it. However, the medical understanding of HIV/AIDS contradicted the traditional Luo explanations. Medicine sans Frontiers was one of the first NGOs to start information campaigns in Nyanza. To counteract the high levels of stigma in the province, this NGO encouraged its social workers and medical staff to wear bright red t-shirts that read 'I am HIV/AIDS positive'. The focus on prevention and care was reinforced with the launch of the national HIV/AIDS policy. In 2001 NACC piloted its grant-allocation programme in Nyanza province. It issued a call for proposals and requested Nyanza MPs to mobilize community groups that were interested in providing HIV/AIDS related services. By the end of the year NACC had funded ten community groups based in Nyanza province. After the pilot, as we have seen, NACC established CACCs in all constituencies and opened a nation-wide call for proposals in 2002.

### 6.5.1 MPs' tight control over the CACC membership

In 2001 both Rachuonyo MPs were involved in raising awareness of HIV/AIDS with their constituents. This was despite the fact that prevention campaigns promoted monogamy as a way of limiting the spread of the disease, which was in direct opposition to Luo culture in which men have more than one partner. This put the MPs' roles as elders in conflict with their role as upholders of Luo traditions. To deal with this conflict, the MPs made vague remarks about HIV/AIDS in public forums where no further questions could be posed by their audiences, while in private they expressed the unfeasibility of monogamy (Nairobi 23/06/09). An NGO worker remembered how Rachuonyo MPs talked about the HIV/AIDS epidemic at the time:

MPs did play a key leadership role in coordinating HIV/AIDS activities. However, their forums excluded women and, in many funerals I attended, they did not challenge traditions. Some even said how women were to be inherited (Karachuonyo, 27/02/09)

This conflicting position for the MPs was compensated by the possibility of accessing grants in a region famous for its lack of access to government resources. In 2002 both MPs established CACCs by nominating supporters as members. Neither MP hid their interest in benefiting from the grants. The Karachuonyo MP was an ambitious politician close to Raila Odinga, head of the opposition and the most important Luo MP in the country. As a result of this friendship, the MP was able to negotiate a ministerial position within the Moi government. However, he was seeking more than one term in office, and the NACC grants provided a way to finance his campaign in the coming elections. To control the grants the MP picked relatives and political affiliates as members of the CACC. In the other constituency, Kasipul Kabondo, the MP selected only people from his home area. An HIV/AIDS activist of the area said:

They were his political activists. His right-hand man was made the treasurer. Later, the same man was made part of the MP's community development fund committee (Kasipul Kabondo, 02/12/2010).

**Table 6.2**  
*Membership of CACC in Karachuonyo constituency (2002-2007)*

Position in CACC	Profession	Period in CACC
Chairman	Retired teacher	2002-2007
Treasurer	Business man	2002-2004
Full time member	Councillor	2002-2004
Full time member	Retired community health officer	2002-2004
Member	Community health worker	2002-2004
Member	Business woman	2002-2004
Member	Retired teacher	2002-2004
Member	Farmer	2002-2004
Member	Pastor	2002-2004
Member	Herbalist	2002-2004
Member	Retired teacher	2002-2004
Member	Business man	2002-2004
Member	District officer	2002

Source: Interview with Karachuonyo CC (4/12/2010).

As with Maragua, in Karachuonyo constituency all the CACC members appeared to be business people and other political affiliates of the MP. Even the MP's wife was part of the CACC and enlisted as a business woman (see Table 6.2). Moreover, the MP selected his closest aides to work full-time in the CACC while other members only attended when they received invitations from the CC.

In Kasipul-Kabondo, too, the MP was quick to constitute the first CACC. However, after the sudden demise of this MP, by-elections took place and his successor took charge of the CACC by appointing all but three CACC members from Kasipul division, which was his home area. Among the CACC members were his sister-in-law, who acted as the treasurer. This created uproar in the area as the Eastern side of the constituency – and one of the most densely populated divisions in the province – had been largely excluded. A CACC member commented on this process:

The group of the MP was funded [laughing] and some groups were funded more than others so there was favouritism. Especially in this central part there were complaints because we wrote a lot of proposals and other areas had one or two so it shows the MP representatives [CACC members] were not mobilizing all the people (Kasipul Kabondo, 09/02/09).

At the beginning of 2004 the NACC requested constituency committees to conduct elections for their members; at the same time people from other areas of the constituencies were putting pressure on the MPs to open up CACC membership. However, the MP from Kasipul-Kabondo simply ignored the request for elections and asked his CC to write a report to NACC attesting that elections had taken place. The fact that the MP could ask the CC to lie on his behalf indicates how much control the MP had. It also showed that the NACC request for transparency from its constituency bodies was not enforced in any way other than sending a memo to CACCs, despite the much grander reforms that were taking in Nairobi. As a result, the CACCs continued to implement the wishes of the MP and, following the Luo social structure, those community groups with kin relations to the MP were given priority. Although not everybody approved of this system, there was no room for discussion. In one constituency the CC dared to contradict the wishes of the MP. This led to a public campaign to 'shame' the CC with the MP

accusing the CC on [local] radio and newspapers of favouring other groups (Kasipul Kabondo, 01/12/2010).

### 6.5.2 Allocation of NACC grants to groups close to the MPs

The strong influence of MPs meant that, following the Luo social structure, groups needed kin connections with the MPs in order to be selected for grants. Groups from areas which shared the clan, location and lineage of the MPs – such as West Karachuonyo and Kasipul location – were favoured.<sup>22</sup> From this initial pool, community groups were selected according to the seniority and social status of the male elders. Most of these groups were well-off; this wealth was obvious from visits to the homesteads of the groups' chairpersons in an area characterized by high levels of poverty. With the exception of one of the groups, the houses of the chairpersons were made of permanent materials and surrounded by large plots of land.<sup>23</sup> The fact that all of the groups had retired bureaucrats as their chairperson – even a group that was listed as a women's group – was another marker of recognition of seniority in the Luo society, with successful civil servants representing their clans. Furthermore, once a group was given a grant, the MP nominated the chief or sub-chief of the area to become the group's 'local patron'. In this way, the MP linked patronage not only to certain clans and lineages but also to the bureaucracy working close to the groups. These complex patronage networks resembled the agnatic lineage society of the Luo group. Because of this, groups that had no kin ties or had a women-only membership were essentially excluded. A young woman commented on their inability to submit a proposal:

You have to be guided to write proposals ... So, we decided to support ourselves rather than be stressed by the money (Karachuonyo, 09/02/09).

This meant poor women's groups – traditionally in charge of providing care to the sick and to children – were excluded from the grant-selection process. Again, this reflected Luo culture, in which women are prohibited from managing household resources. This of course had important consequences in the implementation of the HIV/AIDS policy. However, once again this went unchecked, since there was no-one overseeing the policy implementation.

### 6.5.3 Kin-based patronage: Grants used as insurance against HIV/AIDS risks

Because of the high levels of HIV/AIDS prevalence in the district, 15 out of 16 interviewed groups stated in their approved proposals that they would use the grant for providing care and support for widows and orphans. Interviews found that this focus was the result of two factors: first, within the Luo structure, people from related clans are expected to help each other; second, the increasing numbers of sick women and orphans represented a serious problem to the social structure of the area. The chair of one of the self-help group explained:

As elders we constantly came into problems of beggars [landless men and women from the location] approaching us day-by-day for help... We thought of forming the association as a collective solution to poverty due to HIV/AIDS problem... At the same time [we were] trying to check on issues of children and widows left behind by the [deceased] men (CBO15, 04/02/09).

In their proposals, the grantees stated they would pay for school-related costs such as fees, uniforms and textbooks, as well as food for orphans and support for bed-ridden and destitute widows. However, in the best of cases these services were offered for short periods only and did not provide the continuous resources, effort and attention necessary. Because of the irregular nature of the support, beneficiaries reported feeling resentful as they knew they were receiving only a small portion of the grant money. The inequality in accessing benefits from the grants created tension among the beneficiaries. A representative of a women's group who worked as a representative of HIV-positive people within her CACC said:

They were given Ksh 350,000 [USD 5,000]. They buy 10 sacks of maize and beans for themselves, and gave us [people living with AIDS] one tin of maize and 16 school uniforms (Karachuonyo, 09/02/09).

Similarly, a network of women's groups made up of widows explained that it was common for the recipients of grants to approach them with food tokens or small amounts of money for which the beneficiaries signed. This was not real support to PLWAs; rather it was an exercise for the grantees to justify their use of the grants. A key informant made the

following statement about a group led by a retired district education officer whom I had visited earlier:

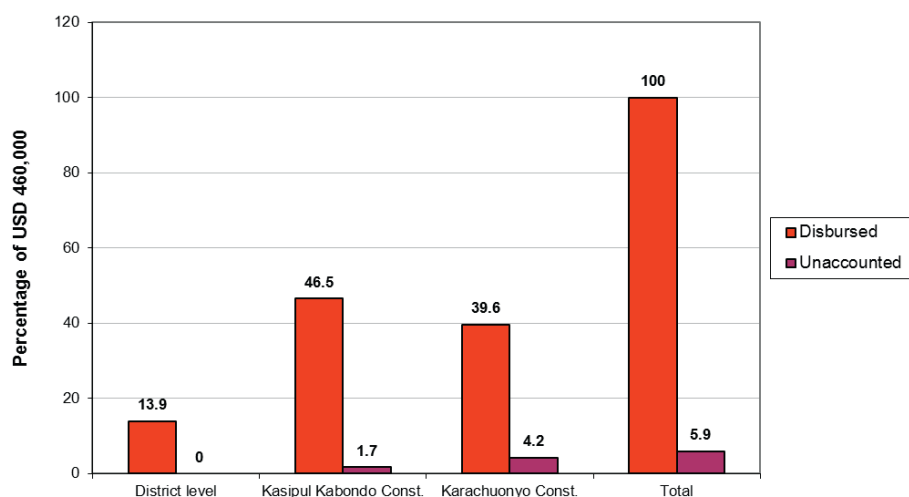
Here comes the case when people come from the [NACC] office to ask. They take some orphans from other [support] groups and then they say they are supporting them while they do not. They only buy uniform and not full uniform: only a tunic or a shirt and short. No shoes, no bag, no books or pen. Then they take photos when they are giving children uniform and say they used it right. They remain with most of the money (SP5, 10/09/09).

Because of this feeling of abuse, many of the poor groups interviewed were now refusing to get involved and preferred not to take the token money given by the richer groups. Instead young women who had been cast off by their relatives were organizing in women-only groups that farmed together and provided the social support that the traditional Luo structure was no longer offering. The complaint about unequal benefits was a recurrent one: the grantees from groups that were either wealthy or politically connected seemed to have benefited more. And indeed this was the case: 10 out of the 16 groups interviewed were wealthier and mentioned that they had dedicated a substantial amount of grant money to income-generating activities that benefited only group members. The groups took pride in mentioning the diverse income-generating activities started with the grants, which included farming and cattle rearing, opening businesses and saving schemes. For example, one of the groups in Karachuonyo constituency received a grant based on a proposal that committed the group to supporting more than 40 people affected by HIV/AIDS by paying school costs for 18 orphans; providing food support to 20 widows; and starting a small business for five elderly women affected by HIV/AIDS. In reality the group's activities were very different as they had not received the full amount of the grant. After buying school uniforms for 15 children and food for a couple of households living nearby, the members had used the remaining funds to start a community pharmacy where simple drugs, such as Septrin and painkillers, were sold over the counter.<sup>24</sup> The members of the group shared the profits of the business as well as allowing HIV-positive group members to access the drugs free of charge. In addition, the grant had been useful for starting a revolving fund for the group and paying for farming expenses. All of these income-generating activities had been undertaken

despite not being specified in their proposal and having a very limited impact on the welfare of orphans.

That groups used the income-generating activities to protect their members' livelihoods was not an exception but a rule. Regarding the grant as a gift from their MP, most groups used the money to protect themselves from the devastating economic effects of the epidemic. Group members were vocal about how much the grants helped them and their families. In other words, the group members were able to mentally separate different elements of the grants: they saw the money as being for their benefit rather than for the benefit of others, and saw their role as care-givers to others as only part of a moral – rather than a contractual – obligation, which was fulfilled half-heartedly as and when possible. Thus the grants functioned as insurance against the economic risks posed by HIV/AIDS. Only a minimal proportion of resources trickled down to people living with AIDS – particularly women and orphans – who were the supposed to be the 'real' beneficiaries of the grant. Of course, these findings have to be contextualized within the high levels of poverty in the area.

**Figure 6.5**  
*Grants provided to Rachuonyo district (2002-2005)*



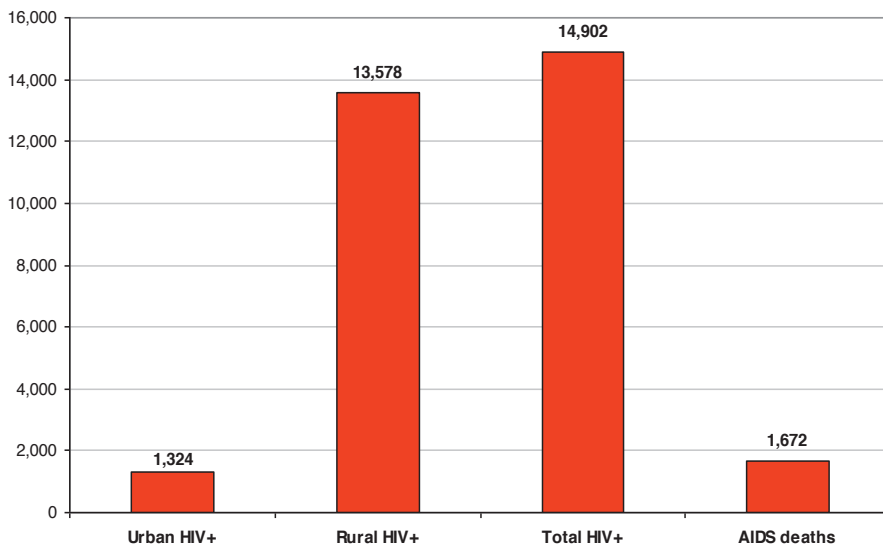
Source: NACC 2007.



#### 6.5.4 NGOs taking over: From patronage to ‘professionalisation’ of community groups

In December 2005, NACC conducted an audit of the grants allocated throughout the country. It was found that Rachuonyo district had received a total of 95 grants to civil society organizations operating in the two constituencies. These grants amounted to USD 460,000 and were distributed in a similar manner within the two constituencies (see Figure 6.5). The audit also found that almost 6 per cent of total funds given to the district (see Figure 6.6).

**Figure 6.6**  
*HIV prevalence (2007)*



Source: NACC 2007.

Although relatively low, this figure led to a heated blame game between NACC, the district officers and the CACCs of the district, as it seemed to indicate that the misuse of funds was more widespread than previously thought. NACC accused the CCs of insufficient monitoring of how grants were utilized, which gave groups the freedom to divert

funds to activities not specified in their proposals. It also blamed the district officers for not overseeing the CACCs' work. The officers involved in the district committee did not agree. They argued that NACC expected them to work on a voluntary basis. Consequently the time they spent on HIV/AIDS activities was limited, which affected the opportunities they had for monitoring the constituency bodies. The district officers also blamed the CCs for poor results during the implementation of the policy. They argued that CCs gave grants to those who paid them. Once the CC received a bribe, he/she was no longer interested in the group's performance. A member of the district office said:

At the constituency level there was a lot of misuse. I heard allegations of persons requesting [the CC] to be re-reimbursed because their proposals were never sent to Nairobi or because the coordinator did not pay the person in Nairobi (Rachuonyo, 26/02/09).

The CCs refuted these accusations, arguing that NACC was to blame for giving grants without their consent. Referring to high levels of corruption they mentioned that even FMA officers – theoretically in charge of monitoring the grants at national level – had asked community groups to wire back a percentage of the money received. Also, many 'ghost' community groups had received grants. To cover for their illegal activities the FMA had not followed up on the financial reports required from groups, nor had it established an office within NACC where community groups could trace the documents sent to NACC, resulting in the misplacing or absence of important documents. Both CCs in Rachuonyo felt they were victims of this faulty accounting system, with the result that their CACCs were left with no money for almost three years. None of the government officers involved – NACC, the district committee and CCs – accepted responsibility; they all accused others of being corrupt. What was not denied by any of these actors was that this corruption had led to poor care and support services for orphans, widows and sick people. However, even in a best-case scenario – that is, if all 95 community grants had been fully accountable – the resources provided to the district would not have been enough to care for the thousands of people in the district infected and affected by the epidemic. Nevertheless, the institutional emphasis remained focused on the issue of corruption.

By 2006 the funding for CACCs had stopped. Both Rachuonyo CCs continued working with community groups even though they were no

longer receiving funds from NACC. This was made possible because of the many different international NGOs with HIV/AIDS activities operating in the area. As a result of the NACC multi-sector strategy, many of these NGOs resembled the NACC system in that they funded proposals from community groups to provide care and support services. An NGO called African Medical and Research Foundation (AMREF, also known as Flying Doctors) was the most prominent in Rachuonyo district. AMREF provided follow-up funding to 8 of the 16 interviewed community groups which received NACC grants. Perhaps surprisingly, AMREF decided to hire the CCs to monitor their grant recipients, despite the accusations that CCs were involved in corruption. However, AMREF's management system was different to NACC's and entailed constant supervision and training both to the CCs and to community groups. Members of the AMREF Nyanza office met regularly with each CC in order to monitor the work being done with the groups under their care. An AMREF officer said:

We trained CC coordinators on organization development... and a tool was developed to assess groups. So after training, we use the CC coordinators to reach groups because they knew them better and they were near the groups. They (the CC) are good and can work if given facilitation [by AMREF] (Kisumu, 09/04/09).

Once a group was selected, an AMREF trainer would work with them for three days to help them develop their proposal and clarify their budgets, thus putting an end to the proposal-writing business. AMREF also provided tri-monthly training, teaching the groups how to deliver clear financial reports documenting how the money was being used. In case of problems, AMREF gave the groups a cell phone number they could call to get help quickly. All of these elements helped the groups to become more 'professional'. Within a short time, there were marked improvements in the groups' administration of grants. Interviewees recognized that the AMREF system was better than that followed by NACC in at least three ways: CCs were able to react more quickly if a group had problems, as they could always call for help; the CC was able to help the groups write proposals and reports free of charge; and those groups whose proposals were not successful received feedback and were encouraged to apply again.

In 2007, NACC opened a new call for proposals after receiving a second World Bank loan. Despite the delays and administrative changes, the CCs said they were happy to be working again with NACC. Moreover, they felt that the training they had received from AMREF had made it easier for them to apply the new NACC rules. After two calls for proposals, however, NACC had not yet funded any groups. The CCs were frustrated by these delays, which eroded their credibility with community groups. Finally in 2009 funding was made available. Once the groups were funded, however, the CCs were not able to use their newly acquired skills as they were now side-lined in an effort to reduce corruption. The CCs and groups resisted this new arrangement, but there was nothing that they could do. The CCs felt that the FMA was not going to be able to relate to the problems faced by the rural community groups because they were from Nairobi; similarly community groups selected complained that they were now asked to do things that were too complicated. One of the groups that was funded said:

They are very strict and have a lot of rules. They think of us as educated as them. We are facing many problems because we have to follow all their instructions (CBO15, 04/02/09).

The CCs were consoled by the fact that they now had other work thanks to the NGOs. This was not the case for MPs, who by now had no role to play in the sector. Thus, the institutional changes in NACC finally managed to separate the policy implementation from the patronage networks of the MPs. In contrast to the findings for Maragua district, the MPs of Rachuonyo built their patronage networks by providing grants to their clients in line with kin networks, following the organizational hierarchy of exchange within Luo culture. This created a dual response from the MPs' constituents. On one hand, community groups that received the grants were grateful for the offering from their patron. On the other hand, women-only community groups – representing the majority of the people infected by HIV/AIDS – resented their exclusion from the political process. Given their position at the bottom of the social hierarchy, there was little they could do. In short, as in Maragua district, the MPs used the HIV/AIDS grants to build their patronage networks revealing in the process the fractures within the Luo and Kikuyu groups inhabiting these districts.

## 6.6 Conclusion

This chapter has described the patronage triggered by the allocation of HIV/AIDS grants in Maragua district in Central province and Rachuonyo district in Nyanza province. The chapter found that the initial assumptions of the World Bank – regarding the role of MPs in mobilizing communities, and regarding the homogeneous and altruistic nature of communities – were not correct. Rather, community groups were active political entities closely connected to ‘traditional’ authority structures. Because of this, community groups, the local bureaucracy and MPs formed coalitions to benefit from the HIV/AIDS grant-allocation process. Information regarding HIV/AIDS spread quickly, even if not exactly as envisaged by the World Bank, as the community groups were both a channel of information and political muscle for accessing scarce resources for the development of the group.

The grant-allocation process followed the social structure of each area. In Maragua, clientelistic relationships were formed between wealthy business groups or politically relevant community groups who paid CCs and CACC members to write their proposals and to prioritize them within the CACC internal selection process. In Rachuonyo, the MPs allocated grants following their agnatic lineage ties, which in turn provided political support. The patronage hierarchy led to the marginalization of the very people the policy was intended to help. In Maragua, the poor, the sick and politically un-savvy support groups did not receive grants. In Rachuonyo, grant allocation was based on gender, generation, lineage, wealth and links to the district administration. Thus, women-only groups – who were either sick or widows and hence at the bottom of the social hierarchy – were not included. By excluding these people, MPs and grantees were exerting their own concept of power and authority, which was quite different from the one envisaged by the World Bank.

The funding gap challenged the established patron–client relationships. In Maragua, community groups and the MPs withdrew their involvement as the CACCs were unable to access other sources of funding. In Rachuonyo, the MPs were cut out of the loop when the CACCs and community groups began to collaborate closely with NGOs. Based on these findings, it is possible to conclude that HIV/AIDS grants bore many similarities to earlier experiences with other social development projects in which MPs, acting as patrons, misused government resources.

At the same time, the HIV/AIDS grants strengthened the MPs' power base while also giving them a role at the national level. Thus, the chapter found that the policy model designed by the World Bank was based on a flawed understanding of the social and political dynamics of Kenya's rural areas. As a result the policy played a limited role in addressing the epidemic, while the main responsibility for dealing with its impact was placed on the shoulders of those vulnerable community groups who were excluded from the grant process.

## Notes

<sup>1</sup> The audit found three weaknesses in the existing grant-allocation process. First, community organizations had not kept proper accounts for the money received. Second, an important number of grants were given to organizations linked to relatives of the MPs, thereby raising doubts about the benefits that the organizations had to offer to the wider public. Third, most organizations did not have alternative sources of funding, which put the sustainability of their operations in doubt, especially after the full utilization of the grants. These weaknesses meant that it was not possible for NACC to confirm that the grants had been used for their intended purposes (NACC 2003).

<sup>2</sup> The decision to retain the role of MPs and the constituencies was partly linked to wider political changes caused by the end of President Moi's rule. After the 2002 presidential elections, 70 per cent of MPs were replaced by new parliamentarians who were younger and better educated. The new MPs supported the national decentralization process, retaining the CACCs within the constituency.

<sup>3</sup> Three of these changes are worth mentioning. First, NACC developed guidelines to help CACCs understand their role as well as to reduce the influence of MPs in decisions related to CACC membership and resource allocation. Second, the number of HIV/AIDS activities across ministries reduced. Third, the role of the Financial Management Agency (FMA) was strengthened. Thus, the FMA took over many of the responsibilities of CACCs in order to avoid inappropriate selection of projects and 'briefcase NGOs' (World Bank 2005b).

<sup>4</sup> In 2007 NACC was awarded a new World Bank credit (World Bank 2007d) through a project called TOWA (Total War against AIDS). This credit amounted to USD 80 million to support NACC activities. In addition, DFID contributed USD 33 million and the Kenyan government provided USD 2 million to TOWA. However, NACC did not start funding community organizations again until early 2009.

<sup>5</sup> See Appendix 5 for a list of interviews.

<sup>6</sup> Most of the interviewed groups (12 out of 16) were established prior to the formation of NACC as savings groups that later became interested in providing HIV/AIDS related services.

<sup>7</sup> In Kenya, MPs start campaigning two years prior to the elections.

<sup>8</sup> Every month members deposit a fixed amount into a fund, which is then placed at the disposal of the women on a rotating basis (Maas 1986: 32).

<sup>9</sup> The chiefs and sub-chiefs of the provincial administration were appointed by the president to participate in the fight against HIV/AIDS. Following the appointments, NACC provided training to officers working in the provincial administration.

<sup>10</sup> Of the 16 groups interviewed, 12 had used the grant money in a six-month period.

<sup>11</sup> This was not the case in Kandara constituency where the MP decided which groups were to be funded.

<sup>12</sup> Interviewed PLWAs strongly contested the position taken by the CC and CACC members by arguing that they were much better placed to provide outreach services to people within their community.

<sup>13</sup> Following another of NACC's new rules, these members became part of the CACC Executive Committee, the decision-making group within the CACC

<sup>14</sup> There may have been additional reasons for granting this freedom. The MPs from Kigumo and Maragua were cabinet ministers; consequently, they received supplementary resources beyond their salary, and had less time to spend in their rural constituencies.

<sup>15</sup> During an informal discussion about the lack of availability of condoms in her constituency, a CC said she did not promote condoms because they encouraged prostitution.

<sup>16</sup> One of the three CACCs in Maragua district had a better understanding of the importance of testing as well as other forms of HIV/AIDS prevention due to the work of a Spanish NGO whose mission was to stop mother-to-child transmission. This NGO made it possible for Maragua district to establish a Comprehensive Care Centre for PLWAs in the district hospital and provided long-term training on HIV/AIDS to the medical staff as well as the CC and district bureaucracy. This training had concluded in a public meeting where the CC and district officers took an HIV test. Following this example the CC of this constituency encouraged youth groups to get tested and women's groups to learn more about mother-to-child transmission.

<sup>17</sup> World Vision, an international NGO operating in Maragua, tried to fill the gap in the provision of home-based care services by offering unemployed peo-

ple small incentives (such as a bicycle and USD 2.8 per visit) to visit bed-ridden people living close by. These programmes only lasted a few years; once they were closed, the ‘volunteers’ stopped the home visits.

<sup>18</sup> The percentage of unaccounted funds reflected those groups that did not submit financial reports to NACC. Although this accounting exercise was revealing, it is likely that it did not reflect with precision how the first World Bank loan was used. During interviews it was discovered that four groups that accounted for their grants did not use the money according to the budget approved by NACC. Also, two groups labelled as debtors said that they had accounted for the money on time and NACC had lost their financial reports; they were later cleared of any financial obligations. Nevertheless both groups still appeared as debtors in the accountability exercise.

<sup>19</sup> Luo society is patriarchal; male household heads are expected to provide security, financial support and parental care for children. People look down at a woman who doesn’t have a husband.

<sup>20</sup> The ‘traditional’ disease of *chira* leads to an illness similar to HIV/AIDS in its contagiousness and symptoms; it makes itself felt through diarrhea and slow weight loss. The Luo associated AIDS with this ‘traditional’ disease, using pre-existing explanatory systems to give meaning to the new epidemic.

<sup>21</sup> This is despite the fact that women are the primary care-givers to the sick. It explains why a study found that in Kenya 90 per cent of AIDS-afflicted men receive hospitalized care before their death compared to only 64 per cent of women afflicted (Opiyo, Yamano and Jayne 2008).

<sup>22</sup> Six of the eight community groups interviewed in Kasipul Kabondo came from the same area in the constituency.

<sup>23</sup> The plots followed the Luo tradition with the house of the first wife located prominently at the back, and the houses of subsequent wives built alternately to the right and left of the main house.

<sup>24</sup> Septrin is a drug which, when taken daily, gives relief to and prolongs the life of PLWAs.



## 7

## Aid for Continuity: The World Bank Negotiation of Kenya's Policy Agenda

### 7.1 Introduction

As the preceding chapters have shown, together with positive changes – such as increasing information on HIV/AIDS and the number of textbooks and classrooms – aid-funded social policies have also led to negative effects, especially the diversion of resources through ethnic-biased allocations, patronage and corruption. This finding suggests that donor control over policy in exchange for aid can lead to corruption. There is an extensive literature that addresses the aid–corruption relationship. In 1990, Ferguson (1990: 69–72) used the term ‘politics of development’ to describe the practice of donors presenting recipient countries as apolitical and the perfect recipients of their technical interventions. Donors’ discursive representation of recipient countries ignores the political character of the state and the bureaucracy as well as downplaying political conflicts within the nation-state (Shore and Wright 1997). This representation is far from the political reality in which aid is disbursed. Other authors have explored how aid disbursement is fraught with tension, bargaining and compromise in order that donors can spend their money in the way it has been planned (see Bähre 2005, Cooksey 1999, Crammer, Stein and Weeks 2006). Easterly (2002) argues that despite criticism for ‘moving money’, donors continue to stress aid volumes over policy outcomes. This had led donors to organize themselves as a cartel, while paying too little attention to ensuring that aid conditions are observed or that the performance of previous aid is followed up (Easterly 2002: 7). Thus, although donors frequently denounce corruption, there is little evidence of consistent and effective campaigns against the corruption complex (Bähre 2005: 107). By acting as a cartel or by simply turning a blind eye to corruption, donors are – both directly and indirectly –

implicated in the corruption for which they routinely condemn recipient governments (Cooksey 1999: 2).

To contribute to this literature, this chapter examines two periods of Kenyan history when the country received aid, despite the fact that the country was not always achieving donor conditionalities. The first period comprises the last three years of the Moi government (1998 to 2002); the second period covers the time during which the NARC government was in power (2003 to 2005). During both periods Kenya received aid averaging 4.6 per cent of Gross National Income, of which the World Bank contributed millions of US dollars. This chapter argues that because of the interests embedded in the provision of aid, the World Bank showed little concern for the fulfilment of its 'good governance' agenda, while the NARC government understood World Bank support as a crucial to counterbalance internal pressures.

The chapter is based on in-depth interviews with senior government officers, politicians and donor representatives,<sup>1</sup> as well as government documents, especially the Economic Recovery Strategy paper for Wealth and Employment Creation (ERS) and investment programmes for the ERS (IP-ERS), and documents produced by the Donors Coordination Group. The chapter describes the relationship between the Moi government and the World Bank, and then shows how the opposition's political manifesto moved away from the policies established through this relationship. Once in power, the NARC government translated its manifesto into the ERS reform agenda, which was dramatically different from the World Bank's poverty-reduction ideology. This led to intense lobbying by donors, who used aid in exchange for policy compliance. The chapter also explains how, despite increasing corruption, Kibaki's government was able to retain the support of the World Bank. The chapter concludes with a discussion regarding the role of the World Bank in maintaining Kenya's political system.

## **7.2 President Moi and the World Bank: Partners in the dance of redemption**

Daniel arap Moi became President during a period of difficult economic conditions. By the end of the 1980s, a declining economy together with lack of discipline in the use of state resources had translated into high levels of inflation and significant deficits in the country's balance of

payments. To meet budgetary deficits, the Kenyan government relied on aid that was given to Kenya for its support of Western interests during the Cold War. However, the end of the Cold War saw shifts in aid flows with the use of economic and political conditionalities. By the mid-1990s, the levels of aid to Kenya had fallen dramatically. Under the Structural Adjustment Programme (SAP) promoted by the IMF and World Bank, the Moi government was required to introduce fiscal austerity measures to stabilize the Kenyan economy. In addition to these economic conditionalities, the Bank included political conditionalities intended to address internal factors such as patrimonial rule and corruption that were seen as the basis of 'dysfunctional economies' (Murunga 2007: 264). This meant that the Bank now required Kenya to endorse political reforms that supported democracy and the rule of law.<sup>2</sup>

Ironically Kenya's aggressive reform agenda was implemented following a highly undemocratic process with economic and political reforms discussed in secrecy and then introduced using the political clout of high-level technocrats close to the president (Murunga 2007: 275). This approach foreclosed the policy debate and limited policy negotiations to a small number of senior government technocrats and World Bank senior staff. This approach was justified by the Bank in order to isolate the reform agenda from Kenya's corrupt political environment. It meant that the reform agenda was linked to the fate of individual technocrats (Murunga 2007: 276).

Two factors led to the erratic implementation of these reforms (Olu-koshi 1998). First, the reforms were disliked by Kenyans as they represented significant cuts in social spending and led to a decline in social indicators, reducing school attendance and enrolment rates due to rising costs, and reducing the access of lower-income groups to health care (Bedi *et al.* 2004:7). Second, the reforms were a serious challenge to President Moi as they undercut his revenue base to support patrimonial relations. The poor implementation of the reforms in turn strained the relationship between President Moi and the World Bank (Cohen 1993, Swamy 1996). On several occasions (1991, 1993 and 1997) this led to the suspension of aid, with the World Bank and other donors citing the high level of corruption and a lack of transparency in government spending. However, the Kenyan state was able to redeem itself each time and it continued to receive aid, albeit at reduced levels.<sup>3</sup> Thus, implementa-

tion of the reforms led to a 'ritual dance' between President Moi and the World Bank consisting of:

...one, Kenya wins its yearly pledges of foreign aid. Two, the government begins to misbehave back-tracking on economic reforms and behaving in an authoritarian manner. Three, a new meeting of donor countries looms with exasperated foreign governments preparing their sharp rebukes. Four, Kenya pulls a placatory rabbit out of the hat. Five, the donors are mollified and aid is pledged. The whole dance then starts again (The Economist 1998: 38).

Despite rhetoric for change, the World Bank was inconsistent towards its own conditionalities. As a result, the Bank not only provided aid which extended the life of the Moi government, it also undermined domestic efforts to secure far-reaching political reforms, and it delayed the democratization process (Brown 2001: 732).<sup>4</sup> By the end of 1997, the lack of political support together with the donors' narrow approach to reform meant that there was little to show for the USD 1.2 billion extended by the World Bank over 16 years for reforms. Indeed, the Bank's lending had coincided with the Goldenberg corruption scandal (1990–1993), in which a company with high-level political connections had received USD 600 million – half of all Bank lending to Kenya – under an export compensation scheme for imaginary gold and diamonds (Thomas 2007: 737; see also section 2.4).

In response, the World Bank developed a new reform strategy that envisaged a lower level of lending in the absence of substantial progress on reforms, including civil service reform and the adoption of a comprehensive anti-corruption strategy (Thomas 2007: 737). As in the past, the Moi government was quick to address donor concerns. In 1999 the president publicly announced that a 'dream team' of experts recruited from the private sector had been hired to clean up Kenya's corrupt and inefficient civil service.<sup>5</sup> The Dream Team, the president said, was a desperate measure to rationalize the country's ailing economy. The team started a new ritual dance aimed at giving both the government and the World Bank enough credibility to introduce a new set of reforms. As in the past, the technocrats appointed preferred to keep away from the murky waters of Kenyan politics and they did little more than make symbolic changes. This was logical given that it was the World Bank who paid their salaries through a loan to the government (Murunga 2007: 291).

Although attempts by the Dream Team to reform the public sector ended in failure, they did give the World Bank, IMF and the Ministry of Finance time to take on board new requirements coming from broad changes in the international aid system. By 2001, the Kenyan government had followed all the necessary steps to prepare its first interim Poverty Reduction Strategy Paper (PRSP) (Bond 2007: 5). The Kenyan PRSP was important as it was the only mechanism recognized by the World Bank and other donors for meeting Kenya's aid requests. Through the design of the PRSP Kenya sent a message to its donors showing its 'commitment towards reform'. However, and much to the dismay of the technocrats involved, the agreements reached during the interim PRSP were challenged after President Moi was voted out of power.

### **7.3 Political opposition and the birth of an alternative policy proposal**

In September 2002 a super alliance emerged between prominent politicians after President Moi chose a controversial candidate as his successor, splitting the KANU party. For the first time, the political opposition was thinking in a unified manner about how to win the coming national elections. This alliance became the National Alliance Rainbow Coalition (NARC) party. An independent researcher explained why this occurred:

Raila (Odinga) had declared 'Kibaki 'Tosha' meaning Kibaki is enough... The (ethnic) alliance created between NARC meant that the Kikuyu would divide their vote among Kibaki and Uhuru while the rest of the groups would vote for Kibaki. That is what made it possible to defeat Moi's candidate (Nairobi, 24/06/2009).

The NARC party developed a political manifesto that made public its political principles and policy intentions. At a political level this meant moving away from KANU policies while continuing to support capitalist development and foreign direct investment.<sup>6</sup> Interestingly there was little ideological disagreement between the coalition parties about the changes the country required. A former government advisor said:

This was their third election... each of them had developed their own working platform. When they came together to form a coalition party,

it was a matter of pulling those ideas together and put an election manifesto (Nairobi, 23/06/09).

The NARC manifesto promised two main things. First, it would reverse the trend of political repression and restore democratic governance, the rule of law, respect for human rights and security of both person and property. Second, it would empower people economically through the creation of half a million jobs per year, while also providing free primary education and health care (Nyong'o 2007: 20). The NARC manifesto was appropriately entitled 'Democracy and Empowerment'. Kibaki used free primary education as the flagship of his presidential campaign. The promise of free primary education became a symbol of the NARC opposition to KANU's governments at two levels: it dealt with a public concern about more equitable distribution of resources in the country, moving away from Moi's common practice of trading social development for political support; and it challenged the unpopular World Bank user-fee reforms. The Minister of Planning said:

Donor agencies, through the World Bank and IMF, resorted to what I call the Least Common Denominator (LCD). LCD was socio-economic programs focusing on the poor but did not create conditions for their escape from poverty. We thought that if we deliberately went out providing opportunities to people, then it would give them the potential to fight poverty. What better access to opportunities other than schooling? That is what FPE was about: for kids who are on school going age; rather than giving poor kids bursary and give food at school, which is good. But it is not good giving children food at school while majority are at home (Nairobi, 24/06/2009).

Kibaki, who had been Minister of Finance for ten years, was certain that if the Kenyan government collected taxes from citizens it would be possible to finance the policy changes established in the NARC manifesto. Therefore the manifesto distanced itself from the aid-driven ideology promoted by the World Bank.<sup>7</sup> NARC's political campaign was very popular. After decades of dictatorship, an aura of optimism pervaded the nation during the run-up to the elections. In December 2002 people voted for the NARC party to provide a new political, social and economic direction (Njogu 2005: 401). The elections were free of violence and judged to be fair – so much so that it was claimed that Moi's finest hour was his departure (Holmquist 2003: 201).

## 7.4 Donors' attitude towards change: Negotiation of the NARC reform agenda

NARC won a comfortable majority. Despite the euphoria, it was a difficult time for Kenya because its economy was in terrible shape. The newly elected government hoped things would soon improve under their guidance as they believed that economic decline was linked to the political economy of Moi's authoritarian government (Nyong'o 2007: 162). One of the first concerns of the NARC government was therefore to introduce its reform agenda as soon as possible. This was a period of intense policy activity. The first announcement was the implementation of Free Primary Education. This was followed by presidential commitments to the fight against HIV/AIDS, new laws for improving safety on the road, the establishment of commissions of inquiry to look into megascandals and human rights violations during the Moi government and the promise of a new constitution within 100 days. The new Parliament was also quick to introduce political decentralization measures. For example, MPs voted for the CDF Act 2003 that set aside 2.5 per cent of the government's total annual revenue collection to be distributed among constituencies. Aimed at political and economic decentralization, the CDF funds were to be administered by MPs, increasing the autonomy of political representatives and their constituencies in implementing development projects independently from the president.

The actions of the NARC government were taken by the World Bank as a clear break from the corrupt past, and suggested that the Bank would be able to increase aid to fund the ambitious reform programme set out in the interim PRSP. First, however, the country needed to prove its commitment to Bank principles. Professor Anyang Nyong'o, an intellectual of the opposition for the last twenty years, was appointed Minister of Planning and National Development. He was given the task of translating the NARC manifesto into a government blueprint that would guide the country for the next three years. This Ministry was also in charge of coordinating, planning and analysing donor projects. Shortly after taking office, the new Minister of Planning started receiving visits from World Bank and IMF officials. The Minister of Planning said:

There was pressure for the Ministry of Planning to inherit what the previous government negotiated with the donor community. Donor after donor came asking what I intended to do... I answered that the gov-



ernment was elected on a NARC manifesto. The mandate given to the government by the people of Kenya was to first and foremost implement this manifesto, but if there were good ideas in the PRSP and the Action Plan, my team would look into them and incorporate them in their own agenda (Nairobi, 24/06/2009).

Despite the political transition, the Bank never imagined that the Ministry of Planning would challenge its policies. Staff from the World Bank and IMF therefore approached the Minister with generous offers of increasing aid by July 2003 – in time for the start of the new financial budget – if Kenya's budget deficit was reduced by 25 per cent. Of course, this aid was also conditional on the government ratifying the PRSP that agreed to further cut the government wage bill, increase privatization of state-owned enterprises and reduce corruption (Hanmer *et al.* 2003: 180).<sup>8</sup> The problem was that these demands were in opposition to Kibaki's recent announcements about increasing budget expenditures to cover free primary education. Because of the difference of opinion on policy, the NARC government distanced itself from the World Bank.

With the support of the NARC government, the Ministry of Planning started preparing a blueprint for a reform agenda based on the party's political manifesto. The Minister formed a team of professionals who were respected in national and international circles and who collected ideas from various political parties, NGOs and programmes. The team was composed of Harry Mule, a retired former Permanent Secretary of the Ministry of Finance; David Ndii, an economics graduate from Oxford who worked with Transparency International; and Caleb Opon, a young economist working in the Ministry of Planning. Most importantly, this team had no prior relations with the World Bank and was therefore able to move away from the existing civil service thinking in which the PRSP philosophy dominated. In March 2003, the Economic Recovery Strategy paper for Wealth and Employment Creation (ERS) was ready. Its name came from the assumption that the economy was operating below capacity and that it only required the rehabilitation of infrastructure and the generation of employment to recover (Mule, Ndii and Opon 2003).

To achieve these goals, the ERS included four pillars of action (GoK 2003). First, it sought rapid economic growth in an environment of macro-economic stability. Second, it placed the failure of governance at the



heart of Kenya's economic underperformance. A member of the ERS team said:

The ERS was under the assumption that internal financing was possible as long as there was fiscal space from what was called a good government dividend, which we estimated would create a lot of money. The good government dividend was basically savings from reducing corruption (Nairobi, 23/06/09).

Third, the ERS focused on the rehabilitation and expansion of physical infrastructure. This was accompanied by reforms in the productive sectors of the economy including agriculture, tourism, trade and industry. Finally, the ERS looked into social sector interventions that aimed at sharing the economic benefits of growth with the poor. The social reforms were: free primary education; expansion of secondary education by 10 per cent; establishment of a comprehensive National Social Health Insurance Fund; continuing the battle against the HIV/AIDS pandemic by adopting an integrated approach to prevention, increasing community involvement and addressing health care needs of HIV-positive Kenyans; legal and institutional reforms to enhance employment creation and strengthen the role of productivity measurement in the labour-reward process; conversion of the NSSF into a pension fund; and provision for low-cost housing.

Overall the ERS moved away from the World Bank poverty reduction agenda and concentrated instead on 'employment creation as the most effective strategy for halting increasing poverty' (GoK 2003: viii). Furthermore, the ERS argued that better management of national revenues would reduce aid dependency, again moving the country away from the World Bank policy-driven process. Once drafted, the ERS was used as the framework for discussions between the Ministry of Planning, donors, businessmen and civil society. Donors were unhappy with the new direction taken by the ERS. Senior technocrats from the Ministry of Finance who worked closely with the World Bank and IMF were not pleased either, as they had been heavily involved in drafting the interim PRSP.<sup>9</sup> Both these parties put the NARC government under political pressure to move away from its employment agenda. The aggressive push to include the PRSP in the country's reform process soon became an issue of contestation within the civil service. A member of the ERS team said:

Donors were closer to bureaucrats (of the Ministry of Finance than to the Ministry of Planning). Our big challenge was that donors and the bureaucrats were working together and they had fixed ideas on what they were doing. The donors and some government officers... had done the analysis and concluded what could and could not be done. So we had totally different kinds of ideas (Nairobi, 23/06/09).

The pressure on the Ministry of Planning increased as without a PRSP the World Bank and IMF would not give aid to Kenya. Their interest in providing aid was based on several factors. First, Kenya was considered a success story after achieving democracy through a peaceful election. Second, because of its location and resources Kenya was considered a safe haven for investment in the region. Third, Kenya occupied an important geo-political position, providing a platform for US and British military operations in the Horn of Africa and, since September 2001, an important ally in the American 'war against terror'. These factors increased Kenya's importance in terms of international interests, with the result that the World Bank and IMF wanted to be seen to be closely involved in the 'development' of the country.

In June 2003, President Kibaki officially launched the ERS. By then, the NARC government had moved to a softer stance regarding donors as it understood that it could capitalize from increased aid. Two factors contributed to this shift: first, the World Bank extended a USD 50 million grant for the introduction of free primary education; and second, senior technocrats from the Ministry of Finance claimed that the government was close to bankruptcy and that it was possible to make money out of donors. These considerations led the government to change tack and write a new PRSP. The new PRSP was drawn from the original ERS, but it also aligned itself to the World Bank policy by removing the employment focus. The PRSP, renamed Investment Programme – Economic Recovery Strategy (IP-ERS), argued for an increase in social spending to reduce poverty. A member of the ERS team said:

The social reform agenda worked because that was very popular and people understood it and obviously it won votes. But the transformation of the economic agenda did not have a strong political base because it was more complex, it did not have a strong political constituency. So it lost out (Nairobi, 23/06/09).

Importantly, the IP-ERS shifted from a private sector-led recovery strategy to a public expenditure-driven programme, estimating financial requirements of USD 4.5 billion over a five-year implementation period (GoK 2006:3-4). The IP-ERS predicted a scenario in which, if aid was not available, the economy would contract and poverty would increase to 60 per cent of the population. On 21 November 2003, the government submitted the IP-ERS, together with the ERS, as its PRSP. By doing so, the NARC government opened negotiations for aid disbursements and committed itself, in the heat of the moment, to new conditionalities.

The donors' Consultative Group (CG), bringing together all OECD donors working in Kenya under the aegis of the World Bank, met in Nairobi in December 2003 to discuss funding for the IP-ERS/PRSP.<sup>10</sup> McCormick, Mitullah and Manga (2007:31) argue that the changed circumstances were evident: not only was the meeting held in Nairobi but it was jointly chaired by the World Bank and the Government of Kenya. The meeting emphasized the importance of donor harmonization and alignment through the drafting of an aid policy and it was agreed that the ERS and government budget processes would be integrated into a single annual timetable.<sup>11</sup> In April 2004, a second Consultative Group meeting accepted the IP-ERS and committed pledges amounting to USD 4.1 billion (GoK 2004a). Finally, in May 2004, the IMF and World Bank informed the government that its loan request was granted.

Following this announcement, donors and government officers started to translate the IP-ERS into specific sector plans. Following the IP-ERS medium-term priorities, the government established the Strategy for Revitalizing Agriculture (2004–2014); the Kenya Education Sector Strategic Plan (2005–2010); the National AIDS Strategic Plan (2005–2010); and the Strategic Plan for the Governance, Justice, Law and Order Sector (2005–2009). Once the plans were finalized, donors and the line-ministries started working on the establishment of sector-wide approaches (SWAs). For example, four donors started a SWA to finance the Kenya Education Sector Strategic Plan (2005–2010). The education SWA built on existing implementation mechanisms developed during previous DFID–World Bank collaboration, where common financial management and procurement procedures were established.<sup>12</sup> After the education SWA was successful, other SWAs were introduced in the water and sanitation, agriculture and health sectors highlighting donors' confidence in the Kibaki government.

## 7.5 Aid and corruption allegations

By the end of 2004, the political situation of the NARC government was unstable and the Minister of Planning began to fear that the process of economic recovery, which required hard choices, would soon be derailed by the selfish interests of the ruling elite (Nyong'o 2007: 9). Nyong'o argued that President Kibaki and his advisors were reading from the same script as Moi and Kenyatta, awarding plum jobs to friends, former classmates and kinsmen without due regard to merit (Nyong'o 2007: 3). The Kibaki government was thus following the historical trend in which politicized ethnicity and patrimonialism played the key roles (see Chapter 2); the focus was on gaining access to power and not on sharing responsibility for the welfare of the people (Ajayi 1983). President Kibaki, like his predecessor, was using the state as a means of personal accumulation and a way to reward loyalty. Fears of corruption on a grand scale became a reality when the Anglo-Leasing scandal came to light and the British Ambassador to Kenya accused the ruling elite of corrupt practices. As the press exposed the high levels of corruption, several donors distanced themselves from Kenya, realizing that it would take more than a change of government to stop corruption. A development officer in the Finnish Embassy made the following comment about the grand corruption scandals:

The development partners had a hard time trying to understand: What is going on here? What went wrong? What happened to reform minded leaders that appeared to be there in 2003? (Nairobi, 02/12/2009).

To the disappointment of technocrats involved in aid negotiations, most donors suspended aid disbursement citing concerns with the government's commitment to fight corruption after it failed to prosecute senior bureaucrats implicated in multi-million dollar corruption scandals. Corruption involved the vice-president as well as numerous members of the cabinet and other senior officials, most of whom were part of the Mount Kenya Mafia (Murunga and Nasong'o 2006: 22). Nevertheless, the World Bank and DFID kept up their aid flows (Bond 2007: 16), arguing that a sudden aid reduction would create serious problems in the Kenyan economy. Despite the drop in aid, and as predicted by the ERS team, the ERS measures had increased the tax base of the country and ameliorated the economic situation. The Minister of Planning remembered:

When we came in, the ordinary revenue tax was about Ksh 200 billion, with exchange rate of 2.7%. By the third year it was Ksh 300 billion. Then to 500 billion... Within 3 years, we were raising more than a billion dollars a year (Nairobi, 24/06/2009).

It became clear that the ideas behind the original ERS had been correct: by relying on domestic revenues, Kenyans could finance their own programmes. Thus, the ERS had not only succeeded in turning the economy around but also demonstrated that the country could survive without aid. This increased national and international markets' confidence in Kenya's capacity to generate domestic resources, even if most of these resources were only benefiting Kenya's ruling elite. At the beginning of 2005, John Githongo, Permanent Secretary for Governance and Ethics,<sup>13</sup> resigned and provided a detailed report showing that since 2001 Kenya had lost an estimated USD 700 million through corruption (Githongo 2005, Bachelard 2010). This was an enormous amount: to put the figure into context, between December 2000 and January 2006, the World Bank lent Kenya USD 741 million (Thomas 2007: 738). Furthermore, Githongo's investigations showed that deals such as the Anglo-Leasing were standard operating procedure, and that knowledge, if not direct involvement, was widespread among the highest echelons of elected officials and civil servants (Lawson 2009: 80).

It was in an atmosphere of growing political rancour and public scandal that the 2005 Referendum on the new Constitution took place. When the results were announced, and it was clear that Kibaki and his group of supporters had lost, the president dissolved the cabinet. A month later, President Kibaki announced a new cabinet that excluded the political opposition. This decision brought to the fore the mistrust of the Kikuyu ruling elite towards Luo politicians. The end of the coalition government also marked the end of the NARC reform agenda. Nyong'o was one of the Luo ministers replaced. His team of advisers were removed, sweeping away the networks that had been built since NARC came to power. The former Minister of Planning explained:

If you have politicians bringing in new policies, and there is quick change in the policy-makers, then the old policies are likely to come back. You may think the institutions are there, but in early development of institutions, individuals with institution memory and network matters. I think this is what is happening in Africa... there is a lot of re-

sistance (to change) because people are used to the old ways and it takes time to change things (Nairobi, 24/06/2009).

Despite having proof of blatant corruption it was not until a year later, in January 2006, that the World Bank stopped aid temporarily, citing the inability of the Kibaki government to prosecute senior officers involved in the Anglo-Leasing scandal. Even then, the aid suspension was short-lived and business as usual resumed in July of the same year after the government announced 'new' efforts to fight corruption (see Table 7.1).

**Table 7.1**  
*Evolution of total aid to Kenya (USD million)*

Year (1)	Aid at current prices (2)	Aid at 2008 constant prices (3)	Kenya's share of aid for developing countries (%) (4)	Kenya's share of Africa's aid (%) (5)	Aid as share of Gross National Income (%) (6)
1980	393.44	934.42	1.2	3.8	5.84
1985	426.66	1093.96	1.3	3.5	7.16
1990	1181.29	1822.73	2.1	4.7	15.35
1995	731.36	923.71	1.2	3.4	9.18
2000	509.94	745.25	1	3.3	4.16
2002	378.05	561.78	0.7	2.1	2.84
2004	683.73	815.01	0.9	2.4	4.14
2006	1021.78	1161.76	0.7	1.3	4.33
2008	1527.85	1527.85	1.2	3.3	5.66

Source: Overseas Development Assistance; GNI - Gross National Income quoted by Colclough and Webb (2012: 5). Notes: Values for 1980-2000 are from Mwega (2009); from 2002-2008 are from OECD (2010), disbursements. Column 3: DAC deflators for Kenya, from IMF (2010) applied to data in Column 2.

With this, the World Bank showed once again its feeble commitment towards enforcing its own 'good governance' agenda and gave the Kibaki government the opportunity to engage in its own 'ritual dance', with the announcement of new anti-corruption bodies. In March 2008, after the terrible post-election violence, a *Wall Street Journal* editorial targeted cor-

ruption in World Bank projects in Kenya as part of a series of commentaries on corruption and perceived mismanagement at the World Bank. The editorial detailed the Bank's contribution to a climate of loose ethics and corruption in the Kenyan government (Wrong 2009). Supporting this assessment, John Githongo said that 'the World Bank became like a department in the Ministry of Foreign Affairs, saying everything was okay' (WSJ 2008). This article was published before the World Bank increased aid flows to the country, saying it was using the Kenyan loans to pilot new and stricter measures to ensure good governance.

Thus, by examining the interdependencies between Kenya's ruling elite and the World Bank it is possible to conclude that there are instances in which World Bank officials 'dismiss, play down or conceal corruption' (Bähre 2005: 107). This is because donors need to be flexible in their application of the fight against corruption in order to disburse aid. It is therefore possible to say that aid contributes to the continuation of Kenya's political system.

## 7.6 Conclusion

This chapter has shown how the World Bank's interest in aid disbursement and control over key policy areas interacted with Kenya's ethnified political system. Despite rhetoric for 'good governance', the World Bank continued to provide aid to the Moi and Kibaki government because of a symbiotic relationship in which both sides benefited. Through aid disbursement, the World Bank was able to keep a certain degree of control over the Kenyan state. This control translated into the adoption of economic policies that supported a neo-liberal system as well as other Western interests, such as the 'war on terror'. The Kenyan elites complied to a certain extent with the World Bank policy requirements as they also benefited from aid. However, fulfilling the interests of these two sides was not always an easy process. The nuances of this convoluted relationship are well illustrated by the intervention of the World Bank in the NARC government reform agenda.

After the regime transition, the NARC government wanted to move away from donor policy prescriptions and introduce its own ERS reform agenda. The marginalization of donors in the design of the ERS led to intense lobbying by the World Bank for the NARC government to not abandon the 2001 interim poverty reduction strategy paper (PRSP). Led



by the World Bank, and acting as a group, all Kenyan donors came together to convince the country to modify the ERS according to the PRSP priorities in exchange for aid. This was a major reversal of policy for the new NARC government and it demonstrated the influence of the World Bank and other donors.

Interestingly, this intervention was undertaken during a time in which donors emphasized recipient country ownership of national development strategies. Donor behaviour raised serious doubts about how much they were willing to move away from past practices. Understanding that access to these substantial external resources could be an advantage, President Kibaki and senior politicians agreed to shift away from the ERS employment focus and instead undertake reforms to increase social spending. Thus, donors were successful in diverting the Kenyan government away from its initial development strategy. A year later, corruption allegations led some donors to halt aid disbursement and the Kenyan government only saw a small amount disbursed. Nevertheless, the World Bank and DFID continued financing the government showing support for the Kibaki government during times of increasing internal political fragmentation. Two implications can be drawn from this chapter. First, there seems to be little accountability for aid by either donors or the Kenyan government; aid continues to be available even at times when ruling elites are linked to high levels of corruption. Second, the World Bank interests in giving aid to Kenya are linked to transnational interests, such as the country's strategic geo-political placement as well as its role as an ally on the 'War on Terror'. Because of these, it is possible to say that aid contributes to the continuation of Kenya's political system and the reproduction of inequalities that take place through ethnic resource struggles.

## Notes

<sup>1</sup> See Appendix 6 for a list of interviews.

<sup>2</sup> In the early 1990s, the Bank defined 'good governance' as 'epitomized by predictable, open and enlightened policy making; a bureaucracy imbued with a professional ethos; an executive arm of government accountable for its actions; and a strong civil society participating in public affairs; and all behaving under the rule of law' (World Bank 1994b).



<sup>3</sup> By the mid-1990s aid levels had dropped by 50 per cent, partly because of the inability of the Moi government to adopt the economic and political reforms established by the World Bank and the IMF (McCormick, Mitullah and Manga 2007: 7).

<sup>4</sup> Although everything pointed to the insincerity of President Moi towards political liberalization after the 1992 and 1997 elections, the IMF and the World Bank provided new loans and re-scheduled USD 700 million in outstanding debt.

<sup>5</sup> Richard Leakey, a renowned palaeontologist and conservationist, was made chief of this team and head of the civil service.

<sup>6</sup> Since its adoption in 1965, Sessional Paper No. 10 on African Socialism and its Applications to Planning in Kenya guided the KANU party. The blueprint promoted concentration of economic power in areas of high potential in order to develop the country. Although the KANU policy framework had been modified by changes in presidents and structural adjustment policies, its core remained intact.

<sup>7</sup> The opposition to donor-driven policy was based on the poor results achieved after almost two decades of enforced open-market reforms, as well as a general view that donors were supporters of Moi's autocratic government. Although aid had periodically been withheld during the Moi years, it had not been suspended in protest over the state-sponsored ethnic violence that had followed the previous two elections (Klopp 2001:504).

<sup>8</sup> The Kenyan PRSP had been completed in mid-2002 but had not been taken to the IMF/World Bank Boards for endorsement. This PRSP had to be endorsed by the NARC government in order to receive new aid.

<sup>9</sup> In the last years of the Moi government, the Ministry of Finance – with the support of the World Bank – won a political struggle against the Office of the President to be in charge of the poverty reduction process. By 2002 the Ministry of Finance had taken control of all poverty eradication activities in the PRSP (Hanmer *et al.* 2003: 189).

<sup>10</sup> Previously the annual Donor Consultative Group meetings were held in Paris or London to discuss macro-economic and major sectoral issues. Although the annual meetings included some senior officials, the meeting was donor-led.

<sup>11</sup> In 2004 the Harmonization, Alignment and Coordination Donor Group (HAC) was established in Nairobi and brought together fifteen donors: Canada, Denmark, UK, EC, Finland, France, Germany, Italy, Japan, Netherlands, Norway, Sweden, UNDP, USA and the World Bank (McCormick, Mitullah and Manga 2007: 32).

<sup>12</sup> By 2005 CIDA and UNICEF had joined the SWAp to fund the Kenya Education Sector Strategic Plan.

<sup>13</sup> In February 2005, Githongo fled the country after revealing details of a contracting scheme involving cabinet members.

## 8

## Summary and Conclusions

This thesis examined the nature of Kenyan state–society relations through the prism of two social policies – free primary education and HIV/AIDS prevention and care. The thesis followed an analytical framework that focused on the negotiating of significant aspects of Kenyan statehood by observing the making and implementation of these social policies and the distribution of the resources allocated to them. The analysis focused on two political arenas: the ‘policy-making’ arena in which donors, politicians and senior government officers participated; and the ‘implementation’ arena in which diverse bottom-up struggles for resources took place during the provision of public primary education and HIV/AIDS grants. Together, these inter-related political arenas brought to the fore the relationships between policies promoted by donors and ethnic politics. The thesis argued that Kenya’s political competition for resources, together with donor-led reforms, eroded equitable social provision by government and thereby strengthened other means of redistribution that were more ethnicity-centred. Through the allocation of state resources, the Kenyan state shaped inclusion and exclusion processes that in turn recreated ethnic identities. The thesis outlined three resource struggles in addition to the official horizontal redistribution of government resources: ethnicity-biased allocations, patronage and corruption.

Through a qualitative methodology – in-depth interviews, informal discussions and participant observation – the thesis examined several political arenas: policy-making regarding the FPE reform, the introduction of an HIV/AIDS prevention and care policy package, and the negotiation of Kenya’s policy agenda (2003–2005), as well as focusing more closely on the implementation of FPE and HIV/AIDS policies in two rural districts. Together, these arenas revealed the complex and on-going

struggles over identities, power and resources that were involved in the making of Kenyan statehood.

The thesis makes three contributions. First, the study shows that the authority of the Kenyan state is constantly contested as diverse actors compete over state resources. This finding builds upon a literature that looks at African statehood as a continuous process of formation, where many different institutions attempt to exercise public authority. Second, by following a detailed qualitative study, the thesis reveals the processes through which aid and ethnicity entwine. This is an area on which little has been said. Third, by portraying donors' embedded interests the thesis contributes to a literature that questions donors' 'altruistic' interests and their definition of Euro-centric terms such as 'development', 'good governance' and recipient country 'ownership'.

At the beginning of the thesis two research questions were posed. The first question focused on how the enactment of social policies and aid had changed the configuration of the contemporary Kenyan state. In answering this question, the thesis showed that aid and social policies play a dual role. The first role relates to building an image of a trustworthy government. The social policies softened the image of the Kenyan government by showing concern for the needs of Kenyans. The thesis showed that both policies played an important part in helping the Kibaki government to retain power – not least by what they helped to conceal. By portraying himself as the 'father' of all Kenyan children, President Kibaki was able to enjoy high levels of popularity among the population during the first years of his government, allowing him to increase his power and install Kikuyu allies in the top government positions at the expense of other ethnic representatives. Embracing the international fight against HIV/AIDS also contributed to the construction of an ideology of a 'modern', democratic and 'non-ethnic' Kenya. The second role relates to providing continuity to an ethnicized political system. The thesis showed this was possible because of constant negotiations between the ruling elite, senior government officers and donors. Allowing the enactment of donor-led policies helped the Kenyan government to put up the pretense of doing as it was told whilst actually fulfilling the elite's interests. In turn, it also allowed donors to pretend that aid was fulfilling its stated purposes. Because of these dual roles, social policies were simultaneously used to expand access to textbooks and classrooms

in public primary schools and to raise awareness regarding HIV/AIDS, as well as to strengthen the position of the ruling elite.

The thesis found that negotiations between donors and the Kenyan government were possible because of the apolitical and technical nature of the policies supported by donors. For both the policies studied, close collaboration allowed donors and senior government officers to establish formal redistribution channels. The redistribution channels appeared to promote equality through universal service provision; they also favoured apolitical and technical interventions that followed neo-liberal assumptions regarding the use of public expenses and decentralization, and promoted the portrayal of an uncritical and idealized civil society. By prioritizing the market, the policies excluded the hiring of more teachers (in the case of education) and emphasized prevention over treatment (in the case of HIV/AIDS). By decentralizing resources to lower government levels, the policies assumed that there was a separation between the state and citizens. Finally, the portrayal of an idealized civil society – that is homogeneous and altruistic – diverted attention away from the fact that communities also have other characteristics such as conflicts over legitimate representation and belonging.

The policies enacted created the perfect conditions for moving resources along routes other than the formal distribution channels, with senior government officers developing ingenious ways to reallocate aid through informal channels. These informal channels were collective in nature and functioned as a network. The thesis showed how, in the primary education sector, institutional networks – including senior officers in the Ministry of Education HQ, school inspectors, head teachers, members of the school management committee and booksellers – made it possible to bring decentralized FPE resources back to the elite. Similarly, the thesis showed that misuse of resources linked to the HIV/AIDS prevention and care policy involved several NACC directors, members of the Financial Management Agency, MPs, constituency officers and community organizations. While not always completely illegal, these did not fulfil the requirements stipulated by the World Bank.

The thesis demonstrated that this was possible because the new aid modalities introduced at the beginning of the 21st century – through the adoption of the PRSP, the education SWAps and the HIV/AIDS policy package – did not challenge donors' embedded interests in the aid system. Three issues contribute to this finding. First, donors were interested

in disbursing large amounts of aid without being particularly concerned with monitoring implementation. Second, because of the tendency to use aid increases as a measure of success, donors did not always pursue the most efficient policies and strategies. Third, to a certain extent aid was provided by donor countries to support broader geo-political interests and ensure the adoption of neo-liberal reforms. These three issues partially explain why Kenya continued to receive aid even when actions of the government directly contravened donor agendas.

The thesis also found that the 'ownership' which is purportedly a feature of the new aid architecture has little explanatory value regarding the changing relations between the Kenyan state and its donors. Donors were able to construct notions of success even if only temporarily. If success could not be claimed, then donors blamed corrupt practices of the Kenyan government for failure. As evident in the primary education policy-making arena, donor collaboration made it difficult to pinpoint who was to blame for the ineffectiveness of aid. This finding suggests that it is important not to attribute too much meaning to the emerging consensus that ownership is central to the Western aid system. This finding also highlights a normative dimension of the Western aid system, in which donor countries' 'development' discourse puts them in a position of power toward recipient countries. It is through the 'politics of development' that unequal power relations between donors and the Kenyan government are maintained.

Through negotiations over policy design, donors and the Kenyan government satisfied multiple interests while strengthening their relative positions even if this meant moving away from the stated objectives of the policies. As a result of pursuing these interests, social provision was highly politicized because resource struggles drove political engagement across different levels. By providing a detailed examination of the policies, the thesis showed how resource struggles led to institutional incongruence. Thus, the implementation of policies did not match the discourse of equality used by the Kenyan government.

The second research question enquired about the manner in which ethnicity and local processes of redistribution shaped negotiations within implementation arenas in the two districts under study. To answer this question, the thesis showed how aid and institutional practices benefited the ruling elite and shaped ethnic politics. Redistribution occurred not only through social provision but also through ethnicity-biased alloca-

tions, patronage and corruption. The different types of redistribution were possible because of two factors. First, most of Kenya's districts are largely coterminous with identifiable ethnic groups. Second, political representatives and the civil service value ethnic linkages more highly than equity. Citizens also support an ethnicized political system as civil society is structured along tribal lines and political leaders have an ethnic base, even if skewed resources lead to internal inequalities.

The thesis found that it was impossible for aid not to play a role in the financing of the patronage system. Trying to change the nature of resource struggles through apolitical and technical reforms was doomed to failure, as the desire to access state resources served to maintain the existing political system. The process started with the president who influenced the provision of public goods by retaining a percentage of resources linked to the two policies and redirecting more resources to ethnic-regions that enjoyed his patronage. Ethnic biases in resource allocation were also embedded in long-established, informal budget reallocation processes which award politically favoured districts a bigger share of state resources as a way for the ruling elites to secure the approval and support of their constituencies. MPs from ethnic groups that were not part of the ruling coalition had great difficulty gaining access to government resources for their home constituencies. This biased allocation of resources in turn reinforced ethnic divisions. Intra-ethnic competition – as in the case of the Kikuyu and Luo – was part of the political system since access to resources depended of the relationships of MPs with the president. The negotiation, support and resistance of these multiple factions made Kenyan statehood.

By following service provision at the district level, the thesis found that constant negotiations between varieties of actors are translated into different sets of institutional rules. Competition over state resources among these actors leads to inequitable resource allocation. Local actors with power and privilege – such as bureaucrats, male elders, landed farmers and local political elites – successfully access resources by developing political coalitions. The thesis showed how these multiple institutional practices become mechanisms of inclusion and exclusion. Following this finding, the thesis highlighted two factors. First, understanding ethnic groups as homogeneous entities can be misleading as there are cross-cutting cleavages within ethnic groups, in the same way that there are mutually self-serving relations between members of different ethnic

groups. Second, citizens, government officials and politicians are constantly redefining the symbols of identity together with transactions of power, prestige and subsistence. Ethnically-based allocations, corruption and patronage are mechanisms to reproduce, undermine and transform existing social relations. Thus, aid strengthens the position of the ruling elite, even if donors try (usually successfully) to ignore this.

Together, the answers to these questions explain the contradictory connections between decision-making practices and implementation structures. The implications of these findings are three-fold. First, aid is highly politicized. Second, it is necessary to stop viewing donors' capital resources and technical skills as 'altruistic'. Rather, aid is part of a political process from which both donors and the ruling elites of recipient countries benefit. This is of particular importance at a time when the presence and aid of non-OECD donors – such as China and India – are increasingly evident in the African continent. By moving away from normative discourse and hegemonic prescriptions, Western donors have a chance to develop real partnerships with the Kenyan state, which is changing and embracing other forms of statehood, as the 2010 Constitution attests. Third, it is important to recognize that making arguments for equality, justice and universal rights while simultaneously favouring the ethnic group of the president is a determining feature of the Kenyan state. The Kenyan state legitimizes its rule through a combination of forces ranging from the state monopoly of coercive powers and the vested interests of ethnic groups, to the use of 'traditional' authorities at the grassroots and a certain level of charisma in the person of the president. All these forces produce different legitimacies. They imply constant tensions and a conception of power that embraces both community duties and citizenship rights, with boundaries shifting according to the occasion. Thus, any expectation that an independent civil society will make the Kenyan state accountable in Western terms is unrealistic.

Two areas of future research can be identified. The first would be to study the extent to which donor discourses on 'good governance' will continue to be relevant, given the increasing importance of China and India as non-OECD donors, and especially in the light of their roles as trading partners as well as donors of official development cooperation. A second area of future research would be to study patterns of development and manifestations of ethnicity in non-African multi-ethnic states with the objective of comparing how different historical development



affects statehood representations. Within this second research area, a focus of particular interest would be the identification of various sources of public authority as well as citizenship.



## Appendices

### **Appendix 1:** *Description of data collection and analysis*

#### ***First phase of fieldwork: policy implementation in rural areas***

In each district I hired a local translator to help with the interviews and to provide knowledge of the area. With the exception of two interviews carried out in 2010, all interviews were undertaken by me with the help of the research assistants. This phase of the fieldwork comprised in-depth interviews, informal discussions with key informants and participant observation to gather rich accounts of the implementation of the two policy processes.

The interviews related to the education sector were undertaken in 40 schools (see section 4.3 for a more detailed discussion of data collection) and included the perspectives of teachers, head-teachers, pupils, parents and members of the School Management Committee. All of these actors were seen as fundamental for the effective implementation of Free Primary Education. Outside the school grounds, I interviewed government officers and the sub-location officers that had contact with schools. In addition, interviews were conducted with TAC Tutors, school inspectors and district officers working in the education sector. Because of the limited contact, the vast distances and the busy education calendar, the interviews were scheduled well in advance with the help of the TAC Tutors.

To better understand the implementation of the HIV/AIDS prevention policy, interviews were undertaken with 26 community organizations as well as coordinators of Constituency AIDS Committees (CACCs) and district officers. Because the HIV/AIDS sector had an isolated bureaucracy disconnected from the district administration, I under-

took additional interviews with other informants such as non-funded women's organizations, government health personnel offering HIV/AIDS treatment, NGOs operating at district level and HIV/AIDS activists (see section 6.3 for a more detailed discussion of data collection). The interviews did not aim to be comprehensively representative in either sector, but rather aimed for depth of information regarding the policy implementation. There is a gap in terms of information coming from religious institutions and organizations, even though these play an important role in the provision of health care and education as well as organizing other 'development' initiatives of many kinds. In Maragua district, Islamic groups, and Protestant and Catholic Churches are active among the population. Protestant and Catholic schools are particularly well known for their role in the education sectors. My impression was, however, that public schools attached to these missions were linked to spiritual advice rather than economic and managerial support of public primary schools. Because of this, the involvement of the religious bodies in the implementation of FPE was limited. Also, I lodged in the Catholic Parish during my fieldwork in Maragua district. During this time, I had long conversations about both sectors with the three resident priests there. Little of the information gathered during those conversations could be linked to the implementation of the two policies under study. In Rachuonyo district, I made repeated efforts to talk to the Adventist Development and Relief Agency, but they refused any contact with me.

In the HIV/AIDS sector, the missions also had a limited involvement with the official HIV/AIDS policy. I found that only one community group directly attached to the Catholic Church had received funding for preventive dissemination activities. However, when I visited the church for a follow up, I was surprised to find that no one had heard about it. The local priest even called its youth constituency to inquire more about the funding, but without results. Most of the religious bodies' activities regarding HIV/AIDS were linked to different kinds of training for their constituents and other professional bodies, such as secondary school teachers. The Catholic Parish of Murang'a was the most active in this sector, although operating independently from NACC, as it had created a business niche through the offering of paid training courses on HIV/AIDS.

Similarly, Rachuonyo district has numerous British and American Christian, Catholic and Protestant missions working in the area and

competing with one another. There are also countless and diverse independent African Christian churches with the strongest churches carving the region sharply into hegemonic territories smaller than districts (Shipton 1989: 21). Despite the wide variety of missions, they have no clear role within the public primary school system. This is different for the HIV/AIDS sector, where missions have a wide range of activities – especially in the case of the Catholic Church and the Adventist Development and Relief Agency – with regard to both prevention and treatment of the illness. I interviewed a network of HIV/AIDS positive women linked to the Catholic Church. The Adventist Development and Relief Agency was suspicious of my role in the area, and because of this, they did not grant me an interview or allow me to visit their clinics despite repeated approaches from my side.

By the end of the fieldwork in both districts I had developed a close relationship with some of the interviewees. Over time, two individuals became my key informants. I had also gathered several notebooks with field notes and observations collected during my visits to schools and the place of work of the CACC Coordinators and community groups. Most of these interviews and observations were either recorded or written by hand and later transcribed. These data pointed to issues of redistribution and linked them to the relationship between the bureaucracy, the local population and the state.

### *Second phase of fieldwork: policy-making in Nairobi*

The second phase of data collection took place in Nairobi where senior government officers, donors, international consultants and members of parliament (MPs) reside. This phase collected data on the perspectives of national and international actors and how they use the policy process to negotiate different interests. Interviewees were selected through their involvement in the sectors. In the education sector, senior and middle-level managers working with the Ministry of Education, the Teachers Service Commission (TSC) and the Kenya Institute of Education (KIE) were interviewed. Three international consultants specializing in the Kenyan education sector were also interviewed. These interviews were possible thanks to the contacts of my husband, who had worked in the sector as a consultant himself. Interviewing people in the HIV/AIDS sector was more of a challenge as donors and the National AIDS Control Council (NACC) were wary about creating negative publicity with

regard to their operations. It took repeated efforts through colleagues in a government research institute, friends of friends and people I knew in the University of Nairobi to get senior and middle-level managers of the NACC to be interviewed. Despite all my efforts, most interviews were superficial. It was not until a middle-level manager became a key informant that I was able to approach other international consultants and donor staff. Thus, key informants within the government bodies were crucial for learning more about the political conflicts involving the government and the various donors. Interviews were also conducted with politicians and senior managers who had worked in the Ministry of Planning and in parliament. Among interviewees were Anyang Nyongo, former Minister of Planning (2003–2005) and three MPs of the rural constituencies I had visited – Eliam Mbau, MP for Maragua constituency, James Maina Kamau, MP for Kandara constituency, and Kames Rege, MP for Karachuonyo constituency. To understand more about the early years of the Kibaki government I interviewed Othieno Nyanjom and David Ndi, two academics who have worked with the NARC government and are political activists in their own right. The interviews were semi-structured starting with some of my areas of interests but often they diverted from the original topics and covered a broad spectrum of themes.

### *Data analysis*

Once transcribed, the interviews were subjected to a careful line-by-line coding in order to look for the actions and the consequences generated by actors involved in the policy processes. The coding organized knowledge based on patterns emerging from the empirical observations. These data were driven by a bottom-up approach – from specific observations towards general patterns and categories (El Ghaziri 2007: 23). In an initial stage, core patterns and themes were identified, which then became larger patterns relevant for the study of both policies and state–society relations (Strauss and Corbin 1998). The initial coding and categorizing sharpened my ability to ask questions about the data. In a second stage, additional interviews were undertaken to compare and contrast initial conceptualization regarding the policy processes and their relationship to aid, ethnicity and allocation of resources. The analysis then developed a non-generalizable set of hypotheses by comparing diverse or similar evidence indicating the same conceptual categories and properties. The relationships between concepts and categories were fur-

ther defined by writing a story that integrated the categories into propositions. The analysis used did not follow analytical strategies in a rigid or prescriptive manner but focused on its own interpretative qualities. By so doing, the constructivist grounded theory used data as ‘a “discovered” reality that arises from the interactive process and its temporal, cultural and structural contexts’ (Charmaz 2003:251).

**Appendix 2:**  
*List of interviews for Chapter 3*

Date	Organizations	Position
27/08/2008	MoE	Director of Policy and Planning
15/09/2008	MoE	Director of Policy and Planning
29/10/2008	MoE	INSET officer/ DFID Consultant
31/10/2008	MoE	Director QAS
31/10/2008	MoE	Director Basic Education
31/10/2008	KIE	Seconded in KIE, employed by Policy and Planning Director
24/11/2008	MoE	DFID Consultant/former INSET officer
13/02/2009	DFID	International Education consultant
06/06/2009	DFID	International Education consultant
14/08/2009	MoE	Retired Director of Education (1997-2000)
21/08/2009	TSC	Secretary
26/08/2009	TSC	Director of Quality Assurance and Standards
02/09/2009	MoE	Director of Education (1997-2000)
04/09/2009	MoE	Director of Education (1997-2000)
30/03/2010	World Bank	Education Specialist
23/06/2009	Ministry of Planning	Government officer, worked on ERS
03/12/2009	GoK	Advisor to the GoK on International Development Partnerships

**Appendix 3**  
*List of interviews for Chapter 4*

Date	Location	Education interviewees in Maragua and Rachuonyo district
08/10/08	Zone officer	QASO Officer
09/10/08	Iganjo Primary School	Head teacher; 4 mothers and chairman PTA
13/10/08	Iganjo Primary School	Deputy head teacher and 5 teachers
09/10/08	Zone officer	TAC Tutor
13/10/08	Kawamanda Primary School	Head teacher; SMC member and member of infrastructure committee; treasurer of SMC; school management committee; deputy head teacher and another teacher
13/10/08	Zone officer	TAC Tutor Mr Chege
14/10/08	Zone Officer	TAC Tutor Mr Chege

Date	Location	Education interviewees in Maragua and Rachuonyo district
14/10/08	Zone Officer	QASO Officer Mr Magua
14/10/08	Thaara Primary School	5 teachers; head teacher
14/10/08	Zone Officers	5 TAC Tutors
08/10/08	Zone officers	TAC Tutor and QASO Officer
08/10/08	NGO	Officer of World Vision
15/10/08	Ndeera Primary School	Chairman SCM; head teacher; 2 mothers; 2 teachers; 2 pupils
15/10/08	Kitune Primary School	3 teachers; head teacher
16/10/08	Marajau Primary School	Head teacher; 2 teachers; 3 fathers; Chair of PTA; 2 pupils Std. 6 and 1 pupil Std. 7
16/10/08	Gathanga Primary School	Head teacher; 4 teachers; 2 pupils
17/10/08	District Officer	Officer in charge of primary education in the district
29/10/08	Githighi School	Head teacher; 7 teachers; 4 SMC members; 4 parents; 6 pupils
29/10/08	Kihuruni-Ini School	Head teacher; 3 teachers; 5 pupils; 3 mothers; 3 SMC members
29/10/08	Zone officer	TAC Tutor Mr David Kabuga
30/10/08	Zone officer	TAC Tutor Miss Mary Mwangi
30/10/08	Zone officer	TAC Tutor Miss Mary Mwangi
30/10/08	Mairungi School	Head teacher; 4 teachers; 5 SMC members; 4 parents; 7 pupils
30/10/08	Githunguri School	Head teacher; 3 SMC members; 4 pupils; 3 teachers
03/11/08	Zone office	TAC Tutor
03/11/08	Ichangaki school	Head teacher; 4 teachers; 3 SMC members; 4 pupils
03/11/08	Zone office	TAC Tutor
03/11/08	Nginda School	Head teacher; 4 teachers; 3 mothers; 3 SMC members; 4 pupils
04/11/08	Zone officer	TAC Tutor
04/11/08	Mugumo-Ini School	4 teachers; 2 SMC members; 4 pupils
04/11/08	Njora School	Head teacher; 4 teachers; 2 parents and 2 SMC members
07/11/08	Zone Officer	TAC Tutor
07/11/08	Kariko Primary	Head teacher; 4 teachers; 2 mothers (one from SMC); 4 pupils
07/11/08	Ngararia Primary	Head teacher; 3 SMC members; 2 parents; 4 pupils; 4 teachers
14/11/08	Zone Office	TAC Tutor
14/11/08	Kiangai Primary	Head teacher; 3 teachers; 3 SMC members; 1 mother
14/11/08	Makomboki Primary	Head teacher; 3 mothers; 3 SMC members; 4 teach-



Date	Location	Education interviewees in Maragua and Rachuonyo district
		ers; 4 pupils
17/11/08	Zone office	TAC Tutor
17/11/08	Nguku School	Head teacher; 4 teachers; 3 parents, 2 SMC members
17/11/08	Turuturu School	Head teacher; 4 pupils; 4 teachers; 3 parents; 3 SMC members
18/11/08	Provincial Office	-Senior Assistant Director Education in Province -Provincial Staffing Officer -Deputy Provincial School Auditor
19/11/08	Zone Office	TAC Tutor
19/11/08	Rwathe School	Head teacher; 4 teachers; 4 pupils; 3 SMC members; 3 mothers
19/11/08	Wahu Primary	Head teacher; 3 SMC members; 3 mothers; 3 pupils; 4 teachers
20/11/08	Kagongo Primary	Head teacher; 3 parents; 2 SMC members; 4 teachers
20/11/08	Gakarara Primary	3 SMC members; 4 parents; 4 pupils; 4 teachers
20/11/08	Zone Officer	TAC Tutor
20/11/08	Otondo Primary, Awach Zone	Head teacher; 2 SMC members; 2 pupils; 3 parents; 2 teachers
20/11/08	Awach Zone	TAC Tutor
20/11/08	Kotienditi Primary, Ayiengo Zone	Head teacher; 1 father; 2 teachers
20/11/08	Ayiengo Zone	TAC Tutor
04/03/09	Kokoth Primary, Got Oyaró Zone	Head teacher; 3 SMC members; 1 teacher
04/03/09	Got Oyaró Zone	TAC Tutor
02/03/09	Alara Primary, Homa Zone	Head teacher; 2 SMC members; 2 pupils; 2 mothers; 1 teacher
02/03/09	Homa Zone	TAC Tutor
04/03/09	Nyamwala Primary, Kandiego Zone	Head tteacher; 2 SMC members; 2 pupils; 1 father; 1 teacher
04/03/09	Kandiego Zone	TAC Tutor
05/03/09	Kanyadhiang Primary, Kendu Zone	Head Teacher; 2 SMC members; 2 parents; 2 teachers
05/03/09	Kendu Zone	TAC Tutor
09/03/09	Kobuya Primary, Miriu Zone	Head teacher; 2 SMC members; 2 fathers; 2 teachers
09/03/09	Miriú Zone	TAC Tutor
11/03/09	Ragogo Primary, Ober Zone	Head teacher; 2 SMC members; 2 pupils; 1 father; 1 teacher
05/03/09	Nyawino Primary, Omboga Zone	Head teacher; 2 SMC members; 2 pupils; 2 teachers
05/03/09	Omboga Zone	TAC Tutor

Date	Location	Education interviewees in Maragua and Rachuonyo district
12/03/09	Nyatindo Primary, Oyugis Zone	Head teacher; 2 SMC members; 2 pupils; 2 fathers; 2 teachers
12/03/09	Oyugis Zone	TAC Tutor
02/03/09	Kingii Primary, Pala Zone	4 SMC members; 2 pupils; 2 parents; 2 teachers
20/11/08	Pala Zone	TAC Tutor
05/03/09	Kauma Primary, Ramba Zone	Head teacher; 2 SMC members; 2 teachers
02/03/09	Ramba Zone	TAC Tutor (also doubling as QASO)
06/03/09	Nyandusi Primary, Rambira Zone	2 SMC members; 2 parents; 1 teacher
06/03/09	Rambira Zone	TAC Tutor
11/03/09	Ogera Primary, Ringa Zone	Head teacher; 2 SMC members; 2 pupils; 3 mothers; 1 teacher
11/03/09	Ringa Zone	TAC Tutor
27/02/09	Ochuonyo Primary, Saye Zone	Head teacher and 2 SMC members
12/03/09	Rachuonyo Education District Offices	District QASO in charge of FPE
12/03/09	Sub-district offices in Karachuonyo	Area Education Officer and District QASO

**Appendix 4:**  
*List of interviews of Chapter 5*

Date	Organization	Interviewee	Location
06/10/2008	World Bank	HIV Programme Manager	Nairobi
06/10/2008	Futures Group	DFID Consultant for NACC	Nairobi
17/10/2008	Futures Group	DFID Consultant for NACC	Nairobi
22/10/2008	NACC	Head of Accounts (key informant)	Nairobi
05/10/2008	NACC	Head of Audits	Nairobi
18/10/2008	NACC	Coordinator of Field Officers	Nairobi
19/10/2008	NACC	Head of Monitoring and Evaluation	Nairobi
22/10/2008	NACC	Director	Nairobi
22/10/2008	NACC	Head of Strategy Policy, Planning and Development	Nairobi
15/02/2009	CODA	Former FMA Nyanza during KHADREP	Nairobi
09/04/2009	World Bank	Health Specialist	Nairobi
23/06/2009	Ministry of Planning	Government officer, worked on ERS	Nairobi
24/06/2009	Government of Kenya	Minister	Nairobi
16/09/2009	Independent	Health Practitioner	Nairobi
22/11/2009	Independent	Health Practitioner, NACC advisor	Nairobi
3/12/2009	Government of Kenya	Presidential Advisor	Nairobi
12/07/2010	DFID	DFID Consultant for NACC	Nairobi
16/07/2010	South Consulting	Independent Consultant	Nairobi

**Appendix 5:**  
*List of Interviews for Chapter 6*

Date	Location	Organization	Interviewee in Maragua district
18/11/2008	Nyeri	NACC	Provincial Field Officer
27/11/2008	Maragua const.	CACC	CACC Coordinator
27/11/2008	Maragua const.	CBO	Ama Tank SHG: Secretary and member
02/12/2008	Maragua const.	CBO	Catholic Parish Youth HIV/AIDS Awareness SHG: Priest
02/12/2008	Maragua const.	Maragua Hospital	Nurse Counsellor
02/12/2008	Maragua const.	Not funded CBO	Mrisha Home Based Care SHG
02/12/2008	Maragua const.	Maragua Hospital	Psychosocial Support for HIV+ children
02/12/2008	Maragua const.	CBO	Mathengeta Community SHG: Chairman, Treasurer, Secretary and member
02/12/2008	Maragua const.	CBO	Kamahuha Anti-AIDS Project: Chairman, Treasurer and 2 members
02/12/2008	Maragua const.	CBO	Karathe Muslim Women's Group: Chairlady and 11 members
03/12/2008	Maragua const.	Makuyu Health Centre	Division nurse in charge VCT
03/12/2008	Maragua const.	CBO	WIPER (Widowed Persons SHG) Chairlady and Treasurer
03/12/2008	Maragua const.	CBO	Mukandu SHG: Chairlady and two members
05/12/2008	Kigumo const.	CBO	Kibuya Women's Group: Chairlady
05/12/2008	Kigumo const.	CACC	CACC Ex and Full body
05/12/2008	Kigumo const.	CACC	CACC Coordinator
05/12/2008	Kigumo const.	CBO	Mathare-ini Sports Club: Chairman, Treasurer, Secretary and 2 members
05/12/2008	Kigumo const.	CBO	Kambogo Ndakura SHG: Chairman and Treasurer
10/12/2008	Kigumo const.	CBO	Gikarangu Kugeria SHG: Chairlady, Secretary and member
09/12/2008	Kandara const.	CACC	CACC Ex and Full Body
09/12/2008	Kandara const.	CACC	CACC Coordinator
09/12/2008	Kandara const.	CBO	Kandara Rural Women's Group: Chairlady and 5 members
09/12/2008	Kandara const.	CBO	Mukerenju Anti AIDS Campaigners
09/12/2008	Kandara const.	CBO	Kiamagoche SHG: members
09/12/2008	Kandara const.	CBO	Kaka Merge AIDS Fighters: Chairlady

09/12/2008	Kandara const.	CBO	Beyond Anti-AIDS SHG: Chairman and Secretary
10/12/2008	Maragua district	District Technical Committee	District Development Officer
23/06/2009	Maragua const.	Parliament	Maragua MP
3/12/2010	Kigumo const.	CC and CACC members	CC and CACC members
4/12/2010	Kandara const.	CC and CACC members	CC and CACC members
5/12/2010	Maragua const.	CC and CACC members	CC and CACC members
Date	Location	Organization	Interviewee in Rachuonyo district
04/02/09	Kasipul Kabondo const.	CBO	Project Coordinator, Chairlady and Chairman of PLWAs, Kakelo Integrated Project
05/02/09	Kasipul Kabondo const.	CBO	Chairlady and Treasurer, Kokech Jamii Tuyiunge
05/02/09	Kasipul Kabondo const.	CBO	Secretary, Chairlady and Treasurer, Menorias Women's Group
05/02/09	Kasipul Kabondo const.	CBO	Secretary, Treasurer and 4 members, Koderia Greenland Project
06/02/09	Kasipul Kabondo const.	CBO	Chairlady, Treasurer and member, Kakeyo Women and Orphans Development
06/02/09	Kasipul Kabondo const.	CBO	Member, Secretary and Chairlady, Nyatororo Umoja Women's Group
06/02/09	Kasipul Kabondo const.	CBO	Chairman and youth coordinator, Integrated Development Facility (IDF)
06/02/09	Kasipul Kabondo const.	CBO	Founding member, Baraka Women's Group
09/02/09	Karachuonyo const.	CBO	3 members, Ambala Balka
09/02/09	Karachuonyo const.	CBO	5 members, Sidika Women's Group
09/02/09	Karachuonyo const.	CBO	7 members, Treasurer, Secretary and Chairlady, Ober Business Women's Group
09/02/09	Karachuonyo	CBO	Ann Ondai, working with Power Positive
09/02/09	Karachuonyo const.	CACC	Youth Representative, CACC Executive Committee
10/02/09	Karachuonyo const.	CBO	2 members, Otudna Women's Group
10/02/09	Karachuonyo const.	Beneficiary	Beneficiary Otudna Women's Group
09/02/09	Karachuonyo	CBO	4 Executive Board members, Gunga

	const.		Women's Group
10/02/09	Karachuonyo const.	CBO	Chairlady and Coordinator, KIYE Community-based Development Project
03/03/09	Karachuonyo const.	Hospital	Two nurses working in Kandiege Sub-District Hospital
10/02/09	Karachuonyo const.	CBO	Chairlady, Kendu Muslim Group
03/02/09	Kisumu	NACC	Provincial Officer, NACC
09/02/09	Kisumu	NGO	Technical Adviser Community Developer, APHIA II Nyanza
9/04/09	Kisumu	NGO	2 programme coordinators, AMREF
26/02/09	Rachuonyo district	District officer	District Development Officer
09/02/09	Rachuonyo district	District officer	District Technical Committee
			Youth representative, District Technical Committee
27/02/09	Rachuonyo district	NGO	Orphans and Vulnerable Children Programme Officer, Christian Children Fund (CCF)
04/02/09	Kasipul Kabondo const.	CACC	CACC Coordinator
04/02/09	Kasipul Kabondo const.	CACC	Representative of PLWAs, CACC member
05/02/09	Kasipul Kabondo const.	CACC	Youth representative, member of the CACC Executive Committee
09/02/09	Karachuonyo const.	CACC	CACC Coordinator
09/02/09	Karachuonyo const.	CACC	Representative of PLWAs, CACC Full Board
09/02/09	Karachuonyo const.	CACC	Youth representative, CACC Ex Committee
10/09/09	Karachuonyo const.	Key Informant	Power Positive

**Appendix 6:**  
*List of interviews for Chapter 7*

Date	Organization	Position
23/06/2009	Ministry of Planning	Government officer, worked on ERS
22/02/2010	Ministry of Planning	Government officer, worked on ERS
24/06/2009	KIPPRA	Independent researcher
24/06/2009	Ministry of Planning	Minister of Planning and Development
02/12/2009	Finnish Embassy in Kenya	Chair of the Donors' Group coordinating Governance, Justice, Law and Order reform
03/12/2009	Ministry of Planning	Advisor to the GoK on International Development Partnerships



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## Curriculum Vitae Mariana Cifuentes

Mariana S. Cifuentes Montoya: Over the last four years, she has been working on her PhD thesis entitled “Negotiating Social Policies in Kenya: Aid, Ethnicity and Redistribution” at the International Institute of Social Studies (ISS) of Erasmus University, Rotterdam, The Netherlands. She also has an MPhil in Development Studies (2000-02) from the Institute of Development Studies (IDS), University of Sussex, United Kingdom and a BA degree in Economics (1999) from the University of The Americas, Mexico.

Since 1999, Ms Cifuentes has been working as a social researcher with international research institutes, government bodies and the United Nations in Mexico, France and Brazil. In 2004, she moved to Kenya, and during the six years she lived in Nairobi, she led the design and management of a two-year action research project, funded by the Rockefeller Foundation, to assess the impact of local government reforms on the provision of basic services in poor urban communities in Nairobi. In 2006, this project was awarded best research project MILGAP UN-Habitat after developing a participatory methodology whereby community members disseminated information and monitored public service needs - such as health care, education, sanitation and public lighting – on a regular basis. Ms Cifuentes has also worked closely with East African artists and HIV activists to communicate messages regarding the stigma faced by people living with HIV/AIDS. Among other work, she has participated in the design of the Orphans and Vulnerable Children Cash Transfer programme in Kenya as well as conducting various evaluations for Non-Governmental Organizations.

Based on the data collected from her MPhil dissertation, Ms Cifuentes co-published an article in the IDS Bulletin (2002) on the Deliberative Fora and Democratisation of Social Policies in Brazil. She has also co-authored a chapter (2005) in a book entitled “The Deliberative Democracy Handbook” based on her research on participation and public policies in Sao Paulo, Brazil. In 2007, Ms Cifuentes published two papers



with the Institute of Policy Analysis and Research (IPAR) discussing the findings from her action research on service provision in informal settlements in Nairobi. More recently, she published a paper in the *Administrative Culture Journal* (2012) entitled “Two Sides of a Public Policy Innovations: The Kenya Education Reform”. She currently lives in Papua New Guinea and is engaged in research on service provision.

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This book examines the nature of Kenyan state-society relations through the prisms of two social policies: free primary education and HIV/AIDS prevention and care. It asks: what roles have the enactment of social policies and aid within decision-making arenas played in the configuration of the contemporary Kenyan state?; and how have ethnicities and local redistribution of re-sources shaped negotiations within the implementation arenas? It is argued that Kenya's political competition for resources, together with donor-led reforms, eroded government social provision thereby strengthening other means of redistribution that are ethnicity-based.

Mariana Cifuentes Montoya is a social researcher from Mexico. She has worked with a range of different organizations in France, Brazil, Kenya and Mexico, including research institutes, government bodies and international organizations. In 2004, she moved to Kenya to work on a participatory governance research project, funded by the Rockefeller Foundation, in a poor urban settlement of Nairobi. This experience encouraged her to undertake long-term research on the state-society relations in Kenya. In November 2007 she was admitted to the doctorate programme at the International Institute of Social Studies of Erasmus University Rotterdam. Mariana is currently living in Port Moresby, Papua New Guinea working on access to social services in different ethnic communities. She has an MPhil in Development Studies from the Institute of Development Studies, University of Sussex (UK, 2000-2002) and a BA in Economics from the University of The Americas (Mexico, 1994-1999).