The NGO Sector and Civil Society in Kenya: A Literature Review

Benjamin Radley, August 2008

b.o.radley@lse.ac.uk

Overseas Development Institute, London

Abstract

The following review aims to locate the recent growth of Kenya's NGO sector and civil society within an understanding of the effectiveness of these spheres in representing and providing for the needs of the country's poor. The review contains two main chapters. The first begins with an assessment of the NGO sector, which opens with an analysis of the sectoral and geographic coverage of NGOs currently active in the country. It then moves on to outline the major strengths and weaknesses of this sector. The second chapter synthesises the literature assessing the state of civil society in Kenya, aiming to follow and assess its development from the 1970s through until the present, post-amendment context.

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1. Introduction

Reflecting on the state of NGOs in Africa, Hearn notes that 'in the course of the last twenty-five years, Africa has witnessed an astounding growth in the number and influence of non-governmental organizations' (2007, 1095). With just 267 registered NGOs in Kenya in 1988, Hearn reports the NGO sector to have grown to 2,511 registered NGOs by 2003; a nine fold increase in the space of just fifteen years. This recent proliferation of the NGO sector in Kenya carries important implications for the provision of public services to the poor and vulnerable.

This review aims to locate these implications within an understanding and assessment of the extent to which the needs of the country's poor are being met by the NGO sector. In order to achieve this, the paper will begin with a descriptive discussion of current NGO activity in Kenya, drawing primarily on information gathered through NGO websites and published self-assessments (MSF 2001; Handicap International 2004; Oxfam 2005; Action Aid 2006; Help Age International 2006; Kenya Red Cross 2006; KWAHO 2006; Africa Now 2007; CARE 2007). This discussion will include an analysis of the sectors NGOs are operating in, their geographic coverage and a consideration of who is and who isn't benefiting. This section is complimented by a matrix of the NGOs analysed and discussed which can be found in Appendix 1 at the end of the paper.

The review will then move on to consider the wider academic literature. The positive impact of NGO work is noted. NGOs are cited as making major improvements to the quality of people's lives through their construction work (Ellis and Freeman 2004), contributing to the country's democratisation process (Okuku 2003; Nyamu-Musembi and Musyoki 2004), and improving the political awareness and knowledge of Kenyan citizens (Orvis 2003).Yet significant areas of weakness are also highlighted. In particular, it is observed that NGOs in Kenya are often highly politicised (Aubrey 1995; Kanyinga 1995; Hearn 1998; Okuku 2003; Droz 2006; Maurice 2006). They are also seen as being severely donor dependent, raising questions about the long-term sustainability of their work (Kanyinga 1995; Hearn 1998; Nyamu-Musembi and Musyoki 2004; Amuyunzu-Nyamongo et al. 2007; Hearn 2007). Instances of tension between the state and the NGO sector are also cited (ICON Group International 2000; Human Rights Watch 2003) as are insensitive or inappropriate strategies pursued by NGOs in achieving their aims (Maurice 2006; Hearn 2007; Eaton 2008).

The review will close with a brief consideration of the role of civil society in Kenya. The important role played by the church in leading and encouraging civil society, both historically and more recently, is frequently noted (Van Doepp 1996; Hofer 2003; Okuku 2003; Nyamu-Musembi and Musyoki 2004).Yet the dominant theme to emerge from this literature is that whilst vibrant, active and growing, the government remains the final arbiter in legislative and political decision-making irrespective of civil society's demands and wishes (Matanga 2000; Hughes 2002; Hanmer et al. 2003; Cottrell and Ghai 2007; Mulama 2008). As with the NGO sector, the problem of donor dependency is also observed as limiting the activities and sustainability of civil society organisations (CSOs) in Kenya (Matanga 2000; Hughes 2002).

2 The NGO Sector

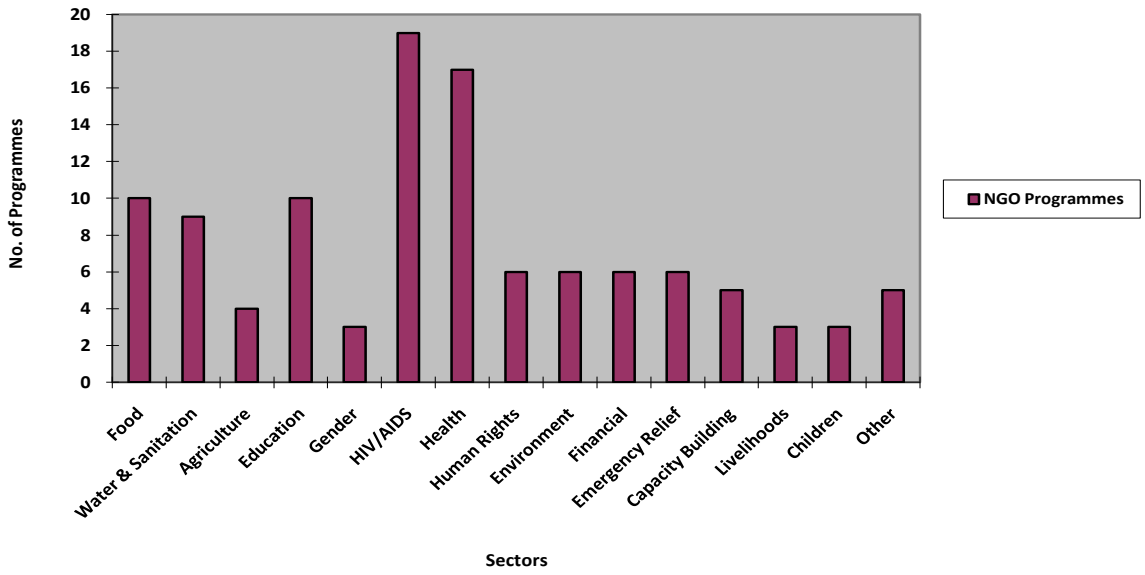
Whilst there are thousands of NGOs active in Kenya (Hearn 2007), the following discussion is based upon an analysis of the most significant as judged predominantly by the number of programme beneficiaries. As such, whilst the analysis does include both foreign and local NGOs, foreign international NGOs make up the majority of those selected, reflective of the fact that foreign NGOs cover a far wider sectoral and geographic base in the country (Kanyinga 1995). An analysis of the role and effectiveness of smaller, grassroots NGOs is therefore beyond the scope of the following discussion.

57 NGOs were studied in detail with a view to assessing the sectors they are working in and the geographic coverage of their work. Included in this study are recognised international organisations such as Oxfam, the Red Cross, Save the Children and VSO alongside significant domestic organisations such as the International Medico-Legal Unit and Kenya Water for Health Organisation. Full information on the NGOs included in the following discussion can be found in Appendix 1 at the end of the paper.

2.1.1. Sectoral Coverage

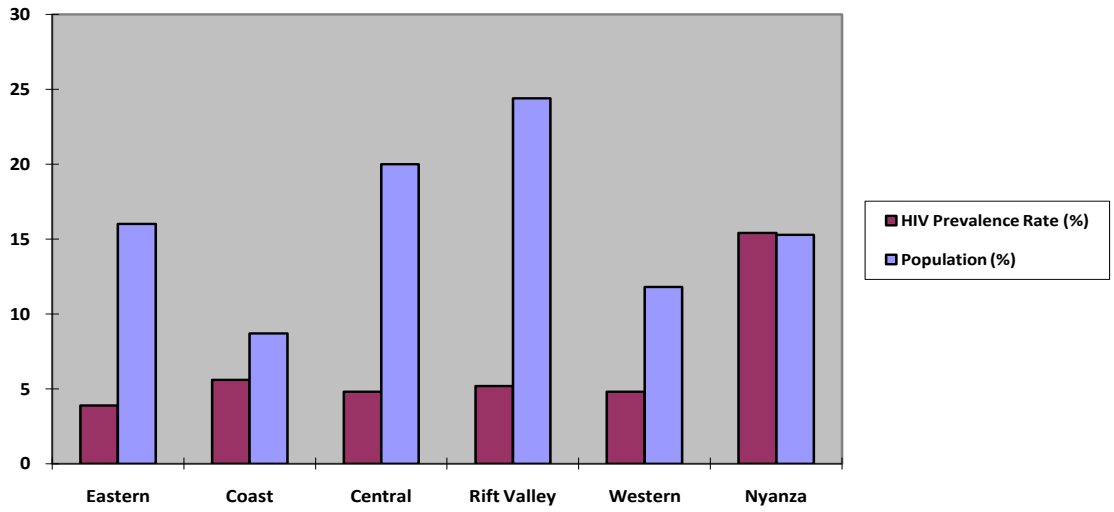
Immediately noticeable is the dominance of work being carried out in the HIV/AIDS and health sectors, as demonstrated by Figure 1. Indeed, when combined these two sectors account for over 30% of all NGO activity assessed. This seems to be having a positive impact in respect to HIV/AIDS, with Kenya reported to be experiencing a slow yet steady decline in national HIV/AIDS prevalence to a current rate of around 5% (UNAIDS 2007).

Figure 1: NGO Activity in Kenya by Sector



Yet apparent from the geographic coverage of this work is that it is not necessarily responsive to where the demand appears to be. Figure 2 gives a provincial breakdown of HIV/AIDS prevalence rates alongside each Province's percentage share of the population:

Figure 2: HIV/AIDS Prevalence Rate by Province in Kenya



Source: World Bank 2008

This information indicates that whilst with broadly similar percentage shares of the national population, Nyanza Province has an HIV/AIDS prevalence rate over three times as high as that of Central Province. Yet from the NGO activity analysed, the HIV/AIDS and health programmes in operation don't seem to be responsive to the virus's spread, with Central Province home to twelve such programmes in comparison to just three in Nyanza Province. Similarly, whilst Rift Valley is home to almost one quarter of Kenya's population and has a HIV/AIDS prevalence comparable to the national average, the level of NGO activity in the area is limited to just three HIV/AIDS related programmes.

Outside of HIV/AIDS and health, the relatively low NGO coverage of agricultural and livelihood activities as indicated by Figure 1 seems anomalous in a country such as Kenya. There are only a handful of agricultural programmes being prioritised and implemented by the major NGOs currently active in Kenya, despite the fact that around 80% of the Kenyan population live in rural areas and the rural farming community constitutes 87% of all poor households (Kenya Agricultural Productivity Report 2007). A significant proportion of NGO work appears to be focused on supplying buffers and support to those unable to sustain livelihoods, as indicated by the relatively higher level of food and emergency relief and water and sanitation work currently being carried out. Yet a complimentary focus on how to create pathways out of poverty through a focus on rural livelihood strategies appears to be lacking in comparison.

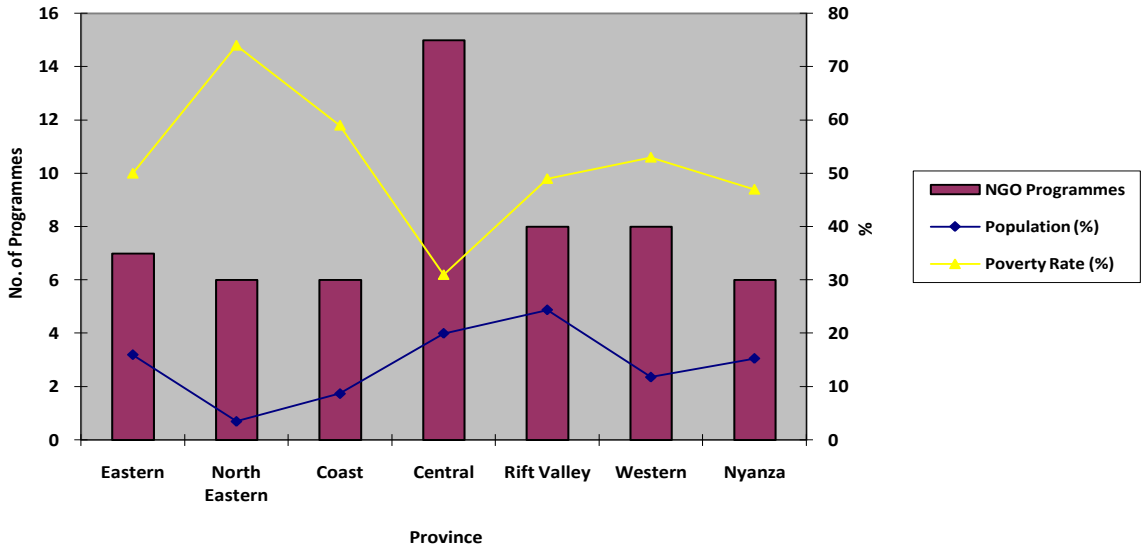
Two further gaps in current NGO activity are worth noting. The first has been highlighted by Kamungi and Klopp (2007): there are currently no NGOs focusing exclusively on Kenyan IDPs, and these IDPs are ignored by donors. This is despite the fact that there are some 430,000 IDPs in Kenya living in abysmal conditions (52). Kamungi and Klopp argue that the reason for this neglect is that NGOs and donors working in the region prefer to focus on more serious and visible conflict situations both in Kenya itself and in neighbouring Somalia, Sudan and Uganda (53).

Figure 1 also indicates that there is a considerable dearth of gender programmes being implemented in Kenya. This is particularly surprising given the widely recognised gender inequalities in the country. For example, HIV/AIDS prevalence is almost twice as high in Kenyan women as it is in men (World Bank 2008, 34). Yet of the NGOs analysed only one international NGO (International Childcare Trust) is explicitly orientating its work towards achieving improved gender equality through providing women's education. Yet this may well be more a reflection of the fact that gender issues are currently being mainstreamed in many development organisations than a lack of attention to the issue itself.

2.1.2. Geographic Coverage

Figure 3 below tabulates the number of NGO programmes active in each Province of Kenya, alongside the national population share and poverty rate of each area:

Figure 3: Geographic Coverage of NGOs in Kenya by Province



Source: World Bank 2008

Most noticeable from this information is that Central Province, even when related to its percentage share of the population, is receiving by far the greatest amount of NGO attention whilst having the lowest poverty rate of all the Provinces. Meanwhile, North Eastern and Coast Provinces, home to the highest poverty rates in the country, are seemingly receiving far less attention than other areas. Evidence such as this is suggestive that there may be other factors at play in deciding where NGOs carry out their work other than the needs and demands of Kenya's poor.

There are further discrepancies in NGO coverage at the district level. Entirely absent from geographic focus are the large districts of Marsabit, Samburu and Isiolo in Eastern Province and Tana River in Coast Province. Whilst the same can be said of the Narok and Kajiado Districts in Rift Valley Province, the percentage of the population below the poverty line in these areas is below 20% (World Bank 2008). Yet disconcertingly the districts seemingly marginalised by NGO coverage in the Eastern and Coast Provinces have more than 70% of their populations living below the poverty line (World Bank 2008).

2.1.3. Self-Assessments

Recently published in-house assessments of NGO work in Kenya demonstrate that whilst there may be potential gaps and weaknesses in sectoral and geographic coverage, the work currently being carried out by NGOs in the country is having a hugely significant impact upon the lives of the poor. Over the last decade, Oxfam (2005) has distributed food relief to 370,000 people in the Turkana and Wajir Districts. Similarly, Kenya Red Cross (2006) responded to a recent drought affecting 3.5 million Kenyans by supplying over 300,000 people with food, non-food items, water and sanitations and health services. The Kenya Water for Health Organisation (2006) is currently implementing a programme targeted at directly benefiting 100,000 people in their access to safe drinking water, of whom 31,000 have been reached so far. CARE International (2006) report that they are supplying food relief and improved water services to 80,000 people in the North Eastern Province. Africa Now (2007) has worked in 69 villages nationwide benefiting over 50,000 people with improved access to water and sanitation. Médecins Sans Frontières (2001) provides primary health care and AIDS-related care to thousands of people each month, particularly in Nairobi but more recently also in Homa Bay, Nyanza Province. Similarly, Handicap International (2004) reports its recent building and opening of a centre for counselling and voluntary AIDS screening in the Garissa District, a centre accessible to more than 400,000 people.

The work cited above is by no means an exhaustive list; rather, it is the tip of an enormously large iceberg. Returning to Hearn's (2007) observation of the ever-expanding thousands of NGOs active in Kenya, that there are gaps and weaknesses in coverage may be so. Yet the NGO community as a whole is clearly helping thousands of Kenyans on a daily basis, as evidenced briefly by the above.

2.2 Strengths and Successes

Building on the above, the following section will discuss the various strengths and successes of the NGO community in Kenya. December 1990 marked a turning point, as the Kenyan

government introduced the NGO Coordination Bill which sought to monitor and control NGOs due to a perceived threat to government legitimacy resulting from their immense development resources and often open criticism of the government. However, the NGO community responded and by the end of 1992 the government had reneged on its initial demands and revised subsidiary legislation. For example, requirements for personal information of NGO staff were dropped and the stringency of submitting detailed annual budgets and sources of funding relaxed (Ndegwa 1994, 30). In this way, Ndegwa (1994) argues that the NGO community can be seen to have successfully challenged repressive legislation which would have directed much of their time and resources towards fulfilling bureaucratic requirements and 'therefore demonstrates how NGOs have contributed to the wider political reform movement in Kenya' (19).

Yet it is not just in advancing their own rights and freedoms that NGOs have contributed to the movement of political reform in Kenya. Reflected in the literature is the significant success NGOs appear to have achieved in the advancement and improvement of human rights alongside citizen political awareness and knowledge regarding such rights. A report by Icon Group International (2000) has drawn attention to the recent proliferation of national human rights NGOs in Kenya alongside an array of legal organisations. Several of these NGOs are reported to maintain comprehensive files on human rights abuses and a number of attorneys to represent the poor and human rights defendants without compensation (132). A report by Human Rights Watch (2003) notes the success of these organizations, particularly their tenacious work in providing civic education, shelter and other basic needs, representation in legal proceedings, small-scale lending programs, women-owned housing cooperatives, and advocating for legislative and social change.

The activity and success of these national NGOs in relation to human rights issues is seemingly reflected by the larger, international NGOs. Conducting an in-depth assessment of the work of such NGOs regarding rights and participatory development, Nyamu-Musembi and Musyoki (2004) find them to have achieved considerable success. Indeed, the explicit recognition of international human rights standards is found by the authors to be 'almost the exclusive reserve of international organisations such as ActionAid, CARE, PLAN, and Oxfam' (9). Success in advancing the recognition of these rights is noted. For example, Oxfam successfully lobbied the government to increase pastoralist representation on the District Development Committee and ActionAid similarly increased representation of sugar farmers on the Sugar Board from a minority to a majority. ActionAid is highlighted as having made the most significant achievements, programming its work around specific rights campaigns and explicitly attributing poverty to unequal power relations and therefore articulating it as a violation of rights (7). As well as their success in empowering sugar farmers, ActionAid is reported to have secured better compensation and a proper environmental impact assessment for communities in Kenya earmarked for titanium mining by a Canadian firm. In a similar fashion, CARE is reported to have integrated a rights framework into its existing Household Livelihood Security approach, with the effect of creating a stronger commitment between CARE and the communities it serves. This is reflected by its confrontation with UNHCR over refugees from Tanzania who had set up a makeshift camp in Kenya. The Kenyan government applied pressure to UNHCR not to provide the refugees with services as it did not want to receive them. Yet CARE staff, at the risk of losing their jobs, wrote an advocacy paper arguing that UNHCR had a duty to work with the camp in recognition of the refugee's rights as human beings, and could not be complicit in a policy of neglect. The emphasis by international NGOs on rights has also started to improve their own accountability to clients, with demand from the farmers involved in a CARE-supported

horticultural initiative in Makueni district resulting in the farmers gaining the right to inspect CARE's books of account relating to the initiative.

This action instigated by the rural farmers in Makueni district is reflective of the observation made by Orvis (2003) that the work done by NGOs in advancing awareness of rights is beginning to have a tangible impact at the grassroots level. By examining the work of four NGOs that have used civic education and paralegal programmes in rural Kenya, Orvis concludes 'that although the programmes are relatively new, they have begun to have a measurable impact on citizen understanding of politics' (247). Orvis finds the NGOs' clients to be 'generally representative of the population as a whole' (254), contra the common charge that NGOs represent and reach only an educated elite. Moreover, as well as reaching rural citizens, their work is found to be making a 'positive difference in citizens' awareness and knowledge' regarding rights issues (265).

It is not only in the area of increasing and defending human rights and raising political awareness that the academic literature notes NGO successes. Ellis and Freeman (2004) note that villages in Kenya 'generally seem to have beneficial experiences with direct assistance they receive from NGOs' (19). Major differences are noted as being made in people's lives by provision of piped water, wells, latrines, agricultural extension advice, input supplies, food-for-work schemes, microcredit schemes, and formation of village groups with specified development objectives. International NGOs such as Oxfam, CARE, ActionAid and Concern Universal are highlighted as those most commonly encountered in the provision of such support, although more specialist and smaller NGOs are also recognised as playing an important role. Ellis and Freeman conclude it is plain that more useful work is accomplished and left behind to the future benefit of village citizens by NGOs than by the government. Indeed, in some instances 'the collapse of government delivery over the last ten years means that it is often only NGOs that have provided this type of service to villages' (19), with the agricultural sector cited as an example of this. In relation to HIV/AIDS, Amuyunzu-Nyamongo et al. (2007) note that NGOs in Nairobi have offered women living with the disease 'a lifeline', with many reporting that were it not for the work of NGOs their lives would have been significantly worse (31-32).

The PRSP consultation process in Kenya is also singled out by the literature as having had a positive impact on the NGO community. Hanmer et al. (2003) argue that the process has had 'important positive effects on the participating NGOs' (184), such as experience of engaging with national and sectoral-level policies in poverty reduction work and identifying needs for capacity building around advocacy on national policies and processes. The authors also feel the process has improved working relations between NGOs and local government.

In reflecting on NGO strengths and successes in Kenya, the academic literature focuses heavily on the sector's involvement in relation to achieving political reform, increasing awareness of and defending human rights, and raising political awareness and knowledge amongst citizens. Yet also commented on is the improvement NGOs have made to many poor people's lives in their provision of construction work and HIV/AIDS support and the positive impact the PRSP process has had on developing NGO experience in the political arena.

2.3 Weaknesses and Limitations

Of the weaknesses and limitations pertaining to the work of NGO activity in Kenya, the most frequently noted in the literature is the frailty of the concept of NGO neutrality. The community is seen as highly politicised and having 'tended to promote "development" in the narrow sense, rather than democratisation, and [having] systematically sought to "fit in" with the socio-political structures which define and reproduce it' (Kanyinga 1995). Yet at the same time, tensions and instances of conflict between the NGO sector and the state are also recorded. NGOs are also commonly observed to be heavily donor dependent, thus questioning their autonomy from donor influence, the sustainability of the work they carry out and its relevance and relation to those they intend to benefit. Finally, certain NGOs and NGO sectors are seen as being culturally insensitive or inappropriate in the strategies they adopt to achieve their aims.

Commenting on what Hearn (1998) terms 'the NGO-isation of every aspect of Kenyan life' (98), she argues that 'NGOs more than ever before are political actors and should be honest in presenting themselves and being understood in that light' (99). In support of this, Kanyinga (1995), writing on the changing development space in Kenya, reports the intense competition amongst political factions for positions of leadership on NGO committees. Once such positions are achieved, these factions set about ensuring funding for their own political needs. Thus, Kanyinga concludes that rather than challenging and opening up democratic space in Kenya, NGOs are complicit in the very reproduction of political structures which deny and restrict the potential of the democratisation process in Kenya. As such, NGOs' contribution to the pluralisation of civil society is argued to be a deeply ambivalent one. Okuku (2003) takes a similar position, declaring that most NGOs in Kenya 'lack internal democracy' (62) which seriously limits their ability to contribute to the pluralisation of society. They are seen by Okuku as limited by the organising principle of ethnicity and patronage to which they are argued to have broadly subscribed rather than challenged (59). Indeed, an entire collection of essays compiled by Gibbon (1997) takes this viewpoint, problematising the insistence amongst many scholars of the transition to democracy occurring across Africa resultant from the emergence of NGOs in the rural countryside.

Droz (2006), Aubrey (1997) and Okuku (2003) offer more specific examples of the politicised nature of Kenyan NGOs. Droz (2006) argues that in relation to Kenyan street children, the growing political leverage of NGOs interfering in local affairs in the name of street children's rights is being looked upon with suspicion as they appear to be more in alliance with local business concerns than those of the children themselves. Similarly, Aubrey (1997) finds one of the most prominent Kenyan women's NGOs, Mandeleo Ya Wanawake, to be ineffective as a representative of the developmental concerns of poor Kenyan women due to its close alliance with the government. Consequently, it is seen to represent its own narrow interests over the interests of those it claims to be helping. Finally, Okuku (2003) cites the strongly pro-government stance of the grassroots Undugu Society, implicitly questioning its effectiveness and role in helping to meet the needs of those it represents.

Yet this critique of the NGO sector cannot be said to apply to the whole, as there are reports of serious tension and conflict between the NGO community and the state. Indeed, it was largely because of this that the government introduced the NGO Co-ordination Act of 1990 which created a self-regulatory body for NGOs (the National Council of NGOs) and a government oversight body (the NGOs Co-ordination Board). The NGOs Co-ordination Board was

established to oversee the registration, coordination, and monitoring and evaluation of NGOs in the country and their role in national development. The government felt the need to do this in response to the threat posed by NGOs' vast resources and their open criticism of government practice. Indeed, Ndegwa (1994) cites the government confrontation with the Green Belt Movement (GBM), a grass-roots based environmental NGO, as a direct precursor to the 1990 Act (24-25). Opposed to the KANU government's plan to build a media complex in a Nairobi park, GBM set precedence by suing the government and lobbying the project's financiers to drop their sponsorship of the complex. Following this, in 1989 the government called for the deregistration of GBM and for more stringent controls on NGOs in general (25). Within a year, the NGO Co-ordination Act had been passed. More recently, intimidation by government officials (including the then President Moi) threatening to disrupt the work of human rights NGOs has been reported (Icon Group 2000, 132). Indeed, President Moi publicly alleged that NGOs were interested in subverting and destroying African moral values. Similar, Human Rights Watch (2003) report the little moral support human rights NGOs receive from the government. Thus, whilst there are many critiques of the conformity of NGOs to established political norms and practices, it is important to note the heterogeneity within the sector and that whilst some may choose to accept and work within existing political structures, others actively work against such structures, at the risk of their own organisations, jobs and sometimes even lives. Furthermore, and conversely, whilst heavily politicised NGOs may have their capacity to effectively provide for those they claim to represent comprised, it is the very absence of political support in these instances that may restrict and limit certain NGOs' effectiveness.

As well as highlighting the political nature of NGOs in Kenya, writing ten years ago Hearn (1998) also points to the highly financially dependent nature of the Kenyan NGO sector, with the vast majority of Kenyan NGOs relying 'on foreign aid for more than ninety per cent of their funds'. She argues that this external funding dependency also raises questions about the artificiality or contrived nature of the supposed pluralisation of Kenyan society (98-99). Ten years further on, and little seems to have changed, with more recent literature frequently citing the same limitation of external donor dependency amongst the NGO community. Okuku (2003) reports NGOs in Kenya to 'exhibit extraordinary donor dependence' (62), and as such they are argued to be accountable to those who finance them, not to the people they intend to benefit. As with Hearn's reflection above, this dependence severely limits the capacity of NGOs to act as agents of democratisation. It can also severely limit their ability to act in any manner, with a study of rural NGOs in Kenya reporting them to be heavily dependent on donor funding with virtually no sources of domestic support (Orvis 2003, 250). As such, their capacity to mobilise and carry out their work in these areas is severely limited.

The HIV/AIDS NGOs in Nairobi reported to have offered a lifeline to many also find their work limited by their reliance on external support as this is reported 'to have led to dependency' (Amuyunzu-Nyamongo et al. 2007, 32). This in turn is noted to have made such NGOs insecure and thus focused on immediate needs, with little scope for securing longer-term social security and investments in the future. Similarly, the human rights NGOs reported to have had such success in achieving and advancing their aims across all levels of Kenyan society are found to be restricted by donor dependency. Nyamu-Musembi and Musyoki (2004) report that the proliferation of human rights NGOs from the early 1990s onwards have relied 'exclusively on external funding' with the consequence of making their links to grass-roots constituencies tenuous and artificial (3). In support of this, Hearn (2007) finds nine out of eleven organisations promoting democracy and human rights in Kenya to be donor-created or prompted (1103), again

problematising such NGOs' relationship to the local communities they claim to represent. It is perhaps because of this frequently reported donor dependency that Hearn (2007) concludes many African NGOs to have actually become 'local managers of foreign aid money, not managers of local African development processes' (1107).

NGOs are at times also criticised for adopting inappropriate and culturally insensitive strategies for achieving their intended aims. Eaton's (2008) recent study of peace-building NGOs along the Kenya-Uganda border, including Oxfam, USAID and the International Rescue Committee, is the most in-depth and comprehensive critique of this kind. Eaton argues that NGO workers in the region have bought into oft recited but ultimately mythical narratives explaining the causes of conflict in the region as being due to arms proliferation, poverty and resource scarcity. Of more relevance, it is argued, is the 'cycle of violence' which results from decisions made in the aftermath of a theft. Yet as NGOs have ignored this and instead accepted the perceived wisdom of popular narratives, 'they have yet to achieve any significant breakthroughs' (91).

Whilst Eaton's study is focused on peace-building NGOs, the observation that popular and seemingly self-evident explanations can be of more detriment than benefit to NGOs operating in Kenya may be of wider relevance. In a recent book entitled 'The NGO Factor in Africa: The Case of Arrested Development in Kenya', Maurice (2006) uses the Rockefeller Foundation (RF) as a case study, argueing that its activities in agriculture, education and health sectors have in fact undermined rather than facilitated development efforts in Kenya. Drawing on the work of the RF as well as CARE and Oxfam, Maurice also contends that NGOs have been culturally insensitive and mis-conceptualised rural livelihoods, pushing aside and violating previous subsistence economies with the result of making many people more vulnerable to famine and poverty than before. In this sense, NGOs are seen to privilege western notions of development in Kenya over local conceptions of livelihood strategies.

Thus, whilst achieving notable and significant successes, the NGO sector in Kenya is not without its weaknesses and limitations. The accusations commonly made against NGO work at large seem to apply to Kenya, as the NGO sector in the country is seen as being both politicised and extremely donor dependent. In relation to the former criticism, once NGOs' neutrality is breached their priorities in terms of who they are representing become severely compromised. In the latter instance, high donor dependence reduces the autonomy of an NGO, questions the sustainability of its operations, and may limit the extent to which they can effectively respond to and provide for grassroots needs and demands. Finally, NGOs are seen as prone to formulating inappropriate and culturally insensitive strategies and campaigns, often with little or even negative consequences for those they intend to benefit.

3. Civil Society

Civil society and CSOs have grown substantially in number and influence over the past decades in Kenya (Mulama 2008). Since the end of one-party rule in 1991 and the repression of the late 1970s and 1980s, organised civil society has experienced tremendous growth and visibility. Moreover, 'the civil society that has emerged in Kenya involves a broad and lively spectrum of associational spheres' (Von Doepp 1996, 40). The most important and influential figure within this movement is seen to be the church and faith-based organisations (FBOs). Yet this sector of civil society is not without its weaknesses. Most noticeable is that, active and vibrant as Kenya's civil society is, the government remains the final arbiter in legislative and political decision-making processes, irrespective of its views.

The Christian church in Kenya is often argued to be and have been at the centre of pressures for democratisation. As Okuku (2003) has summarised, the opportunity for the church to engage in this process was created by a combination of its organisational resources, the deteriorating socio-economic conditions of the country and the emergence of the oppressive one-party state during the late 1970s. In the process of centralisation that followed this emergence, the church and religious forums were about the only political space that managed to keep a degree of autonomy and independence from the one-party state. As such, the church was central in responding to the plethora of laws introduced by KANU, the ruling party of the time, which clamped down on civil liberties and political freedoms such as the right of assembly and expression. Nyamu-Musembi and Musyoki (2004) argue that the most visible and early response to this curtailment of rights and freedoms was through initiatives housed within church-based organisations. In the 1980s, religious leaders 'focused their energy on openly agitating for a multi-party system' (3). Similarly, Von Doepp (1996) declares the church to have provided 'one of the more pivotal voices' in Kenyan civil society, consistently opposing 'KANU excesses and the authoritarian regime' since the 1980s (37).

Once the legal restriction on party politics was lifted in December 1991, the forum for civil society activity opened up and the church become one of many sectors of a new and increasingly active civil society across the country. Yet this didn't decrease the significance of the church's role and place in Kenyan civil society. In May 1999, a plan was unveiled by the president for the KANU government to re-write the constitution alone. Religious organisations led the response, mobilising civil society under the 'Ufungamano Initiative'; 'an independent effort at a national dialogue leading to the writing of a new constitution' (Orvis 2003, 251). Indeed, the influence of the church in Kenya continues to grow. A recent comparative study of evangelical NGOs in Uganda and Kenya noted that FBOs have continued to rise over recent decades to the point where they now appear to exceed secular organisations, both in number and budget (Hofer 2003).

Yet whilst the church is seen as an influential and important part of civil society in Kenya, its role is not exempt from criticism. As Okuku (2003) and Ngunyi (1995) have pointed out, religious groups in Kenya are far from monolithic nor are they necessarily democratic. Indeed, they can be 'highly fragmented along regional and class lines, often being less than progressive' (Mueller 1997). In the current post-amendment environment in Kenya, the church is seen to have split into ethnic constituencies before and after the election crisis, corroding its legitimacy as a neutral arbiter and rational voice in society (Ngunyi 2008, 13).

Commenting more widely on civil society, Matanga (2000) has noted the oppositional segment of civil society to have contributed to the achievement of significant political victories, such as the scrapping of section 2A of the constitution that re-established a multi-party system in Kenya. Yet alongside this the state's strategies of propaganda, co-optation, appropriation, and removal of key leaders in an attempt to contain civil society are noted (2). This attempt appears to have been met with some success, as Mulama's (2008) interviews with key figures within Kenyan civil society illustrate. These interviews relate that civil society's consultation and involvement in political decision-making remains at an elementary and superficial level; although CSOs may interact with the government, this fails to translate into policy. As Faith Kasiva, executive director of the Coalition on Violence Against Women declares, 'when the government comes to us, it is always so that we can rubberstamp what it has already decided on. These are not consultations'.

The reported experiences of civil society engagement with the PRSP and constitutional review process further reflect these observations. Whilst civil society is seen as active and engaged in and by the processes, the government is generally seen to have dominated both with little regard for and even open apathy and antagonism towards the opinion canvassed in consultations with civil society. In relation to the PRSP process, Hughes (2002) feels it to have been 'very successful in warming civil society and government relations in Kenya' (5). Civil society was also extremely involved in the process, with nine Sector Working Groups maintained for production of the full PRSP and in-depth community-level consultations carried out in the form of PPAs in 10 districts (Hanmer et al. 2003, 183). Hanmer et al. go on to note a positive outcome of these consultations as being 'the frank and open nature of the discussions' (184). However, government officials dominated the consultation process in many districts, and ultimately the institutional by-passing of Parliament in the process 'led to many MPs perceiving the PRSP exercise as an issue largely for donors and the executive' (193), thus raising doubts about the political impact the paper will actually have.

A recently published review of the constitution-making process and democratisation in Kenya paints a very similar picture. As Cottrell and Ghai report (2007), a National Constitutional Conference (NCC) was established as part of the process, comprising all members of Parliament, three delegates elected from each district, 42 representatives of political parties, and 125 representatives of religious, women's and youth groups, the disabled, trade unions and NGOs – 629 people in all; 'it was the most representative body every assembled in Kenya' (6). Commissioners travelled throughout the country promoting the process, holding workshops and addressing numerous civil society meetings. The media was used extensively with the result that a nationwide debate was generated and sustained for several months on critical issues pertaining to the review. There were hearings in 210 constituencies and thousands of people attended (9). Yet crucially, the Moi government had been 'dragged into a review that it did not want'. Aware that they had ultimate veto over any decisions made in the NCC, politicians were unconcerned by what was decided in this arena, 'as some were brazen enough to say in public' (20). Thus ultimately, due to political apathy towards and sabotage of the process, the window of opportunity was lost and the review process failed to deliver a constitution (22).

Yet despite the evidence that both the PRSP and the constitutional review process has seemed to amount to very little by way of direct, tangible influence over legislation and political decision-making, both processes are seen to have been extremely positive in mobilising civil society and

raising a wider national consciousness with a far greater awareness of its political rights and the avenues through which to pursue such rights (Hanmer et al. 2003; Cottrell and Ghai 2007).

Thus, in the current post-amendment context, Kenyan civil society appears to be at somewhat of a crossroads. Perhaps largely because of these dual failures to gain significant influence in the PRSP process and the constitutional review, the period from 2002-2007 is 'recorded as one with the least innovations and growth in civil society' (Ngunyi 2008), thus suggesting it is going through a period of stagnancy rather than innovation. Yet Ngunyi (2008) goes on to argue that the role of civil society in the post-amendment context is crucial, as it needs to provide civic platforms for aggrieved communities and individuals to express themselves in order 'to contain the simmering revolt from below' (27). This strikes a rather ominous tone, and suggests that the direction taken by civil society in Kenya as the country enters a new political era may be a crucial determinant in the future and outcome of that era.

4. Conclusion

This review has assessed the current state of the NGO sector and civil society in Kenya. Both of these spheres appear to have grown markedly over recent decades, although civil society may have stagnated more recently in a way which NGO activity has not. Yet following on from the closing note of the previous chapter, both civil society and the NGO community in Kenya are poised to play a significant role in determining the direction and future of the country's new political era. Whether or not this role is a positive one may well depend to a large extent on the degree to which both spheres build on their past successes and current strengths and learn from previous failures. Yet lessons from the past such as the NGO Coordination Bill of 1990, reported tension between the government and certain sectors of the NGO community, and the bypassing of civil society in the making of political decisions all point towards perhaps the most significant determinant of all; the extent to which the NGO sector and civil society in Kenya are welcomed, accepted and encouraged by the legislative and political processes and institutions within which they operate. Ironically then, their future success may well be largely out of their own hands.

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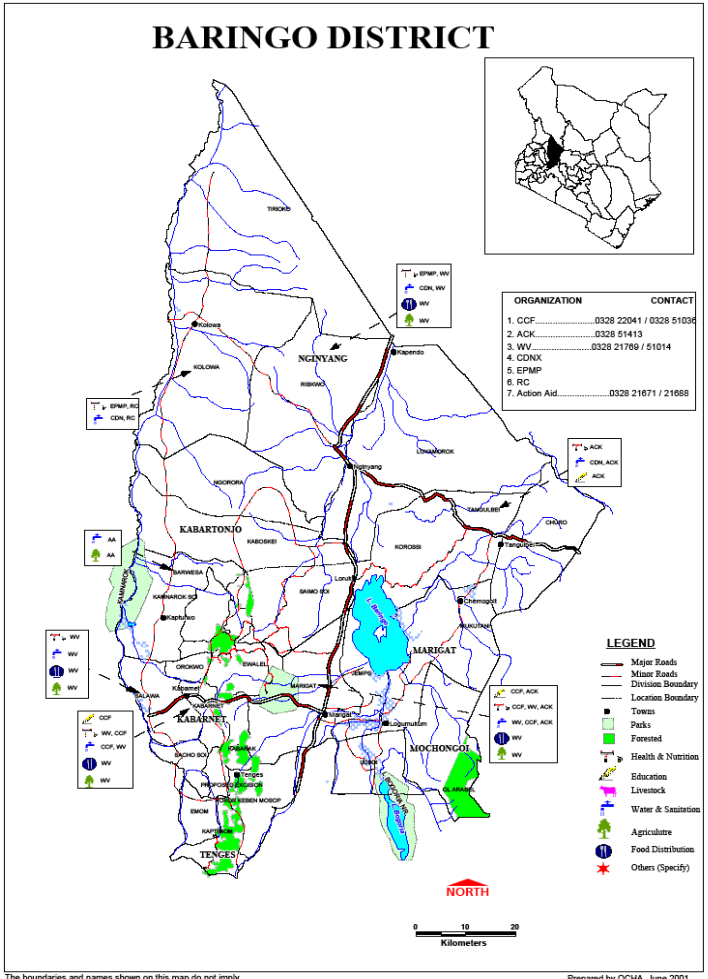
Appendix 1: NGO Activity Matrix

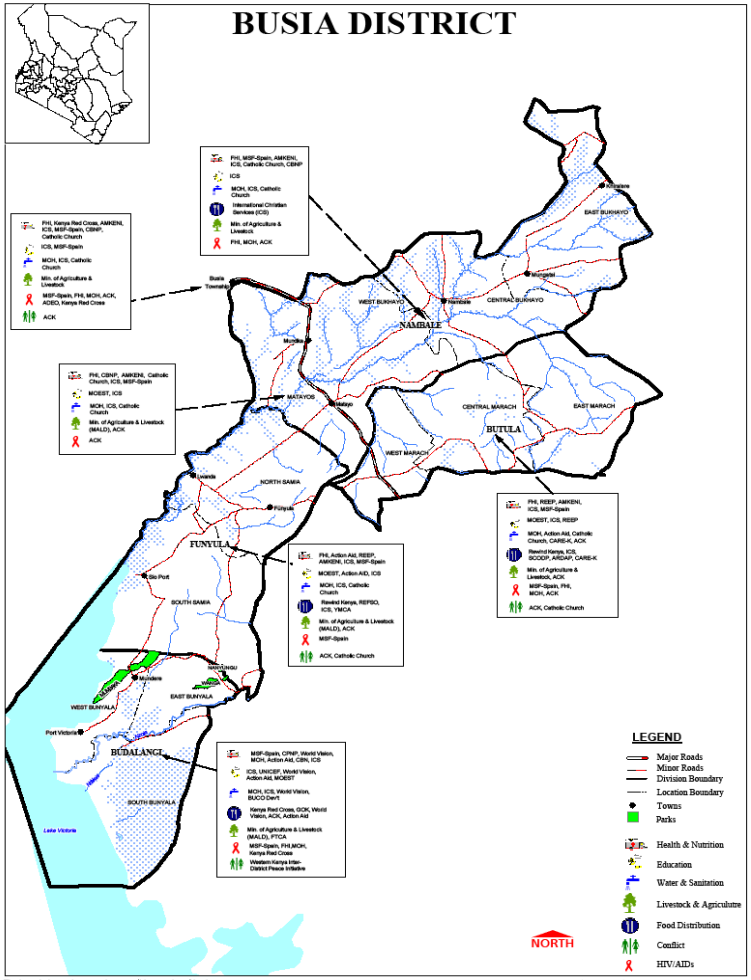
NGO	Area(s) of work	Area(s) of coverage	No. of beneficiaries	Website
Action Against Hunger	Nutrition, water and sanitation	Mandera and Garissa Districts, North Eastern Province	49,000	www.aah-usa.org
Action Aid	HIV/AIDS, food. education	National	-	www.actionaid.org
The Adventist Development and Relief Agency (ADRA)	Food security	Kitui District	150,000	www.adrakenya.org
African Medical and Research Foundation (AMREF)	Healthcare, HIV/AIDS	National	Around 50,000	www.amref.org
Africa Now	Water and sanitation, financial services, fisheries, natural resource management	National	Over 100,000	www.africanow.org and http://www.delken.ec.europa.eu/en/information.asp?MenuID=4&SubMenuID=54
Agricultural Cooperative International Development	Maize development programme, building smallholder capacity	Eastern Kenya	50,000	www.acdivoca.org
Basic Needs	Mental health	Nairobi, Nyeri, Laikipia, Nyandarua, and Meru South Districts	2,000	www.basicneeds.org and http://www.dfid.gov.uk/funding/CSCF-Proposals-08-for-website.pdf
CARE	HIV/AIDS, emergency and relief operations, smallholder commercialising activities	National	More than 300,000	www.careinternational.org and www.care.or.ke
CEFA	Water and sanitation, food security, civil society	Eastern province	30,000	www.italiamultimedia.com/cefa and http://www.delken.ec.europa.eu/en/information.asp?MenuID=4&SubMenuID=54
Christian Children's Fund	HIV/AIDS, education, childhood development, health and sanitation, sustainable livelihood development, emergency response	National	1.3 million	www.christianchildrensfund.org
Christian Aid	HIV/AIDS, climate change, conflict relief	National	Over 30,000 (indirectly through funding)	www.christian-aid.org
Concern Worldwide	HIV/AIDS, primary education, emergency food relief	Nairobi, Suba District in Western Kenya, Moyale in Northern Kenya	55,000 children received primary education, over 3,000 drought-affected families	www.concern.net
Catholic Relief Services	HIV/AIDS, food security, strengthening civil society, governance, education	National	60,000	www.crs.org
Deutsche Welthungerhilfe	Capacity building, environmental conservation, sexual health	Makueni and Homa Bay Districts	-	www.welthungerhilfe.de and http://www.delken.ec.europa.eu/en/information.asp?MenuID=4&SubMenuID=54
Dorcas Aid International	HIV/AIDS, healthcare, water and sanitation, employment and income,	Nairobi, Eastern District, northern and southern areas	Around 170,000 (150,000 related to HIV/AIDS)	www.dorcas.net

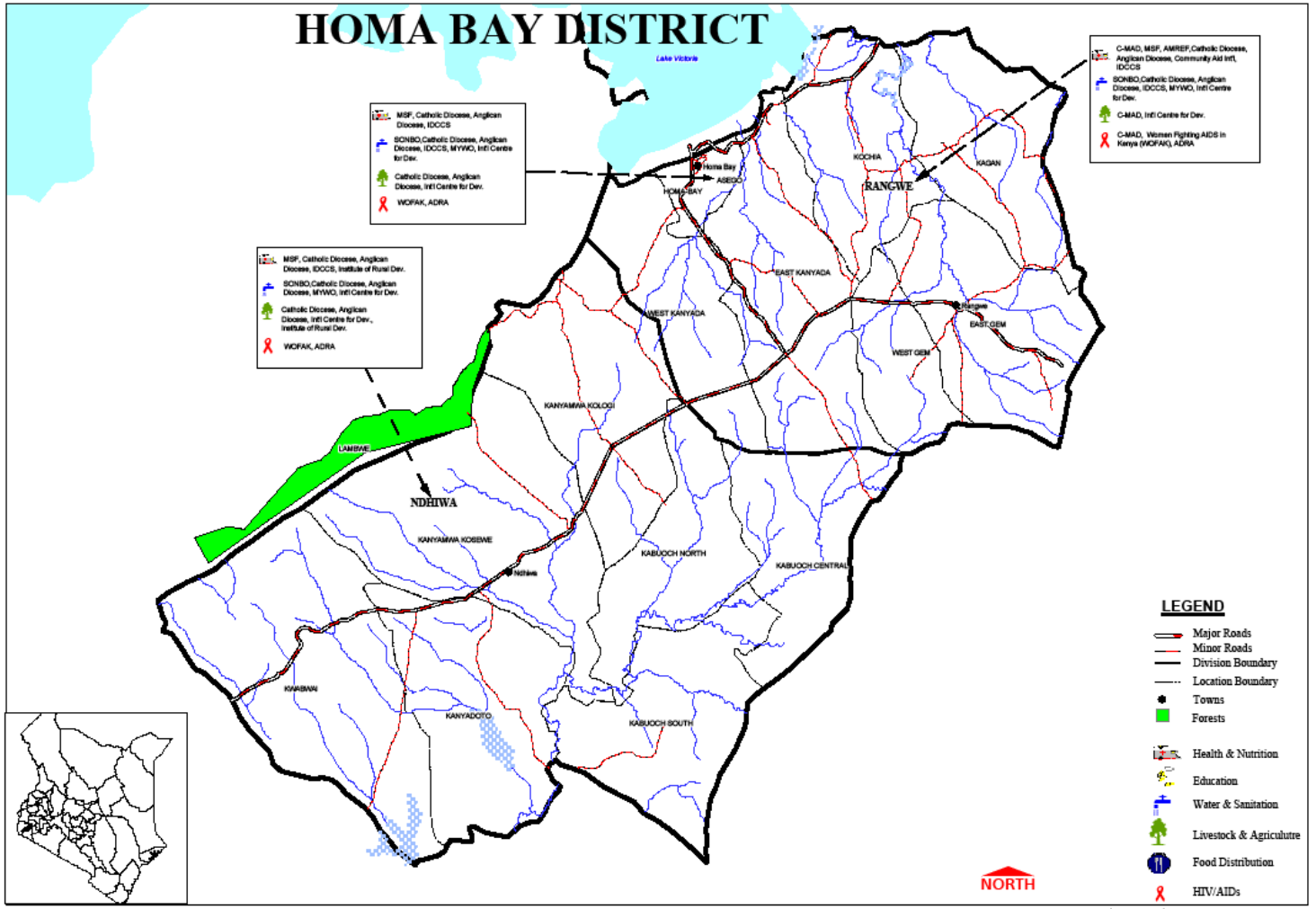
	agriculture and food security, child care and development, capacity building			
Family Health International	HIV/AIDS, health services	National	-	www.fhi.org
Federation of Women Lawyers	Women's rights	National	-	www.fidakenya.org
The Green Belt Movement	Capacity building, conservation	National	-	www.greenbeltmovement.org
Handicap International	Disability, health and disease prevention, income generating activities	Nairobi, Trans N'Zoia District, Garissa District	More than 80,000	www.handicap-international.org
HelpAge International	Support to older people headed households	Western Kenya	20,000	www.helpage.org
ICODEI	HIV/AIDS, healthcare, education	Western Kenya	Over 100,000 each year	www.volunteerkenya.org
Independent Medico-Legal Unit (IMLU)	Human rights	National	-	www.imlu.org
International Committee of the Red Cross	Conflict relief	National	Over 20,000	www.icrc.org
International Childcare Trust	Child protection, women's education	Western Kenya and Mombassa	Around 10,000	www.ict-uk.org
International Deaf Children's Society	Rights for deaf children	Nairobi	1,000	www.deafchildworldwide.info and http://www.dfid.gov.uk/funding/CSCF-Proposals-08-for-website.pdf
International Medical Corps	HIV/AIDS, emergency health relief	Nairobi, Coastal, Nyanza and Rift Valley Provinces	Around 100,000	www.imcworldwide.org
The International Rescue Committee	Healthcare, water and sanitation, education	Northern Kenya, Turkana District,	Around 100,000	www.theirc.org
KAIPPG	HIV/AIDS, education, human rights	Western Kenya	30,000 each year	www.kaippg.org
KickStart	Job creation	National	Over 10,000	www.kickstart.org
Kenya Human Rights Commission	Human rights	North, Eastern, Rift Valley, Western and Coastal Regions	-	http://www.khrc.or.ke
Kenya Red Cross Society	Disaster response, health and social services	National	Over 500,000	www.kenyaredcross.org
Kenya Water for Health Organisation (KWAHO)	Water and sanitation, hygiene education and promotion, community capacity building, environmental management	National	Over 500,000	www.kwaho.org
Maji Na Ufanisi	Water and sanitation	Nairobi, Marsabit, West Pokot, Taita Taveta and Ijara Districts	10,000	www.majinaufanisi.org
Marie Stopes International	HIV/AIDS	Rift Valley, Coast, Eastern, and Central Provinces	Over 10,000	www.mariestopes.org and http://www.delken.ec.europa.eu/en/information.asp?MenuID=4&SubMenuID=54
Médecins du Monde	Health	National	10,000	www.medecinsdumonde.org
Médecins sans Frontières	Health (HIV/AIDS and TB)	National	100,000	www.paris.mfs.org and http://www.delken.ec.europa.eu/en/information.asp?MenuID=4&SubMenuID=54
Medical Missionaries of	HIV/AIDS, women's rights	Nairobi, Western Kenya	Around 5,000	www.mmmworldwide.org

Mary				
Merlin	Health (malaria, HIV/AIDS and TB, malnutrition)	Turkana District, Wajir District, Nyanza Province	5,000 each month	http://www.merlin.org.uk
The National Council of Churches of Kenya	Capacity building, governance, social services	National	-	www.ncck.org
Omega Foundation	Education, HIV/AIDS	Kisumu District	-	www.omfo.org
Oxfam	Education, human rights, peace-building, sustainable livelihoods, food security	Nairobi, Turkana and Wajir Districts	-	www.oxfamgb.org
Pathfinder International	HIV/AIDS, reproductive health	Nairobi, Central and North Eastern Province	-	www.pathfind.org
Practical Action	Urban livelihoods and shelter	Nairobi	-	http://practicalaction.org
Rockefeller Foundation	Agriculture	National	-	www.rockfound.org
Red Cross (Spain)	Water, agriculture, community health	Machakos District	-	http://www.delken.ec.europa.eu/en/information.asp?MenuID=4&SubMenuID=54
Save the Children	HIV/AIDS, water and sanitation, education, food security	National	Around 50,000	www.savethechildren.org.uk
SIDAREC	Health, child development	National – urban slums	-	www.sidarec.org
Sight Savers International	Trachoma	Rift Valley and Eastern Provinces	Over 500,000	www.sightsavers.org and http://www.delken.ec.europa.eu/en/information.asp?MenuID=4&SubMenuID=54
SOS Children's Villages	Orphan care, health and social services	Nairobi, Mombasa, Eldoret, Meru	-	www.sos-childrensvillages.org
Terra Nuova	Natural resources management and conservation, urban youth	Nairobi, pastoral semi-arid regions	-	www.terranuova.org and http://www.delken.ec.europa.eu/en/information.asp?MenuID=4&SubMenuID=54
Trócaire	Emergency response, human rights, education, sustainable livelihoods	Nyeri, Laikipia, Kitui, Turkana, Meru, Tharaka, Mbeere, and Tana River Districts	Over 10,000	www.trocaire.org
VSO	Child disability	National	-	http://www.delken.ec.europa.eu/en/information.asp?MenuID=4&SubMenuID=54
VSO Jitolee	Disability, HIV/AIDS, secure livelihoods	Nairobi, Eastern, Costal and Nyanza Provinces	-	www.vso.org.uk and www.jitolee.org
World Concern	Health, education, financial services, water and food security	National	Around 100,000	www.worldconcern.org
World Vision Ireland	HIV/AIDS, water, food security	Mutonguni, Gakungu	100,000	www.worldvision.ie and http://www.delken.ec.europa.eu/en/information.asp?MenuID=4&SubMenuID=54
World Relief	HIV/AIDS	Nairobi	60,000	www.worldrelief.org
WORTH	Women's rights	Central, Nyanza and Western Provinces	10,000	www.worthwomen.org

Appendix 2: District Maps of NGO Activity

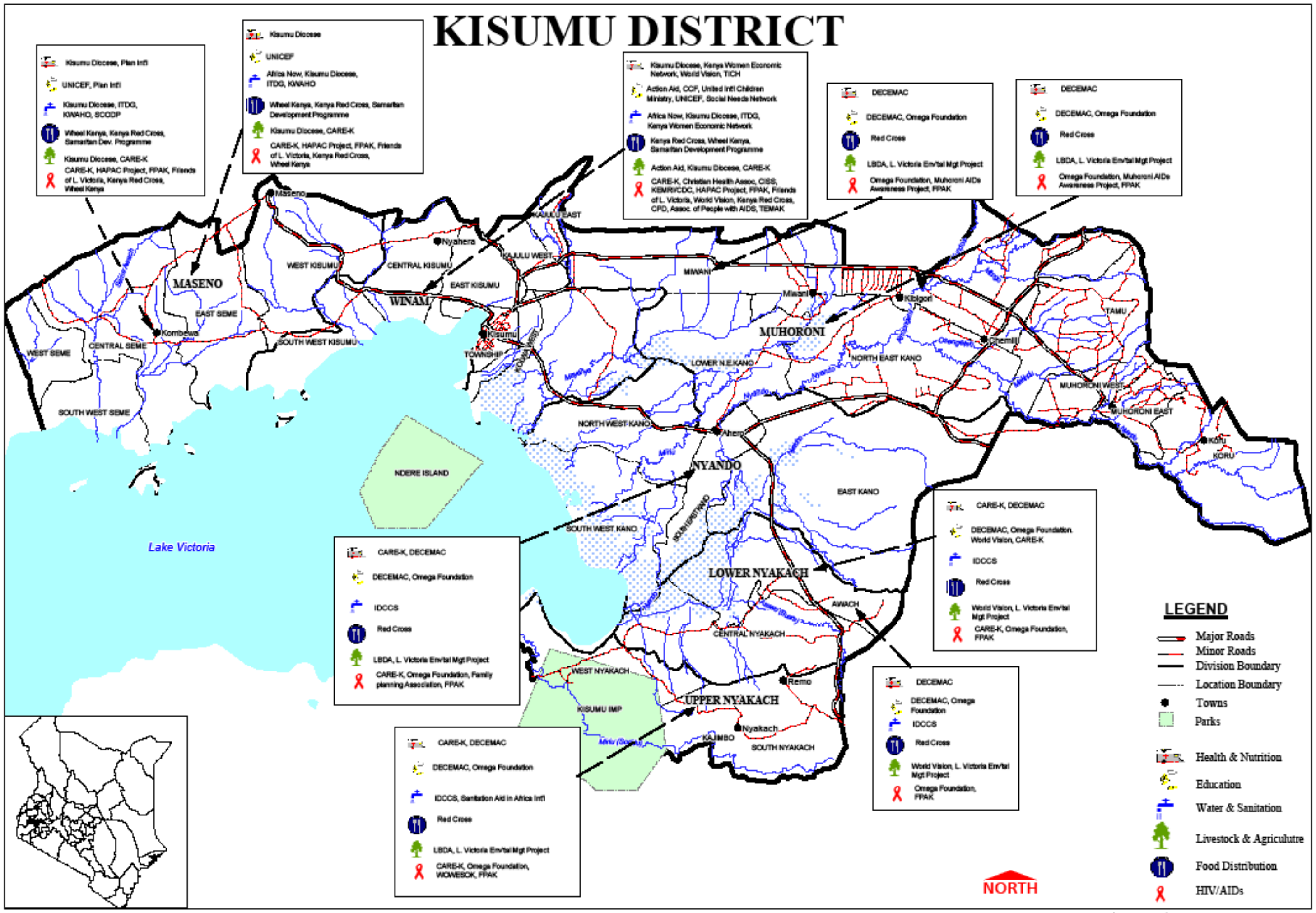






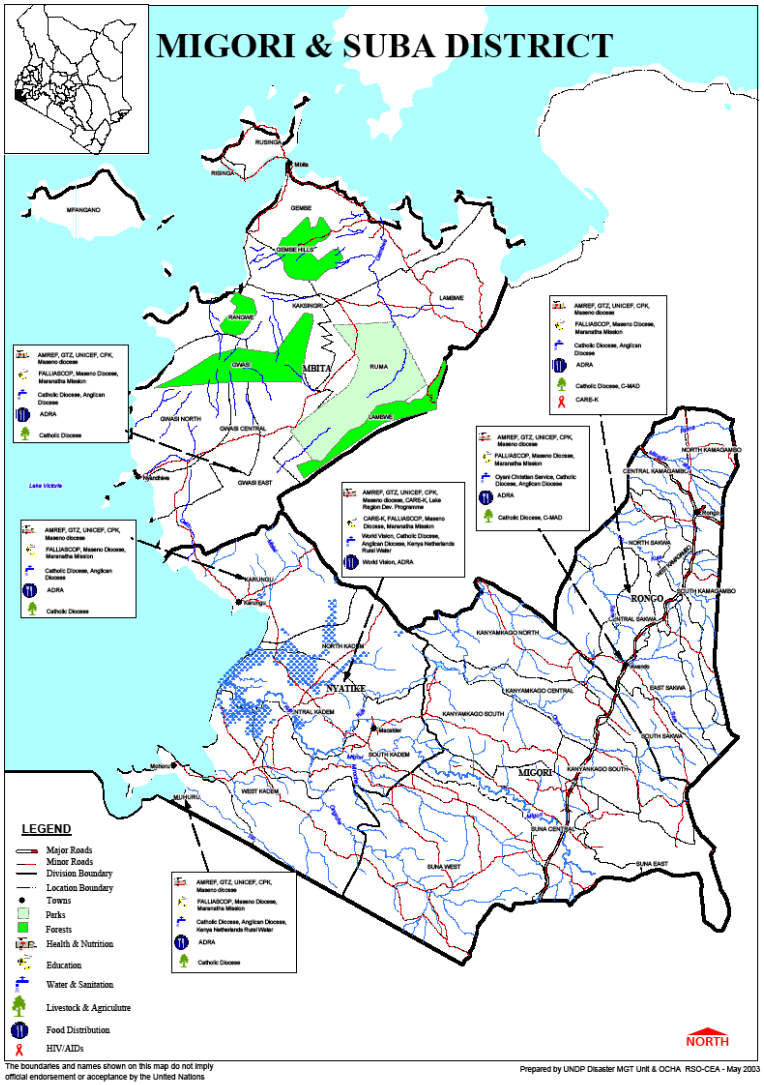
The boundaries and names shown on this map do not imply official endorsement or acceptance by the United Nations

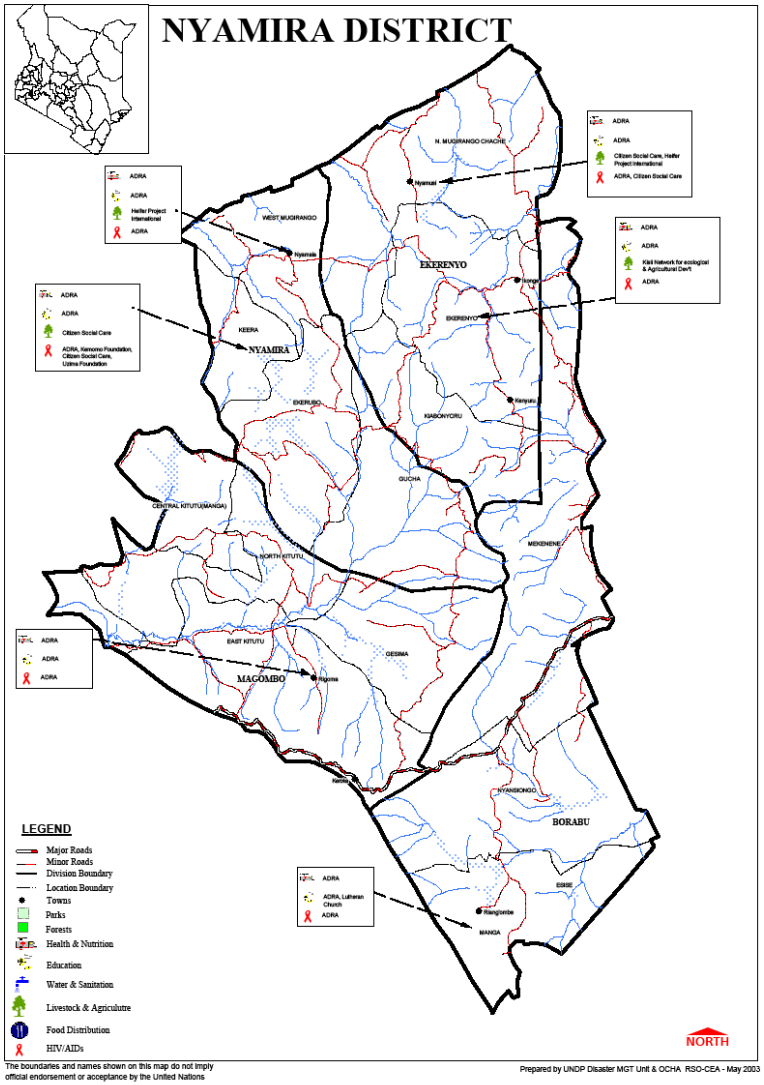
Prepared by UNDP Disaster MGT Unit & OCHA RSO-CEA - May 2003

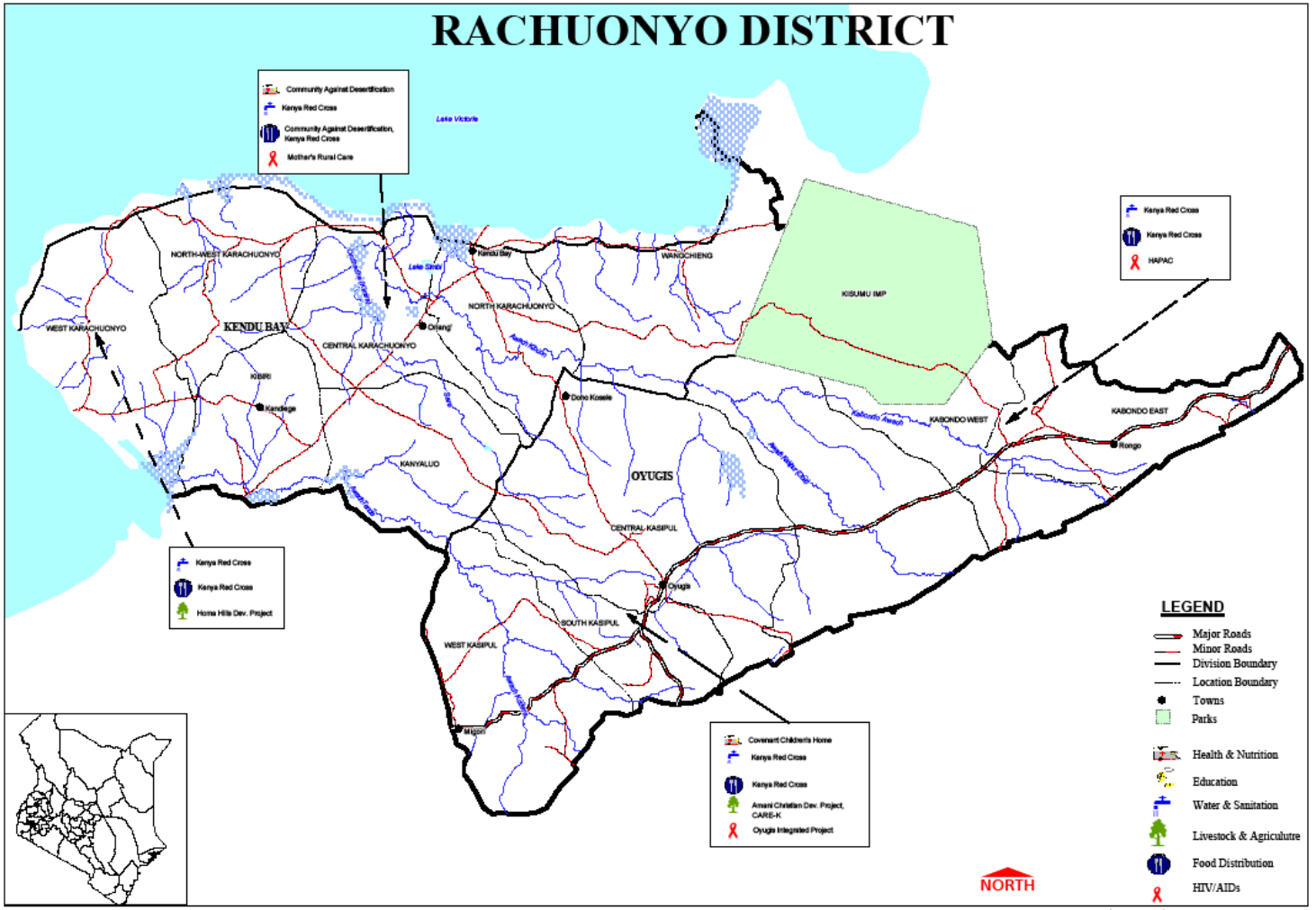


The boundaries and names shown on this map do not imply official endorsement or acceptance by the United Nations

Prepared by UNDP Disaster MGT Unit & OCHA RSO-CEA - May 2003


MIGORI & SUBA DISTRICT
LEGEND
Major Roads
Minor Roads
Division Boundary
Location Boundary
Towns
Parks
Forests
Health & Nutrition
Education
Water & Sanitation
Livestock & Agriculture
Food Distribution
HIV/AIDs
NORTH
The boundaries and names shown on this map do not imply official endorsement or acceptance by the United Nations
Prepared by UNDP Disaster MGT Unit & OCHA RSO-CEA - May 2003


NYAMIRA DISTRICT
LEGEND
Major Roads
Minor Roads
Division Boundary
Location Boundary
Towns
Parks
Forests
Health & Nutrition
Education
Water & Sanitation
Livestock & Agriculture
Food Distribution
HIV/AIDs
NORTH
The boundaries and names shown on this map do not imply official endorsement or acceptance by the United Nations
Prepared by UNDP Disaster MGT Unit & OCHA RSO-CEA - May 2003


RACHUONYO DISTRICT
Community Against Desertification
Kenya Red Cross
Community Against Desertification, Kenya Red Cross
Mother's Rural Care
Lake Victoria
Lake Simbi
NORTH-WEST KARACHUONYO
WEST KARACHUONYO
KENDU BAY
CENTRAL KARACHUONYO
NORTH KARACHUONYO
WANGCHIENG
KISUMU IMP
Kenya Red Cross
Kenya Red Cross
HAPAC
KIBIRI
KANYALUO
OYUGIS
CENTRAL KASIPUL
SOUTH KASIPUL
WEST KASIPUL
KABONDO WEST
KABONDO EAST
Kenya Red Cross
Kenya Red Cross
Homa Hills Dev. Project
Covenant Children's Home
Kenya Red Cross
Kenya Red Cross
Amani Christian Dev. Project, CARE-K
Oyugis Integrated Project
LEGEND
Major Roads
Minor Roads
Division Boundary
Location Boundary
Towns
Parks
Health & Nutrition
Education
Water & Sanitation
Livestock & Agriculutre
Food Distribution
HIV/AIDs
NORTH
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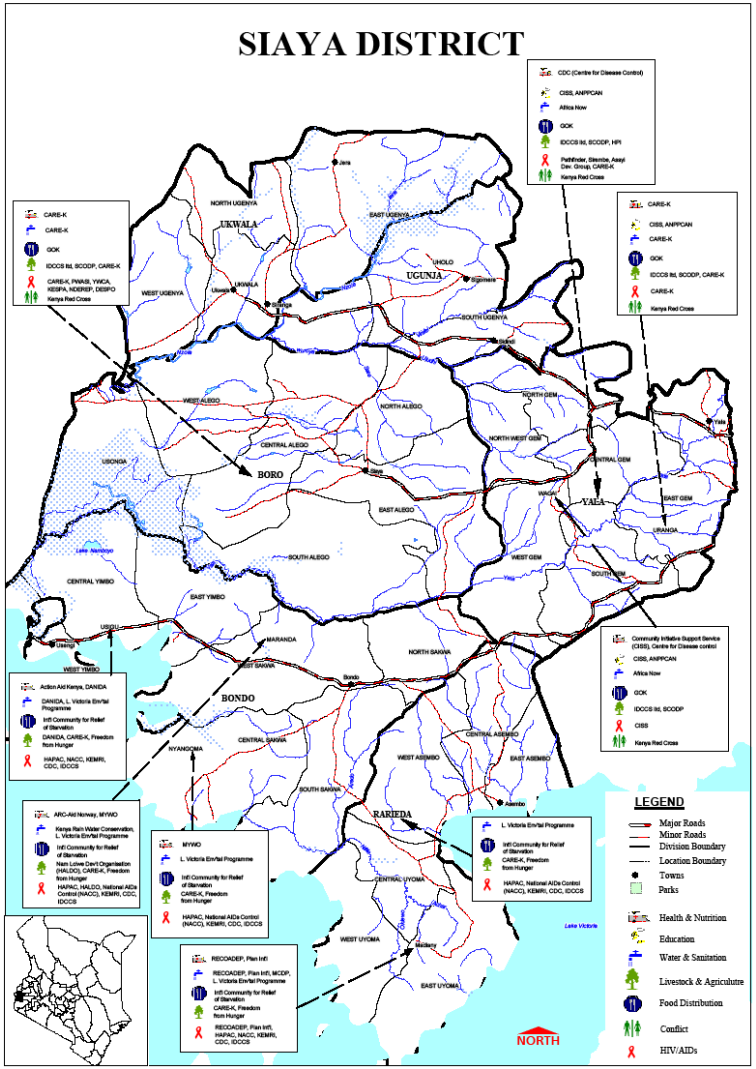
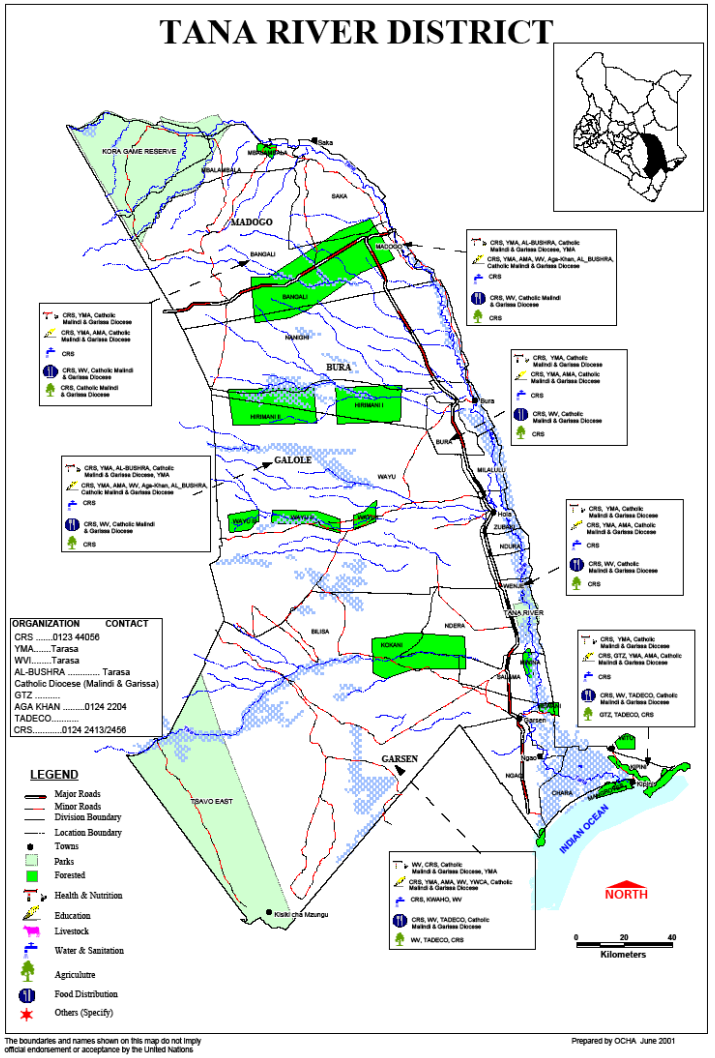
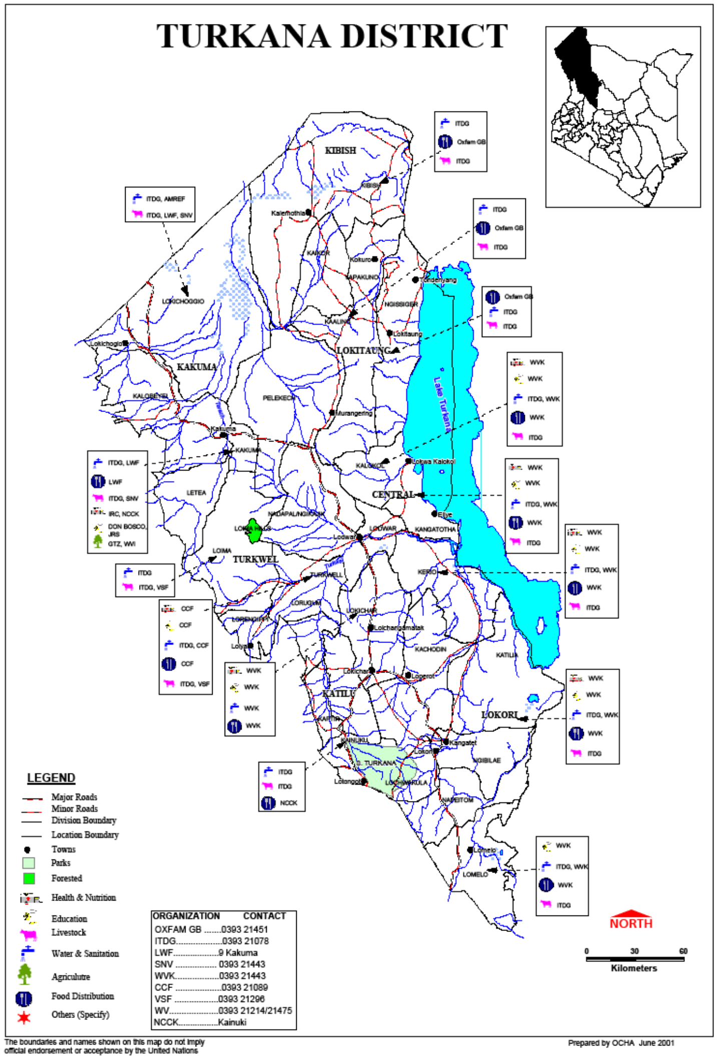
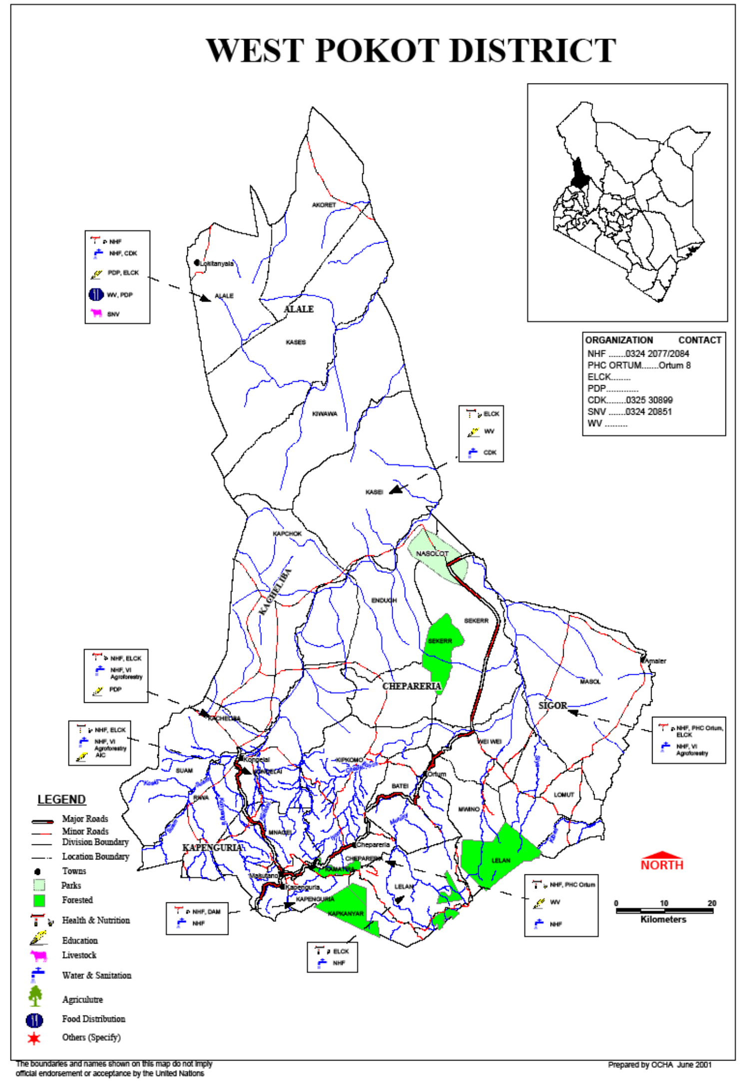
Prepared by UNDP Disaster MGT Unit & OCHA RSO-CEA - May 2003


SIAYA DISTRICT
UKWALA
UGUNJA
BORO
YALA
BONDO
RARIEDA
NORTH
LEGEND
Major Roads
Minor Roads
Division Boundary
Location Boundary
Towns
Parks
Health & Nutrition
Education
Water & Sanitation
Livestock & Agriculutre
Food Distribution
Conflict
HIV/AIDs
The boundaries and names shown on this map do not imply official endorsement or acceptance by the United Nations
Prepared by UNDP Disaster MGT Unit & OCHA RSO-CEA - May 2003


TANA RIVER DISTRICT
MADOGO
BURA
GALOLE
GARSEN
TANA RIVER
TAVO EAST
INDIAN OCEAN
ORGANIZATION CONTACT
CRS 0123 44056
YMA.....Tarasa
WVI.....Tarasa
AL-BUSHRA ..... Tarasa
Catholic Diocese (Malindi & Garissa)
GTZ .....
AGA KHAN 0124 2204
TADECO.....
CRS.....0124 2413/2456
LEGEND
Major Roads
Minor Roads
Division Boundary
Location Boundary
Towns
Parks
Forested
Health & Nutrition
Education
Livestock
Water & Sanitation
Agriculutre
Food Distribution
Others (Specify)
NORTH
0 20 40
Kilometers
The boundaries and names shown on this map do not imply official endorsement or acceptance by the United Nations
Prepared by OCHA June 2001


TURKANA DISTRICT
KIBISH
LOKICHOGGIO
KAKUMA
LOKITAUNG
CENTRAL
TURKWEL
KATILU
LOKORI
Lake Turkana
LEGEND
Major Roads
Minor Roads
Division Boundary
Location Boundary
Towns
Parks
Forested
Health & Nutrition
Education
Livestock
Water & Sanitation
Agriculture
Food Distribution
Others (Specify)
ORGANIZATION CONTACT
OXFAM GB 0393 21451
ITDG....................0393 21078
LWF....................9 Kakuma
SNV 0393 21443
WVK....................0393 21443
CCF 0393 21089
VSF 0393 21296
WV......................0393 21214/21475
NCCK..................Kainuki
NORTH
0 30 60
Kilometers
The boundaries and names shown on this map do not imply
official endorsement or acceptance by the United Nations
Prepared by OCHA June 2001


WEST POKOT DISTRICT
ALALE
KACHELIBA
CHEPARERIA
SIGOR
KAPENGURIA
ORGANIZATION CONTACT
NHF 0324 2077/2084
PHC ORTUM.......Ortum 8
ELCK........
PDP.............
CDK.........0325 30899
SNV 0324 20851
WV ....
LEGEND
Major Roads
Minor Roads
Division Boundary
Location Boundary
Towns
Parks
Forested
Health & Nutrition
Education
Livestock
Water & Sanitation
Agriculture
Food Distribution
Others (Specify)
NORTH
0 10 20
Kilometers
The boundaries and names shown on this map do not imply
official endorsement or acceptance by the United Nations
Prepared by OCHA June 2001