

Kenya as case study

*Historical portraits of NGOs and the state*¹

“NGOs have been very active here for decades.”

(NGO program manager, Machakos town, 2008)

“The old way of doing things was, ‘We tell you what to do! You MUST do it.’ The new way is working together, partnership, new ideas are good.”

(Health sector NGO manager, Nairobi, 2006)

“Government doesn’t see [NGOs] as a competitor or rival, but [as] a partner.”

(NGO leader, Nakuru district, 2012)

This chapter contextualizes NGOs in Kenya, an important country of focus for research on NGOs and the state. Kenya has a long history of nonstate actors providing social services, which is detailed in this chapter. Examining this history provides an example of the characteristics associated with collaborative versus conflictual relationships discussed in general terms in Chapter 2.

During the administration of Daniel arap Moi (1978 to 2002), tensions between NGOs and government were high. Several years later, however, there was a rapid warming of the relations between the government and service-providing NGOs. NGOs and the government took advantage of Kenya’s political opening in the 2000s, the new leadership team’s long history working with civil society leaders, President Kibaki’s hands-off administrative approach, and donor financial support for collaboration. During the Kibaki administration (2002 to 2013), attitudes between

¹ The section of this chapter detailing changing NGO–government relations over time in Kenya draws from Brass (2012a).

government and NGOs became increasingly open, with individuals on both sides more willing to work together.

The chapter also provides a snapshot of the NGO sector in one country, during one time period. It answers common questions about national NGO sectors: How many NGOs exist? Where do they come from? What do they do? Do the people interact with them? In the early 2000s, NGOs played a prominent role in Kenyan society, and many Kenyans had contact with NGOs. The sector was involved in a diverse range of activities across the country, which varied across the city-town-rural spectrum.

THE KENYAN POLITICAL ECONOMY: AN OVERVIEW

Understanding the broader Kenyan political economy at a basic level may help the reader to grasp the role that NGOs and other nongovernmental actors have played in service provision in the country. Kenya gained independence from British colonialists in 1963 under the leadership of Jomo Kenyatta, who ruled until his death in 1978. Unlike in many young or weak states, public administration in the early years of independence was relatively strong, partially due to British settler demand for and commitment to it during colonial times. Agencies in the new country were professionalized and civil servants were treated as respected technocrats (Leonard 1991). Kenya produced tea, coffee, and other agricultural goods for export and developed a manufacturing sector that supplied much of the region; the economy grew rapidly.

Politically, however, the Kenyatta administration, and the Moi regime that followed it, maintained national cohesion and stability by balancing or manipulating pressures from the country's many ethnic groups, the largest of which comprised less than a quarter of the population. The highly centralized government strategically granted access to state resources, distributing patronage goods and services through the Provincial Administration (Tamarkin 1978, Barkan and Chege 1989, Leonard 1991) and via ethnoregional power brokers (LeBas 2011). This approach created strong demand for leaders to "nourish and provide for their followers," distributing services based on loyalty, since there was little incentive to provide truly national public goods (Arriola 2013, 13). Corruption became rampant, particularly as Moi used state resources, including donor aid monies and projects, to pit some ethnic groups against one another and to form loyal blocs among others (Widner 1992, LeBas 2011), all while claiming to eschew "tribalism" (Haugerud 1993). Ethnic violence preceded the 1992 and 1997 elections. At the same time, opposition, media, and civil society groups were silenced (Ndegwa 1996).

Eventually, the demands of ethnic power balancing overwhelmed the professionalized public administration, as decisions were made for political rather than economic or bureaucratic rationale (Bates 1981). The system led to deteriorating economic conditions and service provision throughout the 1970s, 1980s, and 1990s, as well as the emergence of a dominant party-state with limited executive turnover (van de Walle 2001). Donors clashed openly with the Moi administration in the 1990s, periodically withdrawing support to the government.

During the Kibaki administration, the country experienced more prolonged violent ethnic conflict in the aftermath of the disputed 2007 election than had occurred previously, and the fear of repeat violence was high in 2013, although it did not materialize to any great extent. At the same time, the economy rebounded considerably amid political and civil rights opening and improvements in donor relations in the 2000s. The Kenyan media, civil society, and opposition groups have become largely free and critique of the government became common.

This is the context in which nongovernmental service provision has developed in Kenya – the focus of this chapter. Ethnic-based patronage politics and corruption remain dominant features of the political economic landscape in the twenty-first century. Multi-party rule, however, has introduced volatility and shifting ethnic coalitions, as well as increased roles for nongovernmental actors in public decision-making.

Because of these changes, even if ethnicity is the vehicle through which politics is often mobilized, it offers neither a sufficient nor a necessary explanation for all political phenomena in Kenya. For example, research has suggested that ethnic bias is not a consistent or especially powerful determinant of government service delivery in Africa (Kramon and Posner 2013). Data have also shown that donor aid channeled through NGOs specifically is not associated with ethnicity (Dietrich 2013). Therefore, this book places ethnicity to one side in examining interactions between NGOs, the Kenyan state, and ordinary Kenyans.

NONSTATE SERVICE PROVISION IN KENYAN HISTORY

Colonialism and the post-independence years: *harambee* groups and missionaries

Although the acronym “NGO” is relatively new, nongovernmental service provision in Kenya is not. Local and international nongovernmental

organizations have existed in the territory since before independence. Within the country, a spirit of “*harambee*” (a Swahili term meaning, “let’s pull together”) has long motivated national development through self-help organizations. *Harambee* groups, still in existence today, originated in pre-colonial cooperative work parties and rotating work teams (Hill 1991), as well as in the Independent Schools Movement, in which indigenous groups, primarily Kikuyu and Luo, opened their own schools during the colonial period (Wallis 1985, Rosberg and Nottingham 1966, Natsoulas 1998). The colonial British government exploited *harambee* groups for forced labor, and resisted the Independent Schools Movement until it became clear that independence was forthcoming. “*Harambee!*” was the rallying cry of Kenya’s first President, Jomo Kenyatta, and it became the country’s motto after independence in 1963.

Kenyatta recognized that the Kenyan people would have to contribute significantly to the country’s development efforts for it to advance, and he formalized the role of *harambee* in Sessional Paper Number 10 of 1965. He called on local *harambee* groups to pull together to achieve what they could on their own, promising that the government would supplement local efforts. Although thirty-one different types of self-help projects were described in the first National Policy of Community Development (Republic of Kenya 1963), the most common manifestations were *harambee* schools and clinics, in which a local community gathered its own resources to provide collective goods (Barkan and Holmquist 1989). The government or other outsiders sometimes stepped in and provided teachers, administrators, nurses, and clinicians, and other support like supplies (Chieni 1997, Thomas-Slayter 1985).

These local organizations had a large impact on Kenyan lives, especially in rural areas. They contributed significantly to capital formation throughout the country as well; self-help schemes were valued at nearly UK£2 million only four years after Kenyan independence (Prosser 1969). By 1979, 60 percent of secondary school students attended these nonformal schools (Makau 1996).

Although this type of participatory development might sound ideal, many of the services provided by *harambee* schools have been inferior to those of government (Oyugi 1995), and contribution to *harambee* groups was often more akin to obligatory taxation at the local level than to voluntary action (Hill 1991). The relationship between *harambee* groups and the government, moreover, has been contentious. In colonial times, many independent schools were designed to train students to question British rule (Anderson 1970), leading British officials in 1952

to declare most of them “local cells of opposition” and close them down (Holmquist 1984, 75). Likewise, following independence, the *harambee* movement was largely co-opted by political motivations and patronage (Widner 1992), weakening its development effectiveness. Although the central government viewed *harambee* as development “on the cheap” (Holmquist 1979), government planners saw the mushrooming costs of *harambee* service providers as problematic for budgets, causing conflicts between groups and the government (Wallis 1985). Within a few years after independence, the number of *harambee* secondary schools unaided by the government surpassed the number of schools receiving government funding (Hill 1991, 218).

Harambee was meant to legitimate the regime by redistributing wealth from the rich to the poor (Thomas-Slayer 1985), and it did succeed in bringing developing initiatives to rural areas (Hill 1991, Mbithi and Rasmusson 1977). Yet, at the same time, *harambee* became a tool of control that strengthened the country’s dependence on patronage politics (Thomas-Slayer 1985; Widner 1992), reinforced inequality (Leys 1975; Oyugi 1995; Holmquist 1979; Hill 1991, 293), and provided justification for administrative recentralization (Barkan, Geist, and Ng’ethe 2003), particularly during the Moi administration (Barkan and Chege 1989). Local administrators coerced their communities into donating in order to gain the favor of their superiors when promotions were due (Transparency International Kenya 2003). Effective *harambee* groups, at the same time, threatened the authority and power of bureaucrats who were nominally in control of development (Holmquist 1979).

These issues led the government to impose licensing requirements on *harambee* groups in 1974 (Widner 1992). By the mid-1980s, the State House used this licensing power, as well as temporal restrictions on *harambee* fundraising, to carefully manipulate political outcomes in Moi’s favor (Widner 1992). Later, the Moi administration moved to take over many *harambee* projects; the government assumed control of all secondary schools in 1990 (Oyugi 1995).

In many ways, government–*harambee* tensions set the stage for interactions between the government and NGOs during the Moi period. Both presidents Moi and Kibaki used *harambee* fundraisers as an opportunity to manipulate and co-opt potential opposition (Gifford 2009). Members of Parliament (MPs) vocally broadcast their contributions to local self-help programs to win votes and gain political favor (Waiguru 2002) until 2004, when the Public Officers Ethics Act was enacted, limiting this possibility. *Harambee* organizations continue to exist, and are registered

and often referred to as Community-Based Organizations (CBOs), distinguishing them from their more formal and professionalized NGO counterparts (discussed later in this chapter).

Missionaries

Along with the development of indigenous nongovernmental organizations, the country has a long tradition of largely well-intentioned outsiders providing social services at relatively low cost. In addition to a smattering of secular organizations, which arose in the post-World War II years and were viewed positively during early independence (Kameri-Mbote 2000),² religious missionaries have been most prevalent. Whereas NGOs are formal secular organizations, missionaries are religious organizations and individuals. There can be overlap between the two, since both are often led and staffed by highly educated, cosmopolitan people with resources and authority. During colonialism, European missionaries provided most of the modern healthcare in the country through both large hospitals and small clinics. Missionaries also brought formal Western schooling to Kenya beginning in the late 1800s. They remained the primary providers of Western education during the colonial period, and managed most of the *harambee* schools in the early post-independence years (Wallis 1985).³

Many of the colonial missionary-founded institutions still exist. Health clinics established by missionaries remained faith-based institutions, while most of the schools were taken over by the government as part of the 1968 Education Act. Whereas Tanzania's Nyerere invited NGOs and even bilateral donors to take charge of service provision in specific, assigned areas of the country, Kenyan leaders preferred aid for education to go through the government. Missionaries responded by opening low-cost polytechnic schools focused on practical skills as an alternative to the government curriculum (IDOC 1975). Clinics and hospitals, however, usually remained in the hands of the churches following independence.

Church groups and the state maintained an ambivalent relationship. Although they worked very closely during much of the colonial period, particularly on "community development" initiatives designed to placate the populace (Holmquist 1984), in the transition to independence, most missionaries distanced themselves from the government on ideological

² These early NGOs were peripheral actors until the 1980s in most developing countries, Kenya included (Ndegwa 1996).

³ Christian missionaries followed the same pattern of education and health service provision in South Asia in the 1800s and early 1900s (Nair 2011).

grounds (Hughes 2013). Churches and the Kenyan government have clashed periodically ever since, as the liberal, social-oriented National Christian Council of Churches (NCCCK), an umbrella organization of the sixteen largest church groupings in the country, drew attention to the systematic inequalities and exclusions experienced by most Kenyans (IDOC 1975). NCCCK's liberal theology, with its emphasis on justice and its calls for a return to multi-party democracy, ran counter to the interests of President Moi in particular. He targeted certain religious groups and mission agencies he deemed threatening and subversive during the 1980s and into the 1990s (Kanyinga 1996, Ndegwa 1996, Gifford 2009).

Despite this antagonism, missionaries continued to establish new programs following Kenya's independence. Indeed, Kenya in the 1970s has been described as a "Mecca for Western missionaries" (Hearn 2003). Still today, missionaries work in Kenya, often through faith-based organizations, a religious subset of NGOs that are included in the analysis of NGOs in this book. When donors were wary of supporting the Moi regime in the 1990s, considerable funds went to these organizations (Gifford 2009). In the 2000s, the US government under George W. Bush placed particular emphasis on partnering with these organizations to achieve US government donor objectives (Hearn 2003).

Conflict and control during the Moi administration

Familiarity with the history of *harambee* groups and missionary organizations provides context for understanding NGOs in Kenya, particularly the history of NGO–government relations. In Kenya, as in most developing countries, NGO growth has been staggering. During the Moi presidency, NGOs grew nearly fifteen-fold. In 1974, there were only 125 NGOs in Kenya; by 1990, there were more than 400 registered with the government (Bratton 1989a), soaring to more than 2,200 in the early 2000s (Barkan, Geist, and Ng'ethe 2003). This number excludes *harambee* groups.

As discussed in Chapter 1, this NGO growth in the 1980s and 1990s can be attributed to the neoliberal swing in development thinking that occurred around 1980, as well as the erosion of the economy in Kenya. NGO numbers grew largely in response to the reduction in social services like education, healthcare, and infrastructure that came with donor-required economic restructuring and economic deterioration (Kameri-Mbote 2000).

As the economy faltered in the 1980s, Moi created many of the conditions associated with conflictual NGO–government interactions described

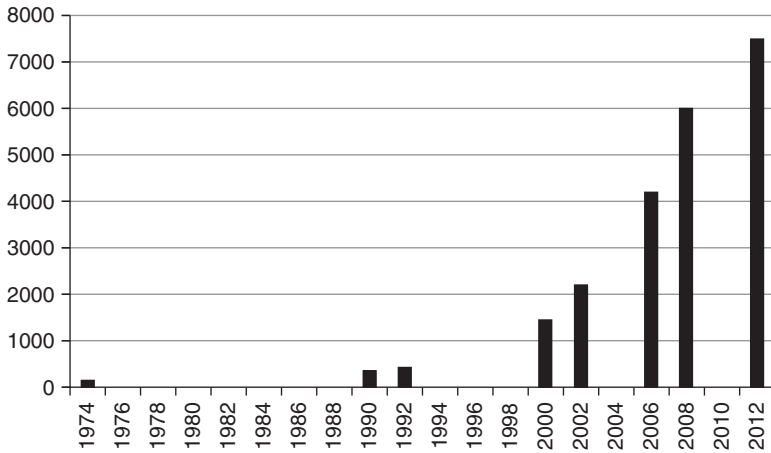


FIGURE 3.1. Growth of NGOs in Kenya

in Chapter 2. Moi consolidated power in the Office of the President, while actively neutralizing political and social “agents of agitation” and creating a one-party state (Ndegwa 1996, 26). Although he publicly proclaimed decentralization through programs like the District Focus for Rural Development (DFRD), Moi actually created upward-reporting requirements that made local administrators pawns of the center rather than being accountable to communities (Barkan, Geist, and Ng’ethe 2003). Within two years of taking office, he had retired six of the seven Provincial Commissioners (PCs), the administrative heads of the country’s seven provinces, and moved about half of the District Commissioners – the administrators one step down from the PCs – out of the Provincial Administration and into line ministries, replacing them with more malleable, loyal individuals (Barkan and Chege 1989). Moi ruled largely through fear following a 1982 coup attempt. According to Jennifer Widner, he frequently reminded citizens in a number of ways “of the power he had to destroy the livelihoods of those who criticized the government” (Widner 1992, 168). State repression of ideologically minded politicians was swift, leading many political actors to instead focus on delivering services (Holmquist 1984, 80).

At the beginning of the 1980s, therefore, NGOs did not act in opposition to the government. Most NGOs provided development support apolitically, if sometimes coming into conflict with local-level politicians or administrators. Since independence, the Kenya National Council of Social Services (KNCSS) in the Ministry of Culture and Social Services

had regulated NGOs. This ministry was focused on services for families, the youth, the elderly, and those with disabilities, and NGOs were initially seen as working in this space (Ng'ethe 1991). They provided, for example, approximately 40 percent of all healthcare services in Kenya by 1989 (Ndegwa 1996).

The implementation of increasing NGO regulation alongside rapidly deteriorating state–citizen relationships was what brought NGOs into increasing contestation with the government (Barkan, Geist, and Ng'ethe 2003, 89). In particular, a new type of professionalized and wealthier NGO arose in the latter half of the 1980s, with greater skill and interest in shaping Kenya's development trajectory than providing relief and welfare services (Ng'ethe 1991). Leadership of the sector shifted from a missionary and voluntary orientation to a professional, educated middle class (Kanyinga 1996), many of whom would have gone into the civil service in earlier decades (Ndegwa 1996). They saw NGO work as a welcome alternative to restrictive government employment.

Regulatory changes began in 1986, when NGOs were required to submit their plans and budgets to the government for approval and to channel funds through government. These new requirements were instigated by the permanent secretary in charge of internal security in retaliation for NCKK-led protests against the introduction of queue voting (Ndegwa 1996, 34). In 1988, KNCSS released the first directory of NGOs in Kenya, approximately one-quarter of which were internationally based.

In 1989, new legislation allowed the government to deregister NGOs and to set up a government agency based in the Office of the President, the NGO Coordination Board, to coordinate NGOs in the country (Kanyinga 1996). The NGO Board was to ensure that NGO activities accorded with national interests (Ndegwa 1996). At the same time, the Moi government integrated NGOs and their activities into the 1989–1993 National Development Plan. This inclusion simultaneously acknowledged the real welfare and poverty relief benefits that NGOs provided, particularly in rural areas, and served to maintain control over NGOs (Ndegwa 1996). NGOs lost many benefits they had received previously, such as duty-free imports and work permits for foreign nationals (Amutabi 2006). After extensive physical and legal confrontation with the Green Belt Movement NGO later that year, the Moi Government hurriedly passed a more restrictive NGO Bill in 1990 (Ndegwa 1996). Parliamentary discussions around the bill focused on the overwhelming need to control NGOs (*ibid.*).

In creating this legislation, the government reinforced the clear chain of command in the country's governance, which placed President Moi at the pinnacle of a steep pyramid of power. Government allowed little autonomy to civil society organizations, including NGOs. NGOs were expected to provide apolitical services, with the threat of deregistration for any activity that questioned the state (Ndegwa 1996). Although the act provided structure for a unified NGO sector, these changes were highly unpopular among the NGO community, particularly Nairobi-based NGO leaders. They understood that the government was deliberately working to stifle them (Kameri-Mbote 2000, Kanyinga 1996, Ndegwa 1996).

Several elements coalesced to provoke the State House to strengthen formal regulatory control over NGOs. First, Moi appeared threatened that NGOs that engaged independently in development activities infringed on its authority (Ng'ethe and Kanyinga 1992). In particular, Moi began to seem uneasy as the number of nongovernmental charitable organizations in the country grew rapidly. Although NGO numbers did not explode until the 1990s, they more than doubled during the first decade of his administration (*ibid.*). NGOs stepped in to help provide a national social safety net, yet the government had no systematic way to track what the organizations were doing.⁴ The government argued that it had a right to monitor and regulate the activities of NGOs as a matter of sovereignty, especially since so many NGOs were foreign actors. By December 1986, Moi had become uncomfortable with NGOs, claiming they were involved in "subversive" activities to undermine the government (Amutabi 2006).

The absolute level of donor funding to NGOs was a second motivator for the Moi administration to introduce regulation. By 1990, as much as 18 percent of aid to Kenya was received by NGOs rather than the government (Ndegwa 1996, 20). Donors saw NGOs as a valuable alternative channel for aid (Mosley and Abrar 2006, 315). The government became concerned that donors favored NGOs (Chege 1999; Owiti, Aluoka, and Oloo 2004); many bi- and multilateral organizations explicitly shifted funds away from governments to NGOs in the 1980s (Amutabi 2006).

At the same time, donors pressured governments throughout Africa to allow nongovernmental actors to participate in state decision-making

⁴ Scholars also lamented the lack of empirical information available on NGOs by the end of the 1980s (Ng'ethe, Mitullah, and Ngunyi 1990).

(Brautigam 1994, 59). The Moi government worried that this pressure could increase, threatening both its crucial donor funding and its power. Especially toward the end of the 1980s, the Moi administration faced growing questions regarding its use of donor resources, as its pro-Western Cold War stance declined in importance (Barkan, Geist, and Ng'ethe 2003). Relationships – and aid funding levels – between the Kenyan government and donors hit a nadir in the 1990s, as the Moi government refused donor conditionality and donors withheld or diverted their aid (Hornsby 2013, Organization for Economic Cooperation and Development 2013, Mosley and Abrar 2006).

The administration was also nervous that NGO activity reflected poorly on government in the eyes of “*wananchi*,” the people of Kenya. NGOs drew attention to problems that the state preferred not to highlight (Barkan, Geist, and Ng'ethe 2003), and were closer to the people than was the state (Amutabi 2006). Kenyan scholars writing at the time were not surprised that the state cracked down on NGOs since “NGOs were using donor funds to contest state legitimacy through delivery of services” (Kanyinga 1996). The government likely became concerned that NGOs threatened to become a strong and “separate political force” influencing partisan politics, as Fernando and Heston (1997, 13) and Sandberg (1994) identified elsewhere in the world. In Latin America and Eastern Europe, some political parties and their leaders are offshoots of NGOs, and Moi, who fought mightily against multi-party democracy, understood such could be possible in Kenya. Regulation allowed the government to “guard against the weakening of state legitimacy and the undesirable tendency of impinging on national sovereignty by NGOs” (Kameri-Mbote 2000, 7).

Finally, Moi began to experience considerable pressure for political liberalization from both the international community and local civil society, which he resisted. Partially due to their autonomy, NGOs in Kenya – as elsewhere – played a significant civil society role in the democratization of the 1990s (Ndegwa 1996). During this time they provided a “counterweight to state power” (Edwards and Hulme 1996b, 962). In fact, NGOs and churches have been the biggest promoters of civil rights and democracy in Kenya since the pre-multi-party election period (Kameri-Mbote 2000). As Tripp (2000, 191) points out, organizations like NGOs that are able to maintain autonomy from the state have been able to press for freedoms of association and expression because they do not gain from a continuation of politics as usual. Autonomous women’s NGOs, for example, have facilitated an increase in women’s rights in much of Africa

(Austin 2000). Although Moi worked throughout the 1980s to suppress independent organizations of all kinds, a small number maintained their autonomy (Ndegwa 1996).

The unified response by both national and international NGOs to the 1990 NGO Bill was unprecedented (Barkan, Geist, and Ng'ethe 2003). NGOs acted as civil society organizations to oppose the repressive state; they succeeded in pushing forth concessions between 1990 and 1992 (Ndegwa 1996). Thus, NCKK, the Law Society of Kenya, the International Commission of Jurists, the Greenbelt Movement, the Centre for Law and Research International (CLARION), and the Kenya Human Rights Commission all pressed the government, alongside other political opposition factions. Although these organizations were, even in aggregate, comparatively weak and incapable of protecting civil liberties in opposition to the Moi government (Widner 1992), through continuous engagement and opposition, they were able to secure some alterations to the 1990 Bill via regulations on the implementation of the act in 1992.

Throughout the ensuing decade until Moi left office, relations between NGOs and the government remained tense. In Kenya generally, citizens feared the government, which was thought to have coordinated political assassinations, disappearances, and torture, and known to have censored the media, compelled the provision of labor, unlawfully detained people, and restricted movement in the country, particularly in the lead-ups to both the 1992 and 1997 elections (Ndegwa 1998). According to Kenyan legal scholar Patricia Kameri-Mbote (2000), the government employed the NGO Act as justification for harassing NGOs in this climate.

Selective and inconsistent use of legislature to stifle dissent by limiting the freedoms of speech and assembly became common (Ndegwa 1998). After the first multi-party election of the Moi era, in 1992, failed to bring about political change, a number of prominent NGO-based civil society groups pushed for truly democratic reforms (Ndegwa 1998). Those that pressed for civil liberties, human rights, and environmental protection were particularly at risk, though poverty-relief organizations were not exempt. As an NGO leader in Mbeere said, "For a long time, lifting people out of poverty was seen as threatening" (2008–54). Activities with direct political implications were seen as aggressive: Moi described NGOs conducting civic education as "a threat to the security of the state" in 1997 (US Department of State 1998). The government deregistered several human rights NGOs in 1995, Nobel Prize winner Wangari Maathai's Green Belt Movement and CLARION in 1999 (Kameri-Mbote 2000), and the 304 and 340 NGOs (in 2002 and 2003 respectively) that were

struck from the register for failing to adequately file paperwork (Republic of Kenya NGO Coordination Bureau).⁵

NGOs faced indirect obstacles as well. In the early 1990s, there was a perceptible, likely deliberate, slowdown in the process of registering an NGO with the government (Ng'ethe 1991). For example, the government took more than a year to process the registration of a Nairobi-based organization promoting public safety through collective action (2008–10). Its leader felt that the delay was due to government suspicion of NGOs as civil society.

As in other authoritarian states, the threat of punishment was sufficient to induce self-regulation in most NGOs. One NGO leader reported that during the Moi years she dared not stray from the government curriculum at her organization's primary school – the idea of introducing “civics” classes was particularly anathema to her. She believed the government rapidly shut down organizations whose programs taught students critical thinking skills (2007–26). NGO regulation acted as a deterrent to civic education.

The transition and beyond: collaborative relations during the Kibaki administration

NGO–government relations changed quickly following the 2002 presidential elections, in which an opposition coalition gained the presidency for the first time since Kenya's independence in 1963. In many cases, relations moved from conflict toward collaboration, in line with the theoretic descriptions from Chapter 2. As will be described in detail in subsequent chapters, in the arena of service provision, attitudes between government and NGOs became more open, with individuals on both sides more willing to work together. These improvements in relations occurred not only in pure service providing NGOs, but also in those delivering a combination of service provision and governance activities, making the changes more remarkable.

Why was the Kibaki administration less conflictual with NGOs than that of Moi? An answer commonly heard in Kenya, particularly among Kibaki supporters – even after the controversial 2007 elections and post-election violence, is, in the words of an informed observer, that “Kibaki is a technocrat who believes civil servants can do their jobs if you let them, and he welcomes any assistance we can get. He's a hands-off, learned president. Not like Moi – a primary school dropout!” (2008–43).

⁵ Only twenty of these 644 organizations successfully appealed deregistration.

According to this line of thought, and consistent with scholarly theories outlined in Chapter 2, the new administration deliberately changed the nature of NGO–government relations, sensing that the benefits of positive interactions would outweigh the political threats. Decades of hierarchical control under Moi resulted in declining public service provision, a crumbling economy, and massive corruption. Taking advantage of the opening of Kenya’s political system and the generalized feeling of goodwill, the Kibaki administration brought new nongovernmental voices into government – and pleased its donors in doing so. According to the leader of a health sector umbrella organization, the government realized how important NGOs were and tried to work together (2006–1).

For example, the Kibaki administration invited a number of prominent civil society leaders to direct government departments (2005–11). Integrating capable, demanding leaders into public administration meant that the “do-gooder” mentalities, participatory decision-making mechanisms, transparent spending practices (garnered through successfully navigating donor accountability requirements), and push for democratization common to NGOs were brought into government offices, sometimes for the first time (2005–6). Some informed observers suggested that this was a positive development; as one NGO leader said, “Civil society was all swallowed by government, so government is thinking like NGOs. Government employees are all from [NGOs]” (2008–33). Another NGO leader observed that the government understood there were real skills in the civil society sector and wanted those skills in the government (2006–2). Former thorns in the side of government were included in these efforts and encouraged to be vocal in their critiques, shaking up the government status quo. For example, Maina Kiai, former director of the nongovernmental Kenya Human Rights Commission, became head of its government counterpart and remained its active leader and a vocal critic of abuses until late 2008.

Still, there was some regression on this front: John Githongo, founder of Transparency International’s Kenya office, became the government’s “anti-corruption tsar,” but left the country in 2005, fearing threats from those he exposed in his work (2005–11). One mid-level governance NGO respondent in Nairobi explained to me shortly after Githongo left Kenya that relationships between activist NGOs and the government had vacillated; immediately after Kibaki came to power, the administration drew in CSO leaders for their expertise and ideas, but by 2005, interactions became strained (2005–5). Among governance NGOs in this time period, there was concern that the government dealt with potential hostilities from civil society by deliberately “absorbing” prominent individuals into

government (2005–4; 2005–11). One informed observer believed that instead of providing a platform for positive change, the power individuals gained once in government went to their heads and lowered their commitment to “the cause” (2005–7).

Another governance NGO respondent, however, reported that NGOs’ approach had become one of “consultation not confrontation” with the Kibaki government (2005–9). A health NGO leader also said that there was considerable movement back and forth between NGOs and government employment (2006–2). This informed observer offered the nuanced view that the government did sometimes bring NGO leaders into government to silence them, but in other cases truly wanted the skills of the NGO sector to be present in the government as well (*ibid.*). He noted that it was easier for service providing NGOs to work with – and even critique – their government counterparts (*ibid.*). A USAID representative working in governance and democratization work in Kenya likewise opined that civil society leaders weren’t so much co-opted as willingly went to help the new government, which recognized how helpful they could be (2007–8). Another nuanced perception was that the government had come to view NGOs as a “necessary evil” – it was better to work with NGOs than to get sued by them when they acted as vigilant watchdog organizations (2008–10).

In addition to changes in how the Kibaki administration chose to engage NGOs, a generational change in government began, bringing young people and new ideas to the civil service (2006–2, 2008–14). Members of the political opposition to Moi, many of whom had taken refuge in NGOs during Moi’s rule, naturally aligned with the new government (Gifford 2009, 160). Although Kibaki opened a once-locked door to civil society, NGOs and civil society had consistently grown throughout the latter half of the Moi administration, pushing for better governance via political liberalization, economic development, improved service provision, and lower corruption. Even ardent Kibaki supporters agreed, saying that “education levels are also higher now; civil society has become stronger over time – growing out of the demonstrations during the Moi time . . . But it’s true that Kibaki gives a bit more space” (2008–54).

Moreover, NGO involvement in governance was encouraged by donors, so Kibaki may have simply acted strategically to receive a better donor package than did his predecessor. And donors were quick to respond to Moi leaving office. Whereas total ODA to Kenya dropped from more than \$1.8 billion in 1990 to \$935 million in 1994 and as low as \$430 million in 1999 (in constant 2013 dollars), it rose to \$793 million

the year after Kibaki came to power and returned to its 1990 level by 2009 (Organization for Economic Cooperation and Development 2013).⁶ The Kibaki administration aimed to reduce its reliance on ODA as well and prepared annual budgets without it (Hornsby 2013).

Leading multinational institutions like the Global Fund to Fight AIDS, Tuberculosis and Malaria and the President's Emergency Plan for AIDS Relief (PEPFAR), moreover, required the government to work with NGOs in order to receive funding (2006–1). Officials throughout the government were thus likely influenced by a global pattern of change toward collaborative governance: as one senior NGO employee told me, “That’s the new global approach – you must involve everyone now” (2008–26).

Even after the electoral violence of 2008, many people felt able to speak openly in a way that they couldn’t in the past, saying “It’s not like when it was a dictatorship!” (2008–19). One NGO worker said, “It’s a plus, working with government” (2008–29). Many organizations explicitly spoke of positive working relationships with government offices (2006–2, 2006–4, 2007–17, 2008–11, 2008–24, 2008–29, 2008–32); informed observers in service provision reported an improvement in NGO–government interactions since the Moi administration (2006–1, 2008–14, 2008–18, 2008–20, 2008–24, 2008–26, 2008–33, 2008–54). That said, individuals working in governance organizations in Nairobi were less sanguine, as discussed earlier in this chapter.

In 2010, a popular referendum brought a new constitution to Kenya, paving the way for additional alterations to NGO–government interactions in the country. The participatory consultations leading to the new constitution, including the review of the prior constitution, were widely lauded. The implications of the new constitution are not fully known, as the document has not been entirely implemented as of 2016. The constitution does not explicitly discuss NGOs, but it does guarantee freedoms of expression, association, assembly, and public participation (Republic of Kenya 2010). Although relationships between NGOs and the government improved considerably during the ten years that Kibaki was in office, some tensions did remain. These are discussed in detail in Chapter 5, and include issues of mutual suspicious and lack of trust, poor communication between NGOs and the government, resentment over resource constraints, slow implementation of policy, and taking credit for others’ work.

⁶ Some of the increase was related to the electoral change of power in Kenya, but there was a concomitant shift toward general budget support among donors during the 2000s (Koeberke, Stavreski, and Walliser 2006).

Since Uhuru Kenyatta came to office in 2013, relationships have cooled somewhat between NGOs and the government, although it is too early into Kenyatta's tenure in office to comment extensively. The government passed the Public Benefit Organizations Act of 2013, but as of 2016, it had not yet been made operational, since a number of individuals and organizations are working to amend it. Should it go into effect, NGOs will be referred to as PBOs in Kenya. Items under consideration include limiting the amount of funding that PBOs can receive from foreign sources, granting high discretionary power to the government agency that regulates and monitors PBOs, and reducing the voice of civil society organizations on the board of the new government agency (ICNL 2015). Should such amendments pass, they are likely to push the country back toward more conflictual NGO–state relations. NGOs have been successfully campaigning against these amendments, but the government continues to propose more (ICNL 2016).

A SNAPSHOT OF THE NGO SECTOR IN THE EARLY TWENTY-FIRST CENTURY

At the start of the Kibaki administration, NGOs contributed 80 billion Kenyan shillings, or approximately US\$1 billion, to the economy (NGOs Co-ordination Board 2009). The nonprofit sector, broadly conceived, employed more than 300,000 people fulltime, or about 2.1 percent of the economically active population, and a sizeable 16.3 percent of non-agricultural employment (Kanyinga 2004, 17).⁷ NGOs specifically engaged approximately 105,000 workers, including volunteers (NGOs Co-ordination Board 2009, 36).

NGO numbers grew over the decade. There were 3,000 registered organizations in 2004 (The National Council of NGOs 2005), more than 4,200 by 2007 (Republic of Kenya NGO Coordination Bureau 2006), and nearly 7,500 in 2011 (Republic of Kenya NGO Coordination Bureau 2011a). According to its mission statement, the NGO Board registers NGOs in order to coordinate and monitor their activities and to avoid duplication of services. In addition to a legal registration requirement, a number of tax breaks, training seminars, and other coordinating activities offered by the NGO Board provide incentives for NGOs to register. Organizations are allowed to register as NGOs regardless of their origin,

⁷ Nonprofits, according to Kanyinga's study, include NGOs as well as churches, professional associations like unions, advocacy organizations, and culture and recreation organizations.

size, revenue, or expenditure (Republic of Kenya NGO Coordination Bureau 2011a).⁸

This self-determination of status makes it sometimes difficult to distinguish between types of NGOs, or between NGOs and other organizations. Groups that might be better identified as *harambee* groups or Community-Based Organizations (CBOs) – less formal, smaller and less cosmopolitan than their NGO counterparts – often register as NGOs in Kenya. Since organizations are allowed to choose the classification (whether NGO or CBO), some register as NGOs in an attempt to attract resources (2008–16).

When conducting a survey of NGOs in the country between 2006 and 2008, the NGO Board itself determined that many of the NGO respondents they initially identified were actually CBOs (NGOs Coordination Board 2009, 24). By this the NGO Board perceived that these small NGOs more closely resembled *harambee* groups than stereotypical NGOs. Illustrating this point, some organizational leaders interviewed for this research merged the term when asked, saying, “I guess you could call it a Community-Based NGO” (2008–12). Numbering more than 220,000 (Kanyinga 2004), *harambees* are required to register with the Ministry of Culture and Social Services under the Societies Act as Community-Based Organizations (CBOs).⁹ They tend to be smaller than their NGO counterparts, established at the community level, and run by less-educated Kenyans in rural areas.

Professional NGOs in Kenya often implement their work through *harambee* groups or mobilize people into CBOs for their training programs (Otiso 2003). For example, one manager at a typical NGO at the time of research ran a livelihood program, in which it provided training to adults in agriculture, livestock rearing, and income generation. It organized the trainings through thirty-six CBOs across six geographic focal areas of Kenya (2008–18). NGO–CBO relations often appear in this nested form: a large foreign-based NGO will fund the programs of a Kenyan-based NGO, which will then distribute its funds via registered community groups (2008–44; 2008–52). Many *harambee* groups in the early 2000s were created to access the resources brought by NGOs.

The multidimensional nature of NGO work highlights the difficulty in determining when or whether NGOs in Kenya should be classified as

⁸ Some organizations that have the characteristics of NGOs choose not to register as NGOs. For some, the cost of registration is prohibitive. Others want independence from government interference.

⁹ Note that this ministry has had several names over time, as the number of ministries has changed repeatedly since independence.

international or domestic, foreign or local. Logically, we want to identify the differential impacts stemming from an organization's origins – whether they are locally based, with local decision-making; are based in another country, where high-level decisions are made; or, alternatively, are organizations with activities and decision-making across a range of countries. Such distinctions can be important because local and international organizations are often treated differently by donors (Kerlin 2006), and because the NGO sector can be fiercely competitive for resources (Cooley and Ron 2002). Ironically, local organizations often struggle to participate in development (Dill 2009) or to build indigenous capacity as a result (Barber and Bowie 2008, Patrick 2001).

Yet the strict dichotomy between “national” and “international” NGOs does not reflect the situation on the ground in Kenya (Ng'ethe 1991).¹⁰ For example, it is not uncommon to find an NGO headquartered in Nairobi, staffed entirely by Kenyans, with offices throughout the country, that receives 80 percent of its funding from abroad, from donors spread across many different countries. Even in small towns, one finds local offices of European or American-based organizations, as well as NGOs that are local initiatives.

NGOs in Kenya – regardless of their origins – receive a majority of total funding via international sources.¹¹ Approximately 35 percent of the organizations that provided funding information to the NGO Board in 2005 received *all* of their funding from abroad, and more than 50 percent received 95 percent or more of their funding from international sources.¹² Among organizations that received a mix of local and international funds, the average NGO received 71 percent of their funds from abroad (Republic of Kenya NGO Coordination Bureau 2006). Indeed, 92 percent of all funds came from international sources. Most of these funds stem from private sources, not foreign governments. Most aid monies go to the Government of Kenya; at its peak, American aid through NGOs reached 13 percent.

¹⁰ Ng'ethe (1991, 33) provides an extended discussion on this issue.

¹¹ The statistics in this and the next several paragraphs come from my analysis of the NGO Board's database at the end of 2006. Funding sources were listed in the database by numerical country code, but I was unable to obtain the codes from the government. Comparing the codes to other information in the database allowed me to confidently determine the code for Kenya, but not for other countries.

¹² These figures are provisional, as only 16 percent of registered NGOs submitted funding information on their returns for 2005. I am fairly confident with these estimates, however, since organizations submitting returns are likely the most robust organizations in the country, with the greatest funding sources.

The Kenyan government, however, provides minimal funding to NGOs. Looking again at the data from 2005, 8 percent of NGO funding came from within Kenya – 7 percent from local private sources, and at most 1 percent from the Kenyan government at the national or local level. According to more recent data from the NGO Board, only 0.25 percent of total NGO funding stemmed from the Kenyan government (NGOs Co-ordination Board 2009, 32). Organizations that are entirely funded by in-country sources accounted for less than 2.5 percent of total funding reported. These financial data provide evidence for claims that NGOs in Kenya maintain autonomy by remaining independent of the government with respect to funding.

At the same time, while the majority of funds come from the international community, most NGO leaders in Kenya are Kenyan nationals (Republic of Kenya NGO Coordination Bureau 2006), and at least one director of each NGO is required to be Kenyan. Of the 5,559 directors listed in the NGO Board database at the end of 2006, approximately 90 percent were Kenyan. Nearly all NGO staff members – over 99 percent – were Kenyan, even in the capital. NGOs sought work permits for only 530 expatriate individuals between 2004 and 2006 (NGOs Co-ordination Board 2009, 37–38). This national leadership and staffing mitigates the sway of foreign donors and overseas headquarters, since in-country staff members generally wield decision-making authority over local programs and projects. For the majority of NGOs, foreign funding releases a resource constraint and allows predominantly Kenyan organizations to achieve their civil society and development goals. While it is true that organizations “implanted” from the outside have been shown to have a high failure rate (Esman and Uphoff 1984), NGOs working in Kenya are almost entirely staffed by Kenyans.

Activities of NGOs

NGOs in Kenya focus on a broad range of activities – from improving agricultural techniques to providing scholarship programs to heightening the levels of civic engagement. Some of these activities, such as education, healthcare, and policing, are those traditionally associated with the state. Others focus on private sector development, whether through microfinance, agro-business development, or a variety of other skills-training activities. These activities can be broken down into several types of activities. Table 3.1 provides illustrative examples of NGO projects in each activity area.

TABLE 3.1. *NGO activity areas and types of programs involved*¹³

Activity	Types of project
<i>Agriculture</i>	<ul style="list-style-type: none"> • Introduction of nutritional or drought-resistant crops • Training on livestock-rearing technologies • Pastoralist support programs • Agro-business development
<i>Education</i>	<ul style="list-style-type: none"> • Maintenance or construction of school infrastructure • Sponsorship programs for education fees • Technology-in-schools programs • Adult education programs • General skills training for enterprise development (e.g., carpentry, dress-making, masonry, catering, welding, hairdressing)
<i>Environment</i>	<ul style="list-style-type: none"> • Water programs not specifically tied to agriculture • Forest, water, land, habitat, wildlife protection • Promotion of energy-saving devices (e.g., solar cookers, lighting)
<i>General Development</i>	<ul style="list-style-type: none"> • Poverty reduction programs • Social and economic improvement programs • NGOs with projects in multiple activity areas (e.g., education, health, environment, youth programs) • Business or development not specifically related to another activity area, such as business skills training programs or microfinance programs
<i>Health</i>	<ul style="list-style-type: none"> • Support for maintenance or construction of health facilities • HIV-related programs, whether educational, counseling, or purely medical • Malaria, TB, or other specific illness programs • Training for doctors, nurses, or community health workers
<i>Marginalized Populations</i>	<ul style="list-style-type: none"> • Support for women's groups • Children's programs outside schools (e.g., streetchildren's programs) • Programs targeting the youth (young adults between the age of 15 and 35) • Support for the disabled • Support for the elderly
<i>Peace and Governance</i>	<ul style="list-style-type: none"> • Anti-corruption, transparency, and accountability promotion • Support for civil education, voter registration, voter rights, democracy • Peace-building or conflict-reduction efforts

¹³ Appendix A provides a complete list of the programs in Machakos (roman text) and Mbeere (italicized text) districts that were underway at the time of interviews in 2008.

TABLE 3.1. (cont.)

Activity	Types of project
Relief	<ul style="list-style-type: none"> • Community policing initiatives • Programs promoting social justice and equity
	<ul style="list-style-type: none"> • Refugee and internally displaced persons-related programs • Emergency assistance, including that caused by conflict in neighboring countries, natural disasters, and road accidents
	<ul style="list-style-type: none"> • Religious proselytizing • Art, sports, cultural exchange, or cultural preservation programs • Umbrella NGOs linking NGOs to donors or NGOs to each other • Housing and transportation-related programs • Ex-convict rehabilitation programs

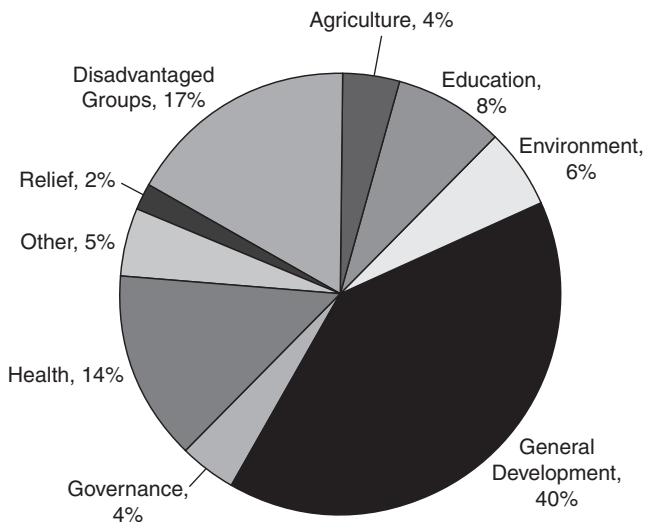


FIGURE 3.2. National Distribution of NGOs by Sector

The distribution of NGOs across these activity categories is shown in Figure 3.2.¹⁴ Classifying the 4,211 organizations listed in the NGO Board database at the end of 2006 reveals that nearly half (40 percent) of

¹⁴ I hand-coded the listings based on the names and mission statements of the 4,211 organizations. As a reliability check, a research assistant performed the same reading and classification steps. Without discussing our coding strategies beyond the set of categories used, the two distributions differed by less than 2 percent for any category.

the organizations were involved in “general development.” These organizations often had broad, all-encompassing missions to do such things as “promote holistic development to enhance livelihood improvements for the disadvantaged” (Republic of Kenya NGO Coordination Bureau 2006). Others listed two or more activity areas in their mission, such as combining programming in ecology, food security, health, and nutrition in Kenya’s arid and semi-arid lands.

The next most common type of organization made up 17 percent of all NGOs and focused on disadvantaged groups, such as women, children, the elderly, and the disabled. These NGOs were not sector-specific – for example, an NGO that provided support to the disabled might have included education, economic development, and health-related services. However, their specific focus on marginalized populations set them apart from “general development” NGOs.

Health-related missions accounted for 14 percent of NGOs, including organizations that focused on specific diseases like malaria and HIV, as well as those that provided medical facilities and training. A smaller percentage of NGOs focused on education, environment, agriculture, governance, or relief activities.

This distribution of NGO activities shows that the vast majority of registered NGOs in Kenya in 2006 focused primarily on poverty reduction. Income generation and livelihood support were a set of key activities undertaken by NGOs that crossed categories. Two of the in-vogue income generation programs at the time were microfinance and agricultural enterprise development such as beekeeping, fruit processing, and goat rearing. Microfinance programs ranged from the lending of small and medium sums of money at low interest to the creation of rotating saving and credit associations (ROSCAs) common in much of the developing world.¹⁵ For example, a young NGO in Mbeere had a program providing emergency one-month loans of up to 2,000 KSH/- (about \$30) at 10 percent interest and eight-month loans of up to 20,000/- (about \$300) at 3 percent interest (2008–45). After a year of operation, the organization had made thirty-seven emergency loans totaling 92,000/- (about \$1,375) and forty-seven normal loans for 557,000/- (about \$8,325). Another NGO gave rotating loans to groups that self-formed into ROSCAs (2008–33).

Only 4 percent of registered NGOs engaged primarily in political activities – a fact likely to surprise scholars and practitioners who study or

¹⁵ ROSCAs have existed in the developing world since before the explosive growth of NGOs – NGOs often facilitate the introduction of funds originating from outside the groups, however.

work for governance NGOs in Nairobi.¹⁶ While human rights, democratization, and governance organizations in Nairobi are visible both nationally and internationally, they were and remain the exception rather than the rule. Governance NGOs often engage with a specific segment of the Kenyan government, such as the police force or politicians in the capital, which are agencies that are not representative of public administration as a whole as it exists throughout the country. Like most NGOs, most government ministries and civil servants are focused on service provision of some nature, and they concern themselves with issues of governance primarily as they relate to service provision.

Although governance was rarely an organization's primary activity, many NGOs worked on governance issues in the first decade of the twenty-first century. Not only did they monitor government spending, program implementation, and the use of taxes, but they also encouraged Kenyans to become engaged in this process. NGOs in Machakos, for example, had a wide range of responsibilities. These included: acting as watchdogs of government use of funds; serving as liaisons providing government information to the people and informing the government of people's needs; assisting Kenyans in protesting government mismanagement and holding government accountable; helping organize residents' associations; coordinating district-level participation in national human rights programs; conducting civic education; representing minority groups to government; and teaching people about the Kenyan tax system and their rights as taxpayers. The government was generally supportive of these activities, which encourage civic participation in a way that has seldom been seen in Kenya. In Mbeere as well, at least one NGO worked on governance issues, empowering people to understand that they have rights and can make demands of government (2008–54).

The distribution of NGO activities in four districts, shown in Figure 3.3, is virtually identical to the national distribution, suggesting that there are no particular regional, local, or ethnic-based patterns in the distribution of NGO activities. These four districts, Machakos, Mbeere, Taita Taveta, and Siaya, represent three different Kenyan

¹⁶ My assessment is confirmed by the Government of Kenya, which estimates 9 percent of NGOs focus on advocacy, 39 percent on capacity building, and 53 percent on service provision (NGOs Co-ordination Board 2009, 29). Because their data is a year or two more recent than mine, the differences might be explained by post-electoral violence growth in governance and civic education NGOs responding to the 2007 elections. Among service provision organizations, the government also identifies health and education as very common, with 12 percent and 11 percent of activities, respectively (NGOs Co-ordination Board 2009, 30).

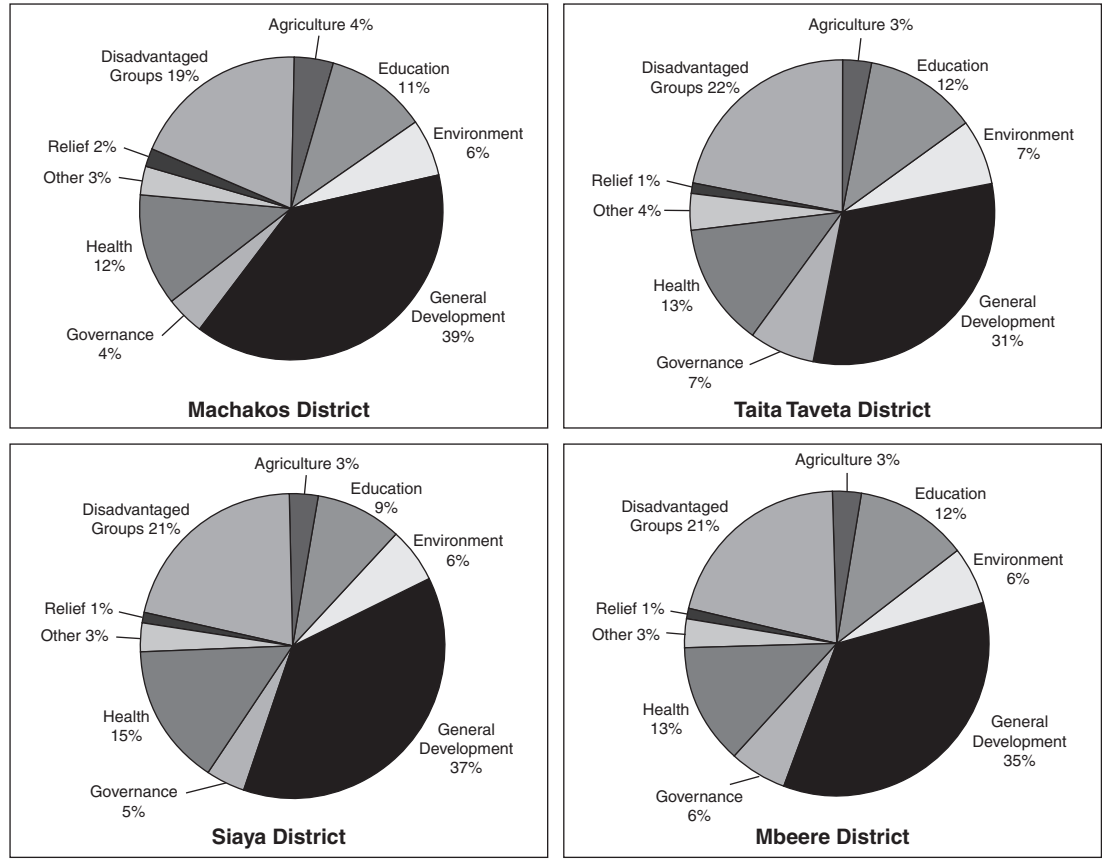


FIGURE 3.3. Sectoral Distribution of NGOs by District

provinces, are spread across the far western, eastern, and central portions of the country, and include areas with both high and low levels of NGO penetration. They represent areas with long-standing connections to the central government, and those with more limited patronage opportunities. They also represent a wide range of ethnic groups with variation in historical connection to the political center of the country.

Involvement in core state services: education, healthcare, security

At the same time as the broad spectrum of activities was roughly equal in different areas of the country according to the NGO Board data, survey research in case study districts suggests that important variation existed at a more granular level of analysis. For services that are most commonly associated with states – education, healthcare, and security – it was the government, and not NGOs, that provided most services, yet levels varied by setting. A not-insignificant proportion of services were provided by nongovernmental organizations. Many of these services were provided in joint NGO–government arrangements, as shown in Table 3.2 (see Chapter 5 for in-depth descriptions).¹⁷

Purely government social service provision was notably lower in urban areas than in rural areas in these districts. In the district-wide samples for Machakos and Mbeere, governments provided a similarly high proportion of services: roughly 80 percent of primary schooling and 50 percent of security services. In the two urban area samples, Nairobi and Machakos town, the proportions were closer to 50 percent for all services.¹⁸ Several

¹⁷ Respondents were asked about the organizational provenance of each of three types of services they might receive: education, health, and security. Specific questions asked: “At the present time, are there any children in this household attending primary school?” [If yes] “Where do the children currently attend primary school?” “Is [name of primary school] a government school, a nongovernmental (NGO) school, a missionary school, a community or harambee school, or it is a private school?” “In the past one year, what places have you or any member of your household gone for healthcare?” “Is [name of healthcare facility] a government-run facility, a nongovernmental organization (NGO), a Missionary or FBO clinic/hospital, a community or harambee clinic, or is it a private doctor’s office?” And “Who are the main providers of security services in the neighborhood where you stay? By this we mean who works to keep crime levels low, prevent theft and violence in your community?” Responses were limited to two different schools and three different healthcare providers per household.

¹⁸ Not surprisingly, the data also show that as urbanization increases, rates of nonstate service provision tend to increase. Private service provision rates were highest in Nairobi, the most urban environment. Urban Machakos, the second most urban area, had higher levels of private health care and security services than the two full districts. These differences make sense when one considers the role of private for-profit actors. These

TABLE 3.2. *Primary social service provision by type of organization*

	Machakos			
	Nairobi	Town	Machakos	Mbeere
<i>Primary school provider</i> ¹⁹				
Government (%)	56	74	81	84
Government and NGO (%)	–	18	6	–
NGO (including religious) (%)	11	3	2	4
Private (%)	31	3	12	12
<i>Healthcare provider</i> ²⁰				
Government (%)	50	57	75	93
Government and NGO (%)	–	–	<1	–
NGO (including religious) (%)	20	21	7	5
Private	30	22	18	1
<i>Security provider</i> ²¹				
Government (police, local administrators) (%)	48	47	50	52
Private guards (%)	23	16	10	–
Community policing (programs with government or community alone) (%)	26	36	40	41
Other (dogs, family, God) (%)	2	–	–	7

NGO representatives explicitly mentioned that government does make a concerted effort to provide basic health, education, and security services: “Government provides the *basics* of life or death, but nothing more” (2008–18). These comments indicated that NGOs see their role as picking up where this service provision lets off, filling the gaps left by a relatively incapacious state.

are much more common in Nairobi than elsewhere in the country, since surplus income is more prevalent in the capital. Thus, while 20 to 30 percent of all services were privately delivered in the capital, only 12 to 22 percent of services in Machakos were private, and in Mbeere, the most rural district, only 12 percent of education services were private, and virtually no health or security services were delivered by for-profit organizations. Thus, the more urban full district of Machakos had consistently higher nonstate provision than the fully rural district, Mbeere. The sole exception to this pattern was private schooling, which is more common in the full districts of Machakos and Mbeere than in urban Machakos town specifically.

¹⁹ Not included in the table are don’t know/non-answers. A total of 456 schools were mentioned. Total responses reach over 501 because respondents were asked to name more than one school, medical facility, or security provider, if applicable.

²⁰ Don’t know and NA answers are not reported. Respondents named up to three health-care providers, for a total of 760 responses.

²¹ Respondents were asked for two answers and gave a total of 896 responses.

Looking more carefully at nonprofit provision of services, the data show notable variation in the types of nonprofits that deliver services, as well as distinct regional patterns. For example, NGO services were most common in Machakos town, comprising 21 percent of responses when joint NGO–government services were included.²² However, whereas education services in Machakos town commonly included joint efforts between governmental and nongovernmental actors, this type of joint service provision was rare for medical services, and non-existent outside of Machakos district.

Across all three districts, most respondents who identified their service provider as nongovernmental also said that these were faith-based organizations, which may or may not be formally registered as NGOs with the government.²³ The urban bias of the results in this case reflects the fact that organizations intentionally locate in towns for access to electricity for their supplies, and so that they are accessible to people from a broad radius of market centers and villages. Many of these missionary facilities have long histories in Kenya, and do not reflect the NGO phenomenon of the past twenty years. Still, it is significant that these faith-based organizations continued to provide services, particularly in the health sector, and that these third-sector organizations provided alternatives to the state and the market at different rates in the four settings.

On the security side, the role of nonstate actors was played primarily by community initiatives, not formalized NGOs – although several formal NGOs did support the development of these programs. “Community policing” in the table, however, includes CBO-type community-initiated and -organized security services, such as neighborhood watch groups, vigilante groups, and formally organized initiatives undertaken in conjunction with the Kenyan Police since such programs began in May 2005.²⁴

²² I examine this relationship in more detail in Chapter 6, which shows that NGOs are stronger and more collaborative with their government counterparts in that district.

²³ Because of the survey wording, “faith-based” here may include NGOs connected to local and/or international churches, as well as religious schools and hospitals. Given the history of missionary healthcare and schooling, the latter is more likely than the former. Since the survey questions measure popular perceptions of organizational type rather than their official registration status, it is impossible to know the breakdown among these organizations, a clear limitation in the data.

²⁴ This information reveals some of the difficulties of conducting survey research across a wide swath of land in Kenya. Workers conducting this survey, although professionally trained by an international survey firm, did not reveal until after the survey concluded that the responses “vigilante group” and “community policing initiative” had more than one meaning and are sometimes used interchangeably. Vigilante groups are considered benign community-sponsored youth groups by some, but hostile and violent

The figure of approximately 50 percent of security services provided solely by the government might give us pause, since a monopoly over violence through government police and security services is a quintessential feature of most states. In Kenya, however, local communities frequently provide this policing service. Kenya in this way recalls Tocqueville's experience in America, where it was not the formal organs of government, but community and voluntary organizations that provided many services. According to the Kenyan Police website,

Community Policing is an approach to policing that recognizes the independence and shared responsibility of the Police and the Community in ensuring a safe and secure environment for all citizens. It aims at establishing an active and equal partnership between the Police and the public. . . . The Kenya police attach great importance to grassroots community involvement in seeking solutions to crime problems at local and national level through a people driven policing.²⁵

These joint government–community efforts are an alternative to vigilante groups, usually self-organized groups of young men charged with keeping crime low in a specific neighborhood or village. According to respondents, vigilantes are quite common, and are not necessarily malignant. A high-ranking police administrator interviewed in Machakos district denied their presence in the district, however – likely due to a nationwide trend of youth security groups employing extortionist and violent practices, as has been frequently documented in local and international news.²⁶

NGOs provide many indirect services

Data from in-depth interviews with employees of registered NGOs and government officials from Nairobi, Mbeere, and Machakos reveals that, religious schools and hospitals aside, NGOs tended to provide services that only indirectly facilitate development outcomes. NGOs' education and health programs, for example, rarely directly taught children, built schools, or provided medical services. Instead, education-focused NGOs rehabilitated school facilities; paid for school fees, uniforms, and books

extortionists by others. Many of these groups have begun to claim legitimacy through formal community policing projects as well.

²⁵ <http://www.kenyapolice.go.ke/community%20policing.asp> (accessed March 25, 2010).

²⁶ See, for example, "Vigilantes kill Kenyan 'mafia' members in machete attacks," *Guardian UK*, April 21, 2009 (<http://www.guardian.co.uk/world/2009/apr/21/kenya-vigilante-kill-mungiki>); "Kenya militias turn into criminal gangs, pose threat," *Daily Nation*, February 27, 2010. (<http://www.nation.co.ke/News/-/1056/870310/-/vr4bqi/-/index.html>) and "The rise of Kenya's vigilantes," *BBC News*, October 9, 2007 (<http://news.bbc.co.uk/2/hi/africa/6995577.stm>).

for relatively poor students; conducted HIV/AIDS awareness programs at schools; or constructed library or computer labs. Health-focused NGOs were more likely than their education counterparts to build and staff health clinics, provide clean drinking water, or fight a particular disease, but they were equally likely to train community-based health workers and home-based caregivers, or hold rallies or education campaigns aimed at combating the spread of HIV/AIDS. Table 3.3 lists some specific activities mentioned by NGO interviewees in Machakos (roman text) and Mbeere (italicized text), when asked about the work that they do. These descriptions are divided into tangible goods and intangible services, both of which may indirectly affect development outcomes. A complete list of activities undertaken by NGOs interviewed can be found in Appendix A.

The most common form of indirect service provision was “capacity building,” which nearly all interviewed NGO representatives included in their programming. Some respondents claimed it was the full extent of their organization’s efforts (2008–17, 2008–29). According to the government’s NGO Board, 38 percent of NGOs in the country used this approach to meet their goals (NGOs Co-ordination Board 2009). Usually, “capacity building” took the form of group training classes, held at a local school, community center, or hotel. For example, agricultural sector NGOs interviewed in Machakos and Mbeere conducted training on a wide range of topics, including: food security, agricultural productivity, microfranchise development, livestock rearing, horticulture, poultry raising, goat breeding, fruit growing, honey businesses, beekeeping, dairy and confectionary food processing, marketing, drought-resistant crops, and fundraising. Likewise, NGOs targeting the youth²⁷ provided training on HIV/AIDS prevention, drug abuse, behavioral change, self-reliance and communications, as well as vocational training on tailoring, film, documentary and commercial creation and video editing, conducting research, agriculture, and small-scale business skills.

As will be discussed in Chapter 5, providing services that can only indirectly affect development outcomes makes NGO impacts difficult to measure on a large scale. This measurement challenge lends credence to complaints that NGOs do not accomplish as much as they claim to do, or that their activities do not actually make a difference for those they serve. Incredible numbers of training activities meant to “build capacity” in particular do not appear to have markedly changed standards of living in Kenya.

²⁷ Young people between the ages of 15 and 35, according to the UN.

TABLE 3.3. *Tangible and intangible impacts of NGOs represented in interviews*²⁸

Activity	Infrastructure (things produced)	Intangible (people impacted)
Agriculture	<ul style="list-style-type: none"> • 2 food security training centers/demonstration farms • 3 large fishponds 	<ul style="list-style-type: none"> • Livelihood program: 5400 people • 312 people in microfranchise program • 1800 cotton farmers
Education	<ul style="list-style-type: none"> • 1 small library, with computers • Rehabilitation of and instructional materials for 8 schools • 10 computers, 1 generator brought to 2 schools (5 more schools in progress) • Rehabilitation of 7 schools, furniture only in additional 2 schools 	<ul style="list-style-type: none"> • HIV/AIDS training and awareness programs in 32 schools • 52 adults in literacy program
Environment	<ul style="list-style-type: none"> • 2 sand dams • 4 km of water pipeline 	
General Development	<ul style="list-style-type: none"> • 1 multi-purpose hall • 2 large hostels • Financial services center built 	<ul style="list-style-type: none"> • 21 people given microloans • 40 000 beneficiaries of integrated development program • 2000 people in finance program • 3000 members of private sector development program • 312 people for microcredit program • 37 people given small, emergency loans • 47 people given larger, long-term loans • 38 training focus groups

²⁸ This list is not comprehensive of all activities conducted by all NGOs represented by interviewees. Some NGOs did not provide specific numbers. Nevertheless, this chart gives an impression of the scale of work being undertaken by individual organizations.

TABLE 3.3. (cont.)

Activity	Infrastructure (things produced)	Intangible (people impacted)
<i>Health</i>	<ul style="list-style-type: none"> • 2 maternities/ dispensaries • 10 health clinics (4 more under construction) • 2 VCT centers • 8 boreholes drilled • 9 dams built • 15 service dams • 25 water tanks 	<ul style="list-style-type: none"> • 50 community-based healthcare workers trained • 4 million condoms distributed • Support to 70 HIV/AIDS affected families • 22 <i>home-based HIV caregivers trained</i> • <i>Serve 20–40 people per day at health clinic</i> • 20 <i>groups trained on proper nutrition</i>
<i>Marginal Groups</i>	<ul style="list-style-type: none"> • Youth resource center with video equipment, tailoring school • 1 children’s home, 2 day care locations 	<ul style="list-style-type: none"> • 9831 sponsored OVCs (orphans and vulnerable children) • 6 youth groups for enterprise training • 5 women trained as tailors • 5 savings associations organized • 50 <i>children helped</i> • 942 <i>children sponsored</i> • 14 <i>children sponsored</i>

Citizen engagement with NGOs

Although NGOs were not providing most core state services, survey research in case study districts confirmed that most Kenyans were familiar with the organizations in the early twenty-first century, and many reported having direct contact with NGOs. Respondents were asked to define the term NGO in an open-ended question, and two-thirds were able to give a proper definition. Of those who could not define “NGO,” 88 percent lived in the lowest of seven socio-economic brackets in Kenya, with another 8 percent located in the second-lowest bracket. Only a tiny fraction of well-educated Kenyans could not define the term.

One way to interpret this information is that NGOs are less effective at reaching the poorest of the poor than many NGO taglines proclaim. It’s quite possible that the “NGO revolution” appears more prominent in the West than in does in places like Kenya.

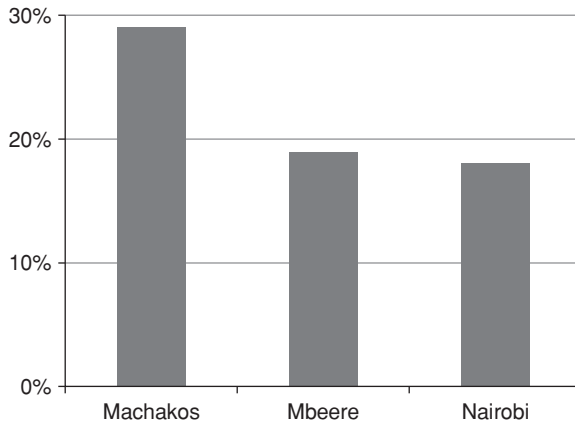


FIGURE 3.4. Percent of respondents having sought out an NGO in the year prior to the survey

Looking from another angle, however, most Kenyans – even the very poorest – do know what NGOs are. In the total pool of respondents 72 percent fell into the two poorest of seven income brackets, yet more than one-third of all respondents identified NGOs that operated in their geographic area.²⁹ Similarly, more than 25 percent of respondents reported having been approached by an NGO providing goods or services in their area at least once in the previous year. In a separate question, 24.2 percent of respondents reported deliberately approaching an NGO for assistance.³⁰ The breakdown of these activities by district is shown in Figure 3.4.

The level of contact is dependent to some extent on where a person lives. There is a vast difference in the percentage of people seeking services from NGOs in Machakos town – a high of 57 percent – than is observed in either middle-class Nairobi or Mbeere district (see Table 3.4). This observation corresponds to and confirms the conclusion presented in Chapter 4 that NGOs locate not only where they are needed, but also where it is convenient to reach a great number of people. Middle-class Nairobi residents do not particularly need NGOs, and while rural Machakos and Mbeere residents do need them, these communities are

²⁹ Respondents were asked, “In your opinion, are there many NGOs working in this area, or few?” and chose answers from “Very many,” “Some,” “Very few,” “None,” or “Don’t know.” 53.3 percent said “None.” 12.4 percent of respondents said they didn’t know.

³⁰ These groups are not mutually exclusive.

TABLE 3.4. *Respondent opinions on density of NGOs in their area*

	Positive response (%)	Very many (%)	Some (%)	Very few (%)	None	Don't know
Urban Machakos	57.0	1.0	18.0	38.0	39.0	4.0
Machakos district	30.7	1.3	10.0	19.3	64.7	4.7
Urban Nairobi	28.7	1.0	5.9	21.8	43.6	27.7
Mbeere district	26.7	2.7	6.0	18.0	58.0	15.3

less convenient than Machakos town. In particular, there is no large town in Mbeere; its district headquarters at the time of research was not on a paved road, but instead 12 km down a bumpy murrum road. These findings confirm data collected by the government NGO Board (2006) and the findings of Chapters 4 and 5 on variation across districts of Kenya.

Delivering intangible symbolic goods

Evidence reveals that NGOs provided Kenyans a symbolic good in the early twenty-first century: the sense that change was possible. During a period in which many service provision levels fell in Kenya, NGOs became a visible emblem to the people of Kenya of someone trying to look after their needs, providing hope for a better life in the future. This optimism effect was reflected in survey responses from 2008. When asked whether they felt more or less confident about the future of Kenya when they thought about NGOs, 50 percent of respondents reported feeling more confident, whereas only 30 percent felt less confident (20 percent didn't know or didn't respond). Nearly 70 percent of Nairobians reported feeling more confident, with a general trend of more urban areas responding more positively – likely reflecting their greater access to and information about NGOs.

NGOs served as a reminder to people that the world outside Kenya had not forgotten about them.³¹ This sentiment was reflected in statements made by both NGO and government representatives, as well as those made by Kenyan community members. One NGO leader revealed that he had started his NGO in Mbeere after discovering how hopeless and dejected the rural people around him appeared – a situation he reported having changed in small ways through the NGO's livelihood programs

³¹ Rachel Stern (2009) finds similar impacts of NGOs among Chinese environmental lawyer communities.

(2008–43). Others said that, “We provide life, education, food . . . so it gives the people security. They are very appreciative” (2008–13).

The hope brought by NGOs was also reflected in the view that NGOs had the people’s interests in mind. In a survey of 500 individuals across the two districts and Nairobi, 70 percent of respondents gave positive answers (i.e. “sometimes” or “usually”) to the question; “To what extent do you think that NGOs have the interests of the people in mind?” 30 percent answered “usually,” the most positive possible response.³² In comparison, only 53 responded positively when asked whether civil servants have the interests of the people in mind; only 34 percent responded positively when asked the same question in reference to politicians. Only 20 and 6 percent responded “usually,” when asked about civil servants and politicians, respectively. People tended to believe that NGOs were looking after their interests, giving them a sense of hope for the future.

CONCLUSION

This chapter has served three goals. First, it has given an example of the changing political and organizational conditions that create either collaborative or conflictual interactions between NGOs and governments. The conflictual conditions under Moi and their opening during the Kibaki period parallel conditions discussed in theoretic terms in Chapter 2. Second, the chapter has presented a detailed overview of the NGO sector within Kenya in the early twenty-first century. We have learned how NGOs are classified in Kenya, the activities NGOs offered, and their level of engagement with citizens across the urban–rural divide. Finally, for the reader not deeply versed in Kenyan history, this chapter has provided contextual information that is useful for interpreting the chapters that follow.

³² Respondents were given the options “Never,” “Rarely,” “Sometimes,” and “Usually” with respect to whether the people or organizations in question have the interests of the people in mind.