

The Role of Non- State Actors in Promoting Good Governance: The Case of Kenya

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Abstract

This paper examines the role of civil society in Africa with special emphasis on Kenya. In order to assess the role of civil society to promote good governance, qualitative method was used. Data was collected from secondary and primary sources and analyzed in order to recommend possible solutions. Over the years, African governments and their institutions lacked the courage and will to enforce the law, procedures, and policies to enhance good governance. As a result in Africa, governance is characterized by poor institutional performance, inadequate parliament, lack of the independence of the judiciary system, corrupt police force, political instability, abuse and misuse of political offices, insufficient budgetary accountability, lack of respect for the rule of law and human rights, and bureaucratic bottleneck and above all corruption. Even though, Kenyas' civil societies play good role to promote good governance they not effective enough due some of them has their own interest and they changed their goals after some improvements occur in political arena. The findings of this study also revealed that there are some of the civil society agencies championing democratization of the country. A number of civil society organizations in Kenya work in the areas of human rights, democratic development, gender and social awareness among others. They have undergone fundamental changes in Post-colonial Kenya. Non state actors contribute for social, economic and political openings in the country.

Keywords: Civil society, role, governance, non-state actor.

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1. Introduction

Non-state actors (NSAs) defined as the private sector, the social and economic partners including trade union organizations, and the civil society in all its diversity.

They can also include a wide range of actors such as non-governmental organizations (NGOs), trade unions, employers' organizations, private businesses, consumer organizations, academic and research institutions, citizens' groups, cooperatives, women's and youth organizations, church and religious associations and communities, independent foundations, organizations representing indigenous peoples, organizations representing national and/or ethnic minorities, organizations representing economic and social interests, organizations fighting corruption and fraud and promoting good governance, civil rights organizations and organizations fighting discrimination, local organization involved in decentralized regional co-operation and integration, cultural, research and scientific organizations, the media and others (Kironde, 2007:2; M'boye and Gbaydee Doe, 2004:5).

Civil society after all, is not a homogenous grouping but constitutes organizations and movements with conflicting interests, all struggling to influence the state to serve their own peculiar interests. This engagement may be either cordial or antagonistic, but it does reflect a common recognition of state sovereignty. To this extent, civil society can either be a progressive force (when it confronts and opposes an authoritarian state) or a retrogressive one (when it helps entrench an authoritarian regime through its moral, political and economic support) (Matanga, 2000).

2. Objectives

The overall objective of this study is to assess the role of civil society in promoting good governance in Kenya. In the process of analyzing the relevant issues the study aims to achieve the following interrelated objectives.

- To assess and identify role of civil society in governance in Kenya.
- To analyze the role of non state actors which have sound effect on promoting governance in study area.

3. Methodology and materials

In this paper qualitative method was employed to gather and analyze the data generated through various means. Qualitative analysis is useful for getting the real picture of the problems and it is better suited for detailed and complex analysis of given issue which cannot easily be quantified (Creswell, 2009). Nonetheless, a qualitative methodology has been selected to explore this research area to obtain a detailed understanding of the problem, because the qualitative study is a particularly suitable methodology for dealing with critical problems of practice and extending the knowledge base of various aspects.

4. Civil Society in Post-Colonial Kenya

A number of civil society organizations in Kenya work in the areas of human rights, democratic development, gender and social awareness among others. The Kenyan CSOs that deal with issues of democratization sprung up after 1992 following the opening up of democratic space that also led to the birth of multi party politics. This was made possible by the repeal of section 2(A) of the constitution that had hitherto outlawed the formation, registration and operation of more than one political party. Some of the civil society agencies championing democratization include the Law Society of Kenya, Women in democracy, Release Political Prisoners group, Institute of Education in Democracy, the Students Organization of Nairobi University (SONU), and the Justice and Peace Convention - Kenya (JPC) among others (Chemengich, 2009:21).

Civil society, and in particular the NGO sector, has undergone fundamental changes in Post-colonial Kenya. As in the period of colonialism, the state has played a central role in defining the direction of the voluntary sector especially as relates to its vibrancy. The Kenyatta regime was no different from the colonial state with respect to civil society participation in public matters. Under Kenyatta, the government ensured that civil society engaged only in social and economic activities and not in things political including governance (Chemengich, 2009:24). However, during the Moi regime, beginning from 1978, many NGOs and civil society movements have taken on an added role of political activism and advocacy. It can be argued that the excessive authoritarianism and personalization of power by the Moi regime partly explains the engagement of these organizations in oppositional politics and overall political advocacy. However, it is also significant to acknowledge the role of the international community in empowering civil society, through increased funding, to confront the Kenyan state on matters of political space (Matanga, 2000:7, M'boye and Gbaydee Doe, 2004:16).

The end of the Cold War had far reaching effects globally on the socio-economic and political life of many societies. In Kenya, as in many African countries, the immediate impact was felt in the political arena, with the ascendancy of a new ideological dispensation among Western donor countries that increasingly linked aid disbursement to good governance and economic and political liberalization. Civic associations and other agents of social change dramatically mushroomed and gained prominence as catalytic social actors, responding to the challenge of undemocratic governance, political instability, poverty, and social fragmentation, which had remained major features of African political and socio-economic conditions for most of the post-colonial era. The persistence of these challenging problems and the failure of African governments and the private sectors to find solutions to them gave impetus and justification to the need for continuous search for catalytic social actors, of which civil societies became prominent agents, playing the roles of human rights pressure groups, lobbyists, civic educators and socio-economic service providers to the poor and marginalized groups of their respective countries (Nzoma, 2003:189-190).

Kenya went through one political transition in 1991 when the *de jure* single party political system was replaced with a multiparty political system that allowed greater freedom of association, assembly and expression, although at the same time it continued to provide a strong legal basis for the regime of President Daniel Moi to harass and constrain activities of the political opposition, CSOs, and other pressure groups and almost completely derail democratic development in Kenya. This, and the socio-economic crisis that has been on the upsurge for many years, provided the catalyst for a growing social movement organized primarily around the following agenda: (a) constitutional reform; (b) upholding of human and women's rights; (c) civic education; (d) and the holding of free and fair multiparty elections as a first step towards the restoration of democratic governance in Kenya.

Towards this end Kenyan CSOs have employed different strategies, including: (a) civic rights awareness education; (b) gender rights awareness education and women's empowerment programmes; and (c) pushing for comprehensive constitutional and governance reforms (Nzoma, 2003: 191).

In 1990s several factors contribute for the growth of different civil society or NGOs in Kenya. First, there were numerous economic ills in Kenya. It was apparent that the government had failed to deliver the much-needed economic leadership. Second, the new wave of people's organizations was in search for a new basis for facilitating their struggle for participation in decision-making process. Third, NGOs were formed as development agents. Kenya is endowed with enormous amounts of resources. Unfortunately, there has been uneven allocation of those resources for development. Fourth, some NGOs were formed partly to take responsibility and push for socio-political change. This political role is mainly evident in policy advocacy activities and often viewed by civil society as in keeping the people in the government 'on their toes' (Kameri-Mbote, 2002:3).

Immediately after the end of the Cold War at the end of 1989, Kenyan CSOs led by the Law Society of Kenya (LSK) and the National Council of Churches of Kenya (NCCK), felt emboldened enough to begin the cry for governance reforms and expanded political space.

They have been very instrumental in providing civic education. In this regard, since 1992, numerous Kenyan NGOs and grass root organizations countrywide have been engaged in work aimed at raising public awareness of their rights, entitlements and obligations, as well as on the methods of gaining access to and

exercising such rights. Civic education has thus raised the capacity of the public to understand the manner and process of governance (Nzoma, 2003:196). Civil society also undertook a spirited campaign to expose electoral fraud and malpractices that characterized elections during Moi's presidency. The sector also lobbied the international community to put pressure on the government to respect democracy and the voices of the people. The participation of civil society organization in politics has broadened the scope of political players. This development has led to the demystification of politics and given citizens confidence that they too can contribute to political change and that politics is not the preserve of elites. (Wanyande, 2009: 15; M'boge and Doe, 2004:30).

Civil society organizations and especially the faith based organizations gave sanctuary to victims of state terror during the struggle for the reintroduction of multiparty politics. The reorganizations were also very vocal against injustices and autocratic tendencies of the Moi government. Bishops such as Henry Okulu and Alexander Muge of the Anglican Church are known for their unrelenting criticism of the atrocities of the Moi government. They gave courage and hope to those who were being persecuted by the state (Wanyande, 2009:14). Also the church, as many in many nations worldwide, has always regard itself as a legitimate watchdog of the state, along with critical lawyers, it is also known as the unofficial opposition party, and as a truly popular body, its power to influence organize presents a formidable treat to the government. The church has a unique status and mandate in Kenya society which allows it to criticize the government on moral rather than political grounds (African watch, 1991; Nairobi law monthly, 1997). According to Okuku the church contributed to establishment of pluralism in a number of ways. First, it was central in generating and sustaining a public discourse on democracy and change in Kenya. It criticized excesses in the exercise of state power. It protested against change in electoral law, which removed the secret ballot replacing it with a queuing system, denounced brutal evictions of squatters in Nairobi and the state-engineered ethnic clashes in the Rift valley, which had turned it into the 'unhappy valley' (Okuku, 2002: 86).

According to the church, active monitoring of the government is an intrinsic duty in preaching the bible. Rev. Bernard Njoroge Kariuki of CPK (church of the province of Kenya) states:

Since human rights are God given, their promotion and protection are essential for freedom, justice and peace. The church has three important responsibilities in its relationship with the state. First, the church must make sure that the state acts responsibly, secondly, the church has a duty towards those who suffer from the actions of the state, since it is the duty of the church to be on side of the victims. Thirdly, the church has a duty beyond the rescue of the victims of oppression. The church had the special duty to 'give voice for voiceless' (Thrup, 1995: 151). It must try to destroy cause of oppression. The church would have to enter the political arena to do this (Kariuki, 1991).

The willingness of some church leaders to speak out on sensitive political and social issues has brought the church into confrontation with Moi government. Compared to other critical groups, the church has often greater impact on the government because it is not confined to the elite and the literate; its constituency is nationwide one of the important from which is its ability to educate their constituencies about their rights (African watch, 1991:217).

The media was particularly instrumental in exposing the weaknesses of the government and giving the pro democracy forces a channel through which they engaged the government and the conservative forces that supported the status quo. The media also provided citizens with an opportunity to express their misgivings about the government.

This was done through letters to the editor and other newspaper articles. Some civil society organization's provided citizens with the much needed services that the state had failed to provide. This served to erode peoples' confidence in the state and thereby hardening the peoples' resolve to demand real change in the governance realm (Wanyande, 2009: 1).

5. Challenges to Effective Civil Society Participation in Transition Politics

It is generally accepted in Kenyan discourse on civil society that the sector is in a flux.

Having contributed to the removal of KANU from power with the hope that a new and more democratic system of governance would be put in place, a number of developments that have had great implications for the role and relevance of civil society took place.

While some of these potential challenges are historical others are related to social structure of the Kenyan society. Some are also of a contemporary nature.

According to Wanyande Kenya's civil society faced the following challenges: Firstly, civil society in Kenya has had to deal with a hostile political environment. As already indicated, right from the colonial period, successive governments have not been very receptive to civil society activities. The media has been a target especially for exposing scandals involving government and powerful state officials. It is imperative to note that even when the space was finally opened and it appeared that civil society organization would freely play their watchdog role the hopes were quickly dashed. Second was the temptation by civil society leaders to join

government. Following the 2007 elections, the government took a deliberate move to incorporate some of the most vocal and committed civil society leaders into government. This was the case for example with Njoki Ndungu who was nominated to parliament and John Githongo of Transparency International - Kenya Chapter - who was appointed Permanent Secretary and presidential advisor on matters of governance and corruption. The effect of this is that it robbed civil society of leadership

(Wanayande, 2009). Many civil society activists felt that since this was a government established with their support they had to support the regime at whatever cost. They forgot that the two actors have different roles and that civil society has to constantly monitor activities and performance of government with a view to stopping government from engaging in excesses.

Third is that their tendency to take ethnic positions on major national issues. In this sense one can argue that Kenyan civil society is a mirror of the broader society. Adopting ethnic inspired positions on major issues such as elections can also threaten the solidarity of oppositional civil society (A.Mahmoud, 2011:161). Fourth, Civil societies currently exhibit extraordinary dependence on donor funding. This makes civil society accountable to those who fund them and not the people they intend to serve and benefit. Fifth, since 1990s, present day civil society has relatively weaker links with the academia and with their counterparts in the rest of the region to sharing of knowledge and experiences and other support (Wanyande, 2009: 16-18; Kameri-Mbote, 2002: 14). Among other weakness social fragmentation, poor co-operation, weak financial base, inadequate flow of information, weak organizational skill and lack of democratic culture further declined the activities of civil society in Kenya (Nzomo, 2000).

6. Conclusion

Kenya is a country in democratic transition. Over the past two decades its political system has gradually progressed from authoritarianism to democracy. In political transition to democracy, elites have been busy manipulating ethnic groups to ascend to power. Kenyatta, Moi and Kibaki have all subtly adopted the colonial framework of perpetuating their own egocentric interests. The ethnic favoritism, corruption, unlawful killings and repression of any one who oppose his government reach its peak during Moi regime. They have divided the country into ethnic blocs to provide privilege to few and marginalized, vast majority of the country's population. Consequently, this gradually led to ethnic conflicts in Kenya.

Following the last national elections in December 2007, this nation virtually collapsed when rival political camps started a near-civil war over a disputed election result. Poor governance in Kenya is a direct result of the nature of the country's politics. Kenya's politicians are greedy beyond measure, ethnically chauvinistic and corrupt. They have divided Kenya's citizens along ethnic lines and made Kenyans to perceive one another as ethnically different rather than belonging to one country with the same resources and destiny. The politicians have always placed their own personal interests before the national good and carved out for themselves personal territories which they are ready to defend at whatever cost. Moreover, ruling elite centralized state power at the hands of executive power especially president undermining the check and balance principle of democratic system. Local governments which were near for local people have no meaningful power.

Although not state organizations in Kenya struggle to ensure democratic or good governance the powerful authoritarian governments resist and weakened the activities. But civil societies and political parties of Kenya made great efforts in removing Moi personal rule and they able to restore multiparty system that Moi and his predecessor take apart even though Kenyan poor people did not benefited much from this multiparty system.

7. Recommendations

- Non-state actors should not change their roles after the government elected by their support in a democratic way; they must follow the activities of rulers, train and educate the new elected government as well as people to intensify the democratic culture.
- Civil societies should work with the academia and their counterparts of the region to share knowledge and experience.
- Kenyan democracy is at a youthful and fragile stage so that it needs visionary political leaders as it is in a transitional step.

Competing Interests

The author declared that no conflicts of interest exist in this publication.

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