Civil Society in Africa
Civil Society in Africa:
The Role of a Catholic Parish in a Kenyan Slum

By

Christine Bodewes
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In this book, I test the theory of scholars who argue that civil society plays a key role in promoting democracy, human rights and the rule of law in Africa. It investigates what, if anything, the Office of Human Rights (OHR), a ministry of a Catholic parish located in Kibera slum in Nairobi, Kenya, contributed to the consolidation of democracy. I argue that the civil society advocates are only partially correct in their claims. On one hand, the OHR was able to inculcate a small percentage of parishioners with democratic values, behavior and skills. However, apart from a small number of parishioners, the OHR was not able to mobilize parishioners to hold local government officials in Kibera to account for their corruption and abuse of power. The reality of Kibera’s social, economic and political environment, as well as the internal functioning of the local Catholic Church and the parish, inhibited the vast majority of parishioners from exposing and confronting the human rights abuses perpetrated by government officials.

My personal history provides the background for this study. In 1997, after practicing as a lawyer for seven years, I joined Maryknoll Lay Missioners, a Catholic lay mission group based in the United States of America. In 1998 I was assigned to Nairobi, Kenya, and worked as a full-time volunteer lawyer at a local non-governmental organization (NGO), the Kituo cha Sheria (KCS) (Legal Aid Center). From 1998 through 2001, I worked with a team of Kenyan lawyers providing legal advice to slum dwellers faced with evictions and other land and housing crises. I also participated in the Land Caucus, the Pamoja Trust and the Muungano wana Vijiji, civil society organizations that feature in this study. In 2002 I was invited by a Guadalupe missionary priest to start a human rights ministry in the parish of Christ the King located in Kibera slum. I was the coordinator of the OHR until February 2006 when I turned over the office to a team of Kenyan lawyers.

This book examines the major activities of the OHR during my tenure as coordinator. It is primarily an analysis of events in which I was intimately involved. The study also involved considerable fieldwork because I returned to Kenya in 2008 to interview people concerned. I spoke to numerous informants including parishioners, the OHR staff, priests, sisters, brothers and laypersons, church personnel, human rights
lawyers, activists and community organizers. My interviews also included missionaries, aid workers and human rights activists involved in these activities who are no longer in Kenya. In the body of this book I make reference to these interviews by the date on which they occurred. However, because most interviews were conducted in confidentiality, the names of the interviewees are withheld by mutual agreement. I am grateful for their insights, but the study is my personal interpretation of events in which I was actively involved in the light of substantial academic literature. I was often perplexed by the tension between the claims being made for civil society organizations such as those in which I worked and helped found, and my personal experience. As someone who worked for over eight years at the grass-roots level in both NGOs and faith-based organizations (FBOs) promoting human rights in the slums of Nairobi, my study provides a unique insight into the reality of civil society in Africa.

Chapter one sets out the two distinct perspectives concerning the role of civil society in the democratization process; the advocates who celebrate the potential of civil society to deepen democracy and the critics who argue that the transformative potential of civil society has been overstated. It also explains the civil society debate in Kenya and considers the views of several scholars who argue that although Kenyan civil society has not promoted democracy and human rights in the way it was anticipated in the 1990s, a few sectors have made a modest contribution to the democracy-building process in the 2000s.

Chapter two describes the context for my study. It first describes the historical evolution of a neo-patrimonial state in Kenya and civil society’s efforts to introduce multi-party democracy. It also explains the emergence of the urban slum phenomenon in Nairobi as well as efforts by a number of Catholic missionaries and local human rights activists to respond to the slum crisis in the mid to late-1990s. It then looks at the locale of my research, Kibera slum, and highlights its particular social, economic and political dynamic. I end with a brief introduction to the Catholic parish of Christ the King and its basic structures including the OHR.

Chapter three examines efforts by the OHR to inculcate democratic values, beliefs and skills in parishioners through civic education classes taught in numerous parish groups. This chapter focuses on the dynamics within the Kibera community and the parish that affected its efforts. It also assesses whether the parishioners’ new knowledge empowered them to pursue the common interests of the Kibera community in the civic and political arena.

Chapter four examines whether the OHR was able to mobilize parishioners to expose the corruption and abuse of power by government
functionaries involved in the distribution and sale of chang’aa, a toxic and illegal brew that is widely sold and drunk in Kibera, and which parishioners identified as the biggest problem in the community. This chapter focuses on the campaign against chang’aa instigated by the OHR, and it challenges the assumption of civil society advocates that the grassroots has the ability to confront local officials in a repressive and corrupt environment like Kibera.

Chapter five looks at the efforts of the OHR to respond to a broad spectrum of corruption, malfeasance and abuse of power that emerged in connection with the government’s decision to upgrade one of Kibera’s villages. It examines the response not only of the parishioners, but also of other local civil society actors, and assesses whether the response was consistent with the expectations of civil society advocates.

Chapter six analyzes the OHR’s response to the government’s planned large-scale, forced evictions in the slums of Nairobi as well as the response of other civil society actors. This chapter also considers the particular attributes of expatriate missionaries, particularly their international networks, which allowed them to play a distinctive role in responding to the eviction threat.

The concluding chapter answers a number of questions relative to the civil society debate, namely, whether a local Catholic parish has the ability to socialize and mobilize its membership to promote democracy. It also describes how the expectations of the civil society advocates take little account of the reality in Kibera. The social, economic and political environment as well as the internal functioning of both the local Catholic Church and the parish was not conducive to ordinary Catholics holding local officials to account for their corruption and abuse of power.

A large portion of the manuscript for this book was completed while I was a doctoral student in African Christianity at the School of Oriental and African Studies in London. I wish to thank my thesis supervisor, Professor Paul Gifford, for his unfailing guidance and counsel throughout the entire project. I am especially grateful to him for sharing his vast knowledge of Africa, his rigorous standards and his humor. I would also like to thank my family and friends who have supported me in this process, especially my mother and father for their witness and example. I thank in a very special way Teddy Bodewes, Christine Holevas and Marleen Loos for their help and support on the manuscript and everyone at Sanctuary Farm for their encouragement and hospitality. Finally, I thank the staff from the Office of Human Rights in Kibera, the volunteer lawyers and the parishioners at Christ the King who have shared their ideas, hopes and insights and helped me in so many ways.
## LIST OF ABBREVIATIONS

<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>Description</th>
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<tbody>
<tr>
<td>AIC</td>
<td>African Independent (Instituted) Church</td>
</tr>
<tr>
<td>AMECEA</td>
<td>Association of Member Episcopal Conferences in Eastern Africa</td>
</tr>
<tr>
<td>ANPPCAN</td>
<td>African Network for the Prevention and Protection against Child Abuse and Neglect</td>
</tr>
<tr>
<td>CJPC</td>
<td>Catholic Justice and Peace Commission</td>
</tr>
<tr>
<td>CKRC</td>
<td>Constitution of Kenya Review Commission</td>
</tr>
<tr>
<td>COHRE</td>
<td>Center for Housing Rights and Evictions</td>
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<tr>
<td>COT</td>
<td>Community Organization Training</td>
</tr>
<tr>
<td>CRS</td>
<td>Catholic Relief Services</td>
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<tr>
<td>DELTA</td>
<td>Development Education Leadership Teams in Action</td>
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<tr>
<td>DO</td>
<td>District Officer</td>
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<tr>
<td>FBO</td>
<td>Faith-Based Organization</td>
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<td>GBM</td>
<td>Green Belt Movement</td>
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<tr>
<td>IJM</td>
<td>International Justice Mission</td>
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<td>IFC</td>
<td>International Finance Corporation</td>
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<tr>
<td>IPPG</td>
<td>Inter-Parties Parliamentary Group</td>
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<tr>
<td>JPC</td>
<td>Justice and Peace Commission</td>
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<td>KANU</td>
<td>Kenya African National Union</td>
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<tr>
<td>KCS</td>
<td>Kituo cha Sheria</td>
</tr>
<tr>
<td>KEC</td>
<td>Kenya Episcopal Conference</td>
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<tr>
<td>KENSUP</td>
<td>Kenya Slum Upgrading Program</td>
</tr>
<tr>
<td>KPLC</td>
<td>Kenya Power and Light Company</td>
</tr>
<tr>
<td>KRC</td>
<td>Kenya Railways Corporation</td>
</tr>
<tr>
<td>Ksh</td>
<td>Kenya Shilling (exchange rate during 2000-2005 approximately 1US$ = Ksh 80)</td>
</tr>
<tr>
<td>LSK</td>
<td>Law Society of Kenya</td>
</tr>
<tr>
<td>NARC</td>
<td>National Alliance Rainbow Coalition</td>
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<tr>
<td>NCC</td>
<td>Nairobi City Council</td>
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<tr>
<td>NCCK</td>
<td>National Council of Churches of Kenya</td>
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<tr>
<td>NCEC</td>
<td>National Convention Executive Council</td>
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<tr>
<td>NCEP</td>
<td>National Civic Education Program</td>
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<tr>
<td>NDP</td>
<td>National Development Party</td>
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<tr>
<td>Acronym</td>
<td>Description</td>
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<tr>
<td>NHC</td>
<td>National Housing Corporation</td>
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<td>OHR</td>
<td>Office of Human Rights</td>
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<tr>
<td>PA</td>
<td>Provincial Administration</td>
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<tr>
<td>PC</td>
<td>Provincial Commissioner</td>
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<tr>
<td>PPC</td>
<td>Parish Pastoral Council</td>
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<tr>
<td>SCC</td>
<td>Small Christian Community</td>
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<tr>
<td>SEC</td>
<td>Settlement Executive Committee</td>
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<tr>
<td>UN-Habitat</td>
<td>United Nations Human Settlements Program</td>
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MAPS OF KENYA

Christianity, Politics and Public Life in Kenya by Paul Gifford
CHAPTER ONE
THE CIVIL SOCIETY DEBATE

After the fall of the Berlin Wall in 1989, civil society was catapulted onto the global stage in the wake of widespread democratic transitions that started in Eastern Europe and spread throughout the world. In less than five years, the African continent found itself in a sea change of political transformation as the majority of states in sub-Saharan Africa took their first steps to remove the neo-patrimonial, authoritarian governments that had taken root since independence.\(^1\) The impetus to push for political liberalization has been attributed to the growth and political activity of civil society across the African continent.\(^2\) Voluntary and associational groups composed of organized labor, students, intellectuals, journalists, professional associations and grass-roots movements, frequently led by Christian churches, joined together to advocate political reform and multi-party elections.\(^3\) This political transition toward democratization is often called Africa’s Second Liberation.

There are several explanations given for Africa’s Second Liberation. Most scholars agree that in addition to external pressure following the collapse of the Soviet Union and the release of Nelson Mandela, many African despots recognized that they could no longer rule without a modicum of legitimacy. There was also growing pressure from citizens

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\(^1\) African transitions in the 1990s led to divergent outcomes and in most cases political liberalisation did not result in liberal democracies. However, significant shifts in African political life did occur. For example, in 1989, 39 of 45 sub-Saharan countries had authoritarian forms of rule. Five years later, 31 had conducted democratic presidential or parliamentary elections and not a single \textit{de jure} one-party state remained. Susan Dicklitch, \textit{The Elusive Problem of NGOs in Africa: Lessons from Uganda} (New York: St. Martin’s Press, 1998), 1.


and grass-roots movements within civil society who, fed up with poverty, economic mismanagement and authoritarianism, initiated vocal demands for democracy and good governance. Moreover, as African nations began to lose their strategic political and military status in the post-Cold War era, foreign donors started requiring evidence of demonstrated progress toward good governance, multi-party elections and market-centered economies before resuming aid and investment in Africa.

With the emergence of democratization and the goal of improved governance, civil society became the central focus of analyzing the relationship between the state and society in Africa. This analysis sparked what has become an ongoing debate over the role of civil society in opposing undemocratic governments and furthering democratic consolidation in Africa. There are two opposing sides to this debate. Commonly referred to as the advocates, a number of Africanist scholars maintain that civil society is a significant, even essential, component to sustained democratic reform in Africa including the promotion of the rule of law and human rights. For the advocates, civil society has played and continues to play the central role in making African states more democratic, transparent and accountable.

On the other side of the debate are a growing number of scholars less sanguine in their views on civil society. As more empirical evidence has become available and analyzed, the critics have identified a broad scope of objections to treating civil society as the panacea for solving Africa’s long-term political problems. Some critics reject outright the notion as a naive ideal. Others argue that civil society organizations are simply being asked to do too much with too little on a continent overrun with poverty, corruption and neo-patrimonial structures.

**Historical Evolution of Civil Society**

The definition of civil society is highly contested in contemporary African discourse. As Bebbington and Riddell note, “Civil society is a notoriously slippery concept . . . . It is used in different ways by different people and those uses are not always consistent.” Several factors account for its nebulous character. Civil society has a long and rich history in Europe’s political philosophy dating from Hegel and Marx through to

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Hobbes and Locke. Its uses and meaning have materially changed as academic scholarship has emphasized different political and ideological dimensions of the concept depending on the political and social context of the era. Notwithstanding the lack of consensus on its meaning, most scholars agree that it is an important concept central to the contemporary debates on African democratization.

According to Ernest Gellner, civil society is a simple notion that has been tangled up by its roots in Hegel-Marxist metaphysics. Before turning to the civil society debate, a brief overview of its origin and evolution will highlight the definitions and meanings given to civil society in its modern lexicon. In classical political thought, from Aristotle to Rousseau, civil society was indistinguishable from the state. In the 18th century, a fundamental shift in the thinking about civil society occurred when liberal philosophers began to view civil society as a buffer against the state. Alexis de Tocqueville asserted that autonomous associations guarantee that the state will be unable to arrogate more power than an active citizenry is willing to grant. In addition to limiting tyranny by the majority, de Tocqueville believed that civil society also plays a key role in teaching civic virtues and likened it to “large free schools, where all the members of the community go to learn the general theory of association.”

It was Hegel who first drew a clear philosophical distinction between the state and civil society locating civil society as an intermediate stage of social organization between the family and the state that allowed for the expression and protection of private interests. In recognition that interests within civil society might overwhelm the public good, Hegel asserted that the state would guide and override civil society when

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9 Ibid., 117.
necessary to preserve the greater public well-being. In contrast to Hegel, Karl Marx viewed the state as subordinate in its relations with civil society. In Marx’s view, civil society was another instrument for furthering the interests of the dominant class under capitalism. In a similar vein, Antonio Gramsci described civil society as an array of educational, religious and associational institutions that guaranteed the ideological hegemony of the ruling class. Although both Marx and Gramsci perceived civil society to be a non-state sphere of domination by the bourgeoisie, Gramsci placed it alongside the state, not at its base.

Robert Putnam has also made a significant contribution to the corpus of literature on civil society regarding the role of social capital and the value of voluntary associations in nurturing trust and cooperation based on his study of associational life in Italy and the United States. For Putnam, the most important virtue of civil association lies in its capacity to socialize participants into horizontal networks of reciprocity and collective action as opposed to vertical networks of patron-client arrangements.

The definition of civil society that I use for purposes of my research is the one put forth by Larry Diamond and adopted by many Africanist scholars. Commonly referred to as the “conventional view,” Diamond defines civil society, “as the realm of organized social life that is voluntary, self-generating, (largely) self-supporting, autonomous from the state and bound by a legal order or set of shared rules.” Civil society relates to public and not private interests that “involve citizens acting collectively in a public sphere to express their interests, passions, and ideas, exchange information, achieve mutual goals, make demands on the state, and hold state officials accountable.” It is composed of a vast array of formal and informal organizations including groups that are:

11 Ibid., 152.
17 Ibid.
economic, (2) cultural and religious, (3) informational and educational, (4) interest-based, (5) developmental, and (6) issue and civic-orientated.\textsuperscript{18} In addition, civil society includes organizations that are part of the ideological marketplace such as the media, universities, think tanks and publishing houses.\textsuperscript{19}

According to the conventional view, because civil society is distinct from society and acts as an intermediary between the private sphere and the state, civil society excludes individual and family life, inward-looking group activity such as recreation, entertainment and spirituality, profit-making enterprises and political efforts to take control of the state.\textsuperscript{20} Diamond also excludes revolutionaries, religious fundamentalists and ethnically chauvinistic organizations on the grounds that their attempt to monopolize political space is contradictory to the pluralistic notions of civil society. The conventional view also holds that if an organization is to promote democracy, it must function democratically in its internal processes. This definition therefore excludes organizations deemed undemocratic, uncivil or that act outside the constraints of the law.\textsuperscript{21}

Civil society advocates generally agree on the fundamental elements contained in Diamond’s definition, but some have added and subtracted from it in varying degrees with regard to the level of antagonism between the state and civil society. Diamond, who is closely aligned to the de Tocqueville view, asserts that civil society “must be autonomous from the state, but not alienated from it. It must be watchful but respectful of state authority.”\textsuperscript{22} In contrast, Jean François Bayart claims that at its core, civil society is always in confrontation with the state.\textsuperscript{23} Michael Bratton argues for a neutral definition that avoids judging the nature of the state-society relations; it is a relationship that ebbs and flows as the state and social actors engage with one another.\textsuperscript{24}

\begin{thebibliography}{99}
\bibitem{18} Ibid., 6.
\bibitem{19} Ibid.
\bibitem{20} Ibid., 5.
\bibitem{22} Ibid., 15.
\end{thebibliography}
Chapter One

The Advocates

The civil society advocates argue that civil society is not only a positive force; it also plays the most important and critical role in democratization. For example, Diamond claims that civil society is “the cutting edge of the effort to build a viable democratic order.”25 In his view:

Civil society is a crucially important factor at every stage of democratization. The greater the number, size, autonomy, resourcefulness, variety and democratic orientation of popular organizations in civil society, the greater will be the prospects for some kind of movement from rigid authoritarianism, and for subsequent movement toward semi-democracy and democracy.26

Harbeson agrees. He argues that civil society is the:

Hitherto missing key to sustained political reform, legitimate states and governments, improved governance, viable state-society and state-economy relationships, and prevention of the kind of political decay that undermined new African governments a decade ago.27

Chazan also holds to this view claiming, “The nurturing of civil society is … the most effective means of controlling repeated abuses of state power, holding rulers accountable to their citizens, and establishing the foundations for durable democratic government.”28

Enthusiasm for civil society is not limited to academics and theorists. The development and donor communities have taken an even stronger position in support of civil society, particularly NGOs, as the possible solution to the economic and governance woes of Africa. Adopting the New Policy Agenda of the post-Cold War era, donors reduced the amount of official aid given directly to states and substituted NGOs as the new

channel for providing traditional welfare services. Although NGOs (especially churches) had a long history of providing services such as health care and education in the developing world, under the New Policy Agenda, NGOs were identified as the preferred channel for social welfare because they were perceived to be more cost effective, less bureaucratic, and better able to target the poor and promote grass-roots participation. 

As aid was made more available in the 1990s, there was an explosion in the number of service-provision NGOs often referred to as the “global NGO revolution.”

In addition to providing social services, NGOs are also seen as the ideal vehicle for building democracy and a stronger civil society which are, in turn, essential for economic growth under the New Policy Agenda. NGOs are “supposed to act as a counterweight to state power by opening up channels of communication and participation, providing training grounds for activists promoting pluralism and by protecting human rights.” The notion that a stronger civil society is critical for democratization caught fire throughout Africa. By the mid-1990s, a plethora of a new kind of organization evolved–the human rights/advocacy NGO; organizations dedicated exclusively to advocacy, civic education, voter education and election monitoring.

According to civil society advocates, civil society organizations have the potential to advance democracy in two general ways: (1) by helping generate a transition away from authoritarian rule to electoral democracy and (2) by deepening and consolidating democracy once it is established.

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30 Hulme, and Edwards, NGOs, States, 6.


32 Hulme, and Edwards, NGOs, States, 6.

33 Ibid.


35 Larry Diamond, Developing Democracy: Toward Consolidation (Baltimore: Johns Hopkins University Press, 1999), 233.
Democratization requires not only a regime change from authoritarian rule, but also the creation and operation of democratic institutions and the exercise of democratic citizenship that protects human rights and promotes the rule of law.\textsuperscript{36} As a consequence, civil society’s role in promoting democracy does not end after the first competitive multi-party election takes place; rather, its role significantly increases in scope and importance. In Diamond’s view:

\begin{quote}
It is one thing to get to democracy. It is quite another thing, and often much more difficult, to keep it, to consolidate it, to breathe real life and meaning into it, to make it endure. Many of the countries that have made transitions to democracy…are in grave political crisis now because democracy is simply not working to deliver the broad developmental progress, honest and decent government, protection for human rights, and political and social tranquility, that people want.\textsuperscript{37}
\end{quote}

In a post-authoritarian context, the most important task in the consolidation process is restoring the primacy of the rule of law because in its absence, violence, thuggery and lawlessness are the routine methods of political action.\textsuperscript{38} The rule of law means that all citizens are equal before the law and that the “laws themselves are clear, publicly known, universal, stable, non-retroactive, and fairly and consistently applied to all citizens by an independent judiciary.”\textsuperscript{39} For democracy to become grounded, the consolidation process must also strengthen the right to inalienable human rights, constitutionalism and institutional structures such as political parties, the legislature and the judicial system in order to ensure political rights, civil liberties and mechanisms of accountability.\textsuperscript{40} Democratic consolidation also requires citizenry to inculcate democratic principles and methods both on a behavioral and attitudinal level. This involves what is termed the “habituation” of democracy where the norms and procedures of democracy become so internalized that citizens instinctively follow the

\begin{flushleft}
\textsuperscript{36} Antonio F. Moreno, \textit{Church, State, and Civil Society in Postauthoritarian Philippines: Narratives of Engaged Citizenship} (Manila: Ateneo de Manila University Press, 2006), 112.
\textsuperscript{38} Moreno, \textit{Church, State}, 175.
\textsuperscript{39} Ibid., xiv.
\end{flushleft}
It also involves the development of a political culture where values like moderation, tolerance, civility, knowledge and participation are fully integrated and adopted by the majority of society. Because values and attitudes do not change quickly, the consolidation of democracy is a long-term process that can take several decades.

Civil society organizations tend to be far less active when they are needed most in consolidating and strengthening an already existing democracy. During the transition, “all sorts of organizations, movements, and networks push not only for their narrow functional or ideological interests but for democracy and civil liberties.” After the transition, the group’s systemic concern for democracy tends to be overtaken by the ensuing interplay of competing interests within the group. Moreover, the post-authoritarian phase is a difficult time, a period of substantial challenges, both large and small, in the realm of politics and policy. The long-term struggle to make democracy work is much less exciting than the moral crusade to rid the country of a despotic ruler.

Larry Diamond, one of the leading civil society advocates, has identified a number of particular functions that civil society is able to perform to help deepen and consolidate democracy. The most fundamental function of civil society is to limit and contain the power of the government. Once a transition has occurred, civil society can support the democratization process by holding the state to greater accountability to both the law and public expectations of responsible government through a process of checks and monitoring. Civil society organizations typically perform this watchdog function by holding the government to public scrutiny and exposing the abuses of state power. While the exposure alone does not guarantee a popular reaction, punishment or deterrence, it can galvanize civil society to take further action.

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41 Diamond, Developing Democracy, 65.
42 Ibid., 163.
45 Ibid.
48 Diamond, Developing Democracy, 240.
A second democracy-building function performed by civil society is to supplement the role of political parties by stimulating political participation, increasing political efficacy and skills of citizens, and promoting an understanding of the rights and obligations of democratic citizenship. In this role, civil society organizations provide training grounds for citizens to gain practical experience in democracy. Civil society organizations become what de Tocqueville refers to as “large free schools” where the community learns the art of association, participatory habits and the skills of democratic citizenship including communication and political skills.\textsuperscript{49} For example, leaders within civil society associations generally learn how to organize people, debate issues, mediate conflicts, develop consensus, manage finances and build coalitions. They also learn to be accountable to their members, in turn; the membership learns how to hold their leaders accountable.\textsuperscript{50} As a result, in addition to learning skills beneficial to improving the welfare of their own organizations, individuals also learn skills that are readily transferable to the political sphere.

Third, many civil society organizations have adopted democracy education as an explicit project in order to socialize adults and young people to the values of a democratic political culture. Democracy theorists agree that democracy requires a distinctive set of political values, orientations and beliefs that include:

- Tolerance for opposing political beliefs and positions and also more generally for social and cultural differences; pragmatism and flexibility, as opposed to a rigid and ideological approach to politics; trust in other political actors and in the social environment; a willingness to compromise, springing from a belief in the necessity and desirability of compromise; and civility of political discourse and respect for other views.\textsuperscript{51}

Efforts to inculcate democratic values are usually attempted through civic education and human rights training. According to Diamond, the best way for citizens to learn about democracy is not receiving instruction in a classroom.

Citizens learn by doing, by groping together for solutions in extensive workshops, by meeting frequently to discuss issues and hear the views of others, by teaching these principles to others, by repeatedly listening to

\begin{itemize}
  \item \textsuperscript{49} Ibid, 11.
  \item \textsuperscript{50} Dicklitch, \textit{The Elusive Promise}, 12.
  \item \textsuperscript{51} Diamond, Linz, and Lipset, \textit{Democracy in Developing}, 26.
\end{itemize}
civilized and substantive debates of the issues, by keeping actively informed, by creating new organizations of their own.\textsuperscript{52}

Even though civic education can be slow and difficult because it involves intensive, small group work, it is the central function of civil society organizations committed to the democratization process.\textsuperscript{53}

A fourth way civil society supports democracy is to create alternate channels, apart from political parties, for citizens to articulate and represent their interests. It is in this advocacy role that civil society organizations mobilize the community to channel their demands directly to the government. In addition to empowering citizens to voice their concerns, civil society also facilitates citizens to take direct action to achieve their ends. Civil society organizations compete with each other to influence government officials to adopt positions supporting their members and to follow formal rules, a process that in turn facilitates open, free and fair political debate. In this way, civil society helps build organizations that can act independently to confront the government either by holding it to account, influencing a policy or offering alternate policy ideas.

Fifth, civil society is able to gather and disseminate information that helps empower the community in their collective defense and pursuit of their mutual interests. Providing independent and accurate information about what the government is actually doing versus what it says it is doing and the impact it has on citizens at a local level is considered an invaluable function of civil society. “While civil society groups may sometimes prevail temporarily by dint of raw numbers (e.g., in strikes and demonstrations) they generally cannot be effective in contesting government policies or defending their interests unless they are well-informed.”\textsuperscript{54} That is why the ability to gather and disseminate accurate information is a vital technique used by human rights organizations that want to overcome government cover-ups typical of repressive regimes.\textsuperscript{55}

A sixth function of civil society is to recruit and train new political leaders. For most civil society theorists, the recruitment and training of leaders is a long-term byproduct of the successful functioning of civil society organizations. Leaders in civil society organizations learn “how to organize and motivate people, debate issues, raise and account for funds, craft budgets, publicize programs, administer staff, canvass for support,

\begin{itemize}
  \item \textsuperscript{52} Diamond, \textit{The Democratic Revolution}, 17.
  \item \textsuperscript{53} Ibid.
  \item \textsuperscript{54} Diamond, “Toward Democratic,” 10.
  \item \textsuperscript{55} Ibid.
\end{itemize}
negotiate agreements, and build coalitions.” This kind of experience gives leaders and activists within an organization both the skills and self-confidence that qualify them for service in government and party politics.

A seventh democracy-building function of civil society is the generation of “a wide range of interests that may cross-cut, and so mitigate, the principal polarities of political conflict.” The issue-based groups bring together people from different ethnic, religious and regional groups. The joint pursuit of democracy and related issues can help dissipate historical divisions and narrow interests. The more organizations that a person can join, the more he or she will associate with different types of people who hold different political views, which will give that person a more sophisticated political outlook and enhance his or her tolerance and readiness to compromise.

Eighth, civil society organizations are able to enhance democracy by undertaking conflict resolution and mediation. This is especially true for civil society organizations generated out of religious and human rights communities. “When a wide range of political actors come to trust these organizations—the organizations gain a ‘reserve of influence’ that can be drawn on in a political crisis.”

Ninth, civil society can deepen democracy by helping local communities break the cycle of patron-client relationships whereby local authorities such as chiefs and land owners purchase deference and control of the citizenry through the dispensation of material rewards. If civil society is able to eliminate the fear of outside intervention or punishment, it can sever “the psychological and structural bonds of clientelism that have historically locked them in a dependent and subordinated status, isolated from one another and unable to rally around their common material or cultural interests.”

A final, overarching function of civil society is derived from the combined success of the above functions. “By enhancing the accountability, responsiveness, inclusiveness, effectiveness, and hence legitimacy of the political system, a vigorous civil society gives citizens

56 Ibid., 9.
57 Ibid.
58 Diamond, Developing Democracy, 248.
59 Ibid., 244.
60 Ibid.
61 Diamond identifies three additional functions not addressed in this thesis: (1) election monitoring, (2) community development and (3) economic reform.
respect for the state,” which can improve the state’s ability to garner deference and obedience from its citizens.62

For purposes of this study, I reduce Diamond’s list of function to two general categories typically identified by civil society advocates.63 First, a civil society organization has the power to socialize its members with participatory norms and a sense of efficacy in social and political life. By inculcating democratic values and habits among its members, a civil society organization can build a culture that supports democracy. Second, a civil society organization has the power to mobilize its members to resist a tyrannical regime. By building an organization that can act independently and is willing to confront the state, a civil society organization has the power to hold the government to account and influence policy.

The Critics

A substantial number of Africanist scholars do not agree that civil society is central to sustained democratic reform in Africa. The fundamental criticism of these scholars is that the advocates’ “vision is based on a flawed conception of social realities.”64 For example, Patrick Chabal and Jean-Pascal Daloz assert that civil society is just another structure that Africans use to make a profit within a neo-patrimonial state.65 In their view:

The explosion of NGOs is not a reflection of the flowering of civil society in the sense in which it is usually understood in the west. It is in reality (rather than fiction) evidence of the adaptation by African political actors to the changing complexion of the international aid game.66

Others like Robert Fatton, an outspoken opponent of what he calls the “reveling and exaggerated celebrations” of the advocates, argue that

62 Diamond, Developing Democracy, 240.
65 Patrick Chabal, and Jean-Pascal Daloz, Africa Works: Disorder as Political Instrument (Oxford: James Currey, 1999), 22.
66 Ibid., 23.
African civil society mirrors African political society. For Fatton, civil society is composed of ethnic particularisms, class interests, individual egotism and all types of religious and secular fundamentalisms.

As a result, African civil society amounts to no more than a “disorganized plurality of mutually exclusive projects fragmented by the contradictory historical alternatives of competing social actors, institutions and beliefs.”

Nelson Kasfir also objects to the advocates’ claims. In his analysis of African civil society, Kasfir concludes that the advocates have mistakenly exported idealized notions of Western democracy and foisted them on Africa without understanding the kind of associations that exist in Africa and their relationship to the state. According to Kasfir, the outdated notions of pluralism advocated by Diamond, Chazan and others cannot work in Africa. Pluralists maintain that as economic and social interests diversify, more groups will be formed to represent these interests and as these groups compete with each other to influence public policy, the government will attain more information and thus will provide more efficient solutions. Kasfir asserts that this theory works in the United States because its political system, which is based on checks and balances, allows small interest groups to affect public policy. The situation in Africa is very different. Unlike in America, there is markedly unequal access to state officials, organizational skills and material resources. The state is all-powerful and the only entity that changes policies. It is also much more difficult to reconcile divergent interests and organize collective action in Africa because most people live in rural areas where few uniting interests and motives for change have emerged. In Kasfir’s view, “there simply is no welter of competing interests to whom an African policymaker needs to listen.”

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68 Ibid., 73.
69 Ibid., 72.
71 Ibid., 130-31.
72 Ibid., 143.
73 Ibid., 133.
A number of scholars and donors from the development sector are also critical of the argument that civil society, particularly NGOs, can cure the ills of Africa. Many of these doubts emerged in the early 1990s when the NGO revolution was just beginning in earnest in Africa. Edwards and Hulme pointed out that, due to their very nature NGOs, are inherently limited by their incapacity for research, poor networking with other NGOs, and the absence of representatives from the beneficiary community and weak links with the policy sector, making any effect localized and small.74 John Clark also warned of the innate weaknesses of NGOs. In Clark’s experience, NGO leaders are often charismatic and committed but “maintain an ill-defined structure and tend to be somewhat dictatorial in decision making.”75 Accountability is also an Achilles heel for many NGOs. Frequently, to the extent NGOs are held accountable, it is usually for how the donor money is spent, not whether or not a project is effective.

The degree of criticism of NGOs varies according to the different sectors. Although there has been a modicum of support for NGOs engaged in alleviating poverty and helping marginalized communities adapt to modernization, harsh criticism has been lodged against the largest sector of African NGOs, the professional human rights/advocacy organizations that focus on promotion of democracy and good governance.76 According to Kasfir, given that most African states depend on ethnic mobilization to maintain their positions, these newly created professional advocacy NGOs have no ability to impact the political struggle in Africa because they have no social roots in society.77 Ottaway and Carothers agree; in their view, these organizations are merely creations of foreign donors that reflect “free-floating political pluralism” and not the “social demands for representation and a role in policy-making” by the local communities.78 Because they have no substantive connection to the grass roots, these kinds of organizations generally focus on broad and abstract issues and ignore the real, local concerns of the ordinary people. They tend to promote foreign objectives unrelated to ongoing political and social realities and cease to exist when the donor money dries up. As a result,

74 Hulme, and Edwards, NGOs, States, 17.
75 John Clark, Democratizing Development: The Role of Voluntary Organizations (West Harford, CT: Kumarian Press, 1991), 63-73.
77 Kasfir, “Civil Society,” 142.
78 Ottaway, and Carothers, Funding Virtue, 12.
many of these programs have little impact and can even have negative consequences.79

In their research on the relationship between donors and civil society, Ottaway and Carothers also highlight the dilemma facing civil society in Africa.80 According to their observations, they conclude that while the professional NGOs that are favored by donors are poorly rooted in society, top-down, plagued with management problems and dependent on foreign money, they are the only organizations in Africa that are willing to engage the state and hold it to account. In their view:

The voluntary associations that Africans have formed themselves are grassroots organizations with a proven ability to organize and survive on their own, responsive to the demands of their members and thus more representative. But in recent years they have not attempted to represent the interests of their members in the political process and as yet have played no role in promoting democratization. They are more likely to disengage from the state than seek to hold it responsible.81

Ottaway and Carothers also observe that donors face a dilemma. Should they continue to fund professional NGOs that are not sufficiently integrated in the society or should donors redirect their funds to the more informal grass-roots organizations with the aim of building their political and social capacity?82

Kenyan Civil Society Analyzed

The issues raised in the civil society debate have also been addressed in Kenya, but in a limited manner. Scholarship focuses primarily on the role played by NGOs during the country’s transition to multi-party elections in the early 1990s, a period of optimism and euphoria. There are both advocates and critics of civil society, but over time the debate has become dominated by the critics. While most scholars agree that Kenyan NGOs helped topple the despotic regime of President Moi and advance the process of constitutional reform, typical of civil society in many fledgling democracies, NGOs did not make an equally substantial contribution to

80 See Ottaway, and Carothers, Funding Virtue, 81-86.
81 Ibid, 85.
82 Ibid.
democracy building in Kenya beyond the authoritarian period. After nearly two decades of struggle, Kenya has achieved only minor democratic reform. It is therefore not surprising that many scholars have changed their minds about Kenyan NGOs. The NGO sector is no longer characterized as the “beacon of hope” for democracy and, instead, is frequently described as corrupt, authoritarian and elitist. Pessimism about NGOs and their ability to deepen democracy and human rights in Kenya is fueled by several fundamental weaknesses endemic in the NGO sector: (1) poor leadership; (2) undemocratic organizational structures and (3) donor dependence.

**Poor Leadership**

In 1996 Stephen Ndegwa was the first scholar to publish substantial empirical findings on the role of NGOs in promoting democracy in Kenya. In his study, Ndegwa analyzed two local NGOs, the Green Belt Movement (GBM) and the Undungu Society of Kenya, between 1990 and 1992 during the buildup to the first multi-party elections. He found that both NGOs were administered by well-known political reformers and yet only one, the GBM, managed to transform itself into an activist organization. In contrast, the other NGO accommodated the repressive state even in the face of numerous political opportunities and pressure by its own clients to oppose the state. Ndegwa concluded that there is “nothing inherent in civil society organizations that make them opponents of authoritarianism and proponents of democracy.”83 Most organizations are willing only to take up interests that are tied to their own institutional survival. The factor determining whether or not a well-endowed NGO is transformed into an activist organization is its leadership’s willingness to commit its resources to a progressive political agenda.84

NGO leadership in Kenya has continued to draw a tremendous amount of criticism. In his comparison of Kenya’s and Zambia’s transitions to multi-party elections in the early 1990s, Shadrack Nasong’o found that Kenyan civil society made only a modest contribution to democratization because it is weak and fractured along ethnic lines.85 One of the key reasons that Kenyan civil society is weak is poor NGO leadership. Nasong’o observed that, good intentions aside, “the nature and structure of

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83 Ndegwa, The Two Faces, 6.
84 Ibid., 1.
the leadership of most of these organizations mirror that of the authoritarian state.”86 Leadership, especially in the human rights sector, is generally “drawn from the elite and middle class and hails from either the intelligentsia or more commonly, the legal profession” and, as a result, many NGO personnel share the “alignment and project of the state-based elite.”87 Many NGO leaders are motivated by self-advancement and personal accumulation; some even run their NGOs like family businesses.88

In 2002 Walter Oyugi corroborated this conclusion when he found that many NGOs were “‘oligarchies’ whose paths are determined by the founder’s perception of a community’s needs.”89 According to his study of 22 NGOs engaged in activities designed to promote good governance, many founders operate their NGOs as personal fiefdoms and often refuse to disclose financial information. He also concluded that numerous NGOs are an outlet for self-employment for the people who start them. A 2004 study of the NGO sector by Karuti Kanyinga is even more critical. In analyzing the NGOs’ historical role in promoting democracy, Kanyinga concluded:

The majority tends towards ‘elitism,’ they are formed by urban elites more often for rent-seeking purposes. They use them as instruments of accessing donor funds and as platforms for launching political careers….They have intense internal wars among themselves over either leadership or over who should proximate influential donors. Power struggles initially associated with the political elites are also now visible in this sector.90

Kanyinga’s study also highlighted the fact that many NGOs tend to recruit personnel based on shared ethnic identity, with a result that they are not only divided along ethnic lines, they also frequently pursue patrimonial agendas tied to the country’s political economy.91

86 Ibid., 85.
87 Ibid.
88 Ibid., 86.
89 Walter Oyugi, “The Role of NGOs in Fostering Development and Good Governance at the Local Level in Africa with a Focus on Kenya,” African Development 24, no.4 (2004): 47
91 Ibid., 23.