A REPORT OF PROCEEDINGS OF CSO DIALOGUES IN THE
CENTRAL AND EASTERN REGIONS

NYERI, 11th SEPT 2014

Sammy Keter, Rapporteur

Supported by

POVERTY ERADICATION NETWORK
Strengthening Citizens Participation

FORD FOUNDATION
List of Abbreviations

CBOs  Community Based Organizations

CSOs  Civil Society Organizations

CIDP  County Integrated Development Plan

CMA  County Members Assembly

COG  Council of Governors

CSORG  Civil Society Organizations Reference Group

DFID  Department for International Development

GOK  Government of Kenya

ICC  International Criminal Court

KANU  Kenya African National Union

NGOs  Non-Governmental Organizations

PEN  Poverty Eradication Network

PEV  Post Election Violence
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1. Introduction

The Central Kenya Region Forum was held on the 11th of September 2014 at the Green Hills Hotel in Nyeri. The one-day forum was facilitated by the Poverty Eradication Network and was attended by 32 participants from Central, Mt. Kenya and Eastern regions.

The objectives of the workshop were to help participants to discuss, analyse and come to conclusion on the status of Civil Society sector in Central, Mt. Kenya and Eastern Regions: to identify challenges, Opportunities, including threats and propose way of reengaging the sector in wave of new constitutional order in Kenya.

2. Opening remarks

Chris Mbiti of PEN formally welcomed the participants to the meeting after which he invited them to make self-introductions. He then went ahead to set the tone for the day by making few remarks as far as the CSO sector is concerned in Kenya.

2.1 CSO sector in Kenya over the years

The 1990s:

In 1991/92, the civil society sector was very vibrant. The people involved in the sector, showing great amounts of commitment, were there to advocate for change. Donors then, were not as strict as they are now; they were everywhere and were liberal giving money without making demands about how it was used.

As a result, there were people that misused the money and enriched themselves. However, things started changing when donors’ demands started changing. Donors came with demands about professionalism whereby for example if a person was in the human rights field, they needed to be a lawyer or a career person.
Post 2000: Most of the actors in civil society were absorbed into the government. Unfortunately this did not spell good news for the then vibrant civil society sector. There were claims of these people then getting involved in corruption scandals. The discourse changed from bringing reforms to the notion that since President Moi had been removed from power by their efforts, then there was nothing left to fight for in the country. At this point also donors stopped giving money to civil society because of the feeling that democracy had finally been achieved. Nevertheless, the donors started working with the government and in the process becoming dictatorial/making demands. On the other hand, the civil society started to lost credibility; a general feeling that the ordinary mwanaanchi was no longer needed. The NGO Council also became very weak and fragmented with several factions of the council competing against each other. It was felt that being in civil society easily opened doors to be picked for government jobs hence genuine activism got lost in the process. Consequently, the NGO world fell into the hands of government and instead of cooperation with government, it became co-option into government. Most people in civil society found themselves jobless since donor funds became channeled through government as then donors trusted the new government and changed their strategies too because they wanted to work with the new government.

2010 – 2014: During this period, the strategy became that of the government pulling the best brains from the civil society. Usually by the time that government’s term is over, new brains
have already come up in the civil society and the trend continues. Therefore, every new government results in the going down of the civil society.

Additionally, the new Kenya constitution promulgated in 2010 brought about devolution which ensured power got to the grassroots and in a way diluting the role of civil society whose role was seen to be similar.

On the flipside, the civil society minds that joined government and now leaders in the county governments kind of played a role in weakening the civil society more because they viewed the players as competitors.

The ICC coming after the 2007/08 disputed elections also affected human rights activism by making civil society actors the enemies of the people since they were portrayed as the people who took other Kenyans to the Hague. Because of this, donors also became sensitive and gradually stopped funding human rights and started funding development.

In addition to the Civil Society, the private sector is also competing for the same funds that civil society targets. Such private sector initiatives include the Safaricom foundation and trends are showing donor likelihood to fund such private sector initiatives as they are deemed more effective. What often works to the detriment of civil society is the dependence syndrome whereby civil society has the attitude that they must be funded otherwise they cannot survive.

In Kenya now, the NGO sector is dominated by international NGOs, those that have a lot in common with the donors e.g. the ability in presenting of good proposals and doing good paper work. The small CBOs and self-help groups are part of civil society but they are usually on the losing end because they cannot meet the needs of the donors. Instead of donors funding through civil society, they are funding through the private sector e.g. Safaricom Foundation.

Issues of reporting downwards are weak. Reporting is done upwards while downwards is neglected. Good governance is not well defined. Civil society does not showcase their work so they are not well understood. They do not publish their work. It could also be said that it is a challenge to regulate civil society players because they are registered under different registrations e.g. trusts are registered under the Ministry of Lands, CBOs and Self-help groups by another ministry, etc. In addition, there is confusion among the populace as to who exactly civil society is with many thinking that these are only the organizations in the human rights discourse.

**What CSOs can do:** There is a mentality that money is the answer to all problems. However civil society stakeholders need to ask themselves pertinent questions including: How do we talk about democracy and good governance when democratic governments all over the world are failing? What is our role in a world where the gap between the rich and the poor is growing bigger and bigger?
3. Keynote presentation on the state of the civil society sector in Central Kenya region

By Peter Machithi

The keynote address was made by Peter Machithi of Kivuli Cha Haki. The following are the highlights.

Mr. Machithi started by stating that electing the new government after President Moi’s tenure was part of the reason that civil society was weakened. He gave an example that how could it be possible to agitate for change when Martha Karua and Kiraitu Murungi, from the region, were running government ministries. Such posed challenges for civil society to continue with its watchdog roles.

He stated that in Mt. Kenya region there is very strong support for political parties and most of what civil society does is correcting government actions or omissions is viewed suspiciously. Acknowledging that civil society needs to both engage and disengage with government Mr. Machithi added that it is not beneficial if the sector is always fighting government and that there is benefit in being friendly/working with them e.g. to formulate laws e.g. about the public engagement act.

3.1 Context

Civil society exists to solve certain problems in the society. Obviously, this would be seen in the context of omissions or commissions by the state actors who have the mandate to govern. The claim of who should do it, or whether it was done properly definitely puts the civil society into a direct conflict with the state actors.

Central Kenya region has a plethora of problems to be addressed by the civil society as summarized here:

1) Rampant alcoholism and drug abuse;
2) The land question;
3) Widespread unemployment amongst a very informed cross section of the society;
4) Poor food production, considering that agriculture is the main economic activity; and
5) Lack of civic awareness
There are several civil society organizations in Central Kenya region that address these myriads of problems and can fit into five sectors. Categorization is in terms of the nature of their civic engagement with the state as opposed to their structure and form.

This categorization is appropriate considering that Central Kenya is not known for explosive civil society organizations although it’s home to some of the fiercest actors (Wangari Maathai, Timothy Njoya, David Gitari, Martha Karua, Paul Muite, Maina Kiai, Githongo, to mention but a few) and mapping should be done along such sectors. The simplicity of this categorization would assist stakeholders to find bearing and address programming issues within their organizations.

1) **The Development Sector.** This sector is populated by development NGOs and co-operatives. It is the oldest and probably the most differentiated sector of civil society. The co-operative sector for instance has many forms and is very dominant and successful in central Kenya region, while the development NGOs can be further categorized into the international, local and issue-specific NGOs. These NGOs were the prime movers during the push for competitive politics in Kenya in the early 1990s and are however not common place in this region but a notable number of national actors are.

2) **The Human Rights and Democracy Sector.** This is a fairly new sector of civil society, with most of its organizations formed in the 1990s. It is also the fastest growing sector with close to 180 fully-fledged CSOs in Kenya by 2012. During the second transition cycle (1993–97), this sector served as a ‘political incubator’ for the nascent opposition parties. This alliance is credited with the gains achieved in the constitutional review process. The sector is on slow death in the region, especially after the 2002 and 2013 elections with many residents viewing it as opposed to national leadership assumed by persons from the region. Again this sector is not well represented but the most significant national actors come from the region.

3) **The Market Sector.** This sector comprises of corporate interests groups, professional associations, business associations and the labor movements. The basic function of this sector
is to articulate market related interests using civil society as a platform. In the past, this sector was essentially moribund but during the second and third transition cycle, the sector came alive with industrialists, interest groups and labor unions engaging in civic action. The most pronounced of these were the activities of the teachers and the Matatu unions. This will be an interesting sector to watch given the latitude it has been accorded in the constitution.

4) The Religious Sector. Like the development sector of civil society, this is also one of the oldest. During the first transition cycle (1988–91), this sector was dominated by the Christian formations. And indeed, together with the Law Society of Kenya (LSK), they were responsible for eliciting debate on multi-party politics. But during the second transition cycle, the other faith-based organizations joined the sector and were involved in agitating for change including the constitutional review process.

Religious leaders such as Njoya have been key players in the civil society. However, it is worthwhile to ask: How effective have people with strong personal convictions such as Timothy Njoya been in society? These are people who end up never being appointed to any position in government and they also find themselves misunderstood by the people. They do not go along with the rest of the people even when change comes up.

Other such people include Bildad Kaggia, Martin Shikuku, Maina Kiai. Unfortunately, 90+% can be influenced because of poverty levels. It is also important to know when to change/move on to a new level. Some of those people fail to move on when change comes, so they become irrelevant. You must have an objective and a time plan. There is nothing wrong for a civil society actor to join government. It becomes important to know when change has come and make adjustments, otherwise one becomes irrelevant.

5) The Green Movements. This sector comprises of the peasant formations articulating agrarian or agro-indigenous questions. This has also been called the invisible sector of civil society in that organizations in this sector exist more in form of sporadic activities that are held together by some simple structures. These activities are not formally recognized and in analyzing civil society in Kenya, they remain invisible. Associations that fall under this
category include many community based organizations and others like the original Mungiki Cultists.

3.2 Challenges facing CSOs

All these years that organized civil society has existed have brought with them unique challenges for CSOs. With these challenges came new learning that has led to growth and expansion of Civil Society sector in Kenya. The civil society movement in the region faces generic/endemic and specific challenges. A summary is highlighted here:

1) **Organizations sustainability**: This refers to an organization’s ability to continue to exist, grow and develop its capacity to implement its mission and programs and meet the needs of its stakeholders. It is influenced by the ability of the organization to adapt to an evolving environment and mobilize sufficient resources required to meet its needs. I.e. The capacity to endure and grow by adapting to a changing environment – can be Institutional, Programmatic, Financial or Environmental)
2) **Unsatisfied community needs** punctuated by high expectations and mismatched goals
3) Hostility and non-cooperation by state actors and residents
4) Lack of emphasis on civil and political rights including inadequate attention to basic rights
5) Ineffective networking with local, national and international actors
6) Elusive inter-CSOs collaboration, undemocratic organizational structures, turf wars
7) Funding: Do NGOs have other sources of funding e.g. social enterprises?

3.3 Opportunities

1) Implementation of the constitution;
2) New legislations, for instance, the CDF Act, the County Governments Act and other proposed Bills, NLA Act
3) The concept of social enterprise – investing for social welfare
4) The three-tier approach
5) Networking and collaboration with government, the private sector and international actors
6) Advertising and publicizing work
7) Local resource mobilization
8) Local networking (synergy)
9) Corporate social responsibility
10) Regional CSOs Networks
11) Use of volunteers
12) Information, communication and technology
13) Selected International NGOs and Trust funds: It is possible to partner with them.
4. Issues/Recommendations for the Region

The plenary session and group discussions served to address various issues raised by participants and to come up with suggestions on solving the raised challenges.

**Family breakdown**

This is a major issue for Central Kenya. Participants felt that the root cause is drug and alcohol abuse.

The way forward: Liquor licencing is done by the county government but the enforcement is still under the national government. Laws exist but the feeling is they are not properly implemented. Participants gave the example of Mututho laws (alcohol laws), which they said need to be abolished because they are doing more harm than good. The reason behind this was that these laws illegalize traditional brews and push people to drink illicit brews in secret making it difficult to monitor the brews. The participants felt that the police are to arrest perpetrators yet they are already compromised. They suggested that the civil society needs to work with people at the grassroots to educate them to say no to illicit brews. People need to understand the need to advocate against these dangerous brews.

**Influencing government to avail funds and engaging with other actors**

The big question is: which government can fund anyone to go and expose their failures and omissions? Are civil society actors able to hold forums to enable them have a united voice such that they do not appear to be fighting amongst themselves? Are they credible enough such that they can approach the county government with confidence and ask to be funded?

It is an obligation for the county governments to conduct civic education. The civil society needs to provoke them/demand that it is done. County governments are engaging civic educators to conduct civic education and they are not willing to engage with the civil society. Some counties are utilizing the civic education funds themselves, meaning that they are conducting the
civic education themselves in their own way and in their own time, telling the people what the people want to hear.

How can civil society engage clerics? Religious organizations have a development wing e.g. the Catholic Church, PCEA, etc. and they do a lot of development work including human rights. These are the ones to engage.

**Poor Food production**

Many international development partners are getting into funding food production e.g. bee keeping. How well civil society players are able to take advantage of that since a huge chunk of funding is headed in that direction? The food that donors are funding is not for consumption but for the market. It means that the crops donors/livestock will fund are those that have a market, not those communities can consume.

**Public/private partnership**

What are we learning from the private enterprises such that we can also brand ourselves and also benefit? The donors should be pulled to see that if they do not support civil society then they will be the losers. There is need for civil society to find their space.

**Governance gaps in CSOs**

How many CSOs have strategic plans? Additionally, where strategic plans exist, how are proposals written? Is it as per the donors’ agenda and not the CSO’s strategic plan? Indeed, it is advisable for CSOs to study future trends and revise their strategies in line with that. There is also need to build technical capacity to fund raise, report, communicate, etc.

**5. Way forward**

It is hoped that with the enactment and commencement of the PBO Act 2013, the following should take top priority for CSOs in the Central Kenya region:

1. Structures: Strengthening of CSO networks at county level.
2. Capacity building of CSOs/ Networking at county level: Qualified board members should add value to organizations. These can be: the local priest, the local teacher, and other local leaders. It is not advisable to ignore the local leaders for persons who have titles such as professors, to be board members, even when they bring no value on board.
3. There is need to carry out donor education and organize a forum for donors.
4. Clarity of the legal environment: The PBO Act or the NGO Act? There is need to educate members of parliament. Majority of them do not understand the role of civil society.
5. Rebranding of the CSO sector.
6. Engage in the national as well as the county processes. The problem with CSO actors is the mentality that for them to meet, someone must fund them. But people meet for all manner of agenda and they pay for themselves. CSO actors need to move away from that mentality.

6. **Closing Remarks**

A participant from Embu gave a vote of thanks to the organizers and all participants for their lively discussions.
## Appendix 1: LIST OF PARTICIPANTS

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