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Partnerships 4 Empowerment
& Networking in Kenya

HYPE VS NUANCE:
CIVIL SOCIETY AND
TECHNOLOGY IN 2021

CONTENTS

Introduction:

During the 2012/13 campaign season, as the current president and vice president were campaigning, a team of bloggers allied with the political players engaged in an acrimonious fight with the civic space and civil society sector which culminated in a Mid-March 2013 poster that branded the civil society as the evil society. The tag was put up by the then Digital and Diaspora Communications Senior Director Mr. Dennis Itumbi who had taken over at the Presidential Strategic Communications Unit (PSCU).

The lengthy and unrelenting fights by the now politically estranged Dennis Itumbi alongside his colleagues James Kinyua, Erick Ng'eno, David Nzioka, and John Ndolo, eventually subsided after they were haunted out of office in the famous political meltdown dubbed The Fall of Statehouse Boys.

That strategic swipe marked a critical point in the relations between the regulators and the civic space.

Subsequently, the president's remarks-made during Kenya's 53rd Jamhuri Day celebrations on 12 December 2016 speech berated the civil society and reminded them that Kenyans knew their duties as citizens and as such there was no need for civic education such as voter sensitization.

A year earlier in 2015, the Cabinet Secretary for Devolution had, in his annual NGO report, told the civil society to stay away from politics, with a veiled threat of deregistration of nearly 1000 CSOs whose work directly involves electoral related issues.

These attacks took place in the streets, and the podiums, and most importantly on the interwebs, mostly driven by political actors and some security agencies. The political players, who have always framed themselves as Team Digital, employed sophisticated image wars, and marketing techniques to try and keep a stranglehold on the civic space.

Civil society tends to be clustered into two tiers with the first cluster having 8 major categories. That is community groups, non-governmental organizations (NGOs), labor unions, indigenous groups, charitable organizations, faith-based organizations, professional associations, and foundations.

The 2nd tier includes charities, estate self-help schemes, global bodies like the UN and Red Cross, religious-based pressure groups, CBOs, human rights campaigns, and those in the health, education and living standards sectors.
As we head towards the 2022 elections, the civic space in Kenya is grappling with critical issues including funding challenges, coping with Covid restrictions, online and offline safety, staffing deficiencies and a challenge in how to gauge their own impact. In its endeavor to continue with its mandate in Kenya, the sector has increasingly been forced to engage through digital media to carry out its work.

A key dynamic faced by the CSOs includes the PBO Act 2013 which once operationalized provided sweeping changes to the civic space. One contested provision is the October 28th 2016 presidential directive that moved the sector from the Ministry of Devolution to the Ministry of Interior. The move was seen as a strategy aimed at clamping down on the players in the sector given that it had been effected right at the point where the president had publicly chastised the sector as a handmaiden for foreign powers.

CSOs tried to find creative ways of harnessing the opportunities provided by digital technologies amidst the unending waves of challenges brought about by the Covid-19 pandemic, to achieve their goals, and act for the public interest and drive the civil society agenda. To thrive in competitive and

hostile environments, CSOs will be increasingly reliant on technology. From information management platforms, to communication tools to more advanced experimentation, being tech savvy is becoming more and more of a necessity. While this may be seen as an advantage in civic outreach and wide coverage, it also does come with a burden of digital safety, access, digital literacy, cost and reach of the digital asset, to the audiences whom the CSOs seek to reach. Technology has reinforced injustices, wasted resources and facilitated new avenues for power abuse.

This report, which is a culmination of an in-depth look into the state of the civil society in Kenya, examines how the civic space has responded to these key trends and challenges to the sector and in the wider society.

I. CIVIL SOCIETY IN THE DIGITAL AGE

Civil Society's Digital Presence and Literacy

A critical look at the digital usage within the civic landscape shows that civil society seems to be lagging behind in this digital adoption. This is not without good reason however, CSOs in many contexts are having a hard time finding value in these technologies (especially the advanced ones) when it comes to their operations. Despite being highly digitized, the nature of our society is such that one cannot build an entire CSO merely on the power of online networking. Critical aspects of CSOs are still domiciled within brick and mortar models where community life resides often away from the gaze of the digital lenses.

Significant aspect of the goals and mandates of many CSOs cannot be easily translated into online life. The nuances of physical meeting, offline community engagement, and one-on-one meetings provide richer and deeper understanding of the needs of the community.

Digital literacy within the civic space takes on interesting forms that reflect the nuances of our local tech terrain especially in peri-urban and rural areas. Mobile telephone penetration in the country accounts for much of the digital media reach given that they are the primary gadgets used to access the internet and communicate. A key point to note is that the majority of the CSOs have presence in various digital assets concurrently so as to reach out to specific respondents, and regions also influenced by the relationship between the sender and the receiver.

It therefore comes as no surprise that email tops the list at nearly 95% given how it is essential to reaching the key stakeholders including donors and other strategic partners. Its formality and ease of use lessens the burden of formal communication especially for appraisals, sending proposals, and networking.

"We use emails to write to the donors and then in the larger Taita taveta, we have a network and we have a group (Whatsapp) that we touch base and we get to know what is going on." Taita Taveta county Respondent.

WhatsApp came second at 80%. The medium was used mostly by CSOs for internal operations as well as mobilization with relevant members of their communities. A good example is how some CSO's during the pandemic actually turned to Whatsapp to gather feedback on public participation of public budgets and Bills. Whereas this made for easier access to the public, critics say that the depth of interaction that would be experienced through in person meetings simply wasn't there.
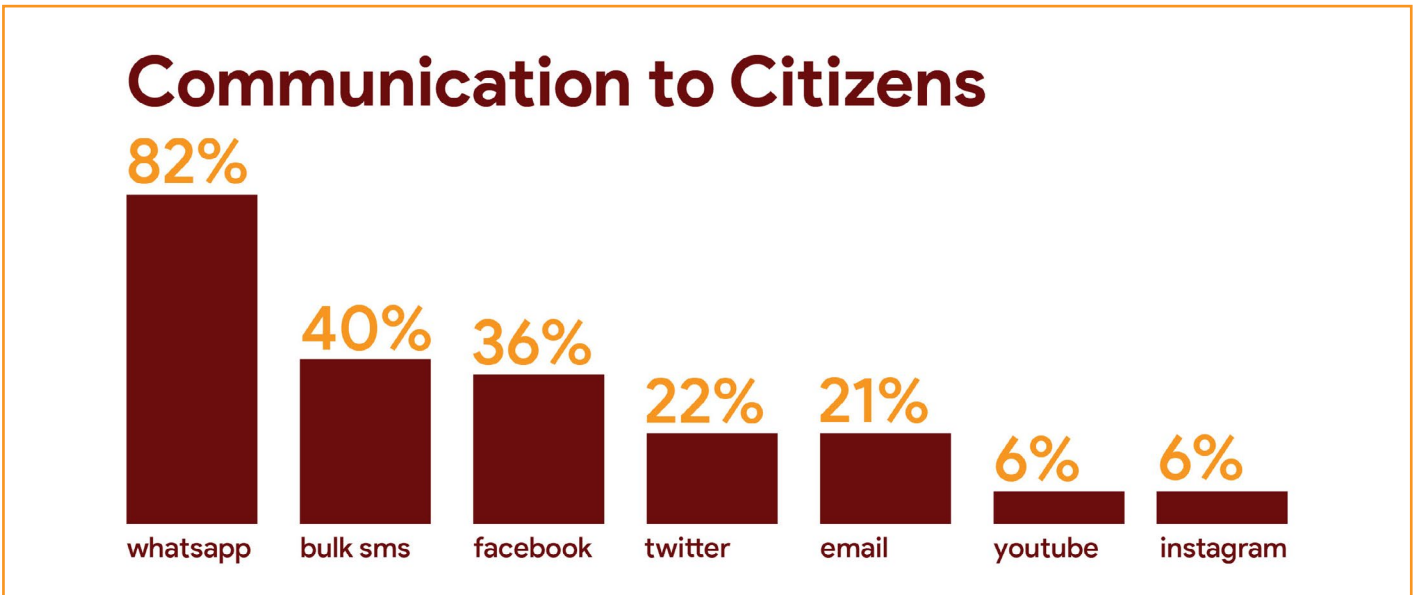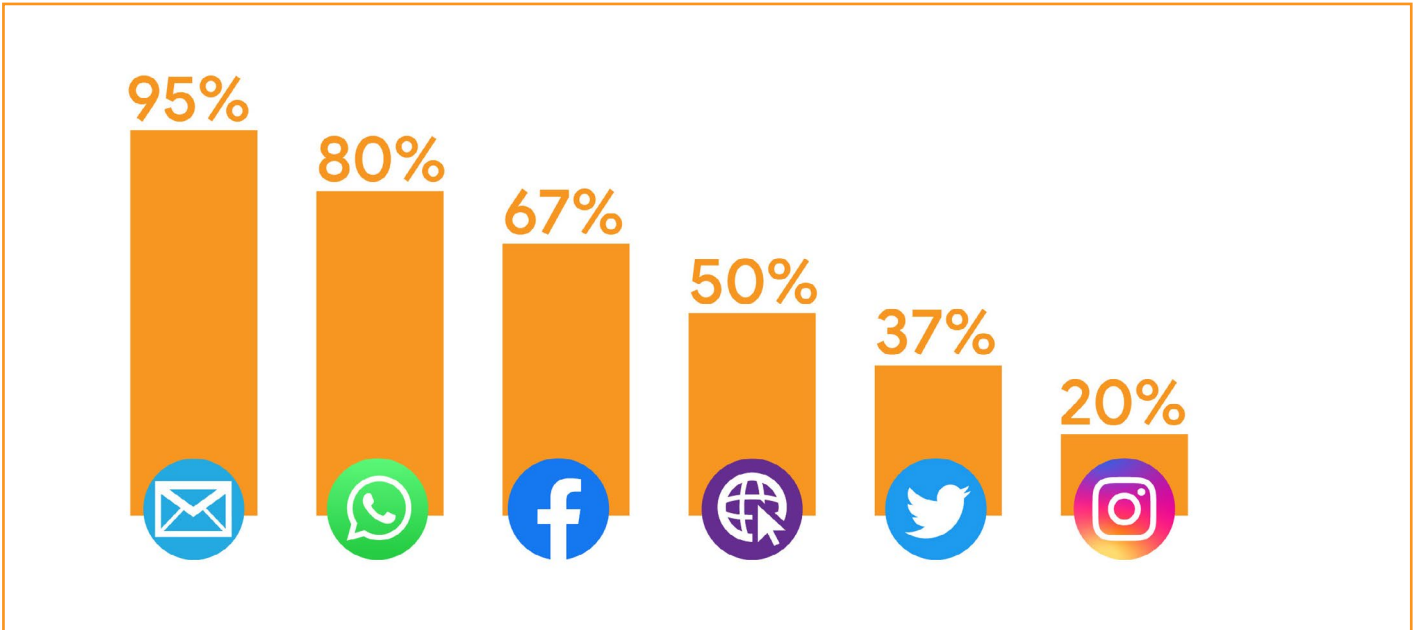
Additionally, simple yet highly unused websites dot the civic space landscape. From our conversations with various CSOs the reasons for the dormancy of this specific asset is that they rarely derived much value in terms of audience or stakeholder from maintaining it. This was especially true outside the urban spaces, where assets such as websites weren't the primary move of information gathering when it comes to CSO activities.

Additionally, apart from Facebook, other social media platforms like twitter and Instagram are not very common except in Nairobi and other urban areas of Eastern and the Rift. The lack of consistent usage of these assets follows the same reasons for the lack of website usage. A key priority seems to be the cost of acquiring the digital asset, accessing it, ease of use, and level of adoption of the medium within the wider community.

In the case of many CSOs outside urban areas it seems that having these assets simply isn't feasible. They either don't have the capacity to produce the content necessary to maintain them or don't have the funding to execute on these capacities.

The strength of the network coverage too plays a critical role on the reliability and effectiveness of the media to disseminate information. A common theme voiced by many of those in the civic space was that "digital platforms are safer because of covid but it's a challenge in our communities because there is little or no network and not many people have smart devices to access."

Communication to Citizens

whatsapp	bulk sms	facebook	twitter	email	youtube	instagram
82%	40%	36%	22%	21%	6%	6%

A common theme voiced by many of those in the civic space was that *digital platforms are safer because of covid but it's a challenge in our communities because there is little or no network and not many people have smart devices to access."*

The Evolution of Digital Activism:
Can Kenya build a Civil Society on Zoom?
What do we lose or gain through Digital Mediums?

The reliance upon online platforms to educate, disseminate, criticize, and hold the authorities to account has gradually replaced many alternatives that were physical in nature. Kenya, more so than many other countries in Africa, has developed a thriving digital community. Greater numbers od Kenyan citizens are developing online personas Across platforms such as Facebook and Twitter. The communities and ecosystems they're curating have very much developed a voice of their own. They coalesce to highlight respective civic issues. Ideas like online petitions, vigils including that for Benson and Emmanuel Ndwiga famously called #KianjokomaBrothers

Hashtags such as #LipaKamaTender to highlight rot in the ministry of health, #SwitchOffKPLC to expose rot at the power distribution agency, #StopExtraJudicialKillings etc have been central to achieving impressive levels of legal, social and political reforms against the respective state agencies and political personalities.
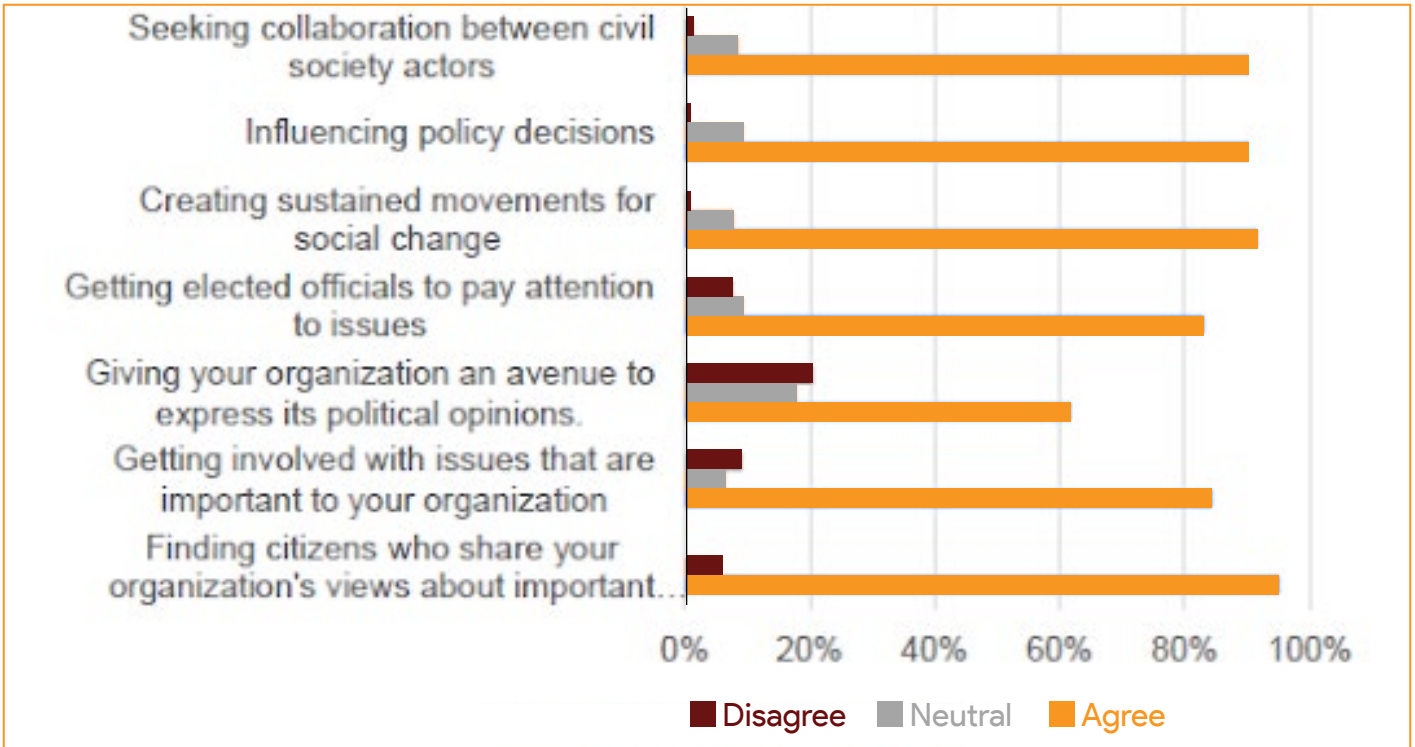
That though, has come with its fair share of trouble as state agencies have used surveillance methods to track down activists. The government has also been spying on citizens through obscure and scary spyware methods and techniques. This has happened mostly under the guise of War on Terror as recorded by CSOs such as Muhuri at the Coast, as well as Privacy International.

The use of digital technologies for online campaigning by political players and their political parties has become a standard campaign tool to help forge new relationships with the public as was the case during the by-elections held in Kiambaa, Juja, and Nyandarua. This however only works when these activities complement standard institution building activities such as using the courts, engaging local leaders and having the public actually participate/care about the issues.

Digital technologies have enabled some private sector players to continue operating quite optimally despite the disruptions caused by the Covid-19 pandemic. But for those where the in person interaction is fundamental to operation, operations nearly came to a stand still or were incomparable in experience. For example, the disruption of court processes because of Covid-19 outbreaks and resultant protocols interfered with many CSOs' operations. Zoom courts proved to be an incredibly laborious and sometimes inaccessible affair for many that tried to use them. The truth of the matter still is that while embracing these technologies may feel energetic and appealing there's still a large chunk of Kenyans that are left

behind by these technologies.

Seeking collaboration between civil society actors
Disagree / Neutral / Agree

Influencing policy decisions

Creating sustained movements for social change

Getting elected officials to pay attention to issues

Giving your organization an avenue to express its political opinions.

Getting involved with issues that are important to your organization

Finding citizens who share your organization's views about important…

0% 20% 40% 60% 80% 100%

Disagree   Neutral   Agree

The Danger: The Recent Spike in Disinformation

The online platforms have prove to be a double-edged sword for the civil society. On one hand, they have empowered many and even helped build partnerships among activists. However, they have also been the theatre for fights, slander, libel, threats and outright disinformation.

The use of online attacks, innuendos, image altering tools to drive doubt and create perceptions has become well-honed over the past 10 years and have real world effects and harms for Civil Society. This is the subject of a sister report titled "How to Manipulate Twitter and Influence People: Propaganda and the Pandora Papers in Kenya." which looked at how state acked actors use platforms to neutralize public outcry and other forms of activism done through digital means.

The former State House Digital communications teams egged on by the so called "State House Boys" built a formidable propaganda machinery that sought to paint the civic space as the handmaiden of intrusive foreign powers and their vested interests.

Disinformation firms such as Cambridge Analytica unleashed wave after wave of manipulative tactics meant to overwhelm, dissuade, misconstrue and at times incite certain segments in the Kenyan society. Keen observers of the socio-political landscape have pointed out that the legacy of Cambridge Analytica continues to overwhelm the Kenyan society. Disinformation campaigns which use tribal stereotypes and online bots, have all sustained the psychological machinery that was curated and deployed by them during their work in Kenya.

The result has been divisive and glaring tension in the country with a lot of vitriol directed towards the civic space and the civil society. Even after Cambridge Analytica suspended their operations in Kenya

after being caught, they left a stench in the room.

Hashtags on platforms targeting judges, activists and opposition party members were the subject of our prior research into Twitter's culpability in the libelous online wars. They sought to muddy online conversation on critical issues facing the country including the then Constitutional Amendment Bill aka the BBI bill . The main goal of these campaigns is to poison the well and hamper citizens from knowing the truth. This shows the uphill battle that Civil Society has in Kenya as they attempt to adapt social media and other AI powered platforms to engage with citizens.

"Sometimes you come up with a hashtag then these leaders hire someone to come up with a hashtag that will counter yours and then proceed to flood it with malicious content." Machakos county Respondent

II. UNPACKING CIVIC SPACE AND THEIR ADMINISTRATIVE ISSUES

Fixing The Training/Capacity Building Needs

The staffing issues within the respective firms in the civic space takes on three critical dimensions. Top among them is the training on digital safety.

Given the risks of stalking, trolling, and digital addiction, training on basic online etiquette has been critical to helping activists within the digital spaces to stay sane and effective without the risk of online fatigue.

Digital training in CSOs

Secondly, the centrality of communication with stakeholders and donors, and a grasp of online presentation skills is critical to how the civic space functions.

However, it should be of concern that despite lots of opportunities for training, nearly 3 in every 4 organizations within the civic space have not conducted any staff training over the past year.

A critical perspective here is the fact that before the 2003 NARC regime, the majority of the critical minds within the public space existed in the civic space. After 2003 a majority joined the state agencies, and in 2013 many others went into the devolved structures.

We can therefore say that for the first time in decades there are more critical thinkers and public scholars within state structures and their affiliates than they are within the civic space.

This doesn't bode well for the civic space given that their capacity to hold state agencies and political actors to account becomes severely limited.

An admission of lack of training by nearly 75% of the civic spaces reflects a dire under-capacity among those tasked with articulating the issues within their respective CSOs.

To plug that gap, training on how to craft fundraising proposals and best platforms for fundraising will be key for the CSOs that need to fund specific projects as well as their administrative budgets.

A challenge with the training likely links up with the challenge of the staffing structure. Given that the majority have a staff of between 1-5 persons and are highly dependent on volunteers, the cost of training versus the possibility of retaining them disincentives the possibility of providing capacity building to the team.

Conversely that works to keep the overall skill levels low and the possibility of expansion and progress slower. Negotiating for an agreement that ties down volunteers for set periods may provide higher incentive for the CSOs and CBOs to train the predominantly volunteer staffers.

The civil society sector globally is primarily driven by the spirit of volunteerism as the majority of the players in the sector, especially at the grassroots, are volunteers rather than employees. The fact that the majority of the CSOs lack adequate funding also means that they engage most of their staff on volunteer basis, as they are unable to afford their pay. However, a number of CSOs have been able to properly structure their volunteerism into either ① experience gaining platform or ② giving back to the society by experienced professionals. (Example of VSO).

Capacity building among CSOs has declined as a result of a funding glut, inadequate capacity building strategies and the fear of brain drain within the sector. Donors keep limiting the funding to specific program interventions and minimally giving core funding thus CSOs tend to hire 'ready' employees as compared to those who need to build up on some skills. The brain drain to government (especially at the county level), short term contracts and changing of jobs across the sector continue to hamper the ability to develop a mutually beneficial industry-wide capacity building model.

Category	Percentage
Project based employees	2%
11 and above employees	10%
6 - 10 Employees	18%
0-5 Employees	28%
Only volunteers	42%

The employment Act 2007 at section 2 and section 3 defines an employee as one who is hired under a wage which by its very nature excludes volunteers as they are not under a wage arrangement. Volunteers receive volunteer allowance and not a wage and therefore not entitled to the remedies of an employee. Volunteer allowance can be considered to be subject to income tax depending on the factors such as risk, nature of work, length, and amounts. They however aren't entitled to annual leave, disciplinary hearing, or social security contributions.

Despite being heavily reliant upon volunteer communities to run their operations, there is a lack of standardized models for recruitment and retaining of volunteers. A lack of robust and easily adaptable formats for sourcing, onboarding and managing volunteer programs across CSOs hampers the ability to standardize the process across the sector.

The key issues in question include duration of internship, what value is offered to the interns, their rights and stipend if any, training prospects, opportunities for progress, integrating the volunteer mechanism to the wider company operations. A robust conversation across the sector to find easy ways of adapting best practices would go a long way in helping recruit, retain and provide career value to the volunteer community.

III. CIVIL SOCIETY HANDLES PANDEMIC WORLD

The Covid-19 Effects and Solutions Among CSOs

Two in every three civic organizations in Kenya have been severely affected by the March 2020 COVID-19 restrictions, and curfews. Another 23% have been moderately affected while 11% barely reflected any impact.

Extent of COVID-19 efects on operations

- 🔵 Lowly affected
- 🟠 Moderately affected
- ⚪ Very affected
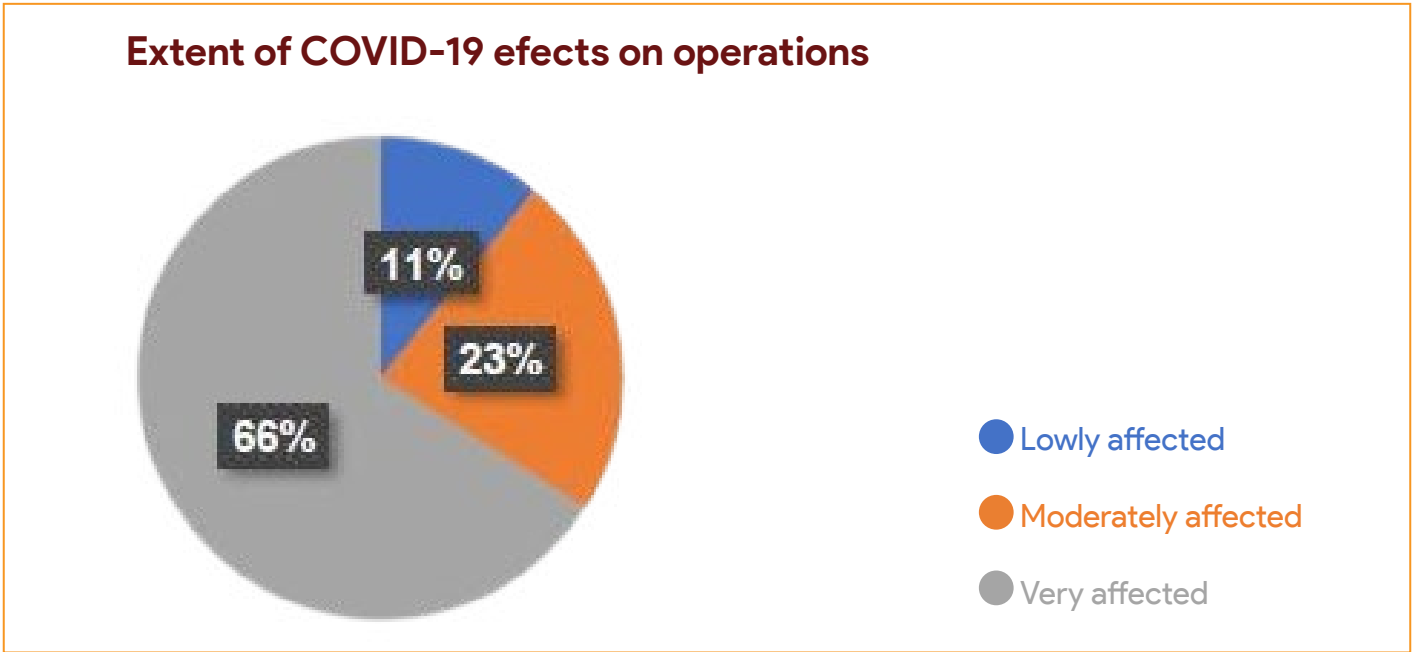
Given the pandemic's effect on the ability to organize, plan, and execute programs, the overall sector can be said to have taken a significant hit enough to affect operations. The available data indicates that funding and resources channeled towards civic spaces has dipped by nearly 50% from highs of 163 billion in 2019 to lows of 83 billion for 2020.

The methods and models of fundraising took the biggest hits followed by ability to convene and program development respectively. Many CSOs lost donor funding at the same time as having to stop their income-generating activities due to lockdowns. The result was that their already fragile sustainability and ability to continue serving communities and the jobs of their employees was threatened.

"We had to scale down our activities. Then we had to use our own funds or partner with other Organizations." Nyeri county Respondent.

Additionally, Funding by Donors was being redirected to Covid-19 relief efforts without accounting for the different realities of the communities that CSOs serve. Respondents in our study expressed concerns about the lack of funding to address other health, social, democracy and governance issues that are critical during the pandemic. For example, Kenya experienced an acute police brutality problem which came along with the enforcement of the curfew in the country.

An analysis of the interviews shows that the use of enhanced tools, especially Zoom, couldn't offset the loss of interactive spaces and the ability to communicate by civic organizations. However, petitions, use of media and digital activism plugged the rest of the gap encountered due to covid-19 restrictions.

RECOMMENDATION

Fixing The Training/Capacity Building Needs

In light of the three key challenges; funding challenges, staffing issues, and evolving digital adoption, five recommendations have emerged from the report, and reflect critical gaps to be plugged in the civic space including:

• First, there is a need to introduce the CSOs to digital fundraising tools and techniques and crowdfunding platforms to help them plug the financial gaps and deficits occasioned by the COVID-19 effects. This includes helping them figure out compliance issues required by these platforms.

• Secondly, they will have to learn how to access and optimize apps that are critical to their digital activism and online drives. A well-adapted digital activism model will help shape conversations as more Kenyan citizens move online and rely on digital assets to communicate, interact and mobilize.

• Thirdly, enhancing the digital outreach by the CSOs in light of the access, and affordability of these apps. This includes providing digital media training, a grasp of the Kenyan digital opportunities, and teaching skills for digital literacy.

• Fourth is digital safety in light of gagging, hacking, tracking, and risks of phishing. Now that we are dealing with an election year and a charged political climate, the CSO staffers will need to understand how to protect their safety and sanity while engaging online.

• Fifth is learning fact checking especially within digital spaces. This is critical given the upcoming 2022 elections and the role that the civic space will play in those elections.

• Lastly, the CSOs need to figure out a contractual model that ties in the services of volunteers whom they help to access capacity building resources. That will help reduce the tension between volunteers and the CSOs as regards brain drain.

KEY QUESTIONS EMERGE FROM THE RESEARCH

- How can we mobilize local civil societies to work more effectively on issues connected to digital ecosystems

- How can we help less tech-savvy activists navigate between impactful and overhyped tech solutions?

- How can we create a vision for value chain driven tech that matches the politics of social justice activism?

- Which tech solutions have proven to be impactful and how do we double down on using them?

CONCLUSION

What all this means for the coming year

The report paints critical roles, threats, and opportunities which the key players within the civic space ecosystem face even as we try to forge a post-pandemic world and the upcoming highly charged elections.

I. STATE AGENCIES:
The relations with the state agencies straddle between the inevitable cooperation and yet at times it sinks to a level of intimidation depending on the matter in question whether it is compliance, regulation, or oversight.

II. DONOR COMMUNITY:
The recent restrictions that came with the pandemic and outright criticism by the president has seen a decrease in donor numbers and actual funding. This has seen a significant dip in donor support for programs and projects for many CSOs. Still, there's room for training of CSOs on how to source for new partners in a post-covid world.

III. WIDER PUBLIC:
The public oscillates between supporting the local CSOs in their community while berating the wider civic space. There's room for educating the wider public on the inner workings of the sector through active engagement and audio-visual tools. This is especially critical when key political issues are at stake like we witnessed during the ICC debate and the recent BBI debacle that was eventually thrown out by the courts.

IV. SECTOR REGULATOR:
Civil Society self-regulating caucasus and the state-controlled NGO Coordination Board as well as county-based self-regulation groups, have room for bridging the gap between the regulator's demands and the evolving post-covid needs of the sector to enhance performance and efficiency.

In the end the emerging picture of the civic space is one that shows incredible resilience, with huge prospects for progress, if the above critical issues are made into key priority areas by those who provide capacity building, for the CSOs and the wider civic sector in Kenya.