Title
Surrogates for Government? NGOs and the State in Kenya

Permalink
https://escholarship.org/uc/item/6b4157cd

Author
Brass, Jennifer Naomi

Publication Date
2010

Peer reviewed|Thesis/dissertation

Surrogates for Government? NGOs and the State in Kenya

by

Jennifer Naomi Brass

A dissertation submitted in partial satisfaction of the

Requirements for the degree of

Doctor of Philosophy

in

Political Science

in the

Graduate Division

of the

University of California, Berkeley

Committee in charge:

Professor (Emeritus) David K. Leonard (Chair)
Associate Professor Christopher Ansell
Assistant Professor Leonardo Arriola
Professor Michael Watts

Fall 2010

Surrogates for Government? NGOs and the State in Kenya

© 2010

Jennifer Naomi Brass

Abstract

Surrogates for Government? NGOs and the State in Kenya

by

Jennifer Naomi Brass

Doctor of Philosophy in Political Science

University of California, Berkeley

Professor (Emeritus) David K. Leonard, Chair

This dissertation examines the impact on the Kenyan state of the explosive growth of non-governmental organizations (NGOs) providing social services in the country since the early 1990s. While NGOs have been present in Kenya since before independence, their numbers grew 15-fold between 1991 and 2008, from about 400 to over 6,000, and most of their funding now derives from foreign sources. What impact do these organizations have on the state? The dissertation answers this question, examining how service provision in education, healthcare, agriculture and water by internationally-funded NGOs affects the social contract between the state and its citizens, the country's governance, and its administrative capacity. In so doing, it addresses both the theoretical debate on the strength of developing states in a globalized, privatized world, and the practical debate on NGOs' role in bolstering or undermining the state.

Four crucial "elements of stateness" are examined: territoriality, capacity, governance, and legitimacy. Examining each element in turn, the dissertation finds that NGOs have helped to strengthen the Kenyan state. *Territorially*, NGOs have extended the reach of the state by providing services in places that the government has been unable to reach, particularly in arid, sparsely populated areas. NGOs have improved state *capacity* by extending services to sectors or communities for which public agencies do not have adequate resources. This extension can be quite literal, as when NGOs provide fuel or vehicles for civil servants' transportation to outlying areas. NGOs have also become increasingly active partners in *governance,* helping to formulate national social policies regarding service provision. Government actors often now mimic the tools typically employed by NGOs, calling for participatory development and civic education. This has instigated a slow turn toward more democratic governance processes. Finally, NGOs have increased the *legitimacy* of the state, as the provision of services lowers popular frustration below the point where citizens might become alienated. Survey research shows, for instance, that citizens associate NGOs' good deeds with local government administration, which often gets credit for bringing NGOs to the community.

The dissertation argues that, taken together, these changes indicate that the organizational form of the state is changing in Africa. NGOs expand the nature of service provision in such a way that we start to think of them belonging under the aegis of "the state." In many situations pertaining to service provision, NGOs perform the functions of government, hand in hand with actual government actors. Just as Tocqueville's America was filled with non-governmental actors providing social services to strengthen a "weak" state, NGOs act in Africa. As NGO and government work hand-in-hand, the line between public agency and private NGO blurs. The larger implication is that in this era of globalization, the state remains an important actor – only its composition has changed slightly.

This dissertation employs a mixed-method approach, which weaves together statistical analysis, in-depth interviews, case studies and other information gathered during twenty-one months of field research. Quantitatively, the findings rely on over one hundred semi-structured interviews, two original surveys of 500 individuals in three districts, and analysis of the government's registry of over 4200 NGOs spread across 72 administrative districts of the country.

Dedication

To NGA, for getting me started;
BCM, for keeping me at it; and
CD, for support through to the end.

Table of Contents

Preface

In 2002, at the age of twenty-four, I moved to Nairobi, Kenya to work for a small local NGO. Africa was not completely new to me: as an undergraduate, I spent a year studying abroad in Dakar, Senegal, where I lived with a local family, took classes at the university, interned with the U.S. Peace Corps, and traveled in nearby countries. Afterwards, I graduated with a degree focused on African Studies, then worked for an international development-focused NGO in Washington D.C. I felt it was time to try working in Africa. An opportunity arose in Nairobi and off I went.

The NGO where I worked was located in one of the city's Industrial Area slums – "informal settlements" as they are known in the development industry or "villages" as local residents call them. In these areas, large factories stand interspersed with unauthorized neighborhoods where residents live in makeshift houses of corrugated iron sheets, wood, plastic and sometimes cardboard; open sewage and muddy laneways create a hopscotch pattern of solid land to negotiate during the rains; and micro entrepreneurs sell shoes, clothes, household goods and foodstuffs along each path.

In the midst of these conditions, the NGO was started in the early 1990s to help ease the lack of schools in the area, where only nine government schools served approximate 140,000 children. It also aimed to assist members of the community in dealing with the HIV/AIDS epidemic. To do so, it operated a non-formal primary school, eventually serving over 950 children, 40 staff and their families. At the school, pupils were taught the government curriculum, participated in extra-curricular activities, and ate a nutritious meal each day. Alongside the school, the NGO also provided financial support, counseling by a trained social worker, nutrition training, and enterprise development for a women's group whose members were HIV-positive.

The NGO was founded by Betty Nyagoha, a village resident who was disheartened by the number of local children not attending school. Armed with only a primary school teaching certificate and a healthy supply of gumption, she hired three other teachers at a wage of about $10/month, and approached a local church to use their hall for classrooms. Not long after, a European NGO looking for projects to fund in the slums noticed the informal school and offered aid. They helped the school settle onto unclaimed land, build corrugated iron and wood structures to serve as classrooms, and to register with the government – as a "testing center" for the Kenya Certificate of Primary Education, the exam required for students to enter secondary school.[1] They also paid teacher salaries, administrative costs, and managed the NGO's accounts and hiring.

After a few years, the European NGO was unable to continue support. They helped Betty find a second international NGO, this time an American one, who

---

[1] The school registered as a testing center, and not a primary school, because of its informal nature and lack of formal training by much of the staff. At the same time, the Head Teacher is invited to Head Teachers' meetings at the local Division and District Education Office, and the pupils are invited to participate in extra-curricular events at the Division, District, Provincial and National level with government and formal private schools.

funded nearly the entire annual budget of $80,000 for the next five years. At that point, however, the American NGOs' headquarters announced global priority changes, and it stopped supporting the Kenyan NGO after only three months. Betty sent out an S.O.S. to every foreigner with whom the NGO had had contact, asking for assistance. Two colleagues of mine and I obtained financial support to cover our expenses, and headed to Kenya.

Over the next eight months, we successfully implemented a financial management plan, accounting system, human resources manual and practices, and worked to find cost-cutting measures and new donors. Today, the NGO is funded in part by two different European NGOs, several individuals from around the world, and school fees from the students. Each summer, it hosts 10-12 Irish volunteers who act as teaching assistants and run trainings for the staff and students. Oddly, it has also become something of a "showcase" non-formal school for the government, visited and displayed by Ministers of Education as a success story in the slum. Yet it still receives little or no funding from the Kenyan Government – though they have been in very slow-moving talks for several years regarding partial government funding for teacher salaries.

The story of this NGO is not unique. Wherever I traveled in Kenya during 2002, I noticed signs for this NGO and that one, met people working for big international NGOs and small local ones, and witnessed vehicles emblazoned with NGO logos driving up and down the country. Prosperous suburbs of Nairobi were full of foreign and local NGO workers and offices, and have become known as "NGO centers." Traveling back and forth to the slum by local minibus matatu transport, pop or hip-hop music blaring and diesel fumes filling my head, I reflected on the state of affairs. Where was the government in this situation? What had brought all of these organizations to Kenya? What were they achieving? Wasn't a lot of what they did supposed to be done by the government, particularly the core service of education – which even Adam Smith, granddaddy of the free market, believed the "watchman state" should provide? Were NGOs letting the government off the hook in their duty to provide? And were they making service provision decisions that might normally be thought to reside in the realm of the state? Did any of this matter to regular people – did it change how they viewed their state?

During 2002, and many times in the years since, regular Kenyan people, *wananchi*,[2] have told me that NGOs have been a blessing to the country, providing things that they could not rely upon the government to provide, helping out when they did not trust that the government would do so. In 2002, people seemed to see NGOs with hope; the government, with disillusionment. But what does it mean when people lose the sense of expectation from their government? Does it lower government legitimacy in their eyes to see these other non-state actors – often foreigners – provide services? And how had the situation changed since 2002?

These are the settings, experiences and thought processes that formed the impetus for this dissertation. The idea for this research came out of an enriching personal experience in Kenya, yet one that left me frustrated and disappointed with the Kenyan government, and by extension, African governments in general. Yet over

---

[2] *Wananchi* literally translates to "they of the country" in Swahili.

the course of this research, I've discovered that – as is often the case – there are two sides to a story. In many ways, NGOs have had a positive impact on government, and their existence has helped to make the Kenyan state stronger. Unlike many recent books on African politics proclaiming the weakening of the state in Africa, I believe that NGOs have helped support, encourage and bolster a more able state in Kenya.

Acknowledgements

As anyone who has written one knows, a dissertation cannot be finished without the advice, encouragement and empathy of a team of colleagues and friends. I wish to acknowledge a number of people for their invaluable guidance and support. First, my dissertation Chair, David K. Leonard, who provided many years of patient supervision, excited feedback once my project began to take shape, welcome fatherly advice, and at least one well-timed, "Get to work, Jen!" Even after he moved over 5,000 miles away, David remained dedicated to advising my work, closely reviewing chapter drafts and responding to emails in the wink of an eye. David also still found me several times a year to treat me to a hot meal and a few hours of conversation – meeting me in Berkeley, Philadelphia, Princeton, and even in Nairobi, twice. I can only hope to become such a dedicated mentor one day.

Where David gave me the blueprint for a long career in academia, Leo Arriola has become my role model for the newest generation of African politics scholars. With his extremely keen mind, clear love of learning and of Africa, Leo's excitement has been infectious, inspiring enthusiasm for research in me. Leo also became a good friend after we spent a summer in Kenya as house-mates – we'd stay up chatting until the wee hours about our research "find" of the day (usually to be shushed! by our third housemate, who needed her sleep).

Chris Ansell, along with Todd LaPorte, deserves a heartfelt thank you as well, for teaching me as much as I could absorb about a lesser-studied aspect of political science: public administration. I took every course Chris and Todd offered – from classic organization theory to governance to social network analysis – making up a full 50% of my Berkeley graduate coursework. Without their teaching and guidance, I would never have been offered my first post-doctoral faculty position at a school of public affairs. I am truly grateful.

Several other faculty at UC Berkeley have been keen supporters of my progress. Michael Watts gave me a fresh perspective on the study of African politics, looking at it from the geographer's eye; my chapter on territoriality reflects this influence. It was also in Michael's course (Fall 2004) that I found my academic confidence, realizing that I, too, had something to contribute. Ann Swidler was equally important, reminding me with her ovation-worthy lectures how rewarding teaching can be. Her research on HIV/AIDS in Malawi is close to my own, and I have thoroughly enjoyed debating NGOs' influence with her – I was delighted to discover such a positive female academic role model. Ted Miguel in Economics also gets a shout-out for inviting me to join the WGAPE community, and for encouragement during BART rides back to our common neighborhood in San Francisco. Finally, Martha Savaadra and Amma Oduro at the Center for African Studies have my gratitude for their tireless work to keep African Studies alive at Berkeley.

Within the Political Science department, there are many supporters. Professors Kiren Chaudhry, Steve Vogel, Bob Price, Paul Pierson, Laura Stoker, Jason Wittenberg, Andrew Janos, Steve Fish and Mark Bevir all actively (if perhaps unwittingly) contributed to my academic identity. My graduate student cohort were likewise an excellent extended family, but special thanks are due to my dissertation-writing partners: Jennifer Dixon, Sam Handlin, Jon Hassid, Dann Naseemullah,

Chapter One: Territoriality, Legitimacy, Capacity, Governance: NGOs and the State in Africa

"A veritable 'associational revolution' now seems underway at the global level that may constitute as significant a social and political development of the latter twentieth century as the rise of the nation state was of the latter nineteenth century." (Salamon 1993: 1)

Introduction

In the past two decades, governments throughout the developing world have seen an explosion in the number of both foreign and local non-governmental actors (NGOs) providing social services in their territory. According to one estimate, the number of development NGOs based in rich countries grew from 6000 to 26,000 between 1990 and 1999 alone.[3] In Kenya, NGO growth has been truly staggering: in 1974, there were only 125 NGOs in Kenya. By 1990, there were over 400 registered with the government, soaring to nearly 3000 in 2004, and well over 4200 by 2007 (Bratton 1989 citing USAID, National Council of NGOs 2005, NGO Coordination Bureau 2006). While most of these non-governmental actors are not directly hostile to the state, they are providing welfare and other services that are traditionally associated with and often explicitly promised by governments in Africa (Campbell 1996: 9, Cannon 1996, Whaites 1998), such as education, health care, child and women's assistance, agricultural extension services, employment, and even in some cases, roads, wells and other infrastructure.

This dissertation probes what happens when a new set of actors – in this case NGOs – steps between state and society to bring people goods and services. How does it impact a state that gains compliance and legitimacy by promising these very things? Do these new actors fundamentally alter the social contract between state and society? While considerable research has established that the growth of NGOs stems from economic and patrimonial government crisis (Bratton 1989, Sandberg 1994, Tripp 1994, Kameri-Mbote 2000, Kioko et al. 2002, Owiti 2004, Young 2004, Roitman 2005), very little research has been conducted on the feedback effects of NGO provision of services on the state. This dissertation attempts to fill this gap. It examines four essential "elements of stateness:" territoriality, capacity, governance, and legitimacy. Through comparative quantitative and qualitative analysis across Kenya, it asks, Have NGOs impacted the territoriality of the state? Have NGOs brought about an expansion of state service provision capacity? Have NGOs changed patterns of decision-making and governance within the state? And do NGOs compete with the government for legitimacy, or do they complement it, thereby increasing popular support for the state?

---

[3] World Bank website, "Defining Civil Society," at http://go.worldbank.org/4CE7W046K0, accessed 11 April 2006 and 10 August 2009.

By analyzing the four elements of stateness, this dissertation shows how NGO presence changes the nature of the state in the twenty-first century. It examines whether NGOs undermine or bolster the state, taking seriously Fernando & Heston's claim that, "NGO activity presents the most serious challenges to the imperatives of statehood in the realms of territorial integrity, security, autonomy and revenue" (1997: 8). In an age where scholars have been asserting the "erosion of stateness" in Africa (Young 2004) and have famously declared traditional forms of development aid to be noxious and "dead" (Moyo 2009), this study provides an important empirical assessment of both aid via NGOs and the state in Africa.

Most case studies in comparative politics explore the "causes of effects" – taking a puzzling outcome and explaining it. This research takes the opposite approach: it examines an important, interesting and new phenomenon and seeks to determine its impact – the "effect of causes" method. Consequently, the focus is on one independent variable, the proliferation of NGOs, examining its impact on the state through multiple dependent variables, my four "elements of stateness." The literature on NGOs is brimming with often-unsubstantiated claims both that NGOs undermine the state, and that they strengthen it. Ultimately, I want to know which is true.

The findings in this study employ a mixed-method comparative approach, through quantitative analysis of 4200 organizations across 72 administrative districts with varying levels of NGO penetration, two large-N surveys from several districts, and over 100 semi-structured qualitative interviews with NGO leaders, government representatives, politicians and regular Kenyans.

This introductory chapter proceeds as follows: First, it provides a summary of the argument in this book. Then it gives an overview of the history of service provision and the rise of NGOs in Africa, followed by a more specific look at the concept and role of non-governmental service provision in Kenya. Next, the key terms and concepts of the dissertation are presented: state, territoriality, capacity, governance, and legitimacy, as well as how they might change in response to NGO proliferation. Other scholars' interpretations of NGOs' growth follow. The chapter concludes with a description of data and research methodology and a roadmap of the chapters that follow.

A Summary of the Argument

Throughout this dissertation, an image of state change in Kenya emerges. Contrary to NGO skeptics, this research finds that through involvement in service provision, NGOs tend to have supportive, bolstering influence on the state's territoriality, capacity, governance and legitimacy.

NGOs are increasingly active partners in *governance*. Contrary to both normative arguments that government should "steer" the ship of state (make policy) while private actors "row" (implement policy), and the belief that government is eroding or becoming irrelevant to the governance process, this dissertation shows that NGOs are now *joining* public actors and agencies at many levels in decision and policymaking regarding service provision. NGOs regularly sit on government

planning boards; government integrates NGO programs and budgets into local and national plans; and NGOs help to write state legislation. Governance is not the removal of government, but the addition and acceptance of other actors, including NGOs, in the steering process.

Moreover, NGOs have influenced governance strategies within public administration. Individuals and departments in government have learned from NGOs, and have begun to mimic the tools they have seen NGOs use successfully for years, calling for participatory development and civic education so that their agencies can better serve the community. This facilitates accountability, and reflects a very slow process of change toward more democratic governance practices among civil servants.

Such improvements in governance are related to NGOs' positive impact on state *capacity* to provide services. NGOs extend the service arm of the state to places and locations for which government counterparts lack sufficient funds; they also provide indirect services that the government is not able to provide, particularly in relation to HIV/AIDS programs, but also in many other service sectors. Often, NGOs work collaboratively with government on programs neither could do alone, and they generally use their funds expediently and cost-effectively (with the possible large exception of training expenditures). Furthermore, by way of positive example, NGOs influence government offices and employees to improve the quality of services they provide.

In so doing, NGOs and government both see the role of NGOs as "gap-filling," complementing the state. The government, for the most part, provides primary education and security, allowing or asking NGOs to supplement these services and expand their reach in other areas. Contrary to some claims, NGOs are not replacing the government in service provision. This parallels similar findings in Nigeria: "Any expectation that the NGOs will supplant the state in service provision is likely to be utopian" (Obiyan 2004: 302).

Instead of supplanting, NGOs supplement. NGOs have impacted the *territoriality* of the state by providing services in places that the government has been unable to reach, particularly in arid, sparsely populated areas, where the NGOs per capita ratio is highest. Yet there are limitations to this, as NGOs also tend to cluster in cities and towns – sometimes – but not usually – at the physical edges of the territory. NGO location corresponds with objective levels of need in an area, but also to the relative ease of reaching these needy people.

Still, in small market towns and villages throughout the country, people expect *either* government or NGOs to be there providing services, seeing them as substitutes for one another. As a civil servant explained it, "The *wananchi* don't care that government is not there when NGOs are there. As long as *one* is there, all is okay. But if *none,* then they get angry at government" (2008-39).[4] NGOs enhance the image of a state to regular people in this way.

Finally, NGOs have largely increased the *legitimacy* of the state. For many Kenyans, particularly the rural poor, the mere provision of services lowers popular

---

[4] *Wananchi*, Swahili for "regular people" or "people of the country," is used very frequently in Kenya even when writing or speaking in English.

frustration below the tipping point where change would be demanded. People are thankful that services have been brought, and their thanks are diffuse. Many regular people associate NGOs' good deeds with their local administrators or politicians, who are often credited with having brought the NGOs to the community. NGO presence suggests to rural *wananchi*, who have great desires but little real expectations from government, that someone in the world outside their village cares about them – and this improves their optimism for the future, and by association, their support for government. Urbanites are more cynical, but NGOs still appear not to have a systematic negative impact on their view of government.

Drawing on these findings, I argue that NGOs now comprise an integral component of the organizational form of the state in Africa. NGOs in Kenya expand the nature of state service provision in such a way that we start to include non-governmental as well as governmental actors under the aegis of "the state." As NGOs and government work hand-in-hand on programs and projects, the line between public agency and private NGO blurs. Following Roitman (2005), I argue that NGOs help to reconstitute the state through the creation of networks of actors redeploying state technologies. Symbolically as well, NGOs suggest to *wananchi*, the regular people of Kenya, that organizations are looking out for them. With the addition of these private actors, government performance improves.

While it may be odd to think of nominally *non*-governmental organizations as part of the state, this idea is not as revolutionary as it might first appear. Long ago, Tocqueville noted that America was filled with non-governmental actors providing social services to strengthen a "weak" state. More recently, Putnam et al. (1993) made a similar observation about civic associations improving government performance in northern Italy. Today, it is clear that such a role for civil society is not particular to the West: NGOs achieve the same variety of impact in Africa. The state in Kenya is stronger because of NGOs – it is more capable of expressing territoriality, able to provide more services, is more democratic in the governance of service provision, and maintains some degree of legitimacy. Migdal's (2001:22) writings on the state reinforce the possibility of this type of arrangement, stressing that the practices and actors of the state are "the practices of a heap of loosely connected parts or fragments, frequently with ill-defined boundaries between them and other groupings inside and outside the official state borders and often promoting conflicting sets of rules with one another and with 'official' Law."

At a larger level, the implication is that the state is and remains an important actor – only its composition has changed slightly. As Migdal (2001: 23) continues, "Like any other group or organization, the state is constructed and reconstructed, invented and reinvented, through its interaction as a whole and of its parts with others. It is not a fixed entity; its organization, goals, means, partners, and operative rules change as it allies with and opposes others inside and outside its territory. The state continually morphs."

Much of the writing on globalization has advanced the notion that changes in the global political economy are overwhelming the "retreating state" in a "race to the bottom," in which social welfare is sacrificed to the whims of global economic competition (Rodrick 1997, Strange 1996). Work specific to Africa in this broader literature makes dramatic claims: it has been argued that African governments have

entered a "permanent crisis" of the state and economy (Van de Walle, 2001), are increasingly ruled by "informal" behind-the-scenes actors and institutions (Chabal & Daloz 1999) or engaged in criminal activities to maintain resource levels (Bayart et al 1999, Reno 1997, Shaw 2002, Balogun 1997, Mbembe 2001). Because of all of this, scholars debate about how best to "reconstruct" the African state (ASA Annual Meeting 2005, 2 panels).

I find, however, that the introduction of new actors and interdependencies creates new possibilities in state service provision. As Weiss (1998) argues, globalization requires states to become more efficient and capable, enhancing their abilities internally as well as externally. Through interpenetration of its activities with those of government, NGOs have facilitated this process in Kenya.

In fact, the very nature of the African state may be changing with NGO penetration. Since the period of Africa independences in the 1960s, the modal form of the African state has been neo-patrimonialism (Bratton & Van de Walle 1997) or "personal rule" (Jackson & Rosberg 1984, Leonard & Strauss 2002). These states are characterized by highly concentrated power and extremely high levels of patronage, largely arising as a legacy of colonialism (Ekeh 1975). However, as NGOs gain salience, the manner of governing in Africa appears also to be changing, albeit very gradually. The growth of NGOs and the mindset they put forth encourage more equitable, participatory and non-politically motivated distribution of resources and services, since private actors, and international non-profits in particular, may be less subject to clientelistic demands. Governments, seeing the positive response NGOs get from the people, may continue to mimic these strategies.

Beyond scholarly debates, this research therefore has considerable practical importance for all countries experiencing the proliferation of NGOs in their territory. Using Kenya as a case study, we see how the Government of Kenya at various stages in the past has appeared quite threatened by the NGO and broader civil society community. Former president Moi called NGOs a "security threat" (Kameri-Mbote 2000), introduced restrictive monitoring, regulations and taxes for NGOs, and even deregistered some NGOs. Was this necessary? My research suggests not. If NGOs bolster popular support for government, increase capacity and assist in the governing process, then the government should work to encourage non-governmental assistance in the provision of services. This is not to imply that NGOs are an unmitigated good; certainly not all NGOs have positive impacts all of the time. But on the whole, they buttress the state in Kenya.

History: Service Provision and the Rise of NGOs in Africa

Since independence, African governments have predicated their legitimacy on the promise of distributing developmental services and employment to the populace (Young 1988, Bratton 1989, Fowler 1991, Kanyinga 1996, Schatzberg 2001, Owiti et al. 2004). This was a major change from the colonial era, when governments refused to provide services to most of the native African populations. As Julius Nyerere, the first president of Tanzania and a pan-African leader, once said,

"Freedom to many means immediate betterment, as if by magic. Unless I can meet at least some of these aspirations, my support will wane and my head will roll."

Fortunately for Nyerere and others, new African states were able to make good on promises of service provision, rapidly expanding the government at a time when Keynesian state-led development was de rigueur, world market commodity prices were booming, and loans were easy to obtain. Thus, young "developmental state" governments became pervasive, involved in all elements of the economy, service provision and welfare (Mkandawire 2001). They quickly became the largest employer in most countries, creating thousands of new jobs in the civil service, state-owned enterprises (SOEs), schools, clinics and infrastructure projects.[5] Growing numbers of university-educated students[6] automatically saw the civil service as their future employer (Prewitt et al. 1971, Barkan 1975) and in many states were actually guaranteed employment (Van de Walle 2001). Government was seen as a legitimate paternal figure; it stood "in the same relationship to its citizens that a father does to his children" (Schatzberg 2001: 1). As such, patron-client relationships became the norm.

This period of easy expansion did not last long. The patronage on which legitimacy was based (ibid) resulted in consumptive rather than truly investive economic policies, which over time meant low or negative profits, perverse incentives within organizations (Ekeh 1975), and the withdrawal of farmers from commercial markets, reducing tax revenues (Bates 1981). Added to this were a series of economically deleterious factors in the 1970s and early 1980s: oil shocks, plunging world market commodity prices, truncated industrial capability due to increasing relative costs of imports, and a string of debilitating droughts. During this period, states became increasingly reliant on foreign aid and loans, the latter of which were easily obtained (and arguably, foolishly granted) from oil-producing states.

By the late 1980s, the East Asian "Miracle" came to light, emerging to support an ideology of liberalization that had gained strength in the West, as the rapid growth stemmed from an export-based orientation. Initially, some argued that East Asian countries achieved growth with very low governmental involvement in the economy, although this was clearly not the case.[7] Still, international policymakers quickly began to insist on economic liberalization as a pre-condition to loans and grants for other developing countries, requiring exchange rate and financial market liberalization, reduced expansionary budgeting, and the maintenance of sustainable monetary policies, privatization, trade liberalization, outsourcing, and deregulation.

---

[5] Thus, for example, by 1979, fifteen years after independence, 42 percent of formal employment in Kenya was in the government (Hazlewood 1979). Similarly in Nigeria, the number of SOEs grew from 250 to over 800 in the 1970s (Lewis 1994, 443), and the Nigerian government grew 50 percent in the first five years after independence (Van de Walle 2001).

[6] State investment in education was particularly high – literacy rates in Tanzania increased between 1975 and 1986 from 61 to 91.4 percent (Mushi & Bwatwa 1998), and the number of university-educated Africans grew from as little as 6 in Congo or 76 in Zambia at independence to 100,000s throughout the continent by the 1990s (Van de Walle, 2001).

[7] As early as 1982, scholars pointed out that East Asian states actually played an extremely strong role in fostering economic development (Johnson 1982, Woo-Cummings 1999, Wade 1992).

The era of import-substituting industrialization, in which states dominated African national economies, drew to a rather abrupt close. In order to get International Financial Institution (IFI) funds, states had to adopt at least a semblance of these policies.[8]

The role of the government in service provision changed dramatically; they could no longer be the developmental states they aspired to be (Mkandawire 2001). Governments stopped expanding, and retreated from free public and welfare good provision, both out of a need to drastically reduce public expenditure, and under the guise of complying with IFI beliefs that more efficient private organizations, including NGOs, should take over service provision. In Tanzania, social services as a percentage of government expenditure halved between 1981 and 1986, decreasing to the lowest point in 20 years, while fees for public services increased, with school fees up by 25 to 45 percent in 1989 alone (Tripp 1994). In Kenya, spending on education dropped from 18 percent of the budget in the 1980s to 7.1 percent in 1996, and in the health sector, government spending decreased from $9.82 million in 1980-1981 to $6.2 million in 1993 and $3.61 million in 1996 (Katumanga 2004, 48). "Especially in the remotest regions of the African countryside, governments often have had little choice but to cede responsibility for the provision of basic services…" (Bratton 1989: 569).

Unfortunately, while these adjustment policies were meant to increase international investment in Africa, it soon became clear that foreign interest was not forthcoming, and African economics actually shrank throughout the 1980s at an annual rate of 2.8 percent (World Bank 1989, 221). All in all, living standards in most of Africa are now shockingly lower than they were at independence over forty years ago (Wrong 2006).

Attempting to turn this trend around, NGOs have sought to fill the lacuna and provide many of the services African governments previously supplied. Over the years, they have moved from providing supplemental charity and relief work to being increasingly involved in basic development and service provision with a participatory approach (Brodhead 1987). For example, in the health services sector in Kenya alone, NGOs now run as many hospitals in the country as the government (EcoNews Africa 2006). Moreover, other health facilities and services, including dispensaries, HIV/AIDS assistance and most clinics in remote rural areas are primarily run by NGOs (Bratton 1989). In many instances, "the 'roll-back of the state' has been accompanied by a growth in NGO service-provision and the replacement of government structures by informal, non-governmental arrangements" (Campbell 1996: 2-3 citing Farrington 1993: 189 and Bennet 1995: xii).

Not only in Africa, but throughout the developing world, NGOs are often favored as providers of services by development agencies and bilateral donors, who tout their services as more efficient, effective, flexible, participatory, democratic,

---

[8] Most states did not actually implement all policies; in general, they implemented stabilization measures, but not true structural change (van de Walle 2001). Consequently, the IFIs withheld funds for non-compliance, as in Kenya for much of the 1990s.

accountable and transparent than their government bureaucracy counterparts.[9] Yet what impact does this trend have? As Obiyan (2004) asks, "Will the state die as the NGOs thrive?" Or might it be true that improved service provision by non-governmental actors renders a greater "philanthropic state" – in which well-intentioned outsiders provide the institutional form of service provision implementation - more legitimate and able?[10]

NGOs in Kenya: An Overview

In a broad sense, NGOs, though relatively recently identified with an acronymic label and as a "third sector" (Salamon & Anheier 1992), are not new in Kenya. Both local and international organizations have a long history in the territory. Since 1963, the beginning of Kenya's history as an independent country, the government of Kenya has encouraged the development of indigenous not-for-profit organizations, locally called *harambee* groups – self-help societies or community-based organizations (CBOs). *Harambee,* which literally means, "let's pull together" in Swahili, was the rally cry of Kenya's first President, Jomo Kenyatta, and it became the country's motto.

Kenyatta recognized that the Kenyan people would have to significantly contribute to the country's development efforts for it to advance. He called on local groups to pull together to achieve what they could on their own, promising that the government would supplement local efforts. The most common manifestations of this program were *harambee* schools and clinics; a local community would gather the resources to build a schoolhouse or clinic building, and the government would step in and provide teachers, administrators, nurses and clinicians.

While this type of participatory development might sound ideal, much of the relationship between *harambee* groups and the government has been fraught with contention in Kenya. From early on, the *harambee* movement was largely co-opted by political motivations and corruption, weakening its effectiveness. *Harambee* was meant to legitimate the regime by redistributing wealth from the rich to the poor (Osodo & Matsvai 1997:2); it instead became a tool of control that strengthened the country's dependence on patronage politics. MPs began to vocally broadcast their contribution to local self-help programs in their constituencies for political favor higher in the regime and electoral advantage, and local administrators would coerce their community into donating in order to gain the eye of their superiors (Adili 2003).

> "The more the amount raised in a certain jurisdiction, the more the junior staff caught the attention of the powers that be. You could be promoted from District Officer I all the way to a district commissioner (DC) very quickly. ...At the higher levels and political circles, this was a publicity strategy. Politicians knew the function may be broadcast, so they had to be seen to raise big money. ...There was another level of coercion where the higher you were the

---

[9] The World Bank increasingly asks member countries to involve NGOs in Bank-financed activities, and has increased the percentage of projects involving NGOs from 21 percent in 1990 to 72 percent in 2003 (www.worldbank.org/civilsociety 2005)
[10] Thanks to Todd LaPorte for the idea of the "philanthropic state."

more you had to contribute" (*ibid.* 2).

Along with the development of indigenous non-governmental organization, the country also has a long tradition of largely well-intentioned outsiders – beginning with Muslim and Christian missionaries – providing social services at relatively low cost. During colonialism, European missionaries provided most of the modern health care in the country through both large hospitals and small clinics. Missionaries also brought formal Western schooling to Kenya beginning in the late 1800s, and remained the main provider of Western education before independence. Africans also began to open their own schools as part of the Kikuyu Independent Schools movement in the late 1920s and 1930s. These schools were a precursor to *harambee* schools, as they were established at the community level and later provided teachers by the government (Rosberg & Nottingham 1966, Natsoulas 1998). Many of the missionary-founded institutions still exist, though most of the schools were taken over by the government during the early independence period. Clinics and hospitals, however, usually remained in the hands of the churches following independence.

Today in Kenya, both local, community-based self-help groups and foreign-based other-oriented NGOs still exist. Both are registered with the government. The former, now numbering more than 220,000 (Kanyinga 2004:9) are registered with the Ministry of Culture and Social Services under the Societies Act, and are often called CBOs.[11] The later, for the most part, have morphed into NGOs, and along with similar Kenyan-based organizations, are registered with the NGO Coordination Board. These NGOs are largely secular organizations, though they are sometimes registered in association with a church or other religious organization, making the *strict* characterization of NGOs as "secular organizations" inaccurate.[12] While both CBOs and NGOs are interesting and important, this dissertation focuses on NGOs.

An NGO, according to the Government of Kenya, is:

"A private voluntary grouping of individuals or associations not operated for profit or for other commercial purposes but which have organized themselves nationally or internationally for the benefit of the public at large and for the promotion of social welfare, development, charity or research in the areas inclusive but not restricted to health, relief, agricultural, education, industry and supply of amenities and services" (Republic of Kenya 1992).

NGOs began to be registered qua NGOs in the early 1990s, after their numbers began growing noticeably.[13] The sector now employs more than 300,000 people full-time, which is about 2.1 percent of the economically active population, and a sizeable 16.3 percent of non-agricultural employment (Kanyinga 2004: 17).

---

[11] Note that this ministry has had several names over time, as the number of ministries has grown repeatedly since independence.

[12] Indeed, over the course of research for this project, the use of the term FBO, or "faith-based organization," also grew, partially in response to the US funding of FBOs during the George W. Bush administrations. The line between church-based development activities (not registered as NGOs) and NGO activities, like the line between CBOs and NGOs, is incredibly blurred. Often, individual churches or national-level church organizations run development programs, clinics, etc. Often, these are not registered as NGOs, but sometimes they are. Clearly, the somewhat messy reality of registration choice makes perfect interpretation of the impact of NGOs difficult.

[13] See Chapter Four for more details.

Dual acronyms and registration processes for CBOs and NGOs disguise the fact that the distinction between the two types of organizations on the ground is murky, making it nearly impossible to discuss NGOs without talking implicitly about CBOs at some level as well. For one thing, many – if not most – NGOs in Kenya now implement their work through CBOs, making the line between them fuzzy. For example, one typical NGO has a livelihood program, training adults in agriculture, livestock rearing and income generation. It organizes the trainings through CBOs: it has six programs in six zones, with six CBOs of 25 members in each zone (2008-18).[14] NGO-CBO relations often appear in this nested form: a large foreign-based NGO will fund the programs of a Kenyan-based NGO, which will then distribute its funds via registered community groups (2008-44; 2008-52).

Government offices now also distribute services through groups. For example, the *Njaa Marufuku* (Kicking away Hunger) program of the Ministry of Agriculture funds up to 120,000KSH/- (about $1,645) per project to self-help groups for food security programs (2008-38, 2008-50), and the Ministry of Livestock has a similar program (2008-39). Even at the Division level of government, Welfare Officers work via CBOs – one mentioned working with over 560 CBOs in her division (2008-40). To help them access these resources, local administration District Development Officers, Chiefs and Sub-Chiefs urge members of their communities to form self-help groups registered as CBOs (2008-31).

It is not surprising, therefore, that the growth trajectory of NGOs and CBOs over the past two decades has been similar – between 1995 and 2002, the number of CBOs grew from 90,000 to 220,000 (Kanyinga 2004: 9). Arguably, the growth in registered CBOs is a reaction to the growth of NGOs; while CBOs can be seen as an expression of growing civic engagement, they are also often an expression of popular desire to access the resources brought by NGOs. CBOs cannot therefore be entirely delinked from NGOs.

Another factor confounding the appealing NGO/CBO distinction is the fact that many organizations registered as one type of organization actually have characteristics more typical of the other type. Usually, NGOs are better equipped with formal training, staff and material resources, and have a larger base of support. This said, many small local NGOs register without funding, training or concrete plans in the hope that registering will attract these resources (2008-16). These latter organizations more closely resemble CBOs.

Moreover, some people critique the description of NGOs as "civil society" since many are based in foreign countries – unlike CBOs, which are clearly homegrown civic organizations. The truth is that the overwhelming majority of NGO employees, leaders and advocates in Kenya are Kenyans, advancing Kenya-specific social agendas – even when their funding is foreign. Given this reality, we can talk of NGOs as civil society organizations. Indeed, NGOs in Kenya – as elsewhere – played a significant civil society role in the democratization of the 1990s, often providing a "counterweight to state power" during this time (Edwards & Hulme 1996: 962).

---

[14] References in the format (XXXX-XX) indicate that a quote or idea stems from an interview. They are deliberately coded to honor the confidentiality requirements of UC Berkeley's Committee for the Protection of Human Subjects.

Practically speaking, NGOs are considered part of civil society by international development agencies such as the World Bank, USAID and the United Nations, and by the wide literature on NGOs in developing countries.[15]

Because of these factors, it is difficult to write only about NGOs without referencing their self-help, *harambee* and CBO cousins. While they will not be discussed explicitly, their inclusion in the discussion is implied by extension, due to the inter-relations between the two types of organizations.

It is perhaps human nature to categorize, lumping organizations, peoples, things and even ideas into neat and tidy mounds. Ideally, the categorizations align with actual and clearly defined differences. As we have just seen with CBOs and NGOs, this is not always the case. It is similarly common to categorize NGOs as "national/local" or "international." Many scholars are interested in differential impacts caused by these differently based organizations – in fact, this has been the most common question other academics ask me about my work.[16] Yet, like the black line artificially drawn between NGO and CBO, this is a largely false – albeit handy – dichotomy. It reflects little on the ground in real places in Kenya.

Indeed, most NGOs in Kenya – whether established within the country by Kenyan citizens or abroad – are funded via international sources or local private sources.[17] Of the 4211 organizations listed in the Kenyan Government's NGO Board database in December 2006, only 663 (about 16%) submitted a return with funding source information in the most recent return year, 2005.[18] In these return figures, 91% of funds are listed as coming from international sources. Of the other 9% of funds, 8% come from local private sources, with only 1% of NGO funds derived from the Government of Kenya at the national or local level. Over 35% of organizations received funding entirely from abroad, with organizations receiving funds from a mix of local and international sources (an additional 25% of organizations) getting 71% of their funds from abroad on average. To put these figures into real terms, of the approximately 213 million dollars reported in 2005, $195 million originated in the international economy versus $17 million from Kenyan sources, of which only $1.5 million came from the Kenyan government.[19]

---

[15] For example, the World Bank's "overview" webpage on civil society explicitly says, "Today the World Bank consults and collaborates with thousands of members of Civil Society Organizations (CSOs) throughout the world, such as community-based organizations, **NGOs**, social movements, labor unions, faith-based groups, and foundations." (http://go.worldbank.org/PWRRFJ2QH0, accessed 11 April 2006, emphasis added)

[16] Some scholars have also said to me that the amorphous nature of NGOs and their relation to civil society makes them inappropriate for study. I disagree, however, with the notion that we can or should only study those phenomena that can be perfectly categorized.

[17] This is in stark contrast to most NGOs in Latin America, which are funded through national governments.

[18] Because the majority of NGOs did not submit financial return information, we must use these figures with a degree of caution. At the same time, organizations submitting financial returns annually are likely to be the most robust organizations in the country, with the greatest funding sources. Most of the remaining organizations are likely small, local organizations with contributions derived primarily from the local community in the form of directors' and members' contributions.

[19] Figures were listed in Kenyan Shillings. As the exchange rate between shillings and dollars has fluctuated between about 62 KSH/Dollar and 78 KSH/dollar, dollar figures given represent the average exchange rate of 70 KSH/dollar.

Yet while most organizations receive most of their *funding* from abroad, the vast majority of the time, they make their own decisions on their programs and projects at the local level. For example, it is not uncommon to find an NGO based in Nairobi, staffed entirely by Kenyans, with offices throughout the country, that receives 80 percent of its funding from abroad, but spread across many different donors in different countries. Is this an international NGO or a local one? What about the independently managed and funded Kenya chapter of, say, a German-headquartered organization?

It may be helpful to think of foreign funding for the majority of NGOs as releasing a resource constraint that allows predominantly Kenyan organizations to achieve their goals, most of which seem based on genuine desire to improve the quality of life in their country.

Activities of NGOs

Most NGOs in Kenya are involved in one or more of the following eight types of activities: agriculture, education, environment, general development, peace and governance, health, emergency or refugee relief, and programs directed at disadvantaged communities (specifically women, children, youth, the disabled and the elderly). Table One below provides an idea of the type of NGO projects done in each activity area.[20]

Table One: NGO Activity Areas and Types of Programs Involved

Activity	Types of Project
Agriculture	- Introduction of nutritional or drought resistant crops - Training on livestock rearing technologies - Pastoralist support programs - Agro-business development
Education	- Maintenance or construction of school infrastructure - Sponsorship programs for education fees - Technology-in-schools programs - Adult education programs - General skills training for enterprise development (*e.g.* an NGO that trains in carpentry, dress-making, masonry, catering, welding and hairdressing)
Environment	- Water programs not specifically tied to agriculture - Forest, water, land, habitat, wildlife protection - Promotion of energy-saving devices (*e.g.* solar cookers, lighting)
General Development	- Programs that aim for general social and economic betterment and/or poverty reduction in the communities in which they work - NGOs with projects in two or more of the activities (*e.g.* an NGO that has education, health, environment and youth programs)

---

[20] This categorization is based on my own reading and classification of all 4200+ mission statements and organization names in the NGO Board's database, which I obtained directly from the NGO board at the end of 2006.

	- Business or development not specifically related to another activity area, such as business skills training programs or micro-finance programs.
Health	- Support for maintenance or construction of health facilities - HIV-related programs, whether educational, counseling or purely medical - Malaria, TB, or other specific illness programs - Training for doctors, nurses or community health workers
Marginalized Populations (Women, Children, Youth, Disabled & Elderly (WCYDE)	- Support for women's groups - Non-education-specific children's programs (*e.g.* street children's programs) - Programs targeting the youth (young adults between the age of 15 and 35) - Support for the disabled - Support for the elderly
Peace and Governance	- Anti-corruption, transparency and accountability promotion - Support for civil education, voter registration, voter rights, democracy - Peace-building or conflict-reduction efforts - Programs promoting social justice and equity
Relief	- Refugee and internally displaced persons-related programs - Emergency assistance, including that caused by conflict in neighboring countries, natural disasters and road accidents
Other	- Religious proselytizing - Art or cultural exchange or preservation programs - Umbrella NGOs not connected to a specific activity (e.g. linking NGOs to donors, linking NGOs to each other in a district or province) - Housing activities - Transportation-related programs - Promotion of sports - Ex-con rehabilitation programs

At the national level, the distribution of NGOs across these activity categories is shown in the pie chart below. First, we see the distribution for all 4200+ NGOs. Approximately half (47 percent) of the organizations are involved in "general development." Because this term is broad, it deserves clarification: it signifies either that the organizations do not specify an interest area, but have mission statements like, "to promote, encourage and facilitate holistic development that enhances effective and meaningful livelihood changes in the life of the poor and disadvantaged communities" or that they list two or more activity areas in their mission, such as, "to enhance ecology, food security, health, and nutrition in Kenya's arid and semi-arid lands" (NGO Board 2006). The next most common type of organization focuses on marginalized groups – women, children, youth, disabled and

elderly (WCYDE) – but does not specify only one particular sector in which to work. Health-related activities, then education, environment, agriculture, governance and relief follow this closely, respectively.

NGO Distribution by Sector (4200 orgs)

Agriculture; 4%
Education; 6%
Environment; 6%
General Development; 47%
Governance; 3%
Health; 12%
Other; 4%
Relief; 2%
WCYDE; 16%
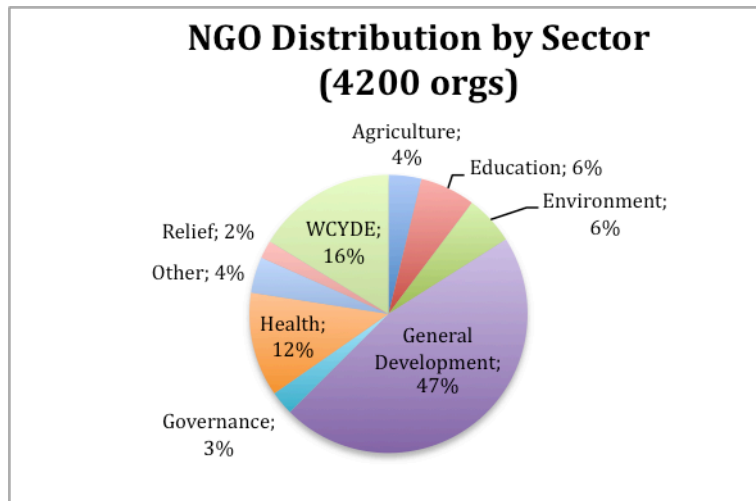
I believe that this distribution is slightly skewed, with the true percent of the general development organizations somewhat lower. This bias comes from the fact that many of the organizations' entries listed in the database did not include mission statements, leaving only the name of the organization to guide my categorization. When these organization names were ambiguous, I included them in the "general development" category. If these organizations are removed from the list, we get the distribution below, based on the remaining 2250+ organizations. As we will see in Chapter Three, this national distribution is remarkably similar to those of the case study districts and of interviews. Here, general development NGOs still comprise the plurality of organizations, 40 percent, but almost all the other categories are 1-2 percentage points higher.

NGO Distribution by Sector (2250 orgs)

Agriculture; 4%
Education; 8%
Environment; 6%
General Development; 40%
Governance; 4%
Health; 14%
Other; 5%
Relief; 2%
WCYDE; 17%
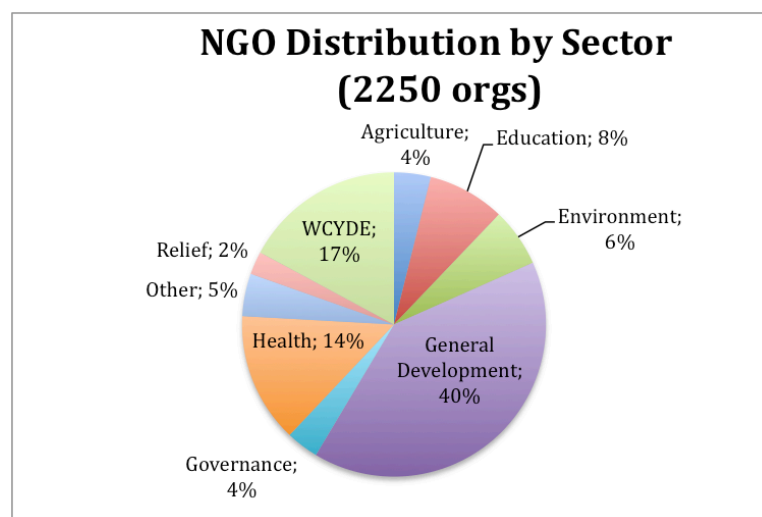
Understanding the State[21]

Research focusing on the state has long been a core component of the study of politics, which we can trace back to the writings of the earliest philosophers. From Hobbes to Weber, Smith to Marx, Durkheim to Gramsci, much of the canon in the field examines the state. Though some periods of research have dismissed the importance of focusing on the state, eventually the state is "brought back in" to the discussion (Evans, Rueschemeyer and Skocpol 1985), because an analysis of political life without it would be impossible.

Research on the state has varied, however. Sometimes, our focus has been on considering the state as an autonomous actor or set of players, acting on its own accord (Allison 1971, Skocpol 1979, Johnson 1983, Haggard 1990); other times, research has focused on the "embedded" nature of the "state in society" (Migdal 1988, 2001) or the societal actors in the state (Evans 1995). We have also looked at the state through the lenses of its formal rules, its function, behavior, and its institutions. Those focused on the international arena have historically examined states' actions vis-à-vis other states. Others are interested in relations between states and markets. When we study democracy, law, economic regulation, ethnic minorities, human rights or civil society, we inspect some elements of the state.

More recently, many political scientists have debated whether or not the state still matters, whether it is weakening in relation to private enterprises, international organizations or certain strong philanthropic organizations, and how it fits into a networked political economy characterized by global interactions and exchanges (Keohane 1984, Ohmae 1990, Strange 1996).[22] Looking at Africa in particular, scholars question the very "stateness" of African states (Callaghy 1987, Migdal 1988, Jackson 1990, Doornbos 1990, Sandberg 1994: 7, Widner 1995, Herbst 1996, 2000, *Development & Change* 2002, Young 1994, 2004). My research, however, demonstrates that the state *is* important and questions this pessimistic bent, opting to view states not as static, ideal-type Weberian institutions, but as mutable, diverse and ever changing. It elucidates the ways in which the state has changed and is changing in response to an important new set of actors gaining strength in many areas of the world.

"The state" is nonetheless a difficult concept – understandable in common parlance, but slippery and abstract when one attempts to grasp it firmly and display it to the world for dissection. Part of the reason for this is that the state is not one-dimensional, but complex and multi-faceted, making pithy, parsimonious definitions inadequate (Young & Turner 1985: 12, Kjaer et al 2002: 7). I begin my examination of the state by recalling classic scholarship stemming from Max Weber. In *Politics as a Vocation* (1919), Weber famously argued that the state is "a human community that (successfully) claims the monopoly of the legitimate use of physical force within

---

[21] Profound thanks are owed to David K. Leonard for his help with this section.

[22] The literature on Africa differs on several levels from what has been written about globalization's impact on the state in general: first, the Africanist perspective focuses on the detrimental role of personal rule that has characterized most African states since independence; second, it tends to place less emphasis on economic globalization, since Africa tends to be less intertwined with the rest of the world; and third, it suggests that the impacts in Africa are much more severe, since African states have tended to be much less institutionalized than elsewhere in the world.

a given territory." In work published later by Talcott Parsons (1947), Weber elaborates on the formal characteristics of the modern state:

> "It possesses an administrative and legal order subject to change by legislation, to which the organized corporate activity of the administrative staff, which is also regulated by legislation, is oriented. This system of order claims binding authority, not only over the members of the state, the citizens, most of whom have obtained membership by birth, but also to a very large extent, over all action taking place in the area of its jurisdiction. It is thus a compulsory association with a territorial basis. Furthermore, to-day, the use of force is regarded as legitimate only so far as it is permitted by the state or prescribed by it." (156)

Yet Weber's definitions are incomplete for my purposes, in ways that will become clear in the paragraphs that follow. To expand on them, I draw strongly from Joel Migdal (2001), Crawford Young (both in his own work (1988, 1994) and that which he wrote with Thomas Turner (1985)), and from Pierre Englebert (2000).[23] David Easton's (1965) work on "political community" is also useful, as I portray an expansive view of the state as the supreme community of organizations, rules, norms and institutions that order society within a particular territorial entity.

What Weber's definition lacks is recognition of the extent to which the state is not entirely concrete. In addition to the physical buildings, written laws and administrative offices of the state, there is also the abstract *idea* of the state – a construct that we draw to mind when thinking about the state, as well as the *practices* of the state – or the processes by which the state acts (*ibid,* Young 1994, Migdal 2001). Englebert agrees: "State is a broader concept than government or regime and also includes the territory, laws, the bureaucratic and military apparatus, and some ideological justification for the state's existence" (2000: 4).

In *State in Society* (2001, p. 15-22), Migdal conceptualizes the state as: *"*a field of power marked by the use and threat of violence and shaped by 1) *the image of a coherent, controlling organization in a territory, which is a representation of the people bounded by that territory,* and 2*) the actual practices of its multiple parts"* (*ibid:* 15-16). While his meanings of the phrases "field of power" and "representation" are hazy, Migdal importantly expands on Weber's definition by allowing us to admit as states those entities whose idea and practices of state may not perfectly align. On one side, the state is an "image," most often conceived of and projected as the ideal-type state elucidated by Weber above, a bureaucratic-rational system in which a set of governing organizations holds a monopoly over the legitimate use of violence in a defined territory. As Migdal points out, very few states have ever achieved a perfect resemblance to this bureaucratic-rational Weberian ideal, yet scholars, policymakers and statesmen all continue to point to it.

On the second side, however, exist the actual day-to-day practices, or "routinized performative acts" of the state *(ibid*: 19*).* "While the image of the state implies a singular morality, one standard way, indeed *right* way of doing things, practices denote multiple types of performance and, possibly, some contention over what is *the* right way to act" (*ibid.*). For this reason, the practices of the state can

---

[23] This section also parallels in some ways Fowler (1991), who employs a similar passage from Young (1988) to discuss NGOs and the state.

either undermine or bolster the image of the state as unified, purposive, central actor.

'Elements of Stateness' and NGOs

The state is thus administration, idea, and practice. Drawing on Weber, Turner and Young (1985) also focus on the practices of state, which they refer to as "regularities in behavior" that make states identifiable qua states (14) or as "imperatives" that all states face (Young 1994). My research focuses primarily on four of the behavioral regularities (and corresponding characteristics) they identify: hegemony over a territorial area, autonomy in governance, legitimacy, and capacity.[24] In this section, I describe these elements of stateness and question how they may be impacted by NGOs.

"The state, to begin with, is a territorially demarcated entity," write Turner and Young (1985: 12). Behaviorally, "The state seeks to uphold its hegemony over the territory it rules" (*ibid:* 15). **Territoriality** combines characteristic with practice, as the demarcation, occupation and defense of a geographical territory by governing institutions. It concerns the "broadcasting of power" (Herbst 2000) throughout a geographical space, or what was referred to in the 1960s as the penetration of geographical territory by governing authorities. Territorial boundaries demarcate the lines of hegemony, along which public authorities and peoples can make demands on each other, such as taxation, defense, security or accountability.

In this dissertation, I am interested in the relationship between NGOs and territoriality. Do NGOs help or hinder the state in broadcasting power over the territory it claims? Do NGOs assist the state in creating organizational presence in remote areas, by putting on the ground activities that locals consider as under state jurisdiction? Or do they cluster in central or readily accessible areas, enhancing a tendency of the state to fade away as one moves outward from the capital, leaving its territoriality poorly articulated?

"Sovereignty is a second defining characteristic... The power and authority of the state over its territorial domain are theoretically absolute, indivisible, and unlimited" (Turner & Young 1985: 13). Behaviorally, the imperative for the state is to be autonomous, "independent of the dictation of any other authority" (*ibid:* 15). This attribute leads us to questions of **governance**, the patterns or methods by which govern*ing* occurs within a state. Who makes the decisions? How are they made? What actors regulate them once in place?

For a state to truly have complete sovereignty, in principle, its representatives alone must make decisions about the presence, distribution and operation of service provision in the society. While no state actually makes all of

---

[24] Besides the four discussed here in the text, Young and Turner also identify "the conception of the state as a legal system" (14) as part of the administrative behavior, as well as behavior that "seeks to uphold and advance [the state's] security" (15) and its "revenue imperative" (16). For my purposes, these are only tangentially relevant, since NGOs do not generally impinge on security or legal systems at all. NGOs do arguably add to the resources available to society as a whole (and therefore state revenue), and might therefore have been appropriately included in this analysis. It was not, however, as revenue garnered by the state from NGOs is often indirect and therefore extremely difficult to calculate.

these decisions directly, they do so to a greater or lesser degree. Turning to the subject of this dissertation, NGOs, I explore to what extent NGOs have begun to make such decisions, or are constrained by the government in doing so.

Thirdly, Turner and Young identify, "the emotionally powerful concept of the nation... [which] 'centers the supreme loyalty of the overwhelming majority of the people...'" (*Ibid:* 13, quoting Kohn). Such emotional ties of loyalty induce citizens to "defer to the state's power and consent to its authority..." (*Ibid:* 14). Behaviorally, "States pursue an imperative of legitimation.... A state seeks rule by consent, and to secure habitual acquiescence to its authority" (*ibid:* 16).

In Africa, **legitimacy** has often been predicated on the distribution of resources through service provision. Historically, this has occurred as local "Big Men" gained access to the resources of the state (as civil servants or politicians) and distributed them among their clients in exchange for decision-making authority among the group. In the cultural context of Africa, this was not only strategically important for getting reelected; it was morally required, as mutual exchange relations of patron-clientelism provided a kind of social insurance where no formal policies existed. Today, are NGOs becoming the new "Big Men"? Does the fact that NGOs are delivering services that citizens see as a part of their social contract with the state enhance or lessen the state legitimacy in the eyes of its subjects – on the one hand because the services *are* being delivered and on the other because it is not the state itself that is doing so?

"Fourthly, the state is ... a set of institutions of rule, an organizational expression of hegemony." (*Ibid:* 13) Behaviorally, this characteristic expresses itself as administrative **capacity**, the state's ability to implement stated objectives. According to Migdal (1988), it is the ability to appropriate or use resources in determined ways, often in opposition to powerful societal actors.

In this work, the question is whether NGOs enhance or undermine the capacity of the state to provide services. Do NGOs enhance service provision quality and quantity? Or do NGOs lower state capacity, not only by leaching resources and personnel from the state, but also by allowing it to shirk responsibility to its citizens?

Table Two: Elements of Stateness

Element	Definition	Key Questions	Literature	Chapter
Territoriality	The demarcation, occupation and defense of a set geographical territory by governing institutions.	Do NGOs help or hinder the state in broadcasting power over the territory it claims? Do NGOs assist the state in creating organizational presence in remote areas, by putting on the ground activities that locals consider under state jurisdiction? Or do they cluster in central or readily accessible areas, enhancing a tendency of the state to fade away as one moves outward from the capital, leaving its territoriality poorly articulated? How do NGOs decide where to locate physically?	Political Penetration, State-building	Two

		Where states act.		
Capacity	The ability to implement stated objectives.	Have NGOs influenced change in the state's capacity to provide social services? Do NGOs enhance service provision quality and quantity? Or do they leach resources and personnel from the state, while allowing it to shirk responsibility to its citizens? **What states do.**	Political Economy, Privatization, Civil Society	Three
Governance	The patterns or methods by which govern*ing* occurs within a state.	What impact has the proliferation of NGOs in Kenya had on how and by whom allocation decisions are made? To what extent have NGOs begun to make such decisions? Are they constrained by the government in doing so? How do NGOs and government interact regarding decision-making? **How states govern.**	New Governance, Good Governance, Global Governance, Administration Theory	Four
Legitimacy	A generalized perception that the state has a right to govern and its actions are desirable, proper or appropriate in its cultural context.	Does a situation where NGOs provide better, cheaper services than the government lower popular perceptions of government? Or does NGOs presence bolster the way people view their state, with extra-governmental service provision either pacifying the people against demanding more from the government and/or being viewed as a positive extension of state capacity? **How states are seen.**	Civil Society, the State	Five Six

Undermine or Support the State?

Some scholars see NGOs gaining power as the state recedes, while others question the hype over NGOs (Edwards et al. 1993: 3) or see NGOs reinforcing weak states. What are the principle arguments in this debate? Who are the actors on either side? In this section, I outline the theories.

NGOs Bolster the State

Many people who believe NGO provision of services makes the state stronger turn to classic theories of civil society to make their claims. Two works in particular, Tocqueville's *Democracy in America* and Putnam et al. *Making Democracy Work: Civil Traditions in Modern Italy*, are frequently cited.

For Putnam, the more "civicness" in a society, the higher state performance will be. Horizontal relationships of trust and interdependence built through membership in all types of associations make for active democratic citizens, who insist on effective and responsive service delivery. Thus, civil society "reinforces a strong state" (Putnam et al. 1993: 182), by increasing democratization and institutional accountability, and therefore administrative capacity. These, in turn, generate popular support for legitimate government.

19

For Tocqueville, civil society was necessary because, as is true in African countries, 19th century American government administration was extremely weak, even "absent" (1863: 72). Tocqueville saw that while the government acknowledged its obligations to society and had laws detailing service provision (*ibid:* 44-45), civic associations actually carried out the tasks:

> "Americans of all ages, all stations in life, and all types of dispositions are forever forming associations. ...Hospitals, prisons, and schools take shape in that way. ...In every case, at the head of any new undertaking, where in France you would find the government or in England some territorial magnate, in the United States you are sure to find an association." (*Ibid:* 513)

Thus, Tocqueville saw NGOs as extending or even composing the social service wing of the state since non-governmental provision of services allowed, for example, patriotism to spread through the new states of the West in churches, schools and policing (*ibid:* 293). He saw a blurring of state and civil society not always recognized in the literature.

These arguments have been largely taken up by the international development community, which has often added an ideologically neo-liberal bent. Theorists writing from New Public Management in public administration, international financial institutions on structural adjustment, bi- and multi-lateral donor representatives and from both groups on "new" or "good" governance (World Bank 1989, Hyden 1983, Diamond 1989) support NGOs as civil society organizations, but also because they are private organizations, which they consider superior to public ones in general. At the extreme, scholars in this vein believe that unfettered markets, however they are freed from the oppressive hand of state intervention, supply goods and services faster, better and cheaper than do governments. NGOs are seen by these organizations as more efficient, effective, flexible and innovative than government; to be other-oriented and ideologically committed to democracy and participatory pro-poor development; and to be more accountable and transparent than the government (Bratton 1989, Fowler 1991, Owiti et al 2004, World Bank 1989).

Reflecting this faith in NGOs, the World Bank increased the percentage of its projects involving civil society organizations (CSOs), including NGOs, from 21 to 72 percent between 1990 and 2006.[25] The Bank's website asserts that, "The World Bank has learned through two decades of interaction that CSOs… improve development effectiveness and sustainability, and hold governments and policymakers publicly accountable. The participation of CSOs in World Bank-financed projects can enhance operational performance and sustainability by contributing local knowledge, technical expertise, and social legitimacy." They highlight the role that non-governmental actors, including citizens, interests groups, experts, and other stakeholders should play in the decision-making of public services in order to make them more democratic, accountable and transparent.

A third section of the literature on NGOs agrees that NGOs bolster the state, but follows a different logic to arrive at this conclusion. Instead of focusing on NGOs

---

[25] The World Bank's website on civil society says explicitly that NGOs are considered part of civil society organizations (http://go.worldbank.org/PWRRFJ2QH0 - accessed 11 April 2006).

as civil society or as private organizations, they believe NGOs increase support for existing political authority because they – often inadvertently – obfuscate government's inadequacies by compensating for their ineffectiveness in service delivery (Martin 2004: 10). In some cases, politicians recognize an opportunity in this situation; not only do they gain legitimacy indirectly from NGOs providing services in their constituencies, but under certain conditions they can actually successfully claim credit for bringing NGOs to the area and for the work that they do (Cannon 1996: 263, Boulding & Gibson 2009).[26] This legitimates political authority, especially when NGOs facilitate or allow this type of credit taking to occur (Sandberg 1994).

A fourth logic holds that, on a purely practical level, NGOs can support state capacity simply by relieving some of the managerial and financial burden placed on it (Bratton 1989), allowing for a division of labor between the two types of organizations. Frank Holmquist's (1984) work on *harambee* groups in Kenya supports this idea, showing how the self-help groups enhanced state effectiveness. This argument relies on an assumption that NGOs and governments are not ultimately competing for the same resources.

Finally, looking specifically at territoriality, Jacobson (2002) argues that refugee resources in particular, and the international organizations and NGOs that bring them, "represent an important statebuilding contribution to the host state" (577). Because refugees usually come from neighboring states, they encourage host states to strengthen their presence at border regions, extending their bureaucratic reach to these areas.

Nearly all scholars who believe NGOs are supporting the state emphasize that there remains an important role for both governmental and non-governmental organizations, and underscore the importance of partnership between them (Obiyan 2004, Campos et al. 2004, Clark 1995). For example, Kenyan scholar B.M. Makau (1996: 87) argues that expansion of education in Kenya has been possible only because of partnerships between government, communities, NGOs and private enterprises. Norman Uphoff agrees, saying that total emphasis on state, market or NGOs will not work to develop poor countries, since the weaknesses in any one sector are compensated for by the strengths of others (1993: 607). Many in the World Bank and other donor organizations, have prescriptively argued that the government should make decisions while outsourcing implementation to NGOs and other private actors (Cannon 1996 citing World Bank 1993: 87).

An extension of this argument holds that both NGOs and government are necessary components, and adds that they are beginning to blend together, though NGOs remain a micro-actor when compared to the government (Oyugi 2004). In several articles, Claire Mercer, for example, notes ways in which government officials act like NGOs and vice versa, blurring the boundaries between them (1999:

---

[26] Boulding & Gibson (2009) call this the "status quo argument" in their analysis of the political implications of NGOs. In this explanation, NGOs – whether explicitly or inadvertently – support existing political authority (measured in electoral support for incumbent politicians) by creating opportunities for politicians to claim credit for their work. Sometimes this happens through state capture, as when NGOs depend on state contracts or funding. It tends to happen more in large political units where information sharing across the entire population is difficult.

253-254). Van Klinken (1998: 349) agrees, "...this debate is premised on a neat division between government and NGOs; a distinction that is harder to sustain on the ground. Government is often involved in NGO activities, and vice versa. Yet, mythical independence is created to replace interdependence in reality." While NGOs are "constituted outside the state, [they] act in the public sphere." (Osodo & Matsvai 1997: 5)

NGOs Undermine the State

Many of the arguments just presented seem plausible, yet other scholars and policymakers have drawn out the processes by which NGOs can undermine or weaken the state. Interestingly, the same civil society arguments used to argue that NGOs can strengthen the state have been used to show how they can weaken it.[27] Tocqueville found that civil society in America strengthened the state, yet he also warned that non-governmental provision of services could threaten government authority. Others have agreed: even when unintended, NGOs' participatory approach mobilizes people, encourages increased information sharing, fosters alternative political ideas, and empowers the disadvantaged, all of which can threaten extant political authority, power and order (Bratton 1989, Fowler 1991, Boulding & Gibson 2009 citing Putnam 1993 and Putnam 2000, Martin 2004). As noted Kenyan political scientist Stephen Ndegwa (1994) reminds us, the normal relationship between state and civil society is opposition.

Indeed, organizations that become very independent from government can compete with it for loyalty when they perform many otherwise public functions (Whittington 1998). Tocqueville worried that they can "form something like a separate nation within a nation and a government within the government" (1863: 190). This creates the possibility of competing legitimate authorities: "If, besides the ruling power, another power is established with almost equal moral authority, can one suppose that in the long run it will just talk and not act?" (*Ibid*: 191) This is especially true where governments are weak, lack confidence of their control in the country, and where they are non-democratic or not accountable (Bratton 1989: 576). And it is exacerbated by the fact that NGO workers form a large part of their country's educated middle class, meaning they have access to the resources with which to challenge state authority (Obiyan 2004: 81).

Developing country governments often feel their authority threatened by NGOs: given their relative newness as states, the artificiality of many of their borders, and their history of fighting colonial powers through civil society organizations, this should not be surprising (Fowler 1991: 58). Even where NGOs

---

[27] It is possible that the democratizing effects of NGOs may weaken support for existing political authority in the short run, while improving governance in the long run. In non-democracies, the flipside of weakening state power or control can be a boon for democratization. For example, a Kenyan journalist has written about how NGOs threaten state power by emancipating Kenyans through empowerment and civic consciousness-raising efforts (*The Sunday Nation.* 1998. "Kenya: Why We Can't Do without NGOs Just Yet" Accessed online at the Global Policy Forum website, www.globalpolicy.org/ngos/state/1998/kenya.htm, on May 21, 2009). Yet others interpret these exact changes with a positive slant – democratization is inherently strengthening for a state (even if a particular regime might suffer).

can perform better than the state, suggesting a net benefit vis-à-vis service provision, African politicians also tend to view distribution of services in political terms (Bratton 1989: 573), seeing NGOs' greater capacity as "embarrassing" for the state (Guber 2002: 141) or as a visible criticism of state shortcomings (Farrington et al. 1993: 50). Where NGOs are overtly presented as a substitute for government, political resentment is high (Obiyan 2004). The same can be said for places where NGOs take away "what the state does best" – Whaites (1998: 346) describes this as occurring with regard to service provision in Sri Lanka.

The literature on NGO-state relations is rife with assertions that NGOs undermine or threaten to undermine government legitimacy. "Of the five imperatives that are a constant source of political concern to African governments, legitimacy is potentially the one most susceptible to NGO expansion" (Fowler 1991: 78). Michael Bratton explains that NGOs threaten legitimacy specifically because African governments rely on promises of service provision and economic development as their moral basis for holding power (1989). NGOs providing these services suggest, then, that host governments have failed in their side of the social contract, and therefore have less legitimate claim to power.

This means NGOs can inadvertently threaten legitimacy if they offer services that the government cannot match (Martin 2004). According to some, however, NGOs also sometimes use donor resources deliberately to compete with government for legitimacy (Obiyan 2004: 82). They intentionally sway legitimacy by publically opposing politicians and their credentials, or drawing attention to their mistakes (Sandberg 1994: 11).

Many of these arguments rely on an assumption that citizens in developing countries make comparisons between NGOs and the government, such that NGOs doing something well reflects poorly on the government. World Bank and UN development expert John Clark suggests NGOs themselves make this assumption; he writes that NGOs might not want to improve service delivery if it brings positive returns to the government and its popularity (1995: 596). Yet we do not know whether this assumption holds.

Aside from governing authority and legitimacy, NGOs may also weaken government capacity. If NGOs draw donor resources away from the government[28], capacity may fall for a number of reasons: First, NGOs may be less able to deliver than is often asserted, so diverting resources to them may not improve matters. Second, service provision may not be well coordinated, leading to a duplication of efforts and therefore wasted resources. Third, because NGOs are able to pay higher salaries, they can draw the most competent employees out of the public sector (Chege 1999).[29] Fourth, NGOs may provide an excuse to the government to

---

[28] Competition for these resources increased dramatically in the 1990s and early 2000s as donors redirected funds to NGOS instead of governments (Bratton 1989, Fowler 1991, Chege 1999, Edwards & Hulme 1996, Martin 2002, Owiti et al 2004).

[29] Liberalization of exchange rates has meant lower real wages for civil service employees, who then compete for higher-paying NGO jobs. With exchange rate liberalization and devaluation, real wages for civil servants have fallen as much as 80 percent (van de Walle 2001), covering family food expenses for as little as 3 days per month (Tripp 1994). At the start of the 21st century, NGO salaries averaged five times as high as their government counterparts in Kenya (Chege 1999).

withdraw from service provision (Campbell 1006). Governments may believe that NGOs alleviate some of their responsibility to their own poor people (Martin 2004: 30).

Fifth, *bypassing* already-weak governments does nothing to increase their capacity – instead, ever more emasculated governments exist, with little long-term solution (Whaites 1998). Writing on Tajikistan, Martin says, "…donor agencies have a tendency to look to NGOs as the preferred partners in development initiatives, *specifically because host governments are ineffective*. Yet in doing so, no incentive is ever provided to them to promote the kind of changes which would ultimately reduce their dependency on foreign donors." (2004: 12, see also Campbell 1996 and Cannon 1996). As a result, developing country government inefficiency becomes "a self-perpetuating reality" (Edwards & Hulme 1996 citing Farrington & Lewis 1993, 333), since governments never get the funds to improve or change. NGO experts Edwards & Hulme go so far as to argue that NGO service provision may act as a palliative, preventing structural changes that are needed to improve state capacity (1996: 964). Indeed, NGOs do often set up new operational networks, sidestepping existing government structures, which further undermines state institutions (Campbell 1996). Thus, while NGOs may be currently assisting with short-term development and maintenance efforts, these and other scholars argue that NGOs should not be seen as an alternative to functioning state institutions in the long run (Brautigam 1994, Chege 1999).[30]

Moreover, without a minimum level of pre-existing governance capacity, the many actors now providing services can overwhelm a weak state's ability to set standards, coordinate, monitor and regulate all organizations involved. Because privatization of service provision to NGOs is often not deliberate, but spontaneous "gap-filling," governments end up in the dark about which organizations are involved in service provision, where and in what capacity. Tocqueville recognized this possibility and argued that the state needed well-designed government institutions and laws meant to shape the polity and impart values. He felt that the situation in America worked because its laws "descend into minute details… in this way the secondary authorities are tied down by a multitude of detailed obligations strictly defined" (*ibid*: 74).

Lastly, NGOs have been argued to undermine governmental autonomy. Their sovereignty is weakened as externally based – or externally financed – NGOs make decisions normally considered the purview of government. Deciding to whom, where and when services are provided is now sometimes the role of NGOs or the donors that fund them (Kameri-Mbote 2002), but is traditionally that of government – ideally a democratic and accountable government. States without sufficient resources or capacity to provide these services themselves may feel they have little choice but to cede some degree of autonomy in exchange for the resources NGOs bring (Martin 2004; Osodo & Matsvai 1997).

---

[30] There also exist rumors that NGOs are largely a ruse for the continued enrichment of the powerful, being created and maintained by politicians, businesspeople and civil services in order to redirect donor funds for private use. If true, then the diversion of funds to NGOs will certainly not help capacity nor legitimacy either, if it is known widely in society.

At the end of the day, however, much as we question the sovereignty of developing country governments, many of them exert strategies of control over NGOs working in their territory. Governments act as gatekeepers between local NGOs and foreign donors (Bratton 1989), and nearly always have the power to expel offending foreign organizations, or scare them through raids and investigations (Katumanga 2004). They enact regulation and laws concerning the operation of NGOs in their borders, and visibly enforce them when necessary (Edwards and Hulme 1996, Ndegwa 1994).

Methodology & Data

Because "the state" is a large and abstract concept that is difficult to operationalize, I come to my findings on the state by examining its component building blocks, each of which speaks to an essential element of stateness. I then compile my findings on the individual components to draw conclusions that apply to the state as a whole. In this way, I employ a form of social science triangulation – rather than using one element of the state to act as a proxy for the state as a whole, I look at a variety to see if my findings are consistent across different aspects of the state. For each element, I ask an interesting lower-order question about NGOs' impacts, which, taken together, provide insight about a higher-order "big question": the changing nature of the state. Thus, I look at the impact of NGOs from four vantage points pertaining to the state: capacity, governance, legitimacy and territoriality. Because I draw similar conclusions regarding each lower-order question, I am confident in my ultimate conclusions on the state as a whole.

In addition to analyzing multiple elements of stateness, I have also used a mixed-methods approach, weaving together quantitative statistical analysis of original survey work with in-depth interviews, case studies and information gathered during the twenty-one months I spent in Kenya between 2002 and 2008.[31] This, too, allows me to confirm findings using one analytic method with other types of research through triangulation.

For the quantitative analyses, I collected both cross-temporal and cross-location data. I gathered information on NGOs, changes in development indicators, service provision capacity and perceptions of the state, both over time and across Kenya's 72 administrative districts. These data largely cover the time period since NGOs started to be registered by the government (in 1991); on legitimacy, however, I compare the early post-independence period of the late 1960s to today.

I also administered two surveys. The first survey of 500 secondary school students duplicates a 1966-1967 survey by Kenneth Prewitt, asking questions about citizenship, nation building and the state in Kenya. This survey helps me to measure change in perceptions of state legitimacy over time. The second is an original survey of 500 adults, and determines current perceptions of the state, linking state legitimacy to governmental and non-government service provision more concretely.

---

[31] I lived in Kenya for eight months in 2002. I conducted field research in Kenya specifically for this project from May to August 2005, September to November 2006, January to June 2007 and July to November 2008.

I complement these statistical analyses with a qualitative assessment of NGOs' impact in Kenya. Throughout the dissertation, I draw on over one hundred semi-structured interviews with governmental and non-governmental services providers, government officials and regular people, *wananchi*. My interviews covered such topics as the programs offered by NGOs and government respectively, organizations' goals and motivations, funding sources, and relationships with local and national government offices and officers. I also probed the relationship between NGOs, *wananchi* and the state. These interviews provided much of the understanding that allows me to interpret my statistical results in meaningful ways.

Most of the interviews for this work were done in two case-study districts of Kenya, Machakos and Mbeere, and in the capital, Nairobi, where the highest number of NGO offices and headquarters are located. To pick the case-study districts, I first determined which factors influence NGO placement across Kenya's 72 districts (discussed in detail in Chapter Two). Controlling for these factors, I then selected a single district with relatively high and low NGO numbers – Machakos and Mbeere respectively. The district with a high level of NGOs, Machakos, is analogous to a "treatment" case in which NGOs are the treatment, whereas the district with few NGOs is analogous to a control case. Except for variation in the number of NGOs, the districts are otherwise similar in many ways.

Qualitative work is particularly important for the study of less-developed countries like Kenya, since statistical data can be unreliable – government statistics offices are often sorely under-funded. Moreover, comprehensive and reliable data on non-governmental service provision is in severely short supply, not only from past decades, but also for the present time period. In addition, research touching even tangentially on issues of government legitimacy was stymied in Kenya by the government during much, if not all of the Moi administration, which stretched twenty-four years from 1978 to 2002, making for a large gap in cross-temporal analysis. Moreover, supplementing quantitative data with qualitative research provides weight to and flexibility in the use of the findings, since qualitative understandings that support numbers-driven findings increase our confidence in their validity.

Finally, as mentioned in the introduction to this chapter, this research takes the "effects of causes" approach to research: I examine a new phenomenon and seek to determine its impact. Consequently, my focus is on one independent variable, the proliferation of NGOs, examining its impact on four "elements of stateness." While this approach is less common than one in which a puzzling outcome is explained, it is important because of the extremely rapid growth of NGOs in Africa and their unknown impacts. This is important because of the extremely rapid growth of NGOs in Africa. NGOs are clearly having far-reaching impacts, and are in many ways the biggest change to the African political landscape in the past two decades.

Why Work on Kenya?

Kenya is a prime location in which to conduct research of this type for several reasons. First, the number of NGOs in the country has skyrocketed recently:

whereas in 1974 there were only 125 NGOs, this increased to over 400 by 1989, soared to over 3000 by 2005 (Bratton 1989 citing USAID, National Council of NGOs-Kenya website 2005), and arrived at over 4000 by the end of 2006 (NGO Coordination Board database, December 2006). When I finished field research in November of 2008, I was told there were more than 6000 (2008-10). As early as 1999, NGOs receive over 18 percent of official aid (Chege 1999).

Second, the history of service provision in the country makes Kenya an interesting case. The early-independence Kenyan government strove to take non-governmental service providers – mostly missionaries – under the government wing. Whereas Tanzania's Nyerere invited NGOs and even bilateral donors to take charge of service provision in specific, assigned areas of the country, Kenyan leaders preferred aid for these services to go through their government. Yet at the same time, Kenyan leaders have promoted an ethos of self-help since independence. In this vein, citizen groups, women's groups and youth civil society and development groups have been extremely common, with over 220,000 registered "society groups" by 2002 (Kanyinga 2004). These factors have made Kenyans receptive to NGOs' presence and participatory approach to development.

Finally, Kenya is a key state in which to undertake this research because of the way that the Kenyan government has responded to the growth of NGOs. Early on, the Moi Administration often appeared threatened by NGOs. In 1990, it instituted the then-controversial NGO Act with the justification of protecting the public interest. The Act requires all NGOs to register and pay fees to the government, to be answerable to the NGO Coordination Bureau of the Office of the President, and to accept government supervision and monitoring. The government used powers gained under the Act to harass and deregister NGOs it felt threatened by, including several human rights NGOs in 1995, the Green Belt Movement in 1999, the Centre for Law and Research International (CLARION) (Kameri-Mbote 2000), and the 304 and 340 NGOs (in 2002 and 2003 respectively) which were struck from the register for failing to adequately file required paperwork[32] (National Council of NGOs website). Interestingly, after a change of governmental power in 2002, the new Kibaki Administration attempted to reclaim some of the government legitimacy that had arguably been lost to NGOs by hiring many popular NGO leaders into the civil service and publicizing their cooptation widely. The Kibaki government has made numerous attempts to work more closely with NGOs in a complementary manner.

A Roadmap of the Chapters Ahead

This dissertation is about NGOs' impact on four elements of stateness: territoriality, capacity, governance and legitimacy. For simplicity's sake, each element will be addressed individually, in turn. Chapter Two examines the interplay between NGOs and territory, probing the factors that determine how NGOs choose the locations in which they work. Do they work in places where need for assistance is great? Places that are convenient for their workers? Places suggested by

---

[32] Only 20 of these 644 organizations successfully appealed their deregistration.

prominent politicians or other political influences? What does this tell us about their impact on territoriality?

Chapter Three's focus is on capacity. It examines the impact of NGOs on service provision capacity, looking at two districts' experience. It shows where, in what ways and in which arenas state service provision capacity has expanded or contracted. In Chapter Four, governance is the element of stateness put under the microscope. The chapter probes changing patterns of decision-making and NGO-government relations.

Chapters Five and Six investigate NGOs' impacts on state legitimacy. They use two different original survey instruments as well as in-depth interviews to understand whether popular support for government changes in the presence of NGO activity. Finally, Chapter Seven concludes the work, tying the four independent threads back together in an analysis of how our understand of the state has changed as non-state actors like NGOs gain salience in many of the world's least developed countries.

References

Allison, Graham. 1971. *Essence of Decision: Explaining the Cuban Missile Crisis.* Little Brown: Boston.

Atack, Ian. 1999. "Four Criteria of Development NGO Legitimacy" *World Development* 5, 855-864.

Balogun, M.J. "Enduring Clientelism, Governance Reform and Leadership Capacity: A Review of the Democratization Process in Nigeria" *Journal of Contemporary African Studies.* 15:2 (1997), 237-261.

Barkan, Joel D. 1975. An African dilemma: university students, development, and politics in Ghana, Tanzania, and Uganda. Nairobi: Oxford University Press.

Barkan, Joel et al. 2003. *Kenya in Transition.* World Bank: Washington DC. *Working document.*

Bebbington, Anthony. 1997. "New States, New NGOs? Crises and Transitions among Rural Development NGOs in the Andean Region." W*orld Development.* 25:11, 1755-1765.

Beissinger, Mark and Crawford Young (eds). 2002. *Beyond State Crisis?* Washington, DC: Woodrow Wilson Center Press.

Bevir, Mark. 2006. "Governance," in Mark Bevir (ed.), *Sage Encyclopedia of Governance*. Thousand Oaks, CA: Sage Publications.

Boulding, Carew E. and Clark C. Gibson. 2009. "Supporters or Challengers?: The Effects of Nongovernmental Organizations on Local Politics in Bolivia" *Comparative Political Studies*, 42, 479-500.

Bratton, Michael. 1989. "The Politics of Government-NGO relations in Africa" *World Development.* 17:4, 569-587.

Bratton, Michael. 1989b. "Beyond the State: Civil Society and Associational Life in Africa." *World Politics*, 41:3, 407-30.

Bratton, Michael & Nicolas van de Walle. 1997. *Democratic Experiments in Africa: Regime Transitions in Comparative Perspective*. Cambridge: Cambridge University Press.

Brautigam, Deborah. 1994. "State, NGOs, and International Aid in The Gambia" in Eve Sandberg (ed.) *The Changing Politics of Non-Governmental Organizations and African States.* Westport CT: Praeger, 59-82.

Brautigam, Deborah. 1996. "State Capacity Effective Governance" in *Agenda for Africa's Economic Renewal.* (Ben Ndulu and Nicolas van de Walle, eds.) Washington DC, Overseas Development Council, 81-108.

Brautigam, Deborah. 1997. "Substituting for the state: Institutions and Industrial Development in Eastern Nigeria" *World Development.* 25:7, 1063-1080.

Brodhead, Tim. 1987. "NGOs: In One Year, Out the Other?" *World Development* 15: Supplement, 1-6.

Brogden, Mike. 2004. "Commentary: Community Policing: A Panacea from the West" *African Affairs.* 103:413, 635-649.

Campbell, Will. 1996. The potential for donor mediation in NGO-State Relations: An Ethiopian Case Study. Institute of Development Studies, Working papers 33. pp23. Institute of Development Studies.

Campos, Nauro F., Feisal U. Khan, and Jennifer E. Tessendorf. 2004. "From Substitution to Complementarity: some econometric evidence on the evolving NGO-state relationship in Pakistan. *The Journal of Developing Areas*. 37:2.

Cannon, Christy. 1996. "NGOs and the State: a case-study from Uganda" *Development in Practice*, 6:3, 262-265.

Chege, Sam. 1999. "Donors Shift More Aid to NGOs" *Africa Recovery,* 13:1, 6.

Clark, John. 1995. "The State, Popular Participation and the Voluntary Sector" *World Development,* 23:4, 593-601.

Doornbos, Martin. 1990. "The African State in Academic Debate: Retrospect and Prospect" *Journal of Modern African Studies* 28:2, 179-198.

Easton, David. 1965. *A Systems Analysis of Political Life.* John Wiley & Sons: New York.

Edwards, Michael and David Hulme. 1996. "Too Close for Comfort? The Impact of Official Aid on Nongovernmental Organizations." *World Development* 6, 961-973.

Edwards, Michael, David Hulme & Tina Wallace. 1999. "NGOs in a Global Future: Marrying Local Delivery to Worldwide Leverage." Background paper for the Third International NGO Conference, hosted by the University of Birmingham

Ekeh, Peter. 1975. "Colonialism and the two publics in Africa: A Theoretical Statement" *Comparative Studies in Society and History* 17:1: 91-112.

Englebert, Pierre. 2000. *State Legitimacy and Development in Africa.* Boulder: Lynn Reinner Publishers.

Esman, Milton J. & Norman Uphoff. 1984. *Local organizations: intermediaries in rural development.* Ithaca: Cornell University Press.

Etzioni, 1965. "Organizational Control Structure", in J.G. March, ed., *Handbook of Organizations*, p. 650-677.

Evans, Peter. 1995. *Embedded Autonomy: states and industrial transformation.* Princeton: Princeton University Press.

Evans, Peter. 1997. "The Eclipse of the State? Reflections on Stateness in an Era of Globalization." *World Politics* 50:1, 62-87

Evans, Peter, Dietrich Rueschemeyer and Theda Skocpol (eds). 1985. *Bringing the State Back In*. Cambridge: Cambridge University Press.

Farrington, J., and A. Bebbington, with K. Wells, and D. Lewis. 1993. *Reluctant Partners? NGOs, the State and Sustainable Agricultural Development.* London: Routledge.

Fernando, Jude L. and Alan W. Heston. 1997. "The Role of NGOs: Charity & Empowerment" *Annals of the American Academy of Political and Social Science,* 554, 8-20.

Fowler, Alan. 1991. "The role of NGOs in changing state-society relations: perspectives from Eastern and Southern Africa" *Development Policy Review* 9, 53-84.

Gimode, Edwin. 2001. "An Anatomy of Violent Crime and Insecurity in Kenya: The Case of Nairobi, 1985-1999" *Africa Development* 25:1&2.

Grindle, Merillee S. 2004. "Good Enough Governance: Poverty Reduction and Reform in Developing Countries," *Governance*, 17:4, 525-548.

Gubser, Peter. 2002. "The Impact of NGOs on State and Non-state Relations in the Middle East." *Middle East Policy.* 9:1, 139-148.

Haggard, Stephen. 1990. *Pathways from the Periphery.* Ithaca: Cornell University Press.

Hazlewood, Arthur. 1979. *The Economy of Kenya: The Kenyatta Era.* Oxford University Press, New York.

Herbst, Jeffrey. 2000. *States and Power in Africa.* Princeton, NJ: Princeton University Press.

Holmquist, Frank. 1984. "Self-Help: The state and peasant leverage in Kenya." *Africa.* 54:3, 72-91.

Institute for Education in Democracy. 1997. *National Elections Data Book Kenya: 1963-1997.* Institute for Education in Democracy: Nairobi.

Jackson, Robert and Carl G. Rosberg. 1984. "Personal Rule: Theory & Practice in Africa" *Contemporary Politics.* 16:4, 421-42.

Jackson, Robert. 1992. "Juridical Statehood in Sub-Saharan Africa" *Journal of International Affairs,* 46:1.

Jacobsen, Karen. 2002. "Can Refugees Benefit the State? Refugee resources and African statebuilding." *Journal of Modern African Studies*, 40:4, 577-596.

Johnson, Chalmers. 1982. *MITI and the Japanese Miracle.* Stanford University Press; Stanford.

Kameri-Mbote, Patricia. 2000. *The Operational Environment and Constraints for NGOs in Kenya: Strategies for Good Policy and Practice.* IELC Working Paper No. 2000-2; International Environmental Law Research Centre.

Kanyinga, Karuti. 1996. "The Politics of Development Space in Kenya" in Semboja, Joseph and Ole Therkildsen (eds.) *Service Provision Under Stress in East Africa: State, NGOs & People's Organizations in Kenya, Tanzania and Uganda.* Copenhagen: Centre for Development Research.

Kanyinga, Karuti. 2004. "Civil Society Formations in Kenya: A Growing Role in Development and Democracy" in Okello, Duncan (ed). *Civil Society in the Third Republic.* National Council of NGOs: Nairobi.

Katumanga, Musambayi. 2004. "Civil Society and the Government: Conflict or Cooperation?" In Okello, Duncan (ed). *Civil Society in the Third Republic.* National Council of NGOs: Nairobi.

Keohane, Robert. 1984. *After Hegemony: Cooperation and discord in the world political economy*. Princeton University Press, Princeton, NJ.

Kimenyi, Mwangi S. and William F. Shughart II. December 2006. "The Political Economy of Constitutional Choice: A Study of the 2005 Kenyan Constitutional Referendum." *Working Paper.*

Kioko, Wanza, Laurence Muguru Mute and S. Kichamu Akivaga (eds) Introduction: Nature of Discourse on Transition in Kenya. in Kioko, Wanza, Laurence Muguru Mute and S. Kichamu Akivaga (eds). 2002. *Building an Open Society: The Politics of Transition in Kenya.* Claripress: Nairobi.

Leonard & Strauss. 2003. *Africa's Stalled Development.* Boulder: Lynne Reinner Press.

Levine, Arielle. Forthcoming Dissertation. "The Evolution of Community-Based Conservation in Tanzania."

Library of Congress, Federal Research Division. Metz, Helen Chapin (ed). 1992. *Nigeria: a country study.* Washington, DC: Supt. Of Docs.

Lieberman, Evan. 2005. "Nested Analysis as a Mixed-Method Strategy for Cross-National Research." *American Political Science Review,* 99, 3: 435-52

Lister, Sarah. 2003. "NGO Legitimacy: Technical Issue or Social Construct?" *Critique of Anthropology* 23:2, 175-192.

Makau, B.M. 1996. "Dynamics of Partnership in the Provision of General Education in Kenya" in Semboja, Joseph and Ole Therkildsen (eds.) *Service Provision Under Stress in East Africa: State, NGOs & People's Organizations in Kenya, Tanzania and Uganda.* Copenhagen: Centre for Development Research.

Martin, Jay. 2004. "Can Magic Bullets Hurt You? NGOs and governance in a globalised social welfare world. A Case Study of Tajikistan" Discussion paper 92 of the Graduate Program in Public Policy, Australian National University.

Mbembe, Achille. 2001. "On Private Indirect Government" from *On the Postcolony.* Berkeley: University of California Press.

Mercer, Claire. 1999. "Reconceptualizing State-society Relations: Are NGOs 'making a difference'?" *Area* 31:3, 247-258

Mercer, Claire. 2003. "Performing Partnership: civil society and the illusions of good governance in Tanzania" *Political Geography,* 22, 741-763.

Migdal, Joel. 1988. *Strong Societies and Weak States: State-Society Relations and State Capabilities in the Third World.* Princeton: Princeton University Press.

Migdal, Joel. 2001. *State in Society: Studying how States and Societies Transform and Constitute One Another.* Cambridge University Press.

Mitullah, Winnie V. and Tom Mboya. 2002. "Security and Political Transition in Kenya: A Critical Overview of Political Violence" in Kioko, Wanza, Laurence Muguru Mute and S. Kichamu Akivaga (eds). *Building an Open Society: The Politics of Transition in Kenya.* Claripress: Nairobi.

Mkandawire, Thandika. 2001. "Thinking about Developmental States in Africa." *Cambridge Journal of Economics.* 25:289-313.

Moyo, Dambisa. 2009. *Dead Aid: Why Aid Is Not Working and How There Is a Better Way for Africa.* Farrar, Straus and Giroux: New York.

Mushi, P. A. K. and Bwatwa, Y. D. M. (1998) 'Tanzania' in J. Draper (ed.) *Africa Adult Education. Chronologies in Commonwealth cultures*, Leicester: NIACE.

The National Council of NGOs. 2004. *Facts on the Economic Recovery Strategy: Civil Society Perspective.* The National Council of NGOs: Nairobi.

The National Council of NGOs. 2005. http://www.ngocouncil.org/index.asp *Online. Internet.* The National Council of NGOs: Nairobi.

Natsoulas, Theodore. 1998. "The Kenyan Government and the Kikuyu Independent Schools: From Attempted Control to Suppression, 1929–1952." *The Historian.* 60:2, 289-306.

Ndegwa, Stephen N. 1994. "Civil society and political change in Africa: The case of non-governmental organizations in Kenya." *International Journal of Comparative Sociology*. 35:1/2.

Ndegwa, Stephen N. 1996. *The Two Faces of Civil Society: NGOs and Politics in Africa.* Kumarian Press: Hartford, Connecticut.

Nyang'oro, Julius E. 1993. "Section I: NGOs in African Development – Activities, Issues & Concerns" in *Civil Society, the State & African Development in the 1990s.* Report of Study and Workshop: Receding Role of the State in African Development and Emerging Role of NGOs. Nairobi: All African Conference of Churches and MWENGO.

Obiyan, A., Sat. "A Critical Examination of the State versus Non-Governmental Organizations (NGOs) in the Policy Sphere in the Global South: Will the State Die as the NGOs Thrive in Sub-Saharan Africa and Asia?" *Journal of Asian and African Studies* 4:3, 301-327.

Ohmae, Kenichi. 1990. *The Borderless World.* Harper & Row: New York.

Onyango, Tom. June 30, 1998. "Letters: City Lobby a Great Idea." *The Daily Nation.* Online. http://www.nationaudio.com/News/DailyNation/1998/300698/Letters/Letters5.html

Osodo, Patrick and Simon Matsvai. 1997. "Partners or Contractors? The Relationship Between Official Agencies and NGOs – Kenya and Zimbabwe." INTRAC: Oxford UK.

Owiti, Jeremiah, Otieno Aluoka and Adams G.R. Oloo. "Civil Society in the New Dispensation: Prospects and Challenges" in Okello, Duncan (ed). 2004. *Civil Society in the Third Republic.* National Council of NGOs: Nairobi.

Owiti, Oketch (ed). 2002. *Enhancing the Electoral Process in Kenya.* Institute for Education in Democracy: Nairobi.

Oyugi, Walter O. 2004. "The Role of NGOs in Fostering Development and Good Governance at the Local Level in Africa with a Focus on Kenya" *Africa Development.* 29:4, 19-55.

Palmer, Robin and Jenny Rossiter. 1990. "Northern NGOs in Southern Africa: Some Heretical Thoughts," in *Critical Choices for the NGO Community: African Development in the 1990s.* University of Edinburgh Centre of African Studies, Seminar Proceedings, No. 30

Parsons, Talcott. 1947. *Max Weber: The Theory of Social and Economic Organization.* New York: Oxford University Press.

Peters, B. Guy and Jon Pierre. 1998. "Governance Without Government? Rethinking Public Administration." *Journal of Public Administration Research and Theory,* 8: 227-243.

Polanyi, Karl. 1944. *The Great Transformation.* Beacon Press: Boston.

Prewitt, Kenneth (ed). 1971. *Education and Political Values: An East African Case Study*. Nairobi: East African Publishing House.

Putnam, Robert et al. 1993. *Making Democracy Work: Civil Traditions in Modern Italy.* Princeton: Princeton University Press.

Republic of Kenya. Statute Law (Miscellaneous Amendments) Act, 23 Oct 1992.

Republic of Kenya: Governance, Justice, Law and Order Sector (GJLOS) Reform Program. 2006. *National Integrated Household Baseline Survey Report.*

Republic of Kenya: Ministry of Education. Data Collected from Website: http://www.education.go.ke/ Accessed Oct 28, 2007.

Rhodes, R.A.W. 1994. "The Hollowing Out of the State: the Changing Nature of the Public Service in Britain" *Political Quarterly.*

Rhodes, R.A.W. 2000. "Governance and Public Administration," in Jon Pierre (ed.). *Debating Governance: Authority, Steering, and Democracy*. Oxford: Oxford University Press. Pp. 54-90.

Rodrik, Dani. 1997. *Has globalization gone too far?* Washington, DC: Peterson Institute.

Roitman, Janet. 2005. *Fiscal Disobedience: An Anthropology of Economic Regulation in Central Africa.* Princeton, NJ: Princeton University Press.

Roitman, Janet. 2005b. "The Garrison-Entrepot: A mode of governing in the Chad Basin" in *Global Assemblages: Technology, Politics and Ethics as Anthropological Problems.* Oxford: Blackwell Publishing, 417-436.

Rosberg, Carl and John Nottingham 1966. *The Myth of Mau Mau: Nationalism in Kenya*. New York: Praeger.

Rosenau, James. 2000. "Change, Complexity, and Complexity in Globalizing Space," in Jon Pierre (ed.). *Debating Governance: Authority, Steering, and Democracy*. Oxford: Oxford University Press. Pp. 54-90.

Ruteere, Mutuma and Marie-Emmanuelle Pommerolle. 2003. "Democratizing Security or Decentralizing Repression? The Ambiguities of Community Policing in Kenya" *African Affairs.* 102, 587-604.

Rutten, Marcel, Alamin Mazrui and Francois Grignon (eds). 2001 *Out for the Count: the 1997 General Elections of Prospects for Democracy in Kenya.* Fountain Publishers Ltd: Kampala.

Salamon, Lester. 1993. "The global associational revolution: The Rise of the third sector on the world scene," Occasional Papers No. 15. Baltimore: Institute for Policy Studies, Johns Hopkins University.

Salamon, L.M. and H.K. Anheier, 1992. *Toward an Understanding of the International Nonprofit Sector*. The Johns Hopkins Comparative Nonprofit Sector Project Series- No.1.

Sandberg, Eve. 1994. "Introduction: The Changing Politics of Non-Governmental Organizations and the African State" in Eve Sandberg (ed.) *The Changing Politics of Non-Governmental Organizations and African States.* Westport CT: Praeger, 1-31.

Schatzberg, Michael. *Political Legitimacy in Middle Africa: Father, Family, Food.* 2001. Bloomington: Indiana University Press.

Scott, W. Richard. 1995. *Institutions and Organizations.* Thousand Oaks: SAGE.

Scott, W. Richard. 1998. *Organizations: Rational, Natural and Open Systems.* Prentice Hall: New Jersey.

Skocpol, Theda. 1979. *States and Social Revolution:* Cambridge University Press.

Stoker, Gerry. 1998. "Governance as Theory: Five Propositions," *International Social Science Journal*, 50, 155: 17-28.

Strange, Susan. 1996. *The Retreat of the state: the diffusion of power in the world economy*. Cambridge University Press.

Suchman, Mark C. 1995. "Managing Legitimacy." *Academy of Management Review* 20 (3).

Swidler, Ann. Working Paper. "Cultures of Governance: AIDS NGOs in Sub-Saharan Africa" Paper prepared for the Annual Meetings of the American Sociological

Association, August 14-17, 2004 San Francisco, CA. Don't CITE without Permission!

Tarrow, Sidney. 1996. "Making Social Science Work Across Space and Time: A Critical Reflection on Robert Putnam's *Making Democracy Work*." *American Political Science Review.* 90:2, 389-397.

Thomas-Slayter, Barbara. 1985. *Politics, Participation and Poverty: Development Through Self-Help in Kenya.* Westview Press: Boulder, Colorado.

Tilly, Charles. 1985. "War Making and State Making as Organized Crime," in Peter Evans, Dietrich Rueschemeyer & Theda Skocpol, eds, *Bringing the State Back In.* Cambridge: Cambridge University Press.

Tilly, Charles. 1990. *Coercion, Capital and European States.* Oxford: Basil Blackwell.

Tocqueville, Alexis de. 1863. (2000 edition). *Democracy in America.* New York: Harper Collins Perennial Classics.

Tripp, Aili Mari. 1994. "The Impact of Crisis and Economic Reform on Tanzania's Changing Associational Life" in Eve Sandberg (ed.) *The Changing Politics of Non-Governmental Organizations and African States.* Westport CT: Praeger, 121-137.

Turner, Thomas and Crawford Young. 1985. *The Rise and Decline of the Zairian State,* Madison: University of Wisconsin Press.

UN Centre for Human Settlements (Habitat). 1998. *Report of the Regional Workshop on Privatization and Financing of Municipalities in the Eastern African Sub-Region.* Online. Internet. http://www.unhabitat.org/unchs/planning/naivasha/contents.htm.

UNDP. 2006. *Kenya National Human Development Report 2006.* UNDP: New York.

Uphoff, Norman. 1993. Grassroots organizations and NGOs in rural development: opportunities with diminishing states and expanding markets. World Development. 21:4.

Van de Walle, Nicolas. 2001. *African economies and the politics of permanent crisis, 1979-1999, Political economy of institutions and decisions.* New York: Cambridge University Press.

van Klinken, Marinus K. 1998. "Beyond the NGO-government divide: network NGOs in East Africa" *Development in Practice*, 8:3.

Wade, Robert. "East Asia's Economic Success: Conflicting Perspectives, Partial Insights, Shaky Evidence," *World Politics.* 44:2 (1992), 270-320.

Wanyande, Peter. "The Public Service and the Politics of Succession" in Kioko, Wanza, Laurence Muguru Mute and S. Kichamu Akivaga (eds). 2002. *Building an Open Society: The Politics of Transition in Kenya.* Claripress: Nairobi. 157-174.

Watts, Michael. "Visions of Excess: African Development in an Age of Market Idolatry" *Transitions* No. 51 (1991), 124-141.

Weber, Max. 1919. *Politics as a Vocation.* in H. Gerth & C.W. Mills (eds). 1946. *From Max Weber: Essays in Sociology.* Oxford University Press.

Weber, Max. 1946. "Bureaucracy" in H. Gerth & C.W. Mills (eds). *From Max Weber: Essays in Sociology.* Oxford University Press.

Whaites, Alan. 1998. "NGOs, civil society and the state: avoiding theoretical extremes in real world issues" *Development in Practice*, 8:3.

Whittington, Keith E. 1998. "Revisiting Tocqueville's America." *American Behavioral Scientist.* 42:1, 21-32.

Wolfensohn, James D. President of the World Bank, Address in Kenya on Corruption, August 2003.

Woo-Cumings, Meredith. "Chalmers Johnson and the Politics of Nationalism and Development" in Cumings, ed. *The Developmental State.* Cornell University Press, Ithaca, New York. (1999), 1-31.

World Bank. 1989. *Sub-Saharan Africa: from Crisis to Sustainable Growth.* Washington, D.C.: The World Bank.

World Bank. 1990. *How the World Bank Works with Non-Governmental Organizations*. New York: The World Bank.

Young, Crawford. 1988. "The Colonial State and its Political Legacy" in Rothschild and Chazan (eds) *The Precarious Balance: State and Society in Africa.*

Young, Crawford. 1994. "On the State" in *The African Colonial State in Comparative Perspective.* New Haven: Yale University Press, p. 13-42.

Young, Crawford. 2004. "The End of the Post-Colonial State in Africa? Reflections on Changing African Political Dynamics" *African Affairs.* 103: 23-49.

Chapter Two: Why Do NGOs Go Where They Go? Territorial Evidence at the National Level

"NGOs have a tremendous ability to expand the scope of the state's reach."
(Sandberg 1994: 13)

Introduction

This chapter asks about the placement of NGOs within Kenya. It examines in detail how NGO locations are determined, and then provides analysis on how NGOs' geographic distribution affects the territoriality of the state. Knowing the factors correlating with NGO placement within a country allows us to understand what is captured when NGOs are used as an explanatory variable. What factors correlate with NGO implementation of programs on the ground? Do NGOs' locations correlate with objective need-based grounds, like poverty, illness, lack of education, or other such measures of relative deprivation? Or do other, less-altruistic factors associate more highly with NGO placement, like the ease of working in a particular location or the national-political implications of the choice? Are NGOs the do-gooders of popular imagination, or are NGO cynics correct?

One can imagine several possible reasons for how NGOs might select particular places in which to implement their programs. For example, project locations could be chosen more or less at random – NGOs might throw a dart at a map to find a village or town in which to work. Assuming this is not the case, several other plausible explanations exist. Selection may be based on need, meaning that NGOs choose to work where there is the most poverty, illness, lack of education or no safe drinking water. Or NGOs might go where there are a great number of people in relative need. Perhaps they usually work where an individual NGO worker or leader has connections, or where their work won't be interfered with for political reasons. Along similar lines, it's plausible that NGOs are swayed by powerful national politicians, who influence the NGOs to work in their home area either by direct instruction, or because they can offer resources to the NGOs if they are willing to do so. Finally, it has been suggested that NGOs chose their location based on the conditions or comfort level in that place for the NGO workers themselves.

The geographic distribution of NGOs within a country also allows us to think about the role non-governmental actors can play in state territoriality. Do NGOs help or hinder the state in broadcasting power over the territory it claims? Do NGOs assist the state in creating organizational presence in remote areas, by putting on the ground activities that locals consider as under state jurisdiction? Or do they cluster in central or readily accessible areas, enhancing a tendency of the state to fade away as one moves outward from the capital, leaving its territoriality poorly articulated?

Case studies on these questions are rare, as few researchers have had access to comprehensive countrywide data indicating where NGOs implement their projects. I was able, however, to gather sufficient information by obtaining a

complete database from the Government of Kenya's NGO Coordination Board (NGO Board), the agency responsible for registering, monitoring and assessing NGOs' work in the country. This database not only lists each of the over 4200 NGOs operating in Kenya at the time of research, but provides information on which areas of the country they work. Specifically, it lists each administration district in which each NGO says that it works. I use this data, combined with information from other government, international and NGO sources on Kenya, to correlate pull factors with NGO placement. I then reflect on their implications.

This chapter begins with an overview of existing theories of how NGOs chose the locations in which they work. This is followed by a discussion of the data and methods used in the analysis of geographic spread of organizations, as well as descriptions for each explanatory variable. Next come data analysis, including substantive interpretations of the findings and checks for robustness. The chapter provides implications for NGOs and policy makers, as well as analysis of geographic spread of organizations on the territoriality of the state. Finally, it gives suggestions for additional research in this area.

Existing Explanations of NGO Placement: Saintly or Self-Centered NGOs?

Two different hypotheses exist regarding the types of factors that correlate with NGO placement. The first, which I call the "saintly view of NGOs," is what most people probably assume that NGOs follow in decision-making – NGOs locate their projects where recipient need is very great and alternative means of service provision do not exist or are insufficient. This view corresponds to the mission statements of most development NGOs in Kenya, which promise such things as: "to ensure that every African can enjoy the right to good health by helping to create vibrant networks of informed communities that work with empowered healthcare providers in strong health systems" (AMREF 2008); or "to provide equipment for the drilling of water wells that will provide clean drinking water to the people of Western Kenya in and near the City of Kakamega" (Water for Kakamega 2008). When asked their motivations for starting or working in NGOs, individuals have told me explicitly and without prompting that their organizations choose locations based on need (2008-13, 2008-16, 2008-25, 2008-26, 2008-30, 2008-31, 2008-32).[33]

Need also corresponds to the reason that many highly educated people – both foreign and Kenyan – give for their decision to work for an NGO. NGO workers in general have the skills and abilities to earn considerably higher incomes through employment in the private sector, but chose to work in NGOs for humanitarian or altruistic reasons. For example, one international NGO worker interviewed said that she chose to take a 40% pay cut to work for a non-profit, "because I really wanted to give back in some way… so [my] main reason is service and mission driven" (2008-3). Another mid-level NGO worker told of, "a personal interest to work on issues that I had an opinion about and cared for" (2008-7). Many others told me their

---

[33] A reminder: references in the format (XXXX-XX) represent the author's interviews during field research. Because of confidentiality requirements of the Committee for the Protection of Human Subjects at the University of California, Berkeley, personal identifiers are not used.

organizations hoped to reduce "duplication of efforts" in service provision in order to reach a greater number of people. Another said, "We don't just talk about the bottom line. We get a chance to talk about why we are doing what we are doing, and debate what is the right thing to do" (2008-8). Similarly, a Kenyan leader told me that before she started her NGO, she earned more money selling maize and beans meals in a shantytown, but she couldn't stand by and watch so many children remain uneducated (2007-26). Likewise, a young Kenyan left a paying job to start an NGO designed to keep boys in school and out of trouble in a highly turbulent Nairobi slum. He relied on donations to maintain the organization (2007-36). These workers believe the organizations work where they do in order to improve the lives of those who truly need assistance.

Some recent research confirms these sentiments. In the international relations literature on norms, for example, Tim Büthe and his colleagues asked, "What explains the allocation of private-source development aid across recipient countries?" and found that American private development assistance is dispensed along need-based lines, following idealistic, altruistic and principled norms of serving underdeveloped and neglected populations (Büthe et al. 2008, 2). It is not allocated primarily to prolong the survival of NGOs or the employment of personnel. Büthe et al. point out:

> "Difficult work under often unpleasant conditions for quite low salaries leads to self-selection among the often highly educated NGO staff, so that those who make a career in development NGOs tend to be strongly motivated by a commitment to indeed feed the hungry, treat those in poor health, educate the illiterate, and to do so in ways that create conditions for long-term improvements in aid recipients' quality of life" (*ibid.* 4).

Should this "saintly" view of NGOs be true, we should expect to see a number of specific factors strongly correlated with high levels of NGO activity. Districts with high poverty and low human development should tend to have more NGOs, all else being equal. Similarly, poor health, education, sanitation and economic indicators should correspond to higher NGO penetration. High population or population densities might also be associated with NGOs, since this would allow NGOs to do good for the greatest number of people.

The second category, the "cynical view of NGOs," is more often held by policy-makers, embittered NGO workers, donor country representatives, politicians, and critical academics. Cynical views can fall into two sub-categories: political theories and convenience theories. These both suggest that NGOs provide services not where they are necessarily needed the most, but where there are instrumental reasons to provide them.

In the case of political theories, cynics tell several related stories. First, some suggest that NGOs are most plentiful in areas where powerful national politicians hail from, since African politicians are known to use their access to the national cake to feed their home areas (Ekeh 1975, Jackson & Rosberg 1984, Joseph 1987, Bayart 1993, van de Walle 2001). NGOs have played a role in this distribution of benefits ever since donors began to focus on corruption: national resources can be funneled through politician-initiated NGOs to sanitize them (Bratton 1989, Fowler 1991).

A variant of this holds that NGOs are more prevalent in districts where elected politicians are most popular – or at least repeatedly reelected – since in a patronage-based political system, a politician will be popular only if s/he delivers, and NGOs assist with delivery. Areas displaying loyalty to the national government are therefore rewarded by it (Barkan et al. 2003) via the steering of NGOs to those areas. In Kenya, this was said to be true throughout the Moi administration, during which time the saying "*siasa mbaya, maisha mbaya*" (bad politics, bad life) was popular, meaning that areas with "bad" political affiliations would not receive state-based funds (2008-58).

A similar account holds that NGOs often do not choose their own locations, but are told where to locate projects either explicitly or by implication by powerful politicians and administrators at the national government level – people at the Ministries of Health, Education, Planning, etc. These political theories lead to a set of testable hypotheses. If true, we should see that districts from which very powerful politicians hail have more NGOs than their less fortunate counterparts. We should also expect that districts with low electoral turnover have higher numbers of NGOs than those districts with high turnover, all else equal. Since politicians are often reelected when they bring goods and services to their constituency, and NGOs are equated with these goods, politicians who can successfully claim credit for bringing NGOs to their district are more likely to be reelected. Finally, districts that show strong allegiance to the national government should have more NGOs than those that do not.

Like political theories of NGO placement, *convenience* theories hold that NGOs choose their location for the instrumental benefit of the NGO workers or the NGO as an organization. For example, proponents of this theory believe that NGO prevalence is correlated with ease of access to a location. Since there are so many people in need in developing countries, choosing to help the ones that are relatively easy to reach might seem reasonable to NGO decision-makers. Why pick someone in need who is very difficult to get to when there is another person in need right along a nicely paved road? These theorists also believe that just as developing country government officials often consider it "punishment" to be sent to remote locations with poor living quality and limited access to elite goods (McSherry & Brass 2007), it is difficult to find high quality NGO workers – particularly well-educated local elites – eager to live in such areas. Indeed, in my own experience, I have known vastly under-qualified individuals (by their own admissions) to be considered for high-level positions in such locations for lack of alternative candidates (2006-9). On a related note, some argue that NGOs choose locations to work based on where individual members of the organization have connections – both professionally and personally, including family connections. In Africa, this not only helps these workers develop their community status as "patrons" (Kaler & Watkins 2001), it also allows them to spend time with people they care about.

As with individual workers, NGOs as organizations may also choose to work where members of their organizational network or field works already, such as in a place where an organization with which they have successfully collaborated in the past already has a project. Thus we might expect to see a snowballing of like-missioned organizations in one general area.

On the organizational level, many people have argued or implied that NGOs choose projects based primarily on the survival imperative of the organization itself – and less on the needs of the people they claim to help (Hancock 1989, de Waal 1997, Buthe et al. 2008). In the organization theory literature, this is addressed by theorists who claim that many organizations lose sight of their initial goals in order to survive. "Natural" systems theories of resource dependence, for example, would point out that NGOs are dependent on their external donors for their survival. For this reason, an organization may choose to locate a project in an area that is important to the donor; that is highly visible in the news and therefore likely to receive funding from the populace generally; or that is "hot" in the development field. Each of these could help to ensure the organization's survival through success in accumulating resources needed for continuation.

If it is true that NGOs choose their location based on these convenience and livability factors, then certain correlations should hold. First, NGOs should be more prevalent in places that are easy to get to and where they can access a high density of people. All else being equal, this means that one could expect to find NGOs along major highways, near well-trafficked airports, in areas with well-paved roads and in larger cities. Second, NGOs should be more common in areas where there is increased access to "elite goods," such as restaurants, entertainment, imported or processed foodstuffs, resorts and high quality healthcare and education for workers' families. Third, we should see a correlation between any stated interests of major donor countries and NGO location – although this might be more obvious *between* countries than within them. Finally, over time, we would expect to see a snowballing of NGOs in otherwise inexplicable locations. For example, in the town of Busia in Western Kenya there is a sizable community of academic workers that has largely formed via the snowball method. NGOs might prove to do the same thing.

Data & Methods

I estimate a linear regression to assess the competing claims made about where NGOs choose to locate. The dependent variable in this analysis is the number of NGOs in each administrative district of Kenya. To clarify for the reader unfamiliar with Kenya, a district is the third-level administrative unit: it is below the national and provincial levels, and above the division, location and sub-location level (see map later in this chapter). The district is an administrative, not a political unit, though it usually overlaps with several sub-national political units called constituencies, and local political units, counties. Each constituency votes for its own Member of Parliament (MP), meaning that most districts are served by several MPs, who generally are the highest political officials in the district, unless the district is fortunate enough to claim a Minister or Assistant Minister. The number of districts in Kenya has grown since independence, when there were 40 districts; at the time research there were 72, although comprehensive data was only available for 70.[34]

---

[34] There are now an additional 72 districts, created in late 2007 for a total of 144 districts. As of mid-2009, they had yet to become fully independent from their parent districts. In comparison, there are

I use data collected by the Government of Kenya's NGO Coordination Board (NGO Board), the government agency responsible for registering and monitoring NGOs' work in the country. This database lists over 4200 NGOs active in the country at the time of research, including: all the NGOs registered in Kenya between 1991, when the NGO Board was created, and December 2006, during initial fieldwork; plus about 50 NGOs registered between 1953 and 1991 that were entered in the database upon its creation; minus all NGOs stricken from the record over the years for various reasons. For example, 304 and 340 NGOs in 2002 and 2003 respectively were struck from the register for failing to adequately file required paperwork, only 20 of which were successfully able to appeal (National Council of NGOs website, accessed 2006). Based on the numbering system of the NGO Board, it appears that 2164 NGOs have been struck from the register since its creation – there are organizations numbered to 6375, but only 4211 records.

The NGO Board database contains a plethora of information. Basic data such as the NGO's name, postal and physical address, contact information, and registration date exist alongside more interesting information like the organizational objectives, date of last return, mission statement, origins, amounts, and spending patterns of organizational resources, and – most crucial for this paper – the geographical locations in which each NGO works.

A caveat: while this database is remarkably complete, there are several factors suggesting that the data is not flawless. For example, financial information is remarkably incomplete. Moreover, some NGOs have not submitted required annual reports consistently, making it unclear whether the organization still operates generally, and in the location listed specifically. Since the NGO Coordination Board does not have adequate staff to follow up with each of these organizations, many of them are left in the database in years that reports are not submitted, giving the organization the benefit of the doubt – it, too, is likely lacking in administrative resources. Yet as already mentioned, the NGO Board has struck many organizations from the register over the years, suggesting that there is a strong attempt at maintenance of the database.

An equally problematic element in the database is that it relies on self-reported location information from the NGOs. This means that the database lists the districts where each NGO *says* it works – not where the organization can actually be shown to work now or in the past. Because a good number of NGOs never get off the ground, or their strategy changes between registration and implementation, it is not always clear that they have or ever had a presence in the places listed in the database. It is also unclear whether the location information is updated each time an annual report is submitted, or whether it is entered only at the time of initial registration, and never updated.

Nevertheless, I use the data. This data can be used despite these potential errors since: it is far and away the most comprehensive dataset available for the country; it is the data that the Kenyan government uses to determine its NGO-

210 political constituencies and MPs. Until 2007, there were between 2 and 8 constituencies in each district.

related policies; it is updated as well as possible given the Board's capacity,[35] with inactive NGOs removed each year; and it holds up to tests of robustness when compared with alternate datasets. Specifically, results are robust against those of the *Directory of NGOs in Kenya* (2005), from the non-profit organization responsible for coordinating all NGOs in Kenya, the NGO Council. While the absolute number of NGOs is not consistent between the two organizations, the geographic distribution of NGOs *is* highly correlated, at .9478. Moreover, there is no reason to believe that errors were placed there intentionally or systematically. Thus, while there are most certainly errors – as there are for all statistics, especially those from developing countries – there is no reason that the errors are biased in a systematic way.

Table One: Descriptive Statistics

Variable	Obs	Mean	Std Dev	Min	Max
Number of NGOs	70	250	42.5	204	534
HIV Rate	70	5.7	4.6	0	24.4
Adult Illiteracy	70	33.9	15.1	11.1	82.6
Lack Water	70	48.1	17.9	6.1	96
Lack Healthcare	70	65.6	13.8	31	94
Population Density	70	280.3	492.8	0	2994
Paved Road Density	70	127.4	389.2	0	2867
Distance from Nairobi	70	343.7	190.2	0	1039
% Urban	65	13.6	17.6	1.2	100
Ave # of MPs	70	2.1	0.41	1	3
1997 Moi Vote	70	50.0	31.2	3.3	99.2

In addition to the NGO Board database, I collected a wide variety of information during field research between 2005 and 2008 that serves as proxies for my explanatory variables (see table one). These proxies come from Government of Kenya censes from 1989 and 1999, UNDP Human Development Reports for Kenya, and seven different Kenyan government agencies or ministries. I divide these independent variables into three categories, relating to the theories detailed above: *need* factors, *political* factors, and *convenience* factors.

Need factor proxies include measures like: the percentage of the *population without access to drinking water or healthcare*, *HIV levels*, or *adult illiteracy* rates.[36] If

---

[35] NGO Board workers, relative to other Kenyan government agencies, were professional, interested in their work, and willing to assist me. Employees recognized their resource scarcity and did not attempt to hide limitations in their work.

[36] I do not use a proxy for "poverty," as many poverty indicators, such as that used in the UN Human Development Reports, are composite indices. I choose to tease out individual factors for greater precision. I do not include GDP per capita, as GDP is both highly correlated with several other

relative need for assistance correlates with NGO placement, we should see a significant positive coefficient for lack of access to drinking water and healthcare, high HIV prevalence and illiteracy. These represent the need for infrastructure, healthcare, assistance fighting HIV and education.[37]

As proxies for political factors in NGOs' decisions, I first compiled data on district-level allegiance to the national government using electoral data from the presidential elections of 1997, in which a highly unpopular Daniel arap Moi squeaked through the vote, retaining the presidency after nineteen years in office. Aggregating constituency-level voting data into district-wide average electoral support for Moi determines a particular districts' allegiance to the national government in the late 1990s. According to the dominant neo-patrimonialism theories of African politics, one would expect that the more a district supports Moi, the more it is rewarded with NGOs by this most-powerful patron. Should politics be a major factor in their location decisions, *support for Moi in the 1997 elections* should have a significant positive coefficient.[38]

As an alternate political variable, I calculated the average amount of electoral turnover in a district. This measures the power of patronage at the local rather than national level; MPs who do not bring goods and services are not reelected. Since politics in Kenya is highly personalized with electoral competition based on the candidate's individual characteristics and not party platforms (Oyugi et al. 2003), this is a measure not of *party* turnover, but of changes in the individual serving as MP in a constituency. This variable is derived by determining the number of electoral MP turnovers in each constituency in each district, and then averaging the number for all constituencies in that district. Since there were three elections in this period, this variable ranges from 1, which means a single person served as MP in each constituency in the district (i.e. there was no turnover in any constituency), to 3, meaning that 3 different individuals served as MP in each constituency (i.e. turnover in every constituency in every election). This variable is called *Electoral Turnover of MPs*, and I expect to see a significant and negative coefficient on this variable, all else held constant.[39]

Finally, to measure NGO convenience factors,[40] I collected information on the *population density* of the district, under the assumption that NGOs will go where

---

measures included in the models (such as urbanization, population density and road density) and can be misleading in places with high income disparity.

[37] The measures of need largely correspond with the primary area of involvement for the overwhelming majority of NGOs in Kenya. In four representative sample districts (Machakos, Mbeere, Taita Taveta and Siaya) for which I analyzed the NGO focus area, the distribution of NGOs was virtually identical. See Appendix E for pie charts.

[38] As an alternate measure, I calculated district-level support for Kibaki in the 2002 elections. Vote share for Moi in 1997 and Kibaki in 2002 were highly correlated with one another, so I rely only on 1997 vote share for Moi.

[39] Given the lack of statistically significant correlation for the two political variables, I'm not convinced it's worth devising a measure of powerful politicians coming from particular districts.

[40] It has been suggested that the proportion of students attending secondary school in a district would also be a good measure for convenience, as it indicates whether there is a pool of educated people from which to draw NGO personnel. Because of the national centralized nature of the school

they can access large numbers of people from a single office. I also computed the *distance of each district's administrative headquarter from the capital city,* Nairobi, as well as the *density of the district's road network*. Data for these computations came from the government's Kenya Roads Board. Since many of the largest districts in Kenya have the least infrastructure, measuring road density provides a magnified result for ease of access. If NGOs chose location based on ease of access, we should see a positive and significant coefficient on the paved roads variables, and a negative coefficient on the district's distance from Nairobi.

As a measure of physical comfort and quality of life for NGO workers, I examine the *urbanization* level of the district, since urban areas have significantly higher levels of elite goods than their rural counterparts. The urbanization variable is the ratio of the urban population of the district to the entire population, based on the 1999 census. If NGOs chose their operating locations based on employees' convenience, we should see a positive and significant coefficient on this variable.[41]

Analysis of NGO Placement

With this data, I am able to determine which factors correlate with the distribution of NGOs in Kenya at the district level, all else being equal. I begin with a basic model (Model 1 in Table Two), in which I include several factors that represent each hypothesis, and conclude by showing that several need and convenience variables – lack of access to healthcare, high HIV rates, high population density and close proximity to the capital, Nairobi – are consistently significant correlates with NGO placement in Kenya (Model 5), while political factors have no clear relationship to NGO placement.

Most NGOs claim to locate based on objective need. To cover a variety of types of need, I include measures for education, infrastructure and healthcare generally, represented by adult illiteracy, lack of access to clean drinking water and lack of access to healthcare. Interestingly, two of these independent measures of need have very little impact on the model. The first, adult illiteracy is never statistically significant (p-values of .279, .313, .897 and .799 in Model 1, 2, 3 and 4). Moreover, the coefficients on the statistically significant variables barely change when it is discard in Model 5. While I do not include all models attempted here, I never found adult illiteracy to be statistically significant – its significance only decreased as I added other measures. As an alternate measure, I used primary school enrollment rates in the model in the place of adult illiteracy. I use the UNDP's *Human Development Report* for Kenya (2006), which estimates the school-age population from the 1999 census relative to the enrollment figures.[42] This measure was always insignificant.

---

system in Kenya, however, students often attend secondary school outside of their home district. Moreover, NGOs are often able to hire university graduates.

[41] Qualitative evidence gained through interviews suggests that NGO leaders and workers avoid duplication of efforts in a particular village, Sub-Location or Location (2008-14, 2008-18, 2008-37).

[42] Enrollment rates over 100% are not an error: the introduction of universal free primary education in Kenya in 2002 brought a large number of adults back to school, and children older than the cohort age often attend school in Kenya.

Table Two: Number of NGOs according to NGO Board

	Model 1	Model 2	Model 3	Model 4	Model 5
Need Factors					
Adult Illiteracy Rate	0.404	0.365	0.036	0.083	
	[0.370]	[0.358]	[0.275]	[0.325]	
Percent w/o access to clean water	-0.256	-0.318	0.006	-0.118	
	[0.293]	[0.284]	[0.195]	[0.226]	
Percent w/o access to health care	0.24	0.041	0.479*	0.697**	0.743**
	[0.369]	[0.368]	[0.276]	[0.337]	[0.310]
HIV Prevalence		2.299**	1.849**	1.906*	1.675**
		[1.040]	[0.822]	[0.971]	[0.803]
Convenience Factors					
HQ Distance from Nairobi	-0.052**	-0.063**	-0.034	-0.057**	-0.054**
	[0.026]	[0.026]	[0.021]	[0.024]	[0.021]
Urbanization percentage	1.552***	1.405***			
	[0.271]	[0.271]			
Km of paved roads per 1000km2 of area			0.082***		
			[0.009]		
Population Density				0.056***	0.058***
				[0.009]	[0.008]
Political Factors					
Ave # of MPs per constituency in 92-02 elections	4.848	2.891	-3.252	-3.185	
	[10.423]	[10.124]	[7.808]	[9.151]	
Percentage vote for Moi – 1997	-28.184	-6.664	-0.071	1.633	
	[18.174]	[20.100]	[15.888]	[18.582]	
Constant	235.194***	237.885***	214.641***	205.905***	194.017***
	[37.014]	[35.834]	[27.514]	[33.794]	[19.383]
Observations	65	65	70	70	70
R-squared	0.49	0.53	0.67	0.55	0.55
Standard errors in brackets					

Note: All tables depict OLS estimates with Huber-White robust standard errors in brackets where * $p < 0.1$; ** $p < 0.05$ and *** $p < 0.01$, two-tailed tests. I used Stata 10.0 to derive all estimates.

Like adult illiteracy, the second additional measure of need, the percent of people in a district without access to clean drinking water, which measures both absolute poverty and need for infrastructure, is not significantly correlated with NGO presence. Additionally, it had a coefficient with the "wrong" sign: the theory implies that the percentage of people without safe water and the number NGOs in a district should move in tandem, yet the results in Table Two indicate that as the lack of clean water goes up, the number of NGOs in that area, all else held constant, goes down. This variable does not have a large impact on the coefficients of other significant variables or the overall fit level of the model.

The last measure of need in these models is the percent of people without access to healthcare in a district. While this does not initially appear to be significant, when the model is refined, it becomes significant (p-value of .088, .043 and .019 in models 3, 4 and 5), with a positive coefficient, all else held constant.

I add HIV rates to my indicators of need since I was told frequently during field research that a high proportion of NGOs work to fight Kenya's AIDS epidemic. HIV rates in the country were thought to be around 14% in the early 2000s, although, as in many countries of the world, estimates have been lowered to around 6%, largely due to improved measurement tools (World Bank 2008). While HIV rate may seem to measure the same thing as lack of access to healthcare (since they both pertain to illness), in fact the two are correlated at an extremely low level (.01). Thus, I include them both in the model. As seen in Table 2, the estimated coefficient for HIV prevalence is positive and significant, as hypothesized. Need factors – particularly those pertaining to availability of social services and the HIV epidemic – might therefore be explanatory factors in determining NGO placement.

Like some of the need factors, convenience factors have a highly significant correlation with NGO placement in Kenya. To test them, I measure the district headquarter distance from Nairobi. On average, the farther one gets from the capital, the less well maintained the roads are – making travel to remote locations more physically uncomfortable *and* the likelihood of finding elite goods on arrival lower. For the most part, throughout the models, this variable is strongly significant with consistent substantive meaning.

Because many of my convenience measures are fairly highly correlated with one another (except district headquarters' distance from Nairobi) and all represent access to a high number of people, I alternate these measures throughout the models to confirm that convenience factors do highly correlate with NGO placement.[43] Thus, in Models 1 and 2, I include an urbanization measure, which is highly significant (p-value of .000 in both models). In Model 3, I exchange urbanization for the density of paved roads in the area. My coefficient on the road density variable is highly statistically significant (p-value of .000) and has the sign predicted by the convenience theory. It suggests that as the road density in a district increases, the number of NGOs in the district increases, all else being equal. Because I believe population levels and densities to be the clearest pull-factor for ease of access by NGOs, I include a measure of population density in the final models. Like the other convenience measures, population density is strongly significant and positive (p-value remaining .000 in both models). I discuss the substantive meaning of this finding below.

Finally, I include measures to test the politics-based explanations of NGO presence in Kenyan districts. These are not statistically significant in any model. I use 1997 vote share for Moi as a proxy for political influence on location choice of

---

[43] Since the absolute level and density of people and roads tend to be strongly correlated, road network density also serves as a convenience measure. Population levels and the km of paved roads in a district are correlated at .8447; Population and road density at .6923, Population density and road density at .9193.

NGOs. A high level of support for Moi in the 1997 elections suggests loyalty to Moi as a patron able to bring development support to the district.

Because politics in Kenya is largely based on patron-client ties, however, it is likely that support for more local politicians has a greater impact on NGO placement in a district than support for the president. For example, the patronage relationship between an MP and his/her constituency is more direct than that between a district and the leader of the entire nation. For this reason I include a measure of MP turnover, which finds the mean number of MPs in the district in from 1992-2002. Remarkably, neither variable has a significant impact on the regression coefficients; when removed from the equation in Model 5, they change neither coefficients, nor significance levels, nor the fit of the model in a meaningful way. Extrapolating, political pressures do not appear to be how NGOs chose their project locations in Kenya.

In Table Three, I summarize the substantive meaning of each coefficient in Model 4 in order to show the predicted effect of each variable. The first column reminds us of the variable's coefficient in the model; the second shows the real meaning of one standard deviation change. The last column on the right shows the impact of this one standard deviation increase on the number of NGOs in a district, all else being equal.

Table Three: Substantive Meaning of Model 4

Variable	Model 4 Coefficient	One Standard Deviation in the Variable	Impact on the Number of NGOs in a district (rounded to the nearest whole number)
Adult Illiteracy Rate	0.083	15.1%	+1
HIV Prevalence	1.906*	4.6%	+9***
Percent w/o access to clean water	-0.118	17.9%	-2
Percent w/o access to health care	0.697**	13.8%	+10**
HQ Distance from Nairobi	-0.057**	190.2 km	-11**
Population Density	0.056***	493 people/km	+28***
Ave # of MPs per constituency	-3.185	0.41 MPs	+1

In meaningful terms, the data suggests that both need and convenience play a role in determining NGO location. For example, for each standard deviation (13.8%) increase in the percentage of people without access to healthcare, we find approximately 10 more NGOs in a district. Likewise, the estimated coefficients for the HIV variable suggests that for each standard deviation increase in HIV prevalence in a district – or about 4.6% increase in prevalence – we find an increase of approximately 9 NGOs in a district. Stated another way, as we move from a district with the median HIV prevalence in the country (4.05% HIV prevalence) to one at the 75th percentile HIV rate (6.7%), we find an increase of approximately 5 NGOs, all else being equal. In real terms, this is equal to about a quarter of one standard deviation in NGO number.

Similarly, while less significant than HIV prevalence, the estimated coefficient for my convenience measure, HQ distance from Nairobi, implies that for each

standard deviation increase in the distance of a district's headquarters from Nairobi, we find approximately 11 fewer NGOs, all else being equal. This means that being located only 190km (114 miles) away from Nairobi results in a district having almost a dozen fewer NGOs than average. I find that holding all else constant, a one standard deviation increase in the population density of a district (493 people per square km) leads to an increase in the number of NGOs for that district of 28. Stated another way, as we moved from a district with the median level of population density (164 people/km2) to a district at the 75th percentile (323 people/km2), we find an increase of 9 NGOs in the district.

Tests of Robustness

Using an alternate measure of NGOs, data from the National Council of NGOs, itself an umbrella NGO responsible for coordinating NGO activities, I find that the major results hold, as shown in Table Four. While HIV prevalence is no longer significant, the other key indicator of need that was significant using the first database, lack of access to healthcare, remains strongly significant. Likewise, both of the measures of convenience that were significant using the first database remain so. Most importantly, there is no indication that the political hypothesis needs to be reconsidered when this new data is employed.

Table Four: Robustness Test Using National Council of NGOs Data

	Model 1	Model 2	Model 3	Model 4	Model 5
Need Factors					
Adult Illiteracy Rate	1.139*	1.103*	0.367	0.41	
	[0.634]	[0.634]	[0.457]	[0.619]	
Percent w/o access to clean water	-0.428	-0.477	0.071	-0.265	
	[0.502]	[0.504]	[0.323]	[0.432]	
Percent w/o access to health care	0.349	0.186	1.058**	1.403**	1.496**
	[0.631]	[0.650]	[0.458]	[0.641]	[0.594]
HIV Prevalence		1.906	1	1.377	0.781
		[1.839]	[1.363]	[1.850]	[1.540]
Convenience Factors					
HQ Distance from Nairobi	-0.152***	-0.161***	-0.097***	-0.146***	-0.137***
	[0.044]	[0.045]	[0.034]	[0.046]	[0.041]
Urbanization percentage	3.268***	3.149***			
	[0.465]	[0.478]			
Km of paved roads per			0.172***		
1000km2 of area			[0.016]		
Population Density				0.109***	0.112***
				[0.017]	[0.015]
Political Factors					
Ave # of MPs per constituency	2.191	0.603	-10.726	-11.589	
in 92-02 elections	[17.817]	[17.871]	[12.928]	[17.412]	
Percentage vote for Moi - 1997	-37.981	-19.989	-5.834	-1.437	
	[31.157]	[35.652]	[26.426]	[35.513]	

Constant	47.979	49.766	10.754	8.16	-22.517
	[63.650]	[63.632]	[45.811]	[64.686]	[37.467]
Observations	64	64	69	69	69
R-squared	0.59	0.6	0.75	0.55	0.54

Standard errors in brackets

Note: All tables depict OLS estimates with Huber-White robust standard errors in brackets where * p < 0.1; ** p < 0.05 and *** p < 0.01, two-tailed tests. I used Stata 10.0 to derive all estimates.

Conclusions

Pragmatic Saints in Kenya

      In this paper, I have provided preliminary evidence of the factors influencing NGOs to choose their location within a country by correlating NGO location across the districts of Kenya with need, convenience and political variables. Extrapolating from the findings of a range of models, NGOs in Kenya appear to pick districts in which to work for two reasons: first, they go where they are needed, largely to fight health-related issues, and where service provision infrastructure is lacking. This is not entirely surprising, considering that the Ministry of Health has shown itself to be willing to collaborate with NGOs, and is required to by large-scale donors such as the Global Fund to Fight AIDS Tuberculosis and Malaria. Second, they locate their projects where it's convenient – where the road network is good and where there is access to a high density of people and to elite goods.

      This second conclusion deserves pause. We might chide NGOs for locating their projects in places where elite goods are available and the journey to arrive on site is not backbreaking (as it can be in Kenya, where even major highways can have "potholes" impassible to all but four-wheel-drive vehicles, progressing gingerly through the pock-marked "pavement" at speeds under 10km/hour so as not to lose an axle or tire). Yet, an equally plausible explanation should be considered: NGOs may strategically place their projects in areas with high population density, high road network density, and access to goods and resources so that they can positively affect the greatest number of people with their organization.

      The placement of NGOs near elite goods may also indicate that NGO workers are not all ascetic altruists; at the same time, it is likely that having even minimal convenience goods draws a higher quality of worker to the NGO field location. Just as the World Bank and other "elite" development organizations argue that they need to pay top-dollar salaries in order to attract the most promising candidates from first-rank universities (but still pay less than comparable jobs in the private sector), NGOs may need to provide some level of physical comfort to their workers in order to entice them into the field. For this reason, it is plausible that need factors are the primary motivation for NGO placement, but that realistic considerations of how to achieve the greatest impact with the highest quality workers also play a large role. As one NGO leader in Machakos (70km from Nairobi) reported, the organization, which registered in 1996, chose Machakos during an expansion both because poverty levels, HIV/AIDS along the Mombasa Road (the road from Nairobi to the port at Mombasa), and unemployed youth rates were high, but also because

"Machakos is not too far… its easy to coordinate with [our offices in] Nairobi" (2008-32).

This conclusion is consistent with organization theory literature on goal displacement, in which the means used to achieve a goal inadvertently become more important than the goal itself, or additional goals are adopted. In this case, the initial goal (drawn from need factors) appears to be retained, but these other, practical goals are also included. In the case of NGO placement, I argue that convenience matters primarily as a mean of better achieving the stated need-oriented goals of the NGOs. Thus, it might appear as though NGOs are considered with personal comfort, but only as a means of better achieving their initial need-fulfilling goal. This is confirmed by interviews with NGO workers, who reported such things as: "Money was not at all a consideration for me wanting… to work in the NGO domain, but I do value being compensated accordingly for my experience" (2008-5) and "money wasn't critical, but I feel that I STAYED with [the organization] because despite being a non-profit, it was a place where I could grow professionally, and feel stable. [It] provides health insurance, 401 K, competitive salaries, and many extra perks" (2008-2). While these quotes come from Americans working in development, clearly NGO workers are realistic regarding compensation and convenience goods.

Another conclusion we can begin to draw from this data is that patronage politics may not hold as much sway as is often cynically said in Kenya. In no model were political factors shown to have a statistically and substantively significant impact on NGO placement in the country. Neither allegiance to the national government via electoral support for either Moi or Kibaki, nor fidelity to MPs in the district appeared to have any impact on NGO placement in that location. While it is possible – indeed probable – that MPs influence some proportion of NGOs to work in their district, there's no evidence of a primarily patronage-based storyline, in which prolonged fidelity to a single person results in greater NGO assistance. In a country where patronage and corruption are considered the name of the game, this is a substantial finding.

Implications for territoriality

From the foregoing analysis, we can draw conclusions regarding NGOs' role in state territoriality in Kenya. Territoriality can be thought of as the demarcation, occupation and defense of a set geographical territory by governing institutions. It concerns the "broadcasting of power" (Herbst 2000) throughout a geographical space, or what was referred to in the 1960s as the penetration of geographical territory by governing authorities. Territorial boundaries demarcate the lines of hegemony, along which public authorities and peoples can make demands on each other, such as taxation, security, social services or accountability.

NGOs impacts on territoriality can be seen from several vantage points. When controlling for all of the characteristics listed in the models above, NGOs do not appear to systematically locate themselves in areas where there is limited government presence. Instead, their prevalence tends to be correlated with areas where the state is strongest – nearer to the capital city, in high-density areas, in cities rather than rural areas, etc.

Yet at the same time, qualitative evidence suggests NGOs maintain significant presence in areas of the country where the government is weakest – particularly in the arid and semi-arid lands (ASALs) in the north of the country (See also Oyugi 2004: 48). In these areas, NGOs have often been said colloquially to "be the government," since they more visibly provide goods and services to the populace. Some have suggested that this reflects badly on the Kenyan government. Since NGOs and government are working collaboratively in most areas, however, we can infer in the far-flung places where NGOs are relatively strong vis-à-vis government, they still work to reinforce the state. Even civil servants see it this way; as one said, "The problem actually is when NGOs are not there. The *wananchi* don't care that government is not there when NGOs are there. As long as one is there [i.e. *either* an NGO or the government], all is okay. But if none, then they get angry at government. You rarely find a place where *neither* NGOs or government is there." This suggests a degree of interchangeability between NGOs and government offices – if government is not strongly broadcasting the signal of the state, NGOs can do so. As Bratton (1989) suggests is possible, NGOs support the state by relieving some of the administrative burden placed on it.

Thus, in the ASALs of northern Kenya, NGOs provide a semblance of governing authority, which serves the Kenyan government well. The government is able to project a broader face in these areas via NGOs, thereby increasing its territorial scope. Likewise, in areas near the Ethiopian and Sudanese borders, Kenya hosts NGO-managed refugee camps that help to reinforce public administration in those far-flung areas. NGOs working in and around refugee camps bring social services and employment not only to foreign refugees, but also to the communities near them. While host communities turn to NGOs for services, their normative associations are with the Kenyan state (see Landau 2002, regarding this situation in Tanzania).

Looking at the number of NGOs per person at the district level, the data does confirm these findings. On a per capita basis, NGOs are actually *more* prevalent on the outskirts of the state than they are where the state is strongest. Figure One above illustrates this point. Areas shown in light color have lower NGO per capita ratios than dark areas – as the color deepens, the number of NGOs per capita increases. A clear line of the lightest-possible shading can be seen stretching from the southeast of the country toward the northwest. Remarkably, this lightly shaded strip corresponds to the location of the central highway through the country from the port of Mombasa to the Ugandan border. Along this stretch, population and road density is highest – as is governmental presence. Yet NGO per capita ratios are lowest. Each person has access to a greater number of NGOs outside these areas.

Figure One: NGOs per Capita in each district
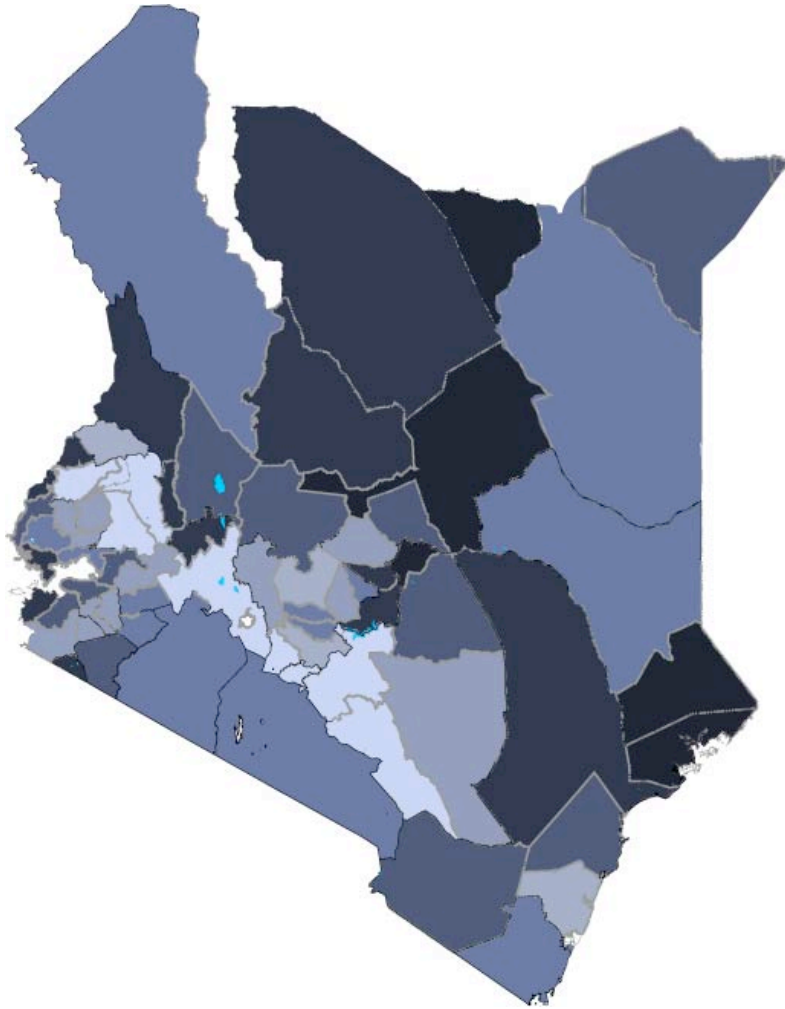
As shading darkens, the NGO per capita rate increases.

Thus, combining interview data with quantitative analysis, we find that NGOs are *complementing the state,* contrary to popular and oft cited claims that NGOs are "replacing the state." These claims will be examined in great detail in the chapters to follow, which suggest that NGOs are augmenting the organizational form, or implementing arm of the state. Rather than competing with the government for legitimacy, authority, and ability to govern, NGOs work to strengthen the state.

Appendix A: Areas of Further Inquiry

This chapter represents a first attempt to address NGO location in an Africa developing country. Already, space for additional research presents itself. For example, I am currently working to identify whether an organization's *primary* area of involvement makes a difference for this findings. Do we find that NGOs focusing on corruption are correlated with areas with peculiar characteristics, while environmental NGOs correlate with different traits? Do health NGOs associate with malaria and HIV zones, while education NGOs link to low adult literacy?

Preliminary findings suggest that the sector of focus is not tremendously significant. This may be due to the fact that a plurality of NGOs (about 40 percent) work on multiple issue areas. For example, an NGO might have an education program, a health program and an agricultural program. Moreover, the distribution of NGOs by sector across districts and nationally is quite consistent, as can be seen in Appendix E. The four districts shown represent high and low-NGO penetration, and are representative of three Kenyan provinces and wide physical geographic spread.

I am also currently working on alternate measures of political influence or interference in order to confirm the results. One such measure explores the district-level distribution of cabinet members from 1991-present to see whether representation in the national leadership correlates with higher NGO presence. Other measures are also possible: perhaps the Presidential Administration during which an NGO registered might be correlated with the districts that are loyal to that administration, and this deserves further consideration. A Kenyan colleague pointed to the fact that high-level administrators' home districts might be unusually favored, but not always for deliberately political reasons. He cited an example in which a then-unknown UK-based NGO approached the Permanent Secretary of the Ministry of Social Services to ask where they were needed. Because the NGO positioned itself as a child-welfare organization and not a development organization at a time when development projects were in demand, the PS had trouble garnering excitement for its work. He instructed the NGO to work in his home district, since he had leverage with the District Development Committee there (2008-58). The author is currently developing a measure of the role of this type of non-elected "influential elites" to shed more light on the politics of NGO placement.

Similarly, whether the organization is an "international" or "local" NGO might influence results. While I feel that this distinction makes little empirical sense in the Kenyan context, where nearly all registered NGOs receive the vast majority of their funds from non-Kenyan/international sources and an alternate registration category exists for truly "local" organizations or community groups, it is possible that in other contexts, this distinction will prove analytically useful.[44] Alternatively,

---

[44] I find this distinction analytically invalid in the Kenyan context – nearly every NGO worker interviewed reported receiving the bulk of their funds from abroad. This means that foreign donors have the opportunity to influence nearly all organizations, not only those that are headquartered in another country. Moreover, nearly all "international" NGOs have a staff that is 95% or more Kenyan, making them quite "local." Finally, a different formal registration process exists for local organizations that do fundraising internally and aim for self-help and development goals (they

future papers might examine specific sources of funds by country of origin and by whether funds come from private or public sources.

Finally, while this paper gives us a valuable snapshot of where NGOs report to be working, future research should examine changes in NGO locations over time. This would provide greater insight into such things as whether organizations are, in fact, snowballing – choosing to locate where their NGO compatriots are working already – and whether they follow "hot spots" in need, as might happen after a natural disaster or political instability resulting in refugees. It might also settle the question of the role of influential actors in NGO placement, as we could determine such things as whether the promotion of such individuals to high position correlates with increased NGO numbers in that or following years in their home districts.

---

register as membership societies through the Ministry of Gender, Culture and Social Services under the Societies Act).

Appendix B: Explanations and Sources of Information

Variable	Definition and Source of Data
Number of NGOs (used in principle models)	Number of NGOs per district. *Source*: Government of Kenya NGO Coordination Board Database, December 2007.
Number of NGOs (used in test of robustness)	Number of NGOs per district. *Source*: National Council of NGOs, *Directory of NGOs in Kenya 2005.*
HIV Prevalence	HIV Prevalence rate per district. Source: UNDP *Kenya Human Development Report 2006.*
Adult Illiteracy	Percentage of Illiterate adults per district (aged over 15). *Source*: Government of Kenya Central Bureau of Statistics, Kenya population census, 1999.
Percent w/o access to clean water	Percentage of residents in a district lacking access to clean drinking water. *Source*: Government of Kenya Central Bureau of Statistics, Kenya population census, 1999.
Percent w/o access to health care	Percentage of residents in a district lacking access to health care services. Source: Government of Kenya Central Bureau of Statistics, Kenya population census, 1999.
HQ Distance from Nairobi	Distance in kilometers of district's headquarters, which is the city or town administrative center for the district. *Source*: Government of Kenya, Kenya Roads Board, 2007.
Urbanization percentage	Percentage of district population that resides in an urban area. *Source*: Government of Kenya Central Bureau of Statistics, Kenya population census, 1999.
Population Density	Ratio of population levels to land area in square kilometers. Source: Government of Kenya Central Bureau of Statistics, Kenya population census, 1999.
Km of paved roads per 1000km2 of area	Measure of road network density in a district, computed by dividing the total kilometers of paved roads in a district by the total area in the district. *Source*: Government of Kenya, Kenya Roads Board, 2007, and Central Bureau of Statistics.
Ave # of MPs per constituency in 92-02 elections	Average number of different individuals serving as MP for all constituencies in a district over the 1992, 1997 and 2002 parliamentary elections. Ranges from 1 to 3. *Source*: Electoral Commission of Kenya.

Appendix C: Frequency Distribution of NGOs across Districts of Kenya
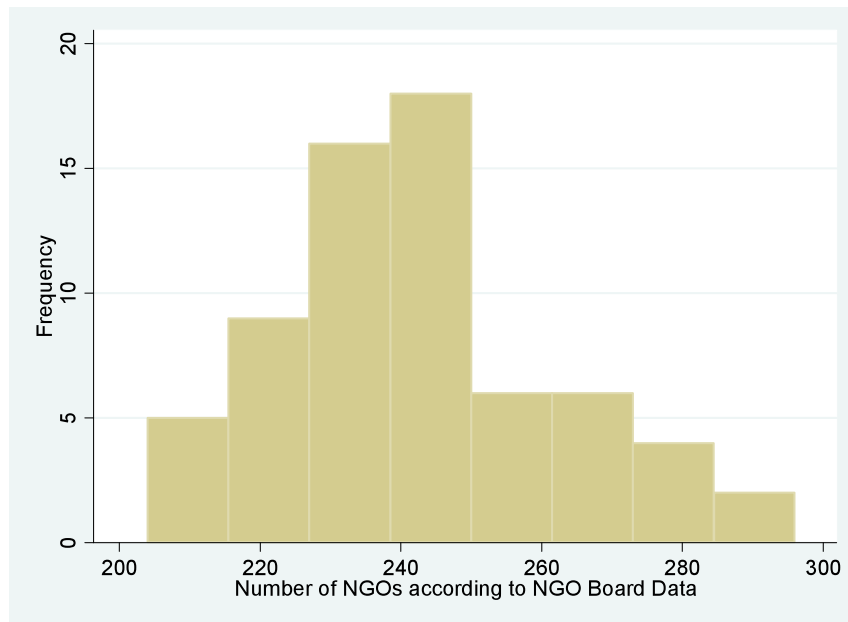
Note: "Frequency" denotes the number of districts having this number of NGOs. This distribution includes all but one district data point, Nairobi, as the number of NGOs in that district is over 550, clearly in the tail of the distribution.

Appendix D: Scatter plots of Key Variables

Graphs show that as population density increases, so too does the number of NGOs. In the second graph, outliers have been removed. The same is true for the second set of two graphs, showing HIV rates and NGO numbers. The labels indicate the district in question.
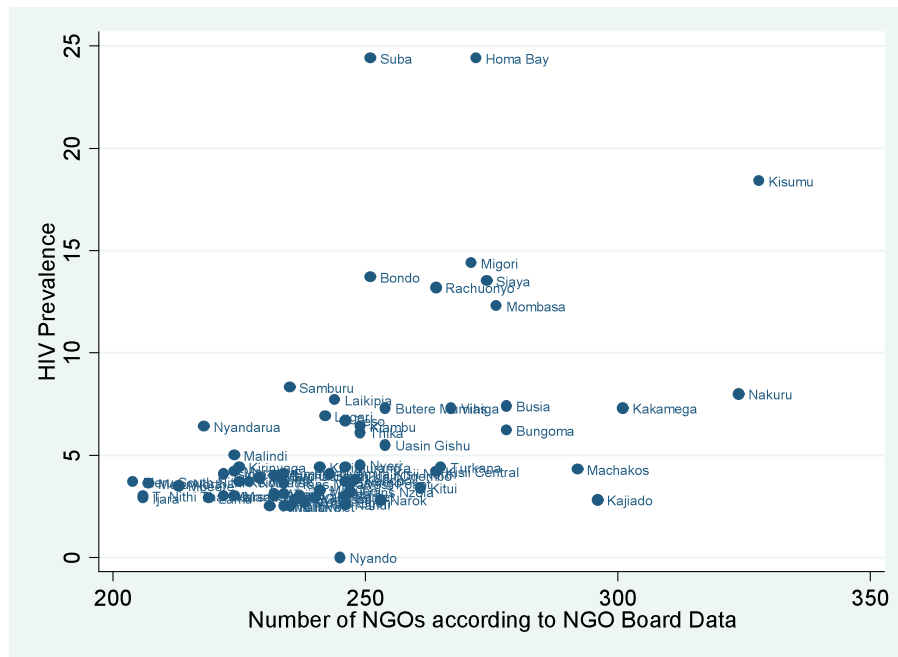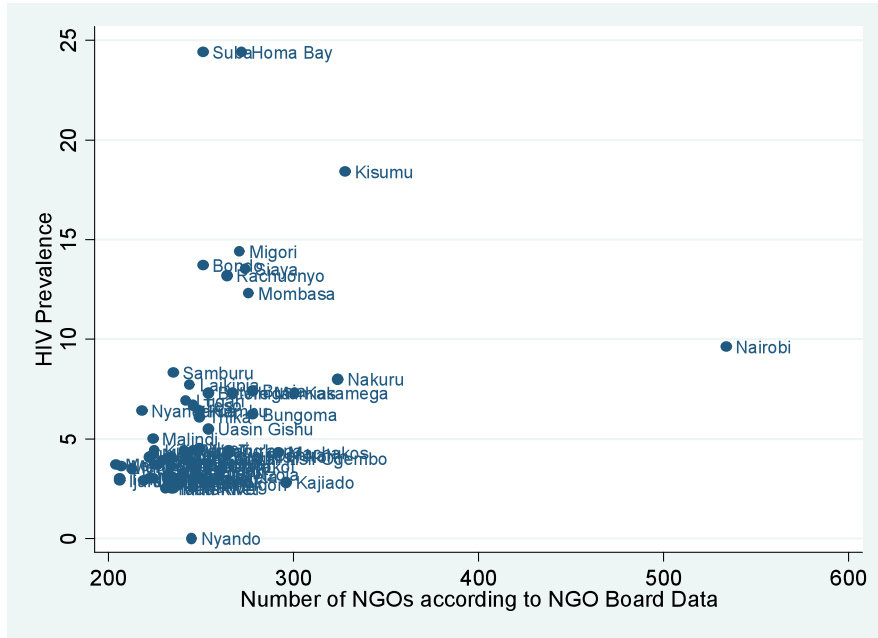
Appendix E: Distribution of NGOs in a Selection of Districts

NGO Distribution by Sector: Mbeere

Agriculture; 3%
Education; 12%
Environment; 6%
WCYDE; 21%
General Development; 35%
Relief; 1%
Other; 3%
Health; 13%
Governance; 6%

NGO Distribution by Sector: Machakos

Agriculture; 4%
Education; 11%
Environment; 6%
Relief; 2%
Other; 3%
WCYDE; 19%
Health; 12%
General Development; 39%
Governance; 4%

NGO Distribution by Sector: Taita Taveta

Agriculture; 3%
Education; 12%
Environment; 7%
WCYDO; 22%
Relief; 1%
Other; 4%
Health; 13%
General Development; 31%
Governance; 7%

NGO Distribution by Sector: Siaya

Agriculture; 3%
Education; 9%
Environment; 6%
WCYDO; 21%
Relief; 1%
Other; 3%
Health; 15%
General Development; 37%
Governance; 5%

60

References

AMREF. "Who We Are." http://www.amref.org/who-we-are/ Accessed May 29, 2008.

Arriola, L. *Between coordination and cooptation: the opposition's dilemma in Africa.* Thesis (PhD): Stanford University. 2008.

Barkan, J.D., J.K. Geist and N. Ng'ethe. *Kenya in Transition.* Washington DC: The World Bank. 2003 Revised Draft.

Bayart, J-F. *The State in Africa: The Politics of the Belly.* New York: Longman. 1993.

Boulding, C. and P. Gibson. "Supporters or Challengers? The Effects of NGOs on Local Politics in Bolivia." *Comparative Political Studies.* 42:4, 479-500. 2009.

Bratton, M. "The Politics of Government-NGO relations in Africa" *World Development.* 17:4, 569-587. 1989.

Brodhead, T. "NGOs: In One Year, Out the Other?" *World Development* 15: Supplement, 1-6. 1987.

Büthe, T., S. Major and A. de Mello e Souza. "The Politics of Private Development Aid: Norms vs. Organizational Logic of Allocation." Paper presented in the IR Colloquium, Department of Political Science, UC Berkeley. 2008.

Chege, S 1999. "Donors Shift More Aid to NGOs" *Africa Recovery,* 13:1, 6.

Clark, J. "The State, Popular Participation and the Voluntary Sector" *World Development,* 23:4, 593-601. 1995.

de Waal, A. *Famine Crimes: Politics and the Disaster Relief Industry in Africa.* Bloomington: Indiana University Press. 1997.

Edwards, M. and D. Hulme. "Too Close for Comfort? The Impact of Official Aid on Nongovernmental Organizations." *World Development* 6, 961-973. 1996.

Ekeh, P.P. "Colonialism and the Two Publics in Africa: A Theoretical Statement." *Comparative Studies in Society and History.* 17:1, 91-112. 1975.

Fowler, A. "The role of NGOs in changing state-society relations: perspectives from Eastern and Southern Africa" *Development Policy Review* 9, 53-84. 1991.

Grindle, M.S. "Good Enough Governance: Poverty Reduction and Reform in Developing Countries," *Governance*, 17:4, 525-548. 2004.

Hancock, G. *Lords of Poverty: The Power, Prestige, and Corruption of the International Aid Business*. New York: Atlantic Monthly Press. 1989.

Jackson, R.H. and C.G. Rosberg. "Personal Rule: Theory and Practice in Africa." *Contemporary Politics*. 16:4, 421-42. 1984.

Joseph, R.A. *Democracy and prebendal politics in Nigeria: the rise and fall of the Second Republic.* New York: Cambridge University Press. 1987.

Kaler, A. and S.C. Watkins. "Disobedient Distributors: Street-level Bureaucrats and Would-be Patrons in Community-based Family Planning Programs in Rural Kenya." *Studies in Family Planning* 32:3, 254-269. 2001.

Kameri-Mbote, P. *The Operational Environment and Constraints for NGOs in Kenya: Strategies for Good Policy and Practice.* IELC Working Paper No. 2000-2; International Environmental Law Research Centre. 2000.

Kanyinga, K. "The Politics of Development Space in Kenya" in Semboja, Joseph and Ole Therkildsen (eds.) *Service Provision Under Stress in East Africa: State,*

NGOs & People's Organizations in Kenya, Tanzania and Uganda. Copenhagen: Centre for Development Research. 1996.

Landau, Loren. *The Humanitarian Hangover: Transformation and Transnationalization of Governmental Practice in Refugee-affected Tanzania.* Thesis (PhD): University of California, Berkeley. 2002.

Lister, S. "NGO Legitimacy: Technical Issue or Social Construct?" *Critique of Anthropology* 23:2, 175-192. 2003.

McSherry, B. and J.N. Brass. "The Political Economy of Pro-Poor Livestock Policy Reform in Kenya." Addis Ababa and Djibouti: IGAD. 2007.

Mercer, C. "Performing Partnership: civil society and the illusions of good governance in Tanzania" *Political Geography,* 22, 741-763. 2003.

National Council of NGOs of Kenya. *Directory of NGOs in Kenya.* Nairobi: National Council of NGOs. 2005.

Obiyan, A. "A Critical Examination of the State versus Non-Governmental Organizations (NGOs) in the Policy Sphere in the Global South: Will the State Die as the NGOs Thrive in Sub-Saharan Africa and Asia?" *Journal of Asian and African Studies* 4:3, 301-327. 2005.

Owiti, J., O. Aluoka and A.G.R. Oloo. "Civil Society in the New Dispensation: Prospects and Challenges" in Okello, Duncan (ed). *Civil Society in the Third Republic.* Nairobi: National Council of NGOs. 2004.

Oyugi, W.O., P. Wanyande and C. Obdiambo-Mbai (eds). *The Politics of Transition in Kenya: from KANU to NARC.* Nairobi: Heinrich Boll Foundation. 2003.

Oyugi, W.O. "The Role of NGOs in Fostering Development and Good Governance at the Local Level in Africa with a Focus on Kenya" *Africa Development.* 29:4, 19-55. 2004.

Republic of Kenya. Statute Law (Miscellaneous Amendments) Act, 23. 1992.

Republic of Kenya: Electoral Commission of Kenya. 1997-2002 Elections results. http://www.eck.or.ke/

Republic of Kenya: Governance, Justice, Law and Order Sector (GJLOS) Reform Program. *National Integrated Household Baseline Survey Report.* 2006. Nairobi: Government Printer.

Republic of Kenya: Kenya Roads Board. "Central," "Coast," "Eastern," "Nairobi," "Northeastern," "Nyanza," "Rift Valley," and "Western." PDF documents downloaded from http://www.krb.go.ke/ October 18, 2007.

Republic of Kenya: Ministry of Education. "All Primary Enrollment 2003." http://www.education.go.ke/ Oct 28, 2007.

Republic of Kenya: Ministry of Health. 2003. "Hospital Beds." http://www.health.go.ke/docs.htm/ Oct 30, 2007.

Republic of Kenya: NGO Coordination Board. *NGO Database.* December 2006.

Republic of Kenya: Office of the Vice President and Ministry of Planning and National Development, Central Bureau of Statistics. *Kenya Population Census 1989 Volume 1.* Nairobi: Government Printer. 1989.

Republic of Kenya: Office of the Vice President and Ministry of Planning and National Development, Central Bureau of Statistics. *Kenya Population Census 1989 Analytical Report Volume 5: Mortality.* Nairobi: Government Printer. 1996.

Republic of Kenya: Office of the Vice President and Ministry of Planning and National Development, Central Bureau of Statistics. *Kenya Population Census 1989 Analytical Report Volume 8: Education.* Nairobi: Government Printer. 1996b.

Republic of Kenya: Office of the Vice President and Ministry of Planning and National Development, Central Bureau of Statistics. *Kenya Population Census 1999 Volume 1.* Nairobi: Government Printer. 1999.

Sandberg, E. "Introduction: The Changing Politics of Non-Governmental Organizations and the African State" in E. Sandberg (ed.) *The Changing Politics of Non-Governmental Organizations and African States.* Westport CT: Praeger, 1-31. 1994.

UNDP. *Kenya National Human Development Report 2006*. New York: UNDP. 2006.

Van de Walle, N. *African Economies and the Politics of Permanent Crisis*. New York: Cambridge University Press. 2001.

Water for Kakamega. "Welcome." http://www.waterforkenya.org/welcome. Accessed May 29, 2008.

Swidler, A. "Syncretism and Subversion in AIDS Governance: How locals cope with Global Demands." In N.K. Poku et al. (eds.) *AIDS and Governance*. Surrey: Ashgate. 2007.

Tripp, AM. "The Impact of Crisis and Economic Reform on Tanzania's Changing Associational Life" in Eve Sandberg (ed.) The Changing Politics of Non-Governmental Organizations and African States. Westport CT: Praeger, 121-137. 1994.

World Bank. "Kenya: WHO Assessment of the Epidemiological Situation - 2004" http://web.worldbank.org/WBSITE/EXTERNAL/COUNTRIES/AFRICAEXT/EXTAFRHEANUTPOP/EXTAFRREGTOPHIVAIDS/0,,contentMDK:20435845~pagePK:34004173~piPK:34003707~theSitePK:717148,00.html Accessed June 3, 2008.

Chapter Three: Making a Difference? NGOs and Service Provision Capacity

"With no NGOs, there's more of government hanging around the office. When there's strong NGOs, more can be done, more impact. Then government gets out there, to the field."
(Ministry of Agriculture employee, Machakos District, October 2008)

"On our side... we cannot feel we're competing [with NGOs]. Actually, they're helping us a lot a lot a lot a lot. Imagine there are four of us [working in the Children's Office]! We cannot be everywhere. There are 6291 sq km in this District, and 142 people per square km. We very much rely on these NGOs! We don't even have a vehicle here!"
(Government Children's Office, Machakos District, October 2008)

Introduction

Now that we have a sense of the factors that draw NGOs to work in particular areas, we can ask what Kenya's 4200+ registered NGOs do once they set up shop. In what ways do NGOs add value? What services do they provide? In general, how do they impact service provision capacity: do they *supplement* the same public services provided by the government? *Compete* with public agencies to provide better services? Provide *different* services that the government can't or won't provide? Has the absolute level or quality of service provision increased where NGO penetration is high? Have the activities of NGOs changed the way that the government provides services, or let the government off the hook with regard to service provision?

In addressing these questions, the chapter contributes to debates on neo-liberalism and privatization.[45] The chapter also tests the theory that civil society presence increases government performance. Taken together, the findings on these debates have implications for Kenya's stateness.

The analysis in this chapter shows that NGOs are positively influencing service provision capacity in Kenya. NGOs have raised the capacity of the state to provide services by extending the arm of government some degree farther than it would have reached in NGOs' absence. Sometimes quite literally, NGOs provide the vehicle to extend government services to one additional village or town. Likewise, NGOs have had a symbolic impact on the way many government offices attempt to provide services.

To examine these issues, the chapter first outlines claims that have been made regarding the impact of NGOs on state capacity to provide services. The study then employs key informant analysis to determine in what ways and under which conditions NGOs extend services. In this section, evidence from NGOs in two case study districts is highlighted, as are changes to the way in which the government itself provides services. The penultimate section examines the issue of privatization, looking at whether NGOs as private organizations have improved services, and

---

[45]In this way, the chapter addresses the question of where NGOs fit in the state vs. market dichotomy, or whether they comprise what Uphoff (1993) calls a "third sector."

where their weaknesses still lie. The chapter concludes by summarizing what these impacts, taken together, mean for the Kenyan state as a whole.

On Capacity

I explore these questions through the lens of state *capacity*, looking specifically at the capacity to provide services. Capacity is defined here as the ability to implement stated objectives and to realize goals (Evans et al. 1985: 194; Finegold & Skocpol 1995). It is the ability to appropriate or use resources in determined ways, often in opposition to powerful societal actors (Migdal 1988). Capacity acts in many ways as the interface between states and their peoples; people continually make demands on the state for greater standards of life, and states, *if* they have the ability to do so, respond to these demands, making for good state-society relations (Kjaer et al. 2002).

Anyone who has tried to quickly travel overland, process administrative requirements like getting a work permit, or witnessed the "administration of justice" through bribery in the courts of many developing countries has experienced the effects of low state capacity first-hand. Capacity is a slippery term, and is sometimes dismissed as tautological. It is true that it is "not observable in itself, but its consequences and preconditions can be observed, such as economic growth, the character of policy outcomes, or the system of revenue extraction" (Kjaer et al. 2002). It is the ability to move from a written goal on paper to a vaccine provided, a road built or a school opened. As Huntington put it, capacity might be thought of as a country's "degree of government" – more government presence and output equals more capacity (1978: 1).

Many studies of capacity typologize the concept, and most typologies include some element of administrative, extractive, coercive, and regulatory abilities.[46] The expression of capacity in these elements corresponds to the "functions" of the state identified by Max Weber: "the enactment of law (legislative function); the protection of personal safety and public order (police); the protection of vested rights (administration of justice); the cultivation of hygienic, educational, social-welfare and other cultural interests (the various branches of the administration); and last but not least, organized protection against outside attack (military administration)" (1978: 905).

In this research, capacity is operationalized through the lens of service provision. Successfully distributing public services (or facilitating their distribution)

---

[46] For example, Migdal (1988) identifies four categories: the capacity to penetrate society, to regulate social relations, to extract resources and to use resources in determined ways; Brautigam (1996) gives us regulatory, administrative, technical, and extractive capacity; Grindle (1996) offers institutional, technical, administrative and political capacities. Skocpol (1985) provides characteristics needed for capacity: maintenance of sovereignty, administrative-military control, loyal and skilled officials, financial resources, and authority and organizational means to use these resources. And the World Bank focuses on capacities relating to development, "capacity to formulate policies; capacity to build consensus; capacity to implement reform; and capacity to monitor results, learn lessons, and adapt accordingly. Building the requisite capacities turns out to be a formidable challenge" (Levy & Kpundeh 2004: *v*).

indicates an ability to implement a stated goal, and is a commonly cited indicator of capacity (Brautigam 1996: 84; Englebert 2000[47]; Putnam et al. 1993), since nearly all governments promise services.[48] In our typology, service provision falls within the realm of administrative capacity, and is something nearly all states aspire to, no matter how market-oriented the state.[49]

Among scholars of African political economy, state capacity has been a hot topic since at least the beginning of Structural Adjustment Programs (SAPs) in the early 1980s. SAPs required governments to downsize the public sector and cut their budgets. In principle, this was meant to streamline the public sector, but it often resulted in reduced administrative capacity (which had not always been low in all states). Persistent patronage-based hiring and promotion decisions, relatively small state budgets, below-market public sector salaries, and the dearth of world-class education in most countries have also eroded capacity. Today,

> "Although the average African state is not collapsed, its capacity to provide order and security, to devise and implement policies for growth, to adopt and enforce laws, to regulate markets, to control its borders and its civil servants, to credibly engage in commercial transactions, to adjudicate disputes, and to allocate resources is generally and comparatively weak. In other words, the average development capacity of African states is low." (Englebert 2000: 41-42)

After it became clear that SAPs were not producing the desired results, development experts began to call for explicit "capacity building" efforts. They realized that managing a liberalized economy requires a fairly capable state, able to both enact regulation and administer policy (Chaudhry 1993, Grindle 1996, Levy & Kpundeh 2004). The World Bank greatly expanded its training arm, the Economic Development Institute (EDI), at this time.[50] It also provided nearly $9 billion in loans and $900 million in grants to support public sector capacity building between 1995 and 2004 (World Bank 2005: vii).

At the same time, NGOs have begun programs to address state capacity in Africa. This occurs in training programs held by NGOs around the world, many of whose primary activity is to educate civil servants. Indeed, most NGOs interviewed see capacity building as one of their goals or programmatic areas (see Appendix B). NGOs also address state capacity by filling gaps and/or joining forces with government where it is weak. This is particularly true with social service provision, the focus of this chapter. Kenyan political scientist Walter Oyugi describes the NGO-government relationship as complementary: "In general [NGOs'] complementary role has increasingly been felt in many service sectors as state capacity to deliver has dwindled over the years against a background of rising demand and shrinking

---

[47] It is worth noting, however, that Englebert's discussion of capacity is that of "development capacity," by which he seemingly means ability to produce economic growth. Englebert identifies two broad areas of capacity, "developmental policies" and "good governance." The former are measured through such things as public investment in education and infrastructure, government expenditure as a share of GDP, and distortions in foreign exchange markets; the latter, through enforceability of contracts, extent of civil liberties, and prevalence of corruption.

[48] Clearly, some states merely pay lip service to these promises.

[49] Even Adam Smith, the father of small-state promoters, called for the state to provide some services, including education and security in *The Wealth of Nations*.

[50] The EDI was renamed the World Bank Institute, in 2000.

resources" (2004: 49). Service provision levels in Kenya are low, and have fallen in the period under consideration. This is largely due to long-time mismanagement of public funds and decisions to lower service budgets during the 1990s. What role do NGOs play in service provision trends?

NGOs and the Capacity Literature: Tocqueville, Putnam and Privatization

The impact of NGOs on state service provision capacity recalls three theories of political science. Alexis de Tocqueville's *Democracy in America* details the way in which private actors can provide social services to strengthen a weak state. Likewise, Robert Putnam's influential *Making Democracy Work* examines the correlation between civil society and high-performing government. Finally, scholarly work since Adam Smith as well as recent international development paradigms pushes for the use of private actors for improved service provision.

Civil Society

NGOs' work in Kenya incites many to draw parallels to academic work on the role of civil society and its relation to the state. Turning to two classic works, Tocqueville (1863) and Putnam et al. (1993), we find arguments that strong civil society, of which NGOs are usually considered a part, strengthens the state – a line that has been taken up by donors and IFIs in the promotion of NGOs as agents of change in the developing world (World Bank 1989, Hyden 1983). Does this relationship between NGOs and capacity hold true in Kenya?

For Tocqueville, civil society was necessary because, as is true in African countries, 19th C. American government administration was extremely weak, even "absent" (1983: 72). Tocqueville saw that while the government acknowledged its obligations to society and had laws detailing service provision (*Ibid:* 44-45), civic associations actually carried out the tasks:

> "Americans of all ages, all stations in life, and all types of dispositions are forever forming associations. ...Hospitals, prisons, and schools take shape in that way. ...In every case, at the head of any new undertaking, where in France you would find the government or in England some territorial magnate, in the United States you are sure to find an association." (*Ibid:* 513)

Thus, Tocqueville saw NGOs as extending or even composing the social service wing of the state. He argued that non-governmental provision of services allowed, for example, patriotism to spread through the new states of the West in churches, schools and policing (*Ibid:* 293). He saw a blurring of state and civil society not always recognized in the literature.

Putnam et al. followed in Tocqueville's footsteps, arguing the more "civicness" in a society, the higher state performance will be (1993: 98). Although Putnam has been critiqued for his lack of causal mechanism, one might argue that it is as horizontal relationships of trust and interdependence develop through membership in all types of associations, citizens become generally more involved in their larger society. These active democratic citizens insist on effective and

responsive service delivery, and press their politicians to achieve it.[51] Thus, civil society "reinforces a strong state" (*Ibid:* 182), by increasing democratization and institutional accountability. This view has been echoed in later studies as well (Evans 1997).

It's worth noting that the civil society actors identified by both Putnam and Tocqueville are homegrown, not foreign-originating – as they largely are in Africa. Does this matter? According to Esman & Uphoff (1984), it does, as organizations "implanted" from the outside have a high failure rate. Yet at the same time, NGOs in Kenya display many civil society characteristics. Many of the organizations registered as NGOs in Kenya could just as easily have registered with the government as community based organizations (CBOs). They are functional equivalents, different in name only – organizations initiated by Kenyans, staffed entirely by Kenyans and work exclusively with and through CBOs. Moreover, although most NGOs in Kenya receive their funding from abroad (discussed in detail in Chapter One), these international donors simply remove a resource constraint, allowing Kenyans in Kenyan organizations to do what they would have done on their own in the absence of such a constraint. Nearly all personnel working in NGOs are Kenyan, making decisions on behalf of Kenya. Finally, NGOs in Kenya maintain autonomy from the government. In fact, NGOs, along with churches, have been the biggest promoters of civil rights and democracy in Kenya since the pre-multi-party election period. Unlike in one-party states like China where civil society, to the extent that it has blossomed, has then been co-opted by the state, NGOs in Kenya retain their autonomy, even while working directly with government actors.

Privatization

Second, provision of services by NGOs recalls political economy debates on economic liberalism and privatization of service provision. Beginning with the Thatcher administration in the UK, policymakers around the world began promoting neo-liberal strategies for economic development, public service delivery and growth. At the extreme, scholars writings from the New Public Management in public administration, IFIs on structural adjustment, and both groups on "new" or "good" governance called for the streamlining of public sector provision, favoring third-party contracting and outsourcing to ostensibly more efficient and effective private organizations.

Underpinning these calls was the notion that markets, freed from the oppressive hand of state intervention, would be able to supply goods and services faster, better and cheaper than can governments: "markets and private sector initiatives are seen as the most efficient mechanisms for achieving economic growth, producing goods and providing services. ...The argument is that 'imperfect markets are better than imperfect states'" (Edwards & Hulme 1996: 961). While most writers in this vein do not call for the complete removal of the government from all economic life, they do call for its role to be reduced to creating an "enabling environment" in which private organizations execute service delivery (World Bank

---

[51] Boix & Posner (1993) explicate this causal path, along with four other possible paths producing the correlation Putnam describes.

1989).

Although they are not competitive private for-profit organizations, NGOs are often included in the list of private organizations that should be given a greater hand in service delivery (Besley & Ghatak 2001, World Bank 1989, Pfeiffer 2003, Umali-Deininger & Schwart 1994). These scholars see NGOs as more efficient, effective, flexible and innovative than government, to be other-oriented and ideologically committed to democracy and participatory pro-poor development, and to be more accountable and transparent than the government (Bratton 1989, Fowler 1991, Owiti et al 2004). For example, according to a senior US Government development agency official that worked for over 20 years in the NGO sector, NGOs provide, "relative (to government), cost-effectiveness in delivery of services. Virtually anything I am involved in doing in government could have been done for a quarter to half the cost by [an NGO]" (2008-4).

As such, NGOs have received considerable support from international and multi-national donors, including the World Bank, the UN agencies, and many rich country development agencies. As early as 1983, NGOs were claiming a growing share of official bilateral aid – up to $1.5b from $332m a decade earlier, with about $600m/annum from the EEC and 12% of Canadian aid (Bratton 1989). By 1994, 12% of *all* foreign aid went to NGOs, totaling $7b by 1996 (Chege 1999). By 1999, most of USAID's $711m in aid to Africa went to NGOs (ibid). The Dutch did the same with the $835m/annum they give to Africa (ibid). Private funds also flow to NGOs – as much as $3.5bn annually in the 1980s (Bratton cites OECD, 1989).

Evidence from Machakos and Mbeere Districts

Case studies of two districts in Kenya provide the evidentiary backbone to this chapter. They reveal that NGOs positively impact state service provision capacity. The case studies are accompanied by information garnered from NGOs in the capital, Nairobi, and from the survey on service provision, NGOs and public opinion discussed in the introduction.

Machakos and Mbeere Districts, located in Kenya's Eastern Province,[52] are similar districts. As shown in the table below, the two districts' voting record in presidential elections, infant mortality, literacy and malaria rates, and life expectancy were all nearly the same at the time when the Kenyan government first registered NGOs. [53]

---

[52] See map in Chapter One.

[53] It is worth noting that the population level is Machakos is higher than in Mbeere – possibly explaining the difference in raw NGO numbers. GDP per capita in Mbeere, however, is significantly higher than in Machakos. This may be due to increasing khat growth in Mbeere (Government of Kenya 2008b). Khat is a mild stimulant chewed throughout the countries of the Red Sea. Cultivation and trade has grown in recent years in Kenya, as the demand and prices for it are more reliable than the other commonly grown coffee and tea. Standards of living in Mbeere, however, do not seem to be positively impacted by this higher GDP.

Machakos and Mbeere Districts (1990)

Indicator	Machakos	Mbeere
Distance of District HQ to Nairobi (km)[54]	63	163
Population Density	143	81
Percentage of 1997 Presidential Vote for Moi	33%	35%
Infant Mortality (1989)	43.9	42.0
Adult Literacy Rate (1989)	80%	77%
Malaria Rate (1994)	11%	13%
Life Expectancy (1989)	68	70
# of NGOs (NCNGOs)	120	31
# of NGOs (NGO Board)[55]	292	213

While the number of NGOs differs, the sectoral distribution of NGOs between the two districts is remarkable similar, differing at most by two percentage points for any particular category, as seen in the pie charts below. This typology largely corresponds to the programs that the NGOs with whom I spoke reported undertaking. The similarity of activities in the districts makes it difficult to measure their relative impacts on capacity in the district, and the general trends in both districts were similar. For this reason, most of the analysis in this chapter looks at the two districts together. Yet at the same time, some clear distinctions between the type of NGOs and their work were evident in the two districts.
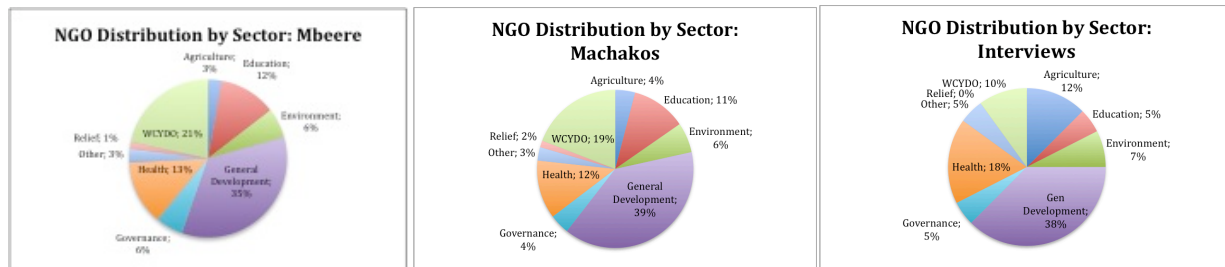
First, collaboration on service provision between government and NGOs appeared stronger and more frequent in Machakos than in Mbeere. While some of the bigger NGOs working in Mbeere noted their joint projects, the sense of working together was lower. Second, Mbeere NGOs focused slightly more on agricultural programs than their Machakos counterparts, and slightly less on children-specific and HIV-related programs. They focused considerably less on governance and civil education programs, which were quite prominent in Machakos.

These differences are likely due to several factors: first, the main trucking

---

[54] While the distance of Machakos' District Headquarters is significantly closer than that of Mbeere, this difference is mitigated by the fact that the road to Machakos is in far worse condition than that to Mbeere, making the time it takes to travel to each quite similar. Moreover, many of the NGOs that work in Mbeere district have offices in Embu town rather than in Mbeere's headquarters, Siakago. Embu town is thirty kilometers closer to Nairobi, and in many ways the main town for residents of Mbeere, as Mbeere was part of Embu district until the mid-1990s. Embu town sits on the border between Mbeere and Embu districts.

[55] This is the figured used in the primary analysis in Chapter Two.

route, along which HIV also tends to pass, running through Machakos – making HIV and orphan-focused programs more prominent. Second, the district headquarters of Machakos is both the seat of the County Council and the town with the greatest concentration of NGO offices, facilitating NGO-government interactions – whereas the district headquarters of Mbeere, Siakago, has never had the significance of nearby Embu Town (headquarters of Embu District, of which Mbeere used to be a part), where many Mbeere-operating NGOs are located. Siakago is more difficult to reach than either Embu or Machakos, lacking a paved access route. This makes costs of travel to their district headquarters higher, making NGOs less likely to visit district representatives in Mbeere than they might in Machakos. As a result, relationships between individuals in NGOs and government seem not to develop as well, leaving government officials in Mbeere more apprehensive of NGOs than their Machakos.

Aside from accessibility of NGO-government physical contact, the size and relative strength of individual NGOs in Mbeere seemed lower than in Machakos, a factor that may account for different outcomes in the two districts. While there were a handful of organizations with significant resources and programs, a greater percentage of NGOs in Mbeere were smaller and more local, with fewer paid staff and smaller budgets. Interviews with leaders of Mbeere NGOs tended to offer less sophisticated explanations than in Machakos, and respondent comprehension of the questions appeared lower. As a representative example, one NGO leader in a remote village off of a secondary murram (dirt) road, explained how their organization intends to help orphans, encourage employment and food security, but has actually achieved very little. She noted that, "People want to do something, but they don't know how" (2008-49). She registered her group as an NGO only because of the encouragement of two Peace Corps volunteers who used to live in the village.

The overall trend of greater NGO strength in Machakos was also reflected in survey responses. 501 respondents were asked, "In the past year, how many times have you gone to an NGO seeking training, information, a service or for physical good?" In Machakos, nearly 30% of respondents had done so at least once in the previous year, whereas the figure was closer to 20% in Mbeere.[56]

---
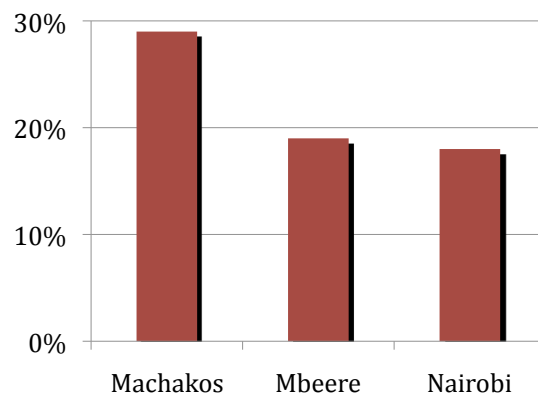
[56] The percentages were nearly identical for the urban Machakos sample and for the district as a whole. They are combined in the figure. Nairobi is included for comparison's sake.

The Work NGOs Do: An Overview

What sorts of work do NGOs do, and how they do it? Survey results help us begin to answer these questions, looking at the core services of education, health and security. Respondents randomly selected across Machakos and Mbeere, as well as a separate random sample from urban Machakos and long-standing neighborhoods in Nairobi, reveal that NGOs do contribute to the provision of these core services. Respondents were asked whether their household had children enrolled in primary school and, if so, the type of school (government, private, non-governmental (including religious schools), or a mix), for up to two different schools. They were then asked similar questions regarding where members of the household would go for health care (providing up to three responses) and who is the primary provider of security services in the place where they live. The tables below provide percentage responses for each service sector, based on the type of service provider.

This data shows that the distribution of service providers is similar between the two full districts, and between the two urban areas.[57] Across the full districts, the government provides the majority of services, roughly 80% of primary schooling and healthcare, and 50% of security services. In the urban areas, the percentages are closer to 50% for all services, with the exception of education in Machakos, which is approximately 75% government. Thus, the government provides the majority of the services that are most often associated with the state. Several organizations explicitly mentioned that government does make a concerted effort to provide basic health, education and security services: "Government provides the *basics* of life or death, but nothing more" (2008-18). NGOs see their role as picking up where this service provision lets off, filling the gaps left by a relatively incapacious state.

Primary School Provider[58]	Machakos	Mbeere	Nairobi	Urban Machakos
Government	81%	84%[59]	56%	74%
Government & NGO	6%	--	--	18%
NGO	2%	4%	11%	3%
Private	12%	12%	31%	3%

---

[57] The city-town differences in the Nairobi-Machakos comparison make sense when one considers the role of private for-profit actors. These are much more common in Nairobi than elsewhere in the country, since surplus income is more prevalent. Accounting for this, the numbers look remarkably similar.

[58] Not included in the table are don't know/non-answers. In the education sector, NGO schools are faith-based mission schools, as are their joint-NGO & government counterparts. A total of 456 schools were mentioned.

[59] Note that the percentage levels in Machakos and Mbeere are similar, even though there are more NGOs in absolute numbers terms in Machakos than in Mbeere. This can be explained by the higher population levels in Machakos, as well as the fact that different NGOs have different access to resources – so, for example, a large NGO in Mbeere might provide the same impact as several small ones in Mbeere. The similar number might also be explained by the fact that NGO impacts tend to be indirect, as is discussed more in the rest of this chapter.

Healthcare Provider[60]	Machakos	Mbeere	Nairobi	Urban Machakos
Government	75%	93%	50%	57%
Government & NGO	<1%	--	--	--
NGO	7%	5%	20%	21%
Private	18%	1%	30%	22%

Security Provider[61]	Machakos	Mbeere	Nairobi	Urban Machakos
Government (police, local administrators)	50%	52%	48%	47%
Private Guards	10%	0%	23%	16%
Community Policing (programs with government or community alone)	40%	41%	26%	36%
Other (dogs, family, god)	0%	7%	2%	0%

    The presence of joint NGO-government services was highest in Machakos, again supporting the finding that NGOs are stronger and more collaborative with their government counterparts in that district. In particular, education in Machakos Town reflects joint efforts between governmental and non-governmental actors.

    In most cases, the non-governmental actors providing education and health services were faith-based organizations connected to local and/or international churches. Many of these missionary facilities are likely not new, and may not reflect the NGO phenomenon of the past twenty years. Still, it is significant that these faith-based NGOs provide the services, particularly in the health sector.

    On the security side, the role of non-governmental organizations is played primarily by community initiatives, not formalized NGOs – although several formal NGOs do support the development of these programs. "Community policing" in the table, however, includes CBO-type community-initiated and organized security services, such as neighborhood watch groups, vigilante groups, as well as formally organized initiatives that have been undertaken in conjunction with the Kenyan Police since May 2005.[62]

---

[60] Don't know and NA answers are not reported. Respondents named up to three healthcare providers, for a total of 760 responses.

[61] Respondents were asked for two answers and gave a total of 896 responses.

[62] This information reveals some of the difficulties of conducting survey research across a wide swath of land in Kenya. Workers conducting this survey, although professionally trained by an international survey firm, did not reveal that the responses "vigilante group" and "community policing initiative" had more than one meaning and are sometimes used interchangably until after the survey concluded. Vigilante groups are considered benign community-sponsored youth groups by some; hostile and violent extortionists by others. Many of these groups have begun to claim legitimacy through formal community policing projects as well. Within the "community policing" responses grouped above, the breakdown is as follows:

	Machakos	Mbeere	Nairobi	Urban Machakos
Vigilante groups	63%	2%	55%	51%
Community Policing	38%	98%	45%	49%

The figure of approximately 50 percent of security services provided solely by the government should give us pause. Security is unquestionably a state responsibility. Yet, this state service is frequently provided not by the government, but by local communities – recalling Tocqueville's experience in America. According to the Kenyan Police website,

> "Community Policing is an approach to policing that recognizes the independence and shared responsibility of the Police and the Community in ensuring a safe and secure environment for all citizens. It aims at establishing an active and equal partnership between the Police and the public. ... The Kenya police attach great importance to grassroots community involvement in seeking solutions to crime problems at local and national level through a people driven policing."[63]

These joint government-community efforts are an alternative to vigilante groups, usually self-organized groups of young men charged with keeping crime low in a specific neighborhood or village. According to respondents, vigilantes are quite common, and are not necessarily malignant. A high-ranking police administrator interviewed in Machakos district denied their presence in the district, however – likely due to a nation-wide trend of youth security groups employing extortionist and violent practices, as has been frequently documented in local and international news.[64]

While NGOs, broadly conceived, play a clear role in the provision of core services, data from the Government of Kenya NGO Coordination Board's database suggests that most NGOs do not directly impact these services. Instead, NGOs tend to have an indirect impact, making them difficult to measure using common development indicators. In-depth, semi-structured interviews with organizations working in the two full districts and Nairobi support this notion.[65] For example, NGOs' education programs are usually not directly teaching children or building schools. Instead, education-focused NGOs tend to do things like: rehabilitation of school facilities; payment of school fees, uniforms and books for relatively poor students; HIV/AIDS awareness programs at schools; or library or computer lab construction. Likewise, while health programs, to a greater extent than education ones, do often entail the building and staffing of a health clinic, providing clean drinking water or fighting a particular disease, they equally often involve training community-based health workers and home-based caregivers, or holding rallies or education campaigns aimed at combating the spread of HIV/AIDS.[66]

---

[63] http://www.kenyapolice.go.ke/community%20policing.asp, accessed March 25, 2010.

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

[65] Most of these interviews lasted around one hour, with the shortest about ten minutes (when the only person in the office was a receptionist with poor English ability), and the longest over three hours.

[66] Appendix A provides a complete list of the programs in Machakos (text in black) and Mbeere (text in blue) districts that were underway at the time of interviews in 2008. Although it is quite lengthy,

A very large proportion of NGOs report engaging in "capacity-building" – a few claim it is all their organization does (2008-17, 2008-29). Usually, this takes the form of group training classes, held at a local school, community center or hotel. In the agricultural sector, NGOs interviewed in Machakos and Mbeere conduct training on: food security, agricultural productivity, micro-franchise development, livestock rearing, horticulture, poultry raising, goat breeding, fruit growing, honey businesses, bee-keeping, dairy and confectionary food processing, marketing, drought-resistant crops and fundraising. Likewise, programs specifically targeting the youth include: HIV/AIDS prevention, drug abuse, behavioral change, self-reliance and communications, as well as vocational training on tailoring, film, documentary and commercial creation and video editing, conducting research, agriculture and small-scale business skills. This type of training, while arguably important if done well, does not directly result in an improvement in development indicators.[67]

Income generation and livelihood support are another set of key activities undertaken by NGOs. Two currently in-vogue income generation programs in these districts are microfinance and agricultural enterprise development (beekeeping, fruit processing and goat rearing were each mentioned a number of times). Microfinance programs range from the lending of small and medium sums of money at low interest to the creation of rotating saving and credit associations (ROSCAs) common in much of the developing world.[68] For example, a young NGO in Mbeere has a program providing emergency one-month loans of up to 2000 KSH/- (about $30) at ten percent interest and eight-month loans of up to 20,000/- (about $300) at three percent interest (2008-45). After a year of operation, the organization had made 37 emergency loans totaling 92,000/- (about $1,375) and 47 normal loans for 557,000/- (about $8,325). Another NGO gives rotating loans to groups that have self-formed into ROSCAs (2008-33).

In many ways, while these activities are important – even life saving – for the people they affect directly, the scale of the financial activities offered by NGOs relative to the level of need across the district is not very high. Moreover, it is not obvious that the enterprise skills taught are ones for whose outcomes there is demand. While a large number of NGOs spoke of beekeeping activities as a source of income generation, it is not clear that there is an untapped demand for honey in the area, or that there is adequate infrastructure to get honey to market elsewhere.

Programs focusing on peace building, civil education and governance, on the other hand, may have more of an impact, though still not one that translates directly into improved statistical indicators of development. Particularly in Machakos district, a large proportion of NGOs work on governance issues. Not only do they monitor government spending, program implementation and use of taxes, they encourage regular Kenyans to become engaged in this process as well. NGOs in Machakos: act as a watchdog of government use of funds, provide information

---

this data gives the reader a strong impression of what NGOs do.

[67] It is worrying to realize that in these two districts alone, tens of thousands of individuals have taken part in capacity-building programs with no discernable effect on economic development levels at the district-wide level.

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

to/from government and *wananchi*,[69] assist *wananchi* in protesting government mismanagement and holding government accountable, help organize residents' associations, coordinate district-level participation in national human rights programs, conduct civic education on a number of topics, represent minority groups to government, and teach people about the Kenyan tax system and their rights as taxpayers. These activities, supported by the government for the most part, currently encourage civic participation in a way that has seldom been seen in Kenya. In Mbeere as well, one NGO works on these issues, empowering people to understand that they have rights and can make demands of government (2008-54). If continued, these activities should have a strong and positive impact on democratic governance in Kenya in the future, a topic that will be address in considerable detail in Chapter Four.[70]

Finally, and perhaps more than anything, NGOs provide *wananchi* a symbolic good: the sense that change is possible. During a period in which many service provision levels fell in Kenya, NGOs became a visible emblem to the people of Kenya of someone trying to look after their needs, providing hope for a better life in the future. This is reflected in survey responses. When asked whether they feel more or less confident about the future of Kenya when they think about NGOs, 50% of the people felt more confident, whereas only 30% felt less confident (20% didn't know or didn't respond). Nearly 70% of Nairobians felt more confident, with a general trend of more urban areas responding positively – likely reflecting greater access to and information about NGOs.

NGOs also served as a reminder that the world outside Kenya had not forgotten about them.[71] This is reflected in statements made by both NGO and government representatives, as well as in *wananchi*'s own sentiments. One NGO leader told me that he started his NGO in Mbeere after discovering how hopeless and dejected the rural people around him appeared, a situation he feels he has changed in small ways through livelihood programs (2008-43). Others felt that, "We provide life, education, food… so it gives the people security. They are very appreciative" (2008-13).

The hope brought by NGOs is also reflected in the view that NGOs have the people's interest in mind. In a survey of 500 individuals across the two districts and Nairobi, 70 percent of respondents gave positive answers (*i.e.* "sometimes" or "usually") to the question; "To what extent do you think that NGOs have the interests of the people in mind?" 30 percent answered "usually," the most positive possible response.[72] In comparison, only 53 and 34 percent responded generally positive on the same question regarding civil servants and politicians respectively,

---

[69] Even when speaking or writing in English, this word, meaning "regular people" or "people of the country," is used very frequently in Kenya.

[70] Again, these activities support the Putnam et al. (1993) theory that civil society generates higher government performance. Here, the mechanism is through the growth of civic-mindedness and rights understandings.

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

[72] Respondents were given the options "never," "rarely," "sometimes," and "usually" have the interests of the people in mind.

with only 20 and 6 percent responding "usually." People tend to believe that NGOs are looking after their interests, giving them a sense of hope in the future.

NGOs and Government Collaboration: Extending the Arm of Service Provision

In addition to the activities already mentioned, NGOs in the two districts both work with government counterparts to extend the reach of state services provision. In doing so, they heightening state service provision capacity. As one NGO leader said, "we work with almost every ministry because our programs are close to [those of] government" (2008-53). Collaborative efforts involve merging government and NGO resources together in a single project, or NGOs paying for activities allowing the government to fulfill its mandate. Collaboration can also be seen when government officials embed themselves in NGO programs or vice-versa. And it can be seen when NGOs bring services that are promised by government to communities for which government lacks sufficient resources. One might hypothesize that this NGO involvement in service provision allows the government to shirk its responsibilities. Evidence from Kenya instead confirms the civil society theory that NGOs improve government performance through the extension of the state. Scholars describing the situation elsewhere in Africa agree: "Evidence seems to suggest that a proper synergy between NGOs and government can facilitate the process of service provision and the relations need not be characterized by destructive conflict." (Obiyan 2005: 319) Instead, "NGOs have a tremendous ability to expand the scope of the state's reach" (Sandberg 1994: 13).

NGOs and government line ministries frequently merge resources to provide services. Often, this entails civil servants providing technical expertise to NGO-funded programs. For example, for a blood donor program in Machakos, the government provides social mobilization, sends nurses and technicians to physically collect the blood, and contributes 25-40% of funding. Its partner NGO gives logistical support, provides the remaining funding, and coordinates the program from collection to storage. One NGO employee is based in the government hospital to manage the program (2008-14). Similarly, another NGO works hand-in-hand with the Ministry of Agriculture, Ministry of Water and Irrigation, Ministry of Environment and Mineral Resources, Ministry of Health and Ministry of Education on an "orphans and vulnerable children" (OVC) community-based care program (2008-29). To complete one element of this program, training 50 community-based health workers, the Ministry of Health provided the curriculum and educators, while the NGO provided the funding.

This NGO also worked with the Ministry of Health on a condom distribution program. The ministry provided condoms and hospital staff to hold demonstrations, and the NGO gave logistical support and transportation. In Mbeere, a similar merger saw an NGO facilitate the government's de-worming program in schools: the government sent an officer and drugs, while the NGO provided transportation and an allowance for the officer. According to the NGO, "The government has the drugs, but they just expire if they don't get facilitation. So we add *that*" (2008-52). NGOs and government sometimes also co-finance funding to CBOs (2008-54). On

occasions, many organizations collaborate: for a water program, one NGO might conduct training while another pays for a dam to be built, and the government provides a dam specialist (2008-17).

The Water Department of the Ministry of Water and Irrigation often embeds its staff in NGO projects. In particular, water engineers and other technical staff are seconded to NGOs to provide the expertise needed to locate the water table and drill boreholes (2008-14, 2008-30, 2008-46). Sometimes these engineers work on a single well, while others embed in an NGO for a period of years (2008-14). Likewise, NGOs working with other ministries, such as health, agriculture and livestock, occasionally base their offices within line ministry offices (2008-11). This has mutual benefits: it allows the NGO and government to work very closely, and provides low-cost rent for the NGO and a small amount of revenue to the ministry. On these programs, NGOs and government often sign formal memorandum of understanding to ensure that the roles and responsibility of each organization is clear (2008-14, 2008-18).

Some NGOs also design their programs with the goal of enabling ministries to enact their own mandates. For example, the Ministry of Education lacks sufficient funding to train public school management committees and hold in-service trainings. Knowing this, an NGO in Machakos facilitates these trainings, providing transportation, fuel, meals, supplies and an honorarium for trainers (2008-32). This NGO has similar programs with three other ministries and the Horticultural Crops Development Authority. NGO and government employees both confirmed that NGOs also sponsor governmental special events like ministry stakeholders' meetings or the "Day of the African Child" celebration (2008-11, 2008-39). In the HIV/AIDS health subsector, the government often lacks the capacity to implement programs on its own (2008-19). Working with NGOs, government officers identify problems, but assert that it is easier for NGOs to help the people through (2008-37).

Several other NGOs stressed the importance of information sharing with the government. One NGO supports the Ministry of Agriculture mandate by sharing famine and relief distribution data with the ministry, and helping it with logistical support in these sectors (2008-25). Program officers in another NGO were required to continuously update their government counterparts in the ministries of health, education, water and agriculture, as well as in the Children's Department and the Provincial Administration. In response, these civil servants attend the NGOs community planning meetings (2008-18). And the Ministry of Livestock offices in Machakos are provided Internet access from one of the NGOs working in the area (2008-38).

Sometimes, NGOs literally extend the services of government, facilitating existing government services to a greater number of villages or locations. Several NGO leaders spoke of government's weakness in addressing needs at the local or village level, which Kenyans often referred to colloquially as "down there." One NGO working collaboratively with government line ministries said, "You know government... they have structures and guidelines [to get things done], but they don't actually go down there. They can't do everything" (2008-18). Instead, government projects tend to be concentrated in particular towns or locations, and don't reach all of a district or constituency (2008-32). As a result, this NGO focused

its programs on places overlooked by government. Government officers explain that their annual budget usually provides adequate funds for activities in a sub-set of the locations of the district (2008-38, 2008-40).[73] They appreciate when NGOs facilitate the extension of these activities to additional locations. NGOs provide transportation and lunch to the civil servants, who are then able to reach more people (2008-38). For example, one division-level civil servant reported that she was only funded to work in three of the nine locations in her division each year, leaving six without the services of her office in any given year. With her government budget, she visited at least one sub-location each week. A local NGO, however, helped her to reach more sub-locations. (2008-40). Likewise, for programs like computers-in-schools, it is often the case that government gives some funds for these, but "then the NGOs bring again more" (2008-51).

Both NGO representatives and civil servants emphasized that government staff are extremely pleased with these service extensions. Without them, they often rest idle in their offices for lack of resources to bring them "down there." (2008-30). Frustrated when they end up "just writing reports in the office," most government interviewees like to spend time in the field (2008-39). A civil servant in the Ministry of Agriculture said, "With no NGOs, there's more of government hanging around the office. When there's strong NGOs, more can be done, more impact. Then government gets *out* there, to the field" (2008-38). Likewise, a member of the Children's Office felt that, "They're helping us a lot a lot a lot a lot. Imagine there are four of us [working in the Children's Office]! We cannot be everywhere. There are 6291 sq km in this District, and 142 people per square km. We very much rely on these NGOs! We don't even have a vehicle here!" (2008-37).

There are limitations to this type of program, however. While civil servants are genuinely pleased to have their work facilitated by the NGOs, they also usually benefit financially. Many NGOs reported paying a daily "allowance" to government employees. Although some NGOs refuse to pay these honorariums, most do, and the fees (around 5000 Kenya shillings ($70) per day) add up. At the same time, NGOs report that these fees are lower than would be charged by the private sector, so they are willing to pay them (2008-30). Or they see it as one of the costs of doing their work: "They are parasitic, but often help [our organization] in the long run" (2008-17).

Another commonly mentioned joint program involved the NGOs' use of the Provincial Administration at the local level. NGOs often work very closely with Chiefs and Sub-Chiefs, the central government administrator for locations and sub-locations respectively. These individuals help NGOs mobilize participation and support for their work at the community level (2008-17, 2008-35). Relationships between NGOs and Sub-Chiefs seem generally very collaborative: "Even particular arms [Sub-Chiefs] know where I will be today [because we work so closely]" (2008-17). At the district level, some NGOs also found very strong support from the Provincial Administration. NGOs working on Mbeere's cotton-growing initiative

---

[73] A location is a formal administrative unit of government; it is smaller than a province, district and division, and larger than a sub-location.

mentioned that the District Commissioner intervened on the cotton-growers' behalf when cotton ginners seemed to be taking advantage of the farmers (2008-54).

Both NGO and government representatives emphasized the need to reduce duplication of efforts to increase efficiency in meeting needs – they try to work in different locations, or when in the same place, make sure their efforts are complementary, not the same (2008-23, 2008-11, 2008-18). Some NGOs also avoid parallel programs so that the government can't take credit for the their work. "When there can be a repetition of duties and actions, then government will take advantage!" (2008-14)

NGOs see themselves as complementing government (2008-32, 2008-44, 2008-50). However, they also recognize that sometimes, they are the sole provider of goods. "Ideally, we'd be gap-filling but sometimes we're the only one there!" (2008-30) For example, one NGO, recognizing an unfilled government responsibility, began a "disaster risk reduction program" for road safety.[74] "Someone has to coordinate everyone, so we decided to do it" (2008-14). Another NGO noted the failure of the semi-statal Kenya Farmer's Association, and claimed to have replaced it with their own programs, which brings more affordable farm inputs to the local level (2008-11). A third mentioned that they revived a cattle dip that the government was meant to maintain, but which had fallen into disrepair. The NGO bought the dip chemicals, repaired the physical infrastructure, and added new pipes, while the government provided advice via the Vet Officer (2008-53). One NGO worker expressed it thus: "In theory, we supplement, but in practice we're there to do what the government fails to do" (2008-17). "OVCs, for example. Government *should* do it, *but are they able?* They need others to do it for them! ...People have given up on government to provide A, B, C, D. So NGOs come to compliment government, but sometimes end up the main supplier. Where government is not there, NGOs are. NGOs do *so* much" (2008-44). Indeed, in some cases, "NGOs do more than government" (2008-13).

As in the general populace (see Chapter Five), there are mixed feelings among NGO workers about this. On the surface, many report things to be good and NGO-government relations to be positive. "NGOs are *meant* to support government... at least we can do so with supplies" (2008-44). Yet an undercurrent of frustration was also evident. "No one is in a hurry to do anything... Like in procurement. The government takes forever because of their procurement process. So we actually provide them a buffer stock of medicines. They have such delays! It's the order of the day! Often, we are not even the buffer stock; we are the *main* provider" (2008-44). Often in the same breath, respondents would report being pleased to supplement government activities, yet insist that government ought to provide the services using taxpayer monies (2008-30). "Government *should* do it, but if government is *not* doing it, then an NGO just has to do it, since they are *capable* of helping [the government]" (2008-53).

While government patterns are changing, many longtime complaints continued. The slow pace of government implementation was a frequent complaint

---

[74] African roads are notoriously dangerous due to poor road conditions, under-maintained vehicles and untrained, aggressive drivers.

(2008-31, 2008-44, 2008-50, 2008-52). NGOs working with government can get frustrated, "Ah! We are tired" [of waiting for government]! (2008-31). From this, it's clear that most NGOs have no wish to supplant the government. Instead, "Most NGOs are coping strategies:" we fill gaps, but they "don't let government off the hook" (2008-14).

Government Responses to NGOs

What does the Kenyan government say about all of these NGOs working in their country or district? Many government officials think of NGOs as their "collaborators in extension" (2008-39), and applaud their increasingly integrated methods of service provision (2008-38).[75] Indeed, most districts and ministries now explicitly rely on NGOs to achieve some of their goals. For example, a civil servant in the Children's Office of the Ministry of Gender and Children's Services[76] reports that their office incorporates NGO activities into their annual budget. Because the NGOs provide the government with an annual return, the Children's Office has started factoring NGO budgets into their own financial planning (2008-37).

Most districts now also integrate the work of NGOs into their District Development Plans (DDPs). The DDP, akin to Soviet five-year plans, has been used in Kenya since the 1970s. Usually written for a period of 4-5 years, DDPs are a good measure of the pulse of the country and each district. A striking introduction to the 2002-2008 DDPs is the across-the-board inclusion and elaboration of the role that NGOs will play during the plan period.[77] While some districts' plans include references to NGOs more than others, the sense of *reliance* on NGOs for service provision is present throughout.

Informal content analysis on the DDPs turns up repeated statements like: "The NGOs and donors will be *expected* to inject new resources into cooperatives in the form of credit, grants and material support, while the civil society will support the sub-sector in the management and promotion of good governance" (Butere/Mumias: 29); "The Development Financial Institutions (DFIs) and the Micro Finance Institutions including NGOs will be *required* to provide the necessary support in financial and capacity building" (Nyando: 43); "The NGOs and Community Based Organizations will provide credit facilities, physical infrastructure, educational and health services and network with other development partners" (Kakamega: 50); or "NGOs operating in the district in the water sub-sector... will be *expected* to continue complementing the Water Department's efforts" (Rachuonyo 34-5).

Moreover, at the back of each 2002-2008 DDP is an extended table detailing

---

[75] This is a relatively new phenomenon. The change from often conflicting to usually collaborative government-NGO relations is addressed in detail in Chapter Four.

[76] The names and numbers of Kenyan Ministries change frequently. This was the name of the ministry at the time of writing.

[77] Some DDPs from the pre-2002 period also mention NGOs, but the countrywide emphasis began in the 2002-2008 DDPs.

all projects proposed for the plan period, and how each will be carried out. Very frequently, this round of plans states that NGOs will do such things as "Supplement extension services; Carry out training and awareness campaigns" (Kisii: 36), or "provision of textbooks, bursaries and physical facilities" (Kuria: 48). In its 2002-2008 DDP, Makueni District proposes 149 projects to be undertaken; of these, 44 (just under 30%) explicitly mention involvement of implementation and/or funding by NGOs (Makueni: 71-86). The specific NGO responsible for such programs in these districts is only sometimes mentioned.

Government reliance on NGOs is evident not only in their plans, but also in some activities. For example, during the post-election violence of early 2009, the government of Kenya relied heavily on NGOs. One NGO, reported, for example, that the government relied on its statistics on internally displaced people in the province. The government not only trusted the NGO to be better able to determine this data than it was, it also wanted to avoid duplication of efforts (2008-14). In situations like this, NGO programs become government programs – the government achieves its public administration goals through the NGO.

Government representatives clearly recognize the importance of NGOs – or their implementation strategies – for effective service delivery. The West Pokot DDP states explicitly, "Lessons Learnt: Projects that were implemented with assistance from NGOs and other development agencies performed better than those that were implemented by the government alone. There is thus need to collaborate with all stakeholders during the preparation of the current plans" (2002: 17). Government actors desire to improve the quality of services they provide, and they recognize that there are things they could learn from NGOs in this regard. Working together is one solution; "Extension [services in agriculture] will be undertaken jointly between the government, the NGO, and the farmers themselves through Farmers Field Schools, agricultural demonstrations and exchange visits" (Butere/Mumias: 27).

This is not to say that all government actors feel positively about NGOs. Admittedly, some government officials seemed much more tuned-in to what NGOs do and how they can be used than others. In Machakos and Mbeere, District Development Officers were among the most knowledgeable about NGOs working in the districts, as they should be. But others, such as those working in the Children's Office in Machakos, seemed remarkably in-touch with NGOs providing similar services, rattling off the names of 20-plus organizations with whom they work. We "work hand in hand to advocate the rights of children. They sponsor us to go down to the community to advocate" (2008-37).

Other government officials, however, seemed unclear about NGOs. It was not uncommon for them to mention things like "it was an EU NGO," to confuse bilateral government assistance with that of NGOs, or even to consider private, for-profit companies, including banks, to be NGOs (2008-35, 2008-38, 2008-40).[78]

Nevertheless, the overarching trends suggest that many government officials consider the work of NGOs to be part of the work of the Kenyan state. The government now counts on NGOs to help provide basic services. If this were not the

---

[78] On occasion, government informants seemed so misinformed or uninformed about NGOs that the author felt compelled to cut short an interview in order for the civil servant or politician to save face.

case, the DDP section concerning "public administration, safety, law and order" from Nyandarua District would not state that "development partners, NGOs and the government work hand in hand providing finances, technical and logistical support and training services in carrying out various research and development activities" (Nyandarua: 54). Even when they do not yet see NGOs as fully integrated with government, some civil servants hope that this will one day be the case: "NGOs and the Ministry will be streamlined, so they are working in the same same[79] direction" (2008-38). In their plans, they aim to "seek closer working relationship with the community, CBOs, NGOs, religious organizations and other private providers to increase the range and quality of provision" (Kakamega: 49).

NGO-Influenced Changes on the Government Side of Service Provision

At the same time, during the period of NGO expansion, government actors have also begun to change the way they provide services. Particularly since the start of the Kibaki Administration in 2002, government ministries have moved toward a demand-driven approach, decentralized development funds, begun outsourcing, and enacted new measures of accountability in government offices, guaranteed through service charters and contracts. These changes reflect the influence of NGOs, which have been a major force pushing for democratization and accountable governance in Kenya since at least the early 1990s. Accountability measures and performance requirements are an inherent feature of NGOs, if they want to secure donor funding; as one observer reported, "service contracts are new in government, but are old at NGOs" (2008-52). In addition, when Kibaki came to power, many NGO leaders or employees were brought into government, including at senior positions. "Civil society was all swallowed by government, so government is thinking like NGOs" (2008-33). Throughout the public administration, government offices have mimicked NGOs' focus on participatory development, transparency and accountability.[80] As a result, as one senior civil servant reports, "Government is more of an NGO than NGOs are!" (2008-33).

Some of the newest programs offered by government ministries are pure copies of NGO programs. For example, the government was piloting an Orphans and Vulnerable Children (OVC) Cash Transfer program in Machakos at the time of research. In the program, the government gives 1500 Kenya shillings (about $25) per month, plus regular medical checkups and medicine, to households fostering OVCs (2008-37). Another NGO began a research program giving "report cards" to various government agencies providing services. The head of this NGO noted that the government itself now produces nearly-identical score cards as part of their "Citizen Service Delivery Charters," which explain what the public should expect from service providers as well as how and to whom they can make complaints about

---

[79] Kenyans often repeat words intentionally for emphasis. Thus, "same same" is used the way "very same" or "exact same" would be used in the US.

[80] I don't want to overstate the role of NGOs in these changes. Most of the international development environment has been pushing these approaches for some time, as well. Yet the visible example set by NGOs and the popular gratitude expressed in reaction to them is significant.

the services (2008-10).[81] Government employees, including some politicians, now have performance contracts, used to judge how their offices are working (2008-35). "In the 1990s, government ministries had no money, and employees of government could do what they wanted with the money that was there. But now… things are changing. No you have to work. You have to go down there, to the Divisions" (2008-39).

Another element of the changes in government service provision has been a push towards participatory "demand-driven development," which encourages *wananchi* to be proactive in making their voices heard, as they demand services from government. For example, the Ministries of Agriculture and of Livestock have recently emphasized demand-driven extension services, teaching people that if they want services, they need to approach the ministry for them. One agricultural officer reported success in this program, "It's taking root! 60% of people come and demand" (2008-41). Crucially, these approaches are now also more participatory: Ministry of Livestock and Agriculture civil servants explained that instead of handing out ministry-chosen agricultural inputs, they now develop community action plans at the community level. First, they look at the conditions in the area, then they float several possible strategies to the farmers, and they allow the community to decide on their course of action. The ministries then provide training on these agricultural techniques (2008-38, 2008-39).[82]

Since 2007, the government has also held a "Kenya Public Service Week (KPSW)" set of events at the conference center in Nairobi and in every provincial and district headquarters. This program, begun by the UN in 2006 as a Public Service Day, was nationalized the following year. According to the KPSW brochure, "…domestication into the KPSW in 2007 is a significant development. It represents a shift towards 'openness' in service delivery to the public besides encouraging citizens to demand better services from the Government. …It is also to build recognition of the role public officers play towards achievement of efficient and effective service delivery to citizens" (Government of Kenya 2008). As one politician said, the KPSW allows the community to see the things they spend money on; it is an accountability measure designed to let citizens "know that their taxes are getting plowed back" (2008-35).

Another element of the demand-driven approach is the introduction and expansion of devolved funds. These programs, including seven new funds for local authorities and constituencies, bursaries for secondary and university school

---

[81] According to a brochure for the Kenya Public Service Week (2008), the following ministries and departments are involved: Office of the president (Provincial Admin, Internal security, Defense, Special Programs); Office of the VP (Home Affairs, Heritage and Culture, Immigration and Registration of Persons); Office of the Prime Minister (Public Service Minister, planning/national development, ASALs, Trade, Agriculture, Local Government, Cooperative Development and Marketing, EAC, Education, Energy, Environment and Mineral Resources, Finances, Fisheries, Foreign Affairs, Forestry and Wildlife, Gender/Children, Higher Education/Science/Tech, Housing, Industrialization, Info/Communications, Justice/National Cohesion/Constitutional Affairs and Labour.)

[82] The idea of demand-driven services is not necessarily new in these ministries (Leonard 1977). The participatory element on the part of government, however, is.

students, road maintenance, AIDS efforts, and youth enterprise development, are meant to increase accountability by bringing the distribution of funds to a lower, more local level. In many cases, committees containing both government and NGO representatives determine the distribution of these funds. Individual ministries also have this sort of program, giving funds to CBOs as part of community initiative programs. For example, the Ministries of Agriculture and Livestock fund both small self-help groups and larger private businesses for food security, agro-forestry, water development and livestock improvement programs (2008-38, 2008-39).[83] These projects are discussed publically in a participatory approach. The funds are "so appreciated by the community" and mean that government is "now being held accountable" (2008-41).

From most NGOs' reports, however, a degree of political good will is necessary to get money from these government-funded programs. NGOs report the occasional one-off from government (2007-26, 2008-12, 2008-25, 2008-27, 2008-31, 2008-18), but that a lot of pressure must be applied to get funds (2008-12). One NGO in Mbeere – which if not registered as an NGO might be considered a CBO, due to its small-town, local, group-based approach – was unusually successful in this regard. They received animal stock from one ministry, feed from another office, a drought-resistant crop program from a third, and a fruit program from a fourth (2008-50). According to one of their leaders, they were "co-opted into the Ministry and their activities" (2008-50). As a representative sample, other NGOs have received government funds from: the Ministry of Health for an HIV/AIDS campaign; the Constitutional Review Commission for civil education in one Division; training and food supplies from the National AIDS Control Council; and training from KARI, the Kenya Agricultural Research Institute.

The government under Kibaki has also become less centralized, with public administrators given a freer hand in deciding how to use ministry funds. At the same time, donors, pleased with the transfer of power in the 2002 presidential elections, began to fund the government to a greater extent, including a major shift to general budgetary support instead of support for specific line items. "Government has more funding now, and its managed better. With the change of government, there is now more control of funds" (2008-39).

On occasion, the government even sub-contracts to NGOs, a fairly new activity for government.[84] For example, in 2008, the Ministry of Planning, Development and Vision 2030 contracted out the activities of a pilot sensitization program called "Localizing Millennium Development Goals (MDGs)," part of the "NGO-Government Partnership Program," to an NGO in Machakos, and NGOs in at least twenty-one other districts (2008-29, 2008-41). After getting the contract by responding to an ad in the newspaper, the NGO worked with the District Development Office to teach *wananchi* about the MDGs and the government's goal to

---

[83] Scholars familiar with public administration in Kenya in the first decades of independence have said that this type of CBO funding is not new, but that it is interesting that young civil servants and NGO workers believe it to be new. It may be the case that these programs declined significantly during the Moi administration and have been reinvigorated in the 2000s.

[84] The political and governance implications of this specific activity will be discussed in Chapter Four.

implement them by 2030. The NGO organized workshops at the district, division and location levels, and had a local *kikamba*-language radio station play MDG-related public service programming for 15-20 minutes each day for two months. They also worked with several line ministries to conduct trainings about sector-specific MGDs. The Ministry did monitoring and evaluation for the program. The head of this NGO said that they reached many more people working together than either they or the government could have done alone (2008-29).

Room for Improvement Remains

In some cases, NGOs substitute for the state, making up for government inadequacies that stem more from mismanagement than from a simple lack of funds. Corruption in government is an oft-cited problem with public service provision. While this is not surprising, given that Kenya consistently ranks among the poorest performers on global corruption and transparency rankings, it is still worthy of discussion.[85] Sometimes informed observers' critiques were mild complaints of "poor management" (2008-13, 2008-14), but often they were more direct assertions that "government puts in a lot of funds, but at least half ends up in their pockets" (2008-44) or, "They say they provide services with that tax. I am not sure which ones… they charge double and pocket the rest" (2008-31). One NGO officer who worked for many years as a civil servant felt that, "Government has a lot of money… Heh! I don't know why they're not providing! CDF has 50m [Ksh] when we have 5m [Ksh], but we do more… Something is wrong in the system" (2008-32).

Even government officials admit they sometimes shirk, knowing they can rely on NGOs. One civil servant said, "When the government gets a lot [of money], they might not do the work. So we really require NGO services very much" (2008-35). There was general consensus that, "Somehow…on the way… things happen…" such that government money does not make it to the people (2008-23). As a result people feel that, "When NGOs go to the grassroots, the money gets there. When government gets money, it disappears. On children, old age, drug rehab, alcohol, NGOs do more than government. Government does roads and big hospitals only" (2008-19).

Relative to NGOs, government transparency is also low: "And [government offices] are never audited – they are four or five years behind, whereas we are audited every quarter" (2008-44, also 2008-14). Because of this, NGOs collaborating on projects with government sometimes become disappointed, claiming that they hold up their end of the agreement – say, building a dispensary – but then the government reneges on its part – never sending health workers to the dispensary (2008-14). Cases like this give privatization proponents a legitimate reason to call for lowering government control over service provision.

At the end of the day, however, two things must be remembered. First, government service provision *is* improving, partially due to NGOs influence on the way services are provided (and, as we shall see in the next chapter, decisions are made). As one NGO leader explained, NGOs were doing their work initially because the government was not doing it, but they now complement each other. "Funds of

---

[85] For example, Transparency International (www.transparency.org) has consistently ranked Kenya among the 10-20 most corrupt countries.

government are up – and if it continues, NGOs won't need to be there anymore" (2008-33).

Second, government resources, despite what many NGO supporters suggest, are far higher than those of NGOs – a situation that is unlikely to change in the future. "We'd rather work without government, but you can't. It won't make an impact without government, because they actually do most of the service provision. …It creates more opportunities, though, working with them" (2008-44). In fact, NGOs rely on many of these government agencies, "NGOs also *need* government. They have certain institutions enabling them to do their jobs" (2008-52). While NGO number may decline again in the future, the government is likely there to stay.

As a result of government-NGO collaboration on service provision, the total amount of services is higher than it would be in NGOs' absence (2008-38). NGOs provide their own services, supplement the services of government, and, by example, influence the government to provide services in a more participatory and civic-minded manner. The civil society theory identified earlier in this chapter fits this pattern of civil society influence on state capacity like a glove. While *other* factors in Kenya's political economy may be lowering overall rates of service provision, NGOs are improving government service delivery performance. And while there may still be corruption in government programs, the funds are devolved to a lower level, where the groups they are given to arguably have a greater stake in the outcomes of the funds given and can directly benefit if the funds are used productively.

Summary and Implications

This chapter analyzes the impact of NGOs on state capacity to provide social services. It argues that NGOs have a distinct positive impact on service provision capacity. NGOs a) contribute a substantial amount to the core services of education, health and security; b) provide indirect services that the government is not able to provide; c) extend the arm of the state to additional places and locations for which government counterparts lack sufficient funds; d) work collaboratively with government on programs neither could do alone; and e) by way of positive example, influence government offices and employees to improve the quality of services they provide.

In providing such services, NGOs and government both see the role of the organizations as "gap-filling," complementing, or supplementing the state. The government, for the most part, provides primary education and security, allowing or asking NGOs to supplement these services and expand their reach in other areas. Contrary to some claims, NGOs are not replacing the government in service provision. As a Nigerian scholar confirms elsewhere in the continent, "Any expectation that the NGOs will supplant the state in service provision is likely to be utopian" (Obiyan 2004: 302).

Instead, NGOs in Kenya essentially expand the nature of state service provision such that we start to include non-governmental as well as governmental actors under the aegis of "the state." Working hand-in-hand on programs and

projects, the line between public agency and private NGO blurs. Government civil servants spend months paid by and working for NGO programs. NGOs set up their district or regional offices in government ministry buildings – public and NGO employees literally working side by side.

Thus, NGOs essentially join the administrative wing of the state, expanding state capacity, and state strength. Following Roitman (2005), NGOs help to reconstitute the state through the creation of networks of actors redeploying state technologies. With the addition of these private actors, government performance improves.

At a larger level, the implication is that the state is and remains an important actor – only its composition has changed slightly. Contrary to claims that globalization is overwhelming the state with "races to the bottom," in which social welfare is sacrificed to the whims of global economic competition (Strange 1996) we find that the introduction of new actors and interdependencies creates new possibilities in service provision and capacity. As Weiss (1998) argues, globalization requires states to become more efficient and capable, enhancing their abilities internally as well as externally. Through interpenetration of its activities with those of government, NGOs have facilitated this process in Kenya.

References

Adili. 2003. "Harambee: the spirit of giving or reaping?" Nairobi: Transparency International-Kenya. Issue 37: 1-2.

Assie-Lumumba, N. 2006. 'Higher education in Africa'. Dakar: CODESRIA, Working Paper Series.

Bayart et al. 1999. *The Criminalization of the State in Africa.* Bloomington: Indiana University Press.

Besley, Timothy and Maitreesh Ghatak. 2001. "Government versus private ownership of public goods." *Quarterly Journal of Economics.* 1343-1372.

Boix, Carles and Daniel Posner. 1998. "Social Capital: Explaining its Origins and Effects on Government Performance." *British Journal of Political Science* 28:4, 686-93.

Centeno, Miguel Angel & Fernando López-Alves. 2000. *The Other Mirror: Grand Theory through the Lens of Latin America.* Princeton: Princeton University Press.

Chaudhry, Kiren. 1993. "The Myths of the Market and Common History of Late Developers." *Politics & Society* 21:3, 245-274.

Esman, Milton J. & Norman Uphoff. 1984. *Local organizations: intermediaries in rural development.* Ithaca: Cornell University Press.

Evans, Peter, Dietrich Rueschemeyer and Theda Skocpol (eds). 1985. *Bringing the State Back in.* Cambridge University Press.

Evans, Peter. 1997. "The Eclipse of the State?" *World Politics.* 50: 62-87.

Finegold, Kenneth and Theda Skocpol. 1995. *State and Party in America's New Deal.* Madison, WI: University of Wisconsin Press.

Government of Kenya. 2008. "Kenya Public Service Week." Brochure. Nairobi: Government Press.

Government of Kenya. 2008b. "Drought Monthly Bulletin, Mbeere District." Nairobi: Ministry of State for the Development of Northern Kenya and Other Arid Lands.

Grindle, Merilee S. 1996. "*Challenging the State: Crisis and Innovation in Latin America and Africa."* Cambridge: Cambridge University Press.

Hall, R., M. Rodeghier & B. Useem. 1986. 'Effects of education on attitude to protest', *American Sociological Review* 51: 564-573.

Huntington, Samuel. 1978. *Political Order in Changing Societies.* New Haven: Yale University Press.

Hyden, Goren. 1983. *No Short Cuts to Progress: African Development Management in Perspective.* Berkeley CA: University of California Press.

Leonard, David K. 1977. *Reaching the Peasant Farmer: Organization Theory and Practice in Kenya.* Chicago: University of Chicago Press.

Levy, Brian and Sahr John Kpundeh (eds). 2004. *Building State Capacity in Africa: New Approaches, Emerging Lessons.* Washington, DC: World Bank Publications.

Migdal, Joel. 1998. *Strong Societies and Weak States.* Princeton, NJ: Princeton University Press.

Obiyan. A. Sat. 2005. "A Critical Examination of the State versus Non-Governmental Organizations (NGOs) in the Policy Sphere in the Global South: will the state die as the NGOs thrive in sub-Saharan Africa and Asia?" *Journal of Asian and African Studies.* 4:3, 301-327.

Osodo, Patrick and Simon Matsvai. 1997. "Partners or Contractors? The Relationship Between Official Agencies and NGOs – Kenya and Zimbabwe." INTRAC: Oxford UK.

Pfeiffer, James. 2003. "International NGOs and primary health care in Mozambique: the need for a new model of collaboration" *Social Science & Medicine.* 56:4, 725-738

Putnam, Robert et al. 1993. *Making Democracy Work: Civil Traditions in Modern Italy.* Princeton: Princeton University Press.

Republic of Kenya: Ministry of Planning and National Development. 1989. *Embu: District Development Plan 1989-1993.* Government Printer: Nairobi.

Republic of Kenya: Ministry of Planning and National Development. 1989. *Machakos: District Development Plan 1989-1993.* Government Printer: Nairobi.

Republic of Kenya: Ministry of Planning and National Development. 2002. *Butere/Mumias: District Development Plan 2002-2008.* Government Printer: Nairobi.

Republic of Kenya: Ministry of Planning and National Development. 2002. *Kakamega: District Development Plan 2002-2008.* Government Printer: Nairobi.

Republic of Kenya: Ministry of Planning and National Development. 2002. *Kisii: District Development Plan 2002-2008.* Government Printer: Nairobi.

Republic of Kenya: Ministry of Planning and National Development. 2002. *Kuria: District Development Plan 2002-2008.* Government Printer: Nairobi.

Republic of Kenya: Ministry of Planning and National Development. 2002. *Machakos: District Development Plan 2002-2008.* Government Printer: Nairobi.

Republic of Kenya: Ministry of Planning and National Development. 2002. *Makueni: District Development Plan 2002-2008.* Government Printer: Nairobi.

Republic of Kenya: Ministry of Planning and National Development. 2002. *Mbeere: District Development Plan 2002-2008.* Government Printer: Nairobi.

Republic of Kenya: Ministry of Planning and National Development. 2002. *Nyandarua: District Development Plan 2002-2008.* Government Printer: Nairobi.

Republic of Kenya: Ministry of Planning and National Development. 2002. *Nyando: District Development Plan 2002-2008.* Government Printer: Nairobi.

Republic of Kenya: Ministry of Planning and National Development. 2002. *Rachuonyo: District Development Plan 2002-2008.* Government Printer: Nairobi.

Republic of Kenya: Ministry of Planning and National Development. 2002. *West Pokot: District Development Plan 2002-2008.* Government Printer: Nairobi.

Republic of Kenya: Office of the Vice President and Ministry of Planning and National Development, Central Bureau of Statistics. 1989. *Kenya Population Census 1989 Volume 1.* Government Printer: Nairobi.

Republic of Kenya: Office of the Vice President and Ministry of Planning and National Development. 1994. *Embu: District Development Plan 1994-1996.* Government Printer: Nairobi.

Republic of Kenya: Office of the Vice President and Ministry of Planning and National Development. 1994. *Machakos: District Development Plan 1994-1996.* Government Printer: Nairobi.

Republic of Kenya: Office of the Vice President and Ministry of Planning and National Development, Central Bureau of Statistics. 1996. *Kenya Population Census 1989 Analytical Report Volume 5: Mortality.* Government Printer: Nairobi.

Republic of Kenya: Office of the Vice President and Ministry of Planning and National Development, Central Bureau of Statistics. 1996. *Kenya Population Census 1989 Analytical Report Volume 8: Education.* Government Printer: Nairobi.

Republic of Kenya: Office of the Vice President and Ministry of Planning and National Development. 1997. *Machakos: District Development Plan 1997-2001.* Government Printer: Nairobi.

Republic of Kenya: Office of the Vice President and Ministry of Planning and National Development. 1997. *Mbeere: District Development Plan 1997-2001.* Government Printer: Nairobi.

Republic of Kenya. Statute Law (Miscellaneous Amendments) Act, 23 Oct 1992.

Salamon, L. M., and Anheier, H. K. 1992. "In Search of the Non-Profit Sector. Part 1: The Question of Definitions." *Voluntas*, 3:2, 125-151.

Skocpol, Theda. 1985. "Brining the State Back In: Strategies of Analysis in Current Research." In *Bringing the State Back In*. Ed. Peter B. Evans, Dietrich Rueschemeyer, and Theda Skocpol. New York: Cambridge University Press, 3-43.

Strange, Susan. 1996. *The Retreat of the state: the diffusion of power in the world economy*. Cambridge University Press.

Stern, Rachel. 2009. "Running on Hope: International Soft Support for Environmental Litigation." in *In Safety's Shadow: Suing Polluters in China* PhD diss. University of California – Berkeley.

Swidler, Ann and Susan Cotts Watkins. 2009. "'Teach a Man to Fish': The Doctrine of Sustainability and Its Social Consequences." *World Development.* 36, 4.

Tocqueville, Alexis de. 1863. (2000 edition). *Democracy in America.* New York: Harper Collins Perennial Classics.

Uphoff, Norman. 1993. "Grassroots organizations and NGOs in rural development: opportunities with diminishing states and expanding markets." *World Development.* 21:4.

Van de Walle, Nicolas. 2001. *African economies and the politics of permanent crisis, 1979-1999, Political economy of institutions and decisions*. New York: Cambridge University Press.

Weber, Max. 1978. *Economy and Society.* (Geunther Roth and Claus Wittich (eds)). Berkeley: University of CA Press.

Umali-Deininger, Dina and Lisa A. Schwartz. 1994. *Public and private agricultural extension: beyond traditional frontiers.* World Bank Discussion Paper 236.

Washington, DC: World Bank.

World Bank. 1989. *Sub-Saharan Africa: from Crisis to Sustainable Growth.* Washington, D.C.: The World Bank.

World Bank. 2005. *Capacity Building in Africa: An OED Evaluation of World Bank Support.* Washington, DC: World Bank.

Appendix A: Specific Programs or Projects Underway by NGOs Interviewed

Activity	Programs or Projects
Agriculture	- Lobby central government to stop providing farm-related handouts, so that agro-dealer enterprises can grow. Created a voucher program with the government as an alternative. - Fund agricultural stakeholder forums held by governments at the district level. - Training for enterprise development in the agricultural sector, with the goal of food security, increased agricultural productivity - Do micro-credit, ROSCA development for farm groups. The NGO guarantees these groups' loans with one of the nation-wide banks. - Micro-franchise program: horticulture, poultry, dairy and confectionary food processing. - Income generation development through training on: crops, animals, chicken, fruit, honey and how to market it better. - Livelihood program: training in agriculture, livestock, and income generation. - Private sector development: agricultural business development. - Work to get farm inputs sold in smaller packages, so they are affordable to the little guy. - Food security program: training and goat-rearing program. - Food security: training and help growing drought-tolerant crops. - Food security program via farming, animal husbandry training, agricultural expositions. - Provide restocking animals (goats, chickens) for food security. - Training in agriculture and food security. - Introduction and promotion of drought-resistant crops, specifically cassava. - Supply non-GMO seedlings to farmers. - Protest and lobby against the allowance of GMO seeds and produce in Kenya. - Agro-forestry program. - Revitalization of cotton farming program. - Linking cotton growers to ginner for better pricing. - Promotion of drought-resistant crop, amaranthus, a high-protein grain crop. - Promotion of beekeeping for income generation. - Promotion of modern methods of beekeeping. - Training farmers on: fruit farming, beekeeping, and value-addition for crops. - Development of fisheries, dairy goats and pigeon peas for income generation. - Capacity building on agricultural production, business development, fundraising. - Provision of farming tools, food storage, agricultural marketing programs, livestock and vet services, goat-keeping, and livestock upgrading. - Goat breeding program for agri-business, food security. - Livelihood support and right to food program.
Education	- Education quality improvement program in public primary schools: infrastructure improvement, provision of instructional materials, management committee training, in-service training for teachers. - Opened a small library with a computer-training center. - HIV/AIDS program in schools for grades 1-4, including clubs. - HIV/AIDS training program in primary and secondary schools. - Child sponsorship program: education, school fees, uniforms, and food. - Child sponsorship program: support to orphans' foster families to encourage kids to stay in a home and not an orphanage: school fees, food, shelter, medical services. - Child sponsorship program: education, school fees, uniforms, bursaries, etc. - Orphan and Vulnerable Children (OVC) care program: money, medical support, school fees, uniforms, counseling and food. - OVC support program: provides bursaries, uniforms, books to public-school

	children. - Youth training on HIV/AIDS. - Training to women to become tailors – they will make uniforms used in child sponsorship program. - Youth training on self-reliance, small-scale business development. - Hold workshops, seminars, trainings and research for youth: goals are to get youth employment and involvement in development. - Computers-for-schools program, bringing computers, generators and training to secondary schools. - Creation of a computer college, with low-cost computer training. - Child sponsorship program: bursaries for secondary school, clothing, etc. - Sponsorships for primary and secondary school students. - Early child development programs: funding of teachers. - School infrastructure rehabilitation, especially in primary schools and early childhood development centers. - School construction and maintenance: put up a secondary school science lab, equipped classrooms, staff room furniture, etc. - Education schools and facilities program. - Adult literacy program.
Environment	- Capacity building in natural resource management in drought-prone areas. - Water provision. - Water development: service dams, tanks and deep-well surveys and boreholes. - Training on water management. - Drill boreholes. - Agro-forestry program. - Build sand dams for business development. - Plant trees at the village level, promoting afforestation. - Seedlings and tree farm program. - Tree-planting, soil conservation, tree nurseries programs. - Extension of government pipeline to provide water. - Provision of clean water, distribution of water pipes to groups.
General Development	- Built multi-purpose community hall and two large hostels for people staying for their programs. - Integrated development programs: training on water/sanitation, disease prevention, food security, poverty eradication, health centers. - Training in general capacity building: working in any sector, depending on what the community asks for. - Training on Millennium Development Goals as part of a government awareness program: included radio programming in local languages. - Capacity building on management skills, organizational development. - Private sector development: encouraging savings, help opening bank accounts, group-based accounts. - Training in income generation and micro-credit. - Rural finance program. - Micro-lending program based on Grameen model. - Created micro-finance groups, given low-interest loans. - Provide revolving small loans and grants. - Make soap, bleach and juice for income generation, and train others on it. - Financial assistance via loans, check-cashing and savings programs. - Revolving loan program. - Business management training. - Training on financial service provision, creation of financial services center. - Capacity building on savings, micro-finance, business skills, etc.

Peace and Governance	- Act as a watchdog of government; providing info to/from government. - Monitor government spending, implementation, and use of taxes. - Assist regular people in protesting government mismanagement, misuse of funds and participating in holding government accountable. - Initiate/inspire residents associations across the country, to be used as a tool of governance: ultimate goal is "sustained access to public services." - Help government make policy with regard to service provision, current wastage in government provision. - Write "service report cards" on service provision and citizens' feelings about them: have been imitated by government. - Organization of district-level participation in national human rights program, National Action Plan (NAP) on human rights. - Conduct civic education training on constitution and constitutionalism, nationhood and nation-building, democracy, governance, peace-building and human rights. - Conduct legal and law-based civic education, teaching people about laws, their rights, and rights vis-à-vis taxes they pay, as well as fact that they do pay tax (VAT). - Represent minority issues at the national level: goal of influencing policy on pastoralists, livestock, minorities, human rights, land reform, constitutional reform. - Run annual "pastoralists week" – bringing issues particular to pastoralists to light at the national level. - Advocacy programs. - Empowerment, governance, human rights training program.
Health	- Child sponsorship program: support to HIV/AIDS orphans' foster families to encourage kids to stay in a home and not an orphanage: school fees, food, shelter, medical services. - Provide counseling to orphans, many of whom took care of their dying parents. - Built two maternities/dispensaries, to be turned over to government when finished. - Built medical clinic in a peri-rural community: staffed by one registered nurse and administrative staff. - Health services via clinics. - Training community-based health workers. - Water provision for better health. - Bring safe drinking water to community. - Provide hygiene and disease prevention training. - Undertake mass vaccinations campaign, mobilizing people to get vaccinated. - Logistics and administration of blood donor program. - Rallies and awareness campaigns to teach people about HIV/AIDS. - Train local and religious leaders on HIV/AIDS. - HIV and general health care through clinics. - Training on health issues, such as HIV and OVCs. - Condom distribution and training program along major highways. - Community assistance with HIV/AIDS-affected people. - Provision of PMTCT (prevention of mother-to-child transmission) training, drugs in clinics. - HIV/AIDS program in schools for grades 1-4, including clubs. - Training on providing home-based care for HIV/AIDS patients. - Trained VCT workers (voluntary counseling and testing for HIV); opened VCTs. - HIV/AIDS training program in primary and secondary schools. - Support to HIV/AIDS affected families. - Lobbied successfully for piped water to be brought to a greater portion of the district. - Mosquito net program for prevention of malaria.

	- Health care: treatment, lab work, children under five, family planning, VCT, anti-natal, STDs, HIV management. - Medicine and medical packages to dispensaries and local hospitals: given computers, chairs, medical supplies, medicines, payment of staff, provision of donkey for fetching water. - Training on proper nutrition. - Deworming program. - Support for people living with HIV. - Training of home-based caregivers for HIV/AIDS. - Food donations and support to youth living with HIV.
Other	- Hold Bible study/fun camps for sponsored children. - Road safety program, designed to reduce accident numbers.
Relief	- Emergency response programs.
WCYDO	- Rehabilitate street children - Training to women to become tailors – they will make uniforms used in child sponsorship program. - Monitor child-rights and women's rights abuses, report to authorities and refer to helping organizations. - Savings associations, loans for parents of at-risk children. - Child sponsorship program: education, school fees, uniforms, food. - Child sponsorship program: support to orphans' foster families to encourage kids to stay in a home and not an orphanage: school fees, food, shelter, medical services. - Child sponsorship program: education, school fees, uniforms, bursaries, etc. - OVC care program: money, medical support, school fees, uniforms, counseling and food. - OVC community-based care and child sponsorship. - OVC support program: provides bursaries, uniforms, books to public-school children. - Youth training on HIV/AIDS. - Youth training: education, vocational training, drug abuse and behavioral change and communications. - Youth resource center to give constructive pastimes to the youth: goal is to train youth to do tailoring, video and documentary creation. - Youth training on self-reliance, small-scale business development. - Hold workshops, seminars, trainings and research for youth: goals are to get youth employment and involvement in development. - Bring youth voices to government and international agency policymakers: e.g. National Youth Policy, MGD steering committee, etc. - Monitor/Evaluate use of government youth funds. - Enterprise development for youth: beekeeping, value-addition for fruits, horticulture, vegetables, etc. - Feeding programs, Christmas party for orphans. - Child sponsorship program: bursaries for secondary school, clothing, etc. - Relief to the elderly and marginalized: blankets, clothes, food, etc. - Program on women's rights and empowerment.

Appendix B: Number of Structures Produced and People Assisted by NGOs Interviewed[86]

Activity	Infrastructure (things produced)	Non-Tangible (people impacted)
Agriculture	- Two food security training centers/demonstration farms. - Three large fishponds.	- Livelihood program: 5400 people. - 312 people in micro-franchise program. - 1800 cotton farmers.
Education	- One small library, with computers - Rehabilitation of, instructional materials for 8 schools - 10 computers, one generator brought to two schools (5 more schools in progress). - Rehabilitation of 7 schools, furniture only in additional 2 schools.	- HIV/AIDS training and awareness programs in 32 schools. - 52 adults in literacy program.
Environment	- Two sand dams - 4 km of water pipeline.	
General Development	- One multi-purpose hall - Two large hostels - Financial services center built. -	- 21 people given micro-loans. - 40,000 beneficiaries of integrated development program. - 2000 people in finance program. - 3000 members of private sector development program - 312 people for micro-credit program. - 37 people given small, emergency loans. - 47 people given larger, long-term loans. - 38 training focus groups.
Health	- Two maternities/dispensaries. - 10 health clinics (4 more under construction) - 2 VCT centers. - 8 boreholes drilled. - 9 dams built. - 15 service dams. - 25 water tanks.	- 50 community-based health care workers trained - 4 million condoms distributed - Support to 70 HIV/AIDS affected families - 22 home-based HIV caregivers trained. - Serve 20-40 people per day at health clinic. - 20 groups trained on proper nutrition.
Other		- Three Bible study fun camps for sponsored children per year
WCYDO	- Youth resource center with video equipment, tailoring school.	- 9831 sponsored OVCs (orphans and vulnerable children) - 6 youth groups for enterprise training

---

[86] Note that this list is not comprehensive of all activities done by all NGOs interviewed. Some NGOs did not give specific numbers. Nevertheless, this chart gives the read an impression of the scale of work being undertaken by individual organizations.

	- Children's home, two day care locations.	- 5 women trained as tailors - 5 savings associations organized - 50 children helped. - 942 children sponsored. - 14 children sponsored.

Appendix C: Notes on NGO Effectiveness and "Capacity Building" Training
  The focus of this chapter is the impact of NGOs on service provision. Yet many informed observers also commented on the absolute effectiveness and efficiency of NGOs. In particular, those wishing to highlight the benefits of government tend to point to NGOs' excesses or flaws – often instead of highlighting actual government achievements. Wastefulness by NGOs is a common complaint: "NGOs use a lot of funds. They pour them out, but when you quantify the amount of benefit, it seems not to be equivalent with the amount poured. They employ a lot of staff, but the remuneration of staff! It is so enormous! It takes almost half of what has been allocated!" (2008-37, also 2008-31).

  In particular, wasting copious amounts of money on "capacity building" trainings, which often take place at local hotels and include large meals and tea breaks, was a frequent critique of NGOs – from both within NGOs and from government. One local politician said, "Most of the NGOs are good. But their capacity building [expenditure] is too high – they come here, spend a lot, waste money. They should spend more in the community, less in town" (2008-35). Some go so far as to suggest that training is all NGOs do: "I've not seen it [NGOs' impact]. But I'm not sure what they do. They do so many seminars, but the output isn't visible. I can't say this NGO did X, Y, Z. Mostly they have seminars in the big hotels" (2008-36).[87] Some NGO leaders agree with this, saying that the community has been "so trained" that they are "becoming fatigued" (2008-33; See also Swidler & Watkins 2009). Ironically, others felt that government officials took advantage of this, "Collaboration with government just makes it more expensive. They demand lunch. Or they don't support the work. Government sees NGOs as a place to eat" (2008-44).

  The author herself noticed the abundance of sometimes-wasteful NGO trainings at four different hotels in Machakos and two in Embu town, near Mbeere. In Machakos the largest (and most expensive) hotel in town posted a signboard in the lobby announcing the training sessions occurring that day, and the signboard never had fewer than two NGO trainings each time the author visited – sometimes just to look at the board. Meals at this hotel ran about $10 for a buffet lunch, and $15 for dinner – an exorbitant price in a district where GDP per capita is less than $300 per year.[88]

  Yet NGOs provide "capacity building" often because of donor priorities regarding funding. Donors, both governmental and non-governmental, often refuse to pay recurrent costs of programs, with the assumptions that their work should become self-sustaining, and repeatedly paying for things encourages dependency. As a result, donor-raised funds must be used for once-off expenses, making training programs a natural outlet. "Capacity building," is not without noble inspirations –

---

[87] Not all government officials felt this way. One civil servant appreciated the trainings she had received from one of the larger NGOs in Machakos – in fact, she had attended six such trainings between January and October 2008 (2008-37).

[88] Other hotels were more reasonable. The author usually stayed in a tidy little hotel that also held frequent NGO seminars where the rooms were about $15 per night and meals $1 to $5.

many NGO workers and *wananchi* participants truly believe the way to development is to "teach a man to fish…" – and oft-cited phrase among development practitioners.

Chapter Four: NGOs and Changing Patterns of Governance: Clear Roles or Growing Complexity?

"It's NGOs that made government open our eyes. We have made a lot of changes."
(Civil Servant, Machakos District, September 2008)

"That's the new global approach – you must involve everyone now."
(NGO worker, Machakos District, October 2008)

Introduction

NGOs clearly impact the state. Chapter Two demonstrated not only the factors that explain why NGOs go where they go, but also the way in which NGOs extend the territorial reach of the state. Chapter Three then showed that NGOs often raise the capacity of the state to provide services by extending the arm of government some degree farther than it would have reached in NGOs' absence. Sometimes quite literally, NGOs provide the vehicle to extend government services to one additional village or town. Likewise, NGOs' symbolic impact is changing the way many government offices attempt to provide services.

What of other realms of the state? This chapter examines another core element of stateness: governance. Over the past twenty years, the world has seen a massive change in patterns of governance within countries. Largely in response to an agenda of neo-liberalism and pro-privatization by rich and donor countries and institutions, governments have witnessed a rise in non-state actors including NGOs involved in the governing process itself. In some places, this has involved a positive relationship between NGOs and government actors, while elsewhere the relationship has been fraught with contention and conflict. What of Kenya?

As explored in the introduction, non-governmental associations working to develop the country are by no means new in Kenya. Since before independence, a spirit of "*harambee*," meaning, "let's pull together" in Swahili, motivated national development. *Harambee* groups, usually village-level associations, have for decades created institutions like schools and clinics; locals gather resources to build infrastructure, and the government provides staffing and other support (Chieni 1997). As a reminder, nearly all *harambee* groups are established at the community level, often in rural areas by less-educated Kenyans – they are what development scholars now call community-based organizations (CBOs). NGOs, however, are usually formal organizations, often led and staffed by highly educated, cosmopolitan people with resources and authority. The position from which NGOs stand in relation to government is therefore unique in the history of the country, and as such, deserves attention.

This chapter seeks to understand the impact of NGO proliferation on governance in Kenya, addressing patterns of governance from two angles. To provide context, it first asks: what are NGO-government relations in Kenya now, and how have they changed over time? Then, to repeat a question posed by Robert Dahl

nearly half a century ago (1961), it examines *who governs?* Dahl was interested in the power relations delineating influence among supposed equals in a democracy. Here, the focus is on roles played by public and private organizations in the provision of services in less-developed countries. What impact has the growth of foreign-funded NGOs in Kenya had on how and by whom service provision decisions are made? How have NGOs become involved in the governing processes?

According to some, the opening of public space to private actors like NGOs allows the government to focus on core competencies of setting laws and regulations, and "steering" the ship of state. In this view, non-state actors implement government policies and "row" through more efficient service provision. Others suggest that the rise of NGOs and other private actors in public life signals the decline of government and retreat of public actors generally. Yet does either of these visions of change correctly describe new patterns of governance in poor and weakly institutionalized countries, where NGOs are often the primary non-state actor?

This chapter addresses these questions, providing an historical analysis of Kenya's governance trajectory. It asserts that instead of a clear division between policy-making government and policy-implementing private actors, decision-making in Kenya has become a complex and intertwined process.[89] NGOs lobby for increased participation, transparency and accountability; they sit on national policymaking committees; government integrates NGO plans and budgets into national plans; and government actors mimic NGOs' participatory, accountable approach. Through similar changes elsewhere, developing countries are witnessing a blurring of the lines between public and private. Indeed, NGOs extend the organizational form of the state beyond the civil service. As such, governance of public services has started to become both stronger and more democratic in Kenya.[90]

The chapter begins with a definition of governance as well as commonly cited characteristics of "new governance." Next, it provides a history of NGO-government relations in Kenya, highlighting the move from authoritarian, hierarchical governance toward more open, collaborative governance patterns. It then details governance of service provision in Kenya today, drawing attention to the growing role played by NGOs, their democratizing influence, and their intertwined relations with the state. The paper concludes by outlining implications of the Kenyan experience.

On Governance

Relatively recently, academics as well as public servants and international development administrators have begun to rely on the word "governance." From economics to business studies to public administration and anthropology, we hear of "corporate governance," "good governance," "network governance" and more. While much of the literature on these topics has focused on the West, and grows out

---

[89] The focus here is on NGOs' role in decision-making, not in implementation.
[90] Note that *more* democratic does not mean wholly democratic.

of the British experience in particular, it has important implications for developing countries, including those of Africa.

In this chapter, governance is defined concretely as *the process or acts of making binding decisions that order collective action in a polity*. This definition derives largely from discussions in the semester-long Governance seminar at UC Berkeley lead by political scientists Chris Ansell and Todd LaPorte in the spring of 2006. Decision-making activities include policymaking, law making, choosing services to provide and the administrative levels and locations at which they are provided.

Governance, therefore, concerns governi*ng* (Peters & Pierre 1998) or public management – certainly not a new phenomenon. In the recent past, however, scholars excited about changing patterns of governing have come to refer to these new trends as "governance" to distinguish them from their public management predecessors. To simplify matters, this chapter follows others who define governance as governing, and refer to contemporary patterns of governing that have arisen in the recent past as "new governance." Trends identified in "new governance" stem from studies of public administration change in the UK, Europe and Australia, and include: non-state actors increasingly take part in the policy decision-making process; the role of public actors has changed or diminished; networks of public, private and not-for-profit organizations have proliferated, replacing markets and hierarchies, arguably as governing problems become more complex; there has been either a blurring of the boundaries between public and private actors or the advent of multi-centric, decentralized decision-making and authority; and the governing process has become more participatory. For an overview of the governance literature and attempts to integrate it, see Stoker (1998), Peters & Pierre (1998), Rhodes (2000), Rosenau (2000) and Bevir (2006).

In simple terms, the changes we are witnessing have largely entailed moving from a situation in which government was the principle governing actor to one in which government is but one of a number of actors involved in the governing process. Changes like these are not particular to wealthy Western countries, but can also be seen in the world's poor nations. The particular contours of change, however, are impacted by the developing country context. This paper follows an interpretivist segment of the literature on governance, which urges scholars to examine traditions of governance within countries, analyzing the changes therein through an historical lens, paying closer attention to context and particularities than to stylized "universal" theories of change (Bevir & Rhodes 2003, Bevir et al. 2003). So doing, we examine how and why traditions change in particular places.

Kenya's governance trajectory has differed from those of the rich countries where the extensive literature on governance first developed partially because it is a relatively poor, late-developing country. As such, the Kenyan government is much weaker than those of the West. Some strands of the governance literature called for government to "steer" the ship of state, enabling private actors to "row", implementing state policy (Osborne & Gaebler 1992, see also discussion in Stoker 1998 and Peters & Pierre 1998: 231). Yet for a government to be able to effectively steer, it must be quite strong (Chaudhry 1993). On the whole, the Kenyan government has not had the capabilities when required, particularly as the law-

making body, Parliament, was captured by the executive presidency until quite recently (McSherry & Brass 2007).

Moreover, the "hollowing" of the state in the Western context has involved intentional third party contracting to for-profit actors, while the government retains ultimate control and provides some level of funding. In Africa, however, the state has not tended to deliberately contract, at least not to not-for-profits funded from international sources. Instead of "planned privatization," the explicit sale of government enterprises, outsourcing or public-private partnerships, with NGOs, Kenya has witnessed "spontaneous privatization," in which non-governmental actors try to fill the gaps left by the state without being explicitly prompted to do so (UN Habitat 1998). Naturally, there are some exceptions to the rule. Still, while the Kenyan government has come to rely on NGOs for some service provision, we should be hesitant to view NGOs in Kenya in the same way as we view private actors in the West.

From intimidation to integration: NGO-government relations under Moi and Kibaki

NGO-government relations changed sharply over the first decade of the 2000s. At the end of the administration of Daniel arap Moi in 2002, tensions between NGOs and government were high. Only several years later, however, relations have warmed dramatically, as President Mwai Kibaki took advantage of Kenya's political opening to work with civil society.

Conflict, Control and Bureaucratic Governance during the Moi Administration

During the 1980s, several elements coalesced to provoke the Moi Administration to increase control over NGOs. Moi did not want to deter NGOs from working to provide economic development assistance, healthcare, and poverty relief in Kenya – these things all helped him since NGOs increased gross distribution levels. Yet Moi also wanted to retain power, and he appears to have been concerned that NGOs could infringe on his authority. He turned to regulation for several reasons.

Moi began to appear uneasy as the number of non-governmental charitable organizations in the country grew rapidly. When international NGOs stepped in to help provide a social safety net in response to economic crisis in the 1980s, the government had no systematic way to know what these organizations were doing. As a matter of sovereignty, the government arguably had a right to monitor and regulate the activities of foreign actors within its territory.

The absolute level of donor funding to NGOs was a second motivator for the Moi Administration to introduce regulation. The government became concerned that donors favored NGOs over it (Chege 1999, Owiti et al. 2004), as many bi- and multi-lateral organizations explicitly shifted funds away from governments to NGOs during this time.[91] At the same time, donors pressured governments throughout

---

[91] The overwhelming majority of foreign donor funding, however, has always gone to governments, not NGOs. At the high end, bilateral aid through agencies like USAID reached 13% of American aid overseas.

Africa to allow non-governmental actors to participate in state decision-making (Brautigam 1994: 59). The Moi government worried that this trend could increase, threatening both its crucial donor funding and its power.

The administration was also nervous that shifting resources toward NGOs reflected poorly on government in the eyes of *wananchi*, the regular people of Kenya. Kenyan scholars writing at the time were not surprised that the state cracked down on NGOs since "NGOs were using donor funds to contest state legitimacy through delivery of services" (Kanyinga 1996: 82). The government likely became concerned that NGOs threatened to become a strong and "separate political force," influencing partisan politics, as Fernando & Heston (1997: 13) and Sandberg (1994) identify elsewhere. In Latin America and Eastern Europe, political parties and their leaders have been offshoots of NGOs. Regulation allowed the government to "guard against the weakening of state legitimacy and the undesirable tendency of impinging on national sovereignty by NGOs" (Kameri-Mbote 2000: 7).

Finally, Moi began to experience considerable pressure for political liberalization from both the international community and local civil society. Along with religious and professional associations, NGOs were a key element in the local source of democratization demands. Organizations like the National Council of Churches of Kenya, the International Commission of Jurists, the Greenbelt Movement, CLARION, and the Kenya Human Rights Commission all pressed the government. Enacting legislation authorizing the government to monitor and disband NGOs at will was a way to resist democratization.

These factors led through the 1980s to NGO regulations. In 1986, NGOs were first required to submit their plans and budgets to the government. They were also obligated to channel funds through government, though it is unclear that this happened regularly. In 1989, new legislation allowed the government to deregister NGOs and to set up a government agency, the NGO Coordination Board, and as a non-profit organization, the NGO Council, to coordinate NGOs in the country. A full NGO Act passed in 1992, securing the government's regulatory control over NGOs.

In creating this legislation, the government reinforced the clear chain of command in the country's governance, which placed President Moi at the pinnacle of a steep pyramid of power. Some authors (Rhodes 2000, Bevir 2006) have referred to this sort of governmental command-and-control, hierarchical governance as "bureaucratic governance" (as opposed to network or collaborative governance). Government allowed little autonomy to civil society organizations, including NGOs.

Over the decade until Moi left office, relations between NGOs and the government remained tense. According to Kenyan legal scholar Patricia Kameri-Mbote (2000), the government employed the NGO Act as justification for harassing NGOs, particularly those that pressed for civil liberties, human rights and environmental protection. For example, Nobel Peace Prize winner Wangari Maathai's Green Belt Movement was threatened for its role in pro-democracy activities, and was deregistered for a time in 1999. Likewise, CLARION was

---

In the past five years, the trend has been to revert to direct, non-earmarked budgetary funding to governments as well.

deregistered in 1995 for seemingly political reasons. Through a lengthy appeals process, the organization was reinstated a year later. In 2002 alone, 304 NGOs were deregistered, with fewer than 20 successfully appealing (National Council of NGOs website 2006). While most of these organizations were removed from the registry for legitimate reasons (not filing the required returns or fees, or having disbanded), it is likely that some removals were aimed at getting rid of politically pesky organizations. Government didn't target only NGOs working on human rights and democratization: poverty-relief organizations were also at risk. As an NGO leader in Mbeere said, "For a long time, lifting people out of poverty was seen as threatening" (2008-54).

Other NGOs faced less direct difficulties. For example, the government took over a year to process the registration of a Nairobi-based organization promoting public safety through collective action (2008-10).[92] Its leader felt that the delay was due to government suspicion of NGOs as civil society. This sentiment was likely warranted, given that Moi described NGOs conducting civic education as "a threat to the security of the state" in 1997 (US State Department 1998).

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

The Transition and Beyond: Relations since 2002

NGO-government relations changed quickly following the 2002 presidential elections, in which an opposition coalition gained the presidency for the first time since Kenya's independence in 1963. In many cases, relations moved from hierarchical governance towards network or collaborative governance, in which many actors are involved in decision-making. The attitude between government and NGOs has become more open, with individuals on both sides more willing to work together. This is not, however, to imply that the situation has become one of power equality.

NGO representatives now feel able to speak openly, saying, "It's not like when it was a dictatorship!" (2008-19). Some felt, "It's a plus, working with government" (2008-29). Many organizations report positive working relationships with government offices, and most spoke of an improvement since the Moi Administration.

What Caused the Change?

Why does it seem that the Kibaki Administration is not threatened politically like Moi was? An answer commonly heard in Kenya, particularly among Kibaki

---

[92] As a reminder, references in the format (XXXX-XX) indicate that a quote or idea stems from an interview. They are deliberately coded to honor the confidentiality requirements of UC Berkeley's Committee for the Protection of Human Subjects.

supporters – even after the controversial 2007 elections and post-election violence – is that, "Kibaki is a technocrat who believes civil servants can do their jobs if you let them, and he welcomes any assistance we can get. He's a hands-off, learned president. Not like Moi – a primary school dropout!"

According to this line of thought, the new administration deliberately changed NGO-government relations, sensing the benefits of positive interactions would vastly outweigh the political threats. Decades of hierarchical control led to a decline in public service provision, a crumbling economy and massive corruption under Moi. Taking advantage of the opening of Kenya's political system and the generalized feeling of goodwill, the Kibaki Administration worked to get new voices into government and to learn from non-governmental actors.

For example, the Kibaki Administration invited a number of prominent civil society leaders to direct government departments. Integrating capable, demanding leaders into public administration meant that the do-gooder mentalities, participatory decision-making mechanisms, transparent spending practices (garnered through successfully navigating donor accountability requirements), and push for democratization common to NGOs were brought into government offices, sometimes for the first time. As one NGO leader said, "Civil society was all swallowed by government, so government is thinking like NGOs. Government employees are all from [NGOs]" (2008-33). Former thorns in the side of government were included, shaking up the government status-quo: John Githongo, founder of Transparency International's Kenya office, became the government's "anti-corruption tsar," and Maina Kiai, former director of the non-governmental Kenya Human Rights Commission, became head of its government counterpart.

Factors beyond Kibaki's laissez-faire attitude also coalesced to bring about the turn toward new governance. A generational change in government began, bringing young people and new ideas to the civil service (2008-14). And members of the political opposition to Moi who had taken refuge and promising platforms in NGOs naturally aligned with the new government. While Kibaki opened a once-locked door to civil society, NGOs and civil society had consistently grown throughout the latter half of the Moi Administration, pushing for better governance via political liberalization, economic development, improved service provision, and lower corruption. Even ardent Kibaki supporters agreed, saying that, "education levels are also higher now; civil society has become stronger over time – growing out of the demonstrations during the Moi time. ...But it's true that Kibaki gives a bit more space" (2008-54).

Moreover, NGO involvement in governance was encouraged by donors, so Kibaki may have simply acted strategically to receive a better donor package than did his predecessor. Leading multi-national institutions like the Global Fund to Fight AIDS, Tuberculosis and Malaria and the President's Emergency Plan for AIDS Relief require the government to work with NGOs in order to receive funding. People throughout the government were thus likely influenced by a global pattern of change toward collaborative governance: as one senior NGO employee told me, "That's the new global approach – you must involve everyone now" (2008-26).

Governance Today: Collaboration and Blurred Boundaries

It has become both necessary and rational for the government and NGOs to work together. "For weaker states (or cities), joining forces with private-sector actors has been an established strategy to increase their governing capacity" (Peters & Pierre 1998: 233). NGOs now help the Kenyan government steer the ship of state when it comes to service provision. They sit on government policymaking boards, development committees and stakeholder forums; their strategies and policies are integrated into larger national and sub-national planning documents; and their methods of decision-making have, over time, become embedded in government's own. NGOs have become institutionalized in the governing processes of public service provision in each district. As a result of interaction with the international community's liberal narrative via NGOs, governance of service provision in Kenya has made a graduation change towards becoming more democratic.

NGOs directly help government to steer
NGOs now directly participate in government planning and law-making at the national and local level for service delivery. As representative examples: the NGO, CNFA, lobbied the Ministry of Agriculture to change the ministry's policy on farm inputs handouts. Through lengthy collaboration with CNFA, the ministry adopted a new policy – instead of giving free seeds and fertilizer to farmers, the government now subsidizes these items through a voucher system, so as to nurture the development of agro-markets (2008-9, 2008-11). Likewise, the International Livestock Research Institute (ILRI) NGO worked with two government agencies on a Smallholder Dairy Project meant to benefit poor dairy producers and distributers, making access to the lucrative market more democratic. This collaboration led in 2005 to the introduction of the Dairy Development Policy, in which the government agreed to license heretofore-informal milk producers and legalize small-scale marketing, which accounts for 85% of milk sold in the country (McSherry & Brass 2007).

Another NGO that works on youth[93] issues has been involved not only in the development of a National Youth Policy with the Ministry of Youth Affairs, it has also represented youth interests for the Ministry of Housing's annual report, worked on reforming water policy as part of the national Kenya Water Partnership, contributed to the draft National Lands Policy, and sits on the national steering committee on implementation of the Millennium Development Goals (2008-24).[94] Yet another NGO works with the government on service provision policies and land reforms, and is a member of the Review Committee of the Local Government Act (2008-10); it reported also working closely on policy and programmatic decisions with the Energy Regulatory Commission, Kenya Power & Lighting Corporation, KenGen, Kenya Water Services Board, Water Service Regulatory Board, Kenya Roads Board, and the Police Service. The head of one of Kenya's largest NGOs sits on approximately thirty government policy-making bodies in the Ministry of Health,

---

[93] In the African development context, "youth" is a broad term, denoting people aged between fifteen and thirty-five – a large proportion of whom are unemployed urbanites.
[94] I do not mention specific organization's names due to my university's protection of human subjects requirements.

where her organization helped to create a Code of Ethics for the Kenyan health sector (2006-3). Other national bodies that NGOs interviewed for this research work on include the National Environmental Management Authority, National Kenya Food Security Steering Committee, and Constitutional Review board.

All of this might sound familiar to students of interest group politics of the 1950s in the US. What is different in Kenya is that many of the organizations are foreign or foreign-funded, raising the question of whose interests are being represented – Kenyan or donor interests? Scholars of the early years of independence in Africa might also note that the government is integrating civil society in a way that early post-independence governments did not – a change making interest representation look remarkably similar to patterns in industrial democracies.

Apart from policy at the national level, most NGOs are involved at the sub-national (local or district) level. Nearly 20% of NGO representatives interviewed for this work mentioned without prompting that they are members of their District Development Committee (DDC), a governing body overseeing the administrative district's economic and social development. An NGO representative on the Mbeere DDC said about his role on the DDC, "We are part and parcel of government procedures" (2008-52). NGOs also sit on their County Council Board, Water Board, Constituency Development Fund Committee, District Peace Committee, District Steering Group, District Environmental Committee, District Stakeholder's Forum, and Locational Development Committees.

Small NGOs often contribute to government policy and decision-making through stakeholder forums. At these forums, representatives from different government ministries and politicians gather with NGOs and other community representatives to get input on programs or policy. According to a member of one such NGO, "When they [the government] plan, they do not leave us behind" (2008-50). Another told me that while her organization was not involved in powerful meetings, the government wants their input, and organizes local meetings to "share ideas, brainstorm, discuss shared problems… and barriers to work" (2008-12). NGOs reported active participation at Ministries of Health, Agriculture, Livestock, Local Government, and Children's Department stakeholder meetings, as well as planning events for the Day of the African Child, Poverty Reduction Strategy Paper, Vision 2030, National Policy and Action Plan on human rights, and general district-level stakeholders' gatherings. Moreover, the relatively new Constituency Development Funds (CDF) given to each MP – constituting 2.5 percent of government revenue nationally – are distributed via a committee, which usually has NGO members.

According to most NGOs involved in these governing activities, "It's sincerely a very cohesive relationship" (2008-11). Unlike during the Moi Administration, NGOs opinions and ideas are welcome: "We're free to voice issues, say what [we] want" (2008-12).

NGO plans become integrated into those of government
The government of Kenya increasingly accepts a real role for NGOs to play in the governance of service provision. Besides their involvement in planning

committees and policymaking, NGOs have also been recognized as crucial partners in decision-making in District Development Plans (DDPs), the district-level planning document. The government expresses explicit reliance on NGOs for service provision at the district level in most of its DDPs (Brass *forthcoming*: Chapter 3). For example, the 2002 Makueni DDP proposes 149 projects to be undertaken; of these, 44 (just under 30%) explicitly mention implementation or funding by NGOs.

This appears in both the 2002-2008 and forthcoming DDPs. Since the creation of the 2002 plan – and even more so while creating the newest round of DDPs –government officials have written DDPs in collaboration with NGOs and other societal groups. NGOs' own annual plans – and even budgets – are requested by the government and then integrated into the overall plan for the district. This means that when district-level governments list their revenue and expenditures, they now include funds raised by NGOs, not government. Before this time, DDPs were written by and for government only. One civil servant expresses the idea behind the change: "You can't implement a plan you didn't help to make!" (2008-41). As the expectation that NGOs will undertake the administration and funding of many public services solidifies, the boundary between the end of government and the beginning of civil society blurs.

Government also influences NGO decisions: Not a Retreating State
At the same time as NGOs are melding into the governing process, the Government of Kenya maintains a level of authority over the NGOs, influencing their policies and procedures. This occurs most obviously through the regulations set in the NGO Act and other formal laws. Yet government also influences NGOs informally. NGOs reference government planning documents, such as the Vision 2030 plans, Economic Recovery Strategy, or relevant research reports. "Some objectives are shared by everyone, and are borrowed from government docs," said one NGO worker (2008-17).

NGOs also meet regularly with the Provincial Administration officials in their location, division or district. Most frequently, they work with the Chief or sub-Chief in their location or sub-location – these are the civil service area managers closest to the ground who know the people and their needs (2008-12, 2008-25, 2008-37, 2008-40). But many also work with District Officers, District Commissioners, and Members of Parliament. As one NGO worker explained, "Anytime you start working in an area, you have to talk to the local authorities there. Then, you invite them to your meetings. Not so that they are students of your trainings, but so you show solidarity and concern" (2008-12). One powerful NGO leader agreed, "If you can't have good relationships, you can't be an effective organization. We're all targeting the same community, so we work together" (2008-29). Just as NGOs now sit on government planning bodies, government officials often sit on NGO committees (2008-30).

The relations between NGOs and the government today suggest that counter to some claims in the governance literature, the state has not retreated from the governing scene to be *replaced* by non-state actors. Instead, it has been *joined* by non-state actors in the governing process, and has been bolstered by the combined efforts. NGOs understand that it is in their interest to show deference to the local

authorities, who have the power to help or hinder their work. "Let them [the government] be informed of what we're doing, so they will add support" (2008-30).[95]

Students of organization theory might note that these relationships conjure Philip Selznick's (1949) discussion of cooptation in *TVA and the Grass Roots*. Here, though, who is co-opting whom? Selznick defined formal cooptation as the establishment of formal relationships between new elements, signifying that they have a role in decision-making, which allowed the original organization to avert threats to its stability (*ibid:* 13). This occurred when the legitimacy of the organization was called into question, such that the new elements' legitimacy could be absorbed by the original organization, or when the organization needed an orderly and reliable mechanism for reaching its public. Selznick's analysis clearly applies outside of the US.

Movement toward democratic values through NGO integration

In developing this new governance of service provision, government agencies and actors have slowly begun to adopt more democratic governing styles than are usually associated with African public administration. According to one authority on international development, this is one of NGOs' greatest abilities – to change attitudes and practices of local officials (Clark 1995). Thus, instead of "hollowing out" the state, the involvement of NGOs has begun to increased transparency, accountability, responsiveness, and participation within the public administration, opening the door to the development of a vibrant interest group democracy.

This is not to say that NGOs have been a "magic bullet" miraculously instilling civil society and consolidated democratic governance in all walks of Kenyan public management (Edwards & Hulme 1996). Indeed, NGOs can themselves be short on internal democracy processes (*Ibid,* Bebbington 1997, Edwards 2000), particularly accountability to the impoverished people they claim to serve (Mercer 1999). This can be attributed largely to perverse incentives created in the competition for foreign donor funding (Fowler 1991, Cooley & Ron 2002, Martin 2004).[96]

Regardless of whether NGOs are always successful at "practicing what they preach," they do usually champion democratic values publicly, encouraging

---

[95] In describing this general trend, the author recognizes that reality is often more complex. The NGO worker just cited added after a long pause, "Though… they don't often add support." Likewise, some NGOs only pay lip service to government regulations. As one NGO said, "But really, [we] follow our own mission, [our] strategic plan. [Our] projects then fall from [our] own planning sessions – not the government" (2008-17).

[96] Many scholars raising concerns about NGOs being accountable to donors rather than constituents draw from experiences in Latin America. The African context is different, however, as many NGOs in Latin America are indeed funded by national governments there – as Bebbington (1997) argues, funding of this nature can make NGOs into "consultants" for the government. Bebbington (1997) and Mercer (2002) also see it as problematic that the leaders and workers in NGOs usually come from wealthier or elite classes, which have historically dominated the poor. There is, however, a long history of liberal elites taking up causes of empowerment and civil rights among disenfranchised communities in the US and abroad, making this argument quite weak.

participatory approaches, transparency and accountability in others.[97] NGOs have been lauded for teaching populations about their rights as citizens, lobbying governments to administer transparently, acting as information conduits between local communities and public officials, providing a voice for the disempowered, and explicitly pressing for democratization (Clark 1991; See also Hyden 1983, *World Development* (Supplement) 1987, Bratton 1990, Sanyal 1994, Ndegwa 1994, INCL 1995, Meyer 1997, Salamon et al 1999, Besley & Ghatak 1999, Garrison 2000, Cannon 2000, Mercer 2002: 8-10, Martin 2004: 25). They have been cited for reducing corruption (Deininger & Mpuga 2005: 183), spreading power to more people and groups (Matthews 1997), diffusing liberal ideals around the world (Keck & Sikkink 1998), and encouraging activism in authoritarian regimes (Stern 2009).

While abuse of goodwill by NGOs sometimes happens – particularly when governmental or peer-level monitoring is insufficient – on the whole, NGOs seek to serve the public good and to use participatory methods (Barr et al. 2005). Indeed, in a survey of NGOs in Uganda, 90% of organizations reported involving host communities in the delivery of services, and nearly 60% of beneficiaries of these NGOs agreed that the NGOs seek community participation (*ibid*). While NGOs claimed more participatory involvement than the respective communities saw, 60% participation rates are significant. Relative to the Kenyan government and its public administration over the past forty years, NGOs unquestionably try to be more participatory and accountable.

Kenyan citizens agree, viewing NGOs as looking after the interests of the common man. When asked, "To what extent do you think NGOs have the interests of the people in mind?" in a survey the author conducted on service provision and service providers with 501 Kenyans, 70% of respondents answered positively, and only 20% responded negatively.[98] In a similar study in Uganda, Barr et al. (2005) report that NGOs are generally well regarded in the country, particularly when they are accessible to their beneficiaries (676).

Of course there is significant variation in government responses to NGOs. It is possible – even probable – that some in the Kibaki Administration appear open to working with NGOs for instrumental reasons: it is required by large and powerful donors. Chabal & Daloz (1999) refer to such practices as the "politics of the mirror," in which governments reflect back to donors what they want to see or hear, while following their own preferences behind the looking glass.[99] Since donors want NGO

---

[97] There is considerable debate about whether NGOs can be associated with these democratic values. Much of this appears to stem from the worldviews of the scholars involved – optimistic scholars see the benefits that NGOs bring (while often noting their shortcomings), while others focus on the shortcomings alone. Yet critiques of the view of NGOs as agents of democratization do not rely on any less-anecdotal data than their optimistic counterpoints (Fafchamps & Owens 2008). Indeed, even the most outspoken critics of NGOs have also said, "generally speaking [NGOs] are on the side of the angels, and the world is a better place for them" (Edwards 2000:36) In coming to this conclusion, I reviewed approximately 100 articles on NGOs, civil society, democratization, development and accountability around the world. A list of these articles is available.

[98] The remaining 10% had no answer or didn't know.

[99] Ebrahim (2003) agrees. While he discusses five methods of NGO accountability, he also cites Najam's (1996) description of NGOs' claims of participation as "sham rituals," in which "the sham of participation translates into the sham of accountability" (Ebrahim 2003: 818).

involvement in governance, it is in the interest of the Kenyan government open decision-making to include NGOs.

On the whole, however, evidence collected between 2005 and 2008 in Kenya suggests that NGOs are leading to a greater degree of these values pushed within the public administration of services. Many, if not most, normal people – including civil servants – in developing countries actively want to make their country a better place and do not orient their action toward duping donors.

At the level of service provision, the Kibaki Administration has unquestionably adopted the *language* of open, collaborative governance. Its ambitious plan to implement the Millennium Development Goals by the year 2030, for example:

> "Advocated a consultative approach… involving as many ordinary Kenyans and stakeholders as possible. Consequently, this was done through workshops with stakeholders from all levels of the public service, the private sector, civil society, the media and non-governmental organizations (NGOs)" (Government of Kenya 2007: 3).

Most key informants interviewed for this paper – even *after* the violent election period in early 2008 – were convinced, however, that the changes are more than window-dressing and fancy language. Instead, NGO-government collaboration is part of a slow-moving long-term turn toward increasing accountability and participation in the governance of service provision. A District Officer told me that government workers appreciate the transformations; despite the aberrant post-electoral violence, "2002 catalyzed people – they want to move forward. Once change comes, it's hard to stop" (2008-36). An NGO worker agreed, saying that civil servants "are now more proactive. They really try to do their jobs since 2002" (2008-14).

Another senior district administrator talked animatedly of things "changing dramatically: *everyone* is being brought on board!" (2008-41). Working with NGOs is part of an overall new strategy of government, expressed in the Government's "Vision 2030" plan, which explains that a "participatory approach is one of our new 'core values'" (*ibid.*). These are innovative ways of thinking for Kenya's government: "Focus and work as a team… we're talking about a 24-hour economy, not business-as-usual. We need to work together now" (*ibid.).* Other civil servants agreed. When asked whether her office had ever provided information for NGOs to disseminate, asked an NGO to organize a public consultation, or invited NGO representatives to serve on a government committee, a division-level worker accustomed to working with NGOs in other ways said, "No. But we would like it…" (2008-35).

Even leaders of NGOs that had been key players in the struggle for democracy during the 1990s spoke of an opening in governance now. For example, a representative of a nationwide Kenyan-based NGO that battled the Moi Administration as the "voice of the voiceless," described how her organization successfully engaged with the Kibaki Administration when it began to bring NGOs into the governing process: "Government has not asked us to compromise ourselves" (2008-26). This organization is not politically affiliated with Kibaki or his Kikuyu ethnic group – it is truly a national organization. This woman said that in the past, Provincial Administrators sent her on "wild goose chases," and forced her to

conduct service provision secretly to avoid harassment. This has ended, she says. "Now… I'm able to work" (*ibid.*).

Demonstrating this change toward participatory governance, the Government has contracted her organization to implement district-wide programs on human rights, civic education, HIV and the environment. The organization was also asked to coordinate the National Policy and Action Plan (NAP), a program to reform human rights policy in Kenya. It is a government program, implemented through NGOs, with a highly participatory element down to the local level. According to the government's Kenyan National Human Rights Commission website, the government's approach to creating this policy is to conduct "regional hearings… in all provinces, whereby they will receive submissions and discuss with the residents their human rights concerns, challenges and priorities towards informing the human rights policy and action plan" (KNCHR 2009). Organizers of this process in Eastern Province revealed that hundreds of NGOs and community groups presented planning documents, group opinions and memoranda at a stakeholder forum held for the purpose of public involvement. These documents were collected by the government agency with the goal of integrating them into the national plan.

Another organization representative involved in the NAP program told a similar story. Even though his NGO is acts as a critical, outspoken watchdog of government, it was contracted to conduct NAP activities in Eastern Province. He spoke of successfully demanding the government to hold required open-to-the-public meetings, "gate crashing" only nominally open meetings and reporting on them to *wananchi*, and providing detailed information to *wananchi* on how the government's new devolved funds are meant to work (2008-27). This NGO's goal was to mobilize people to, "Raise concerns! Be lively! Demand to know!" at local and district-wide government meetings (*Ibid.*). Such rabble-rousers would *never* have been welcomed as partners with the government during the Moi Administration. Working with critical organizations rather than stifling them represents a significant opening in governance patterns.

The government's new trend of contracting its programs to NGOs for implementation likewise represents a move toward new governance. Aside from the NAP, the government has invited NGOs to disseminate information on its behalf during the country's annual "public service week" (PSW). The goal of the PSW, inaugurated in 2006, is to improve service provision by informing citizens of what their rights and government obligations are regarding services (2008-26). With better knowledge of their rights, citizens will be more able to hold the government accountable. The government has also invited NGOs to do monitoring and evaluation for some of its distributive programs, including decentralized funds (2008-24). This, too, is means to increase government accountability.

Movement toward more open governance patterns is revealed as well in new mechanisms intended to increase accountability in the civil service. For example, "Service charters" have been introduced, and are prominently displayed as posters in line-ministry offices. The Ministry of Livestock service charter, for example, calls itself, "a tool to enhance awareness on the range of services offered by the Ministry… and to express our commitments to offer satisfactory services to all our

clients. [It] represents a paradigm shift in the manner in which public services will be delivered, now and in future" (Republic of Kenya 2008).

The civil service has also introduced annual performance assessments for the first time. One civil servant was excited to point out that "you have to report to duty now" – suggesting that merely getting staff to appear in the offices where they work is a movement forward (2008-41). Government service provision offices now have suggestion boxes and even staffed customer care desks at government offices.[100] Many of these accountability measures mimic those used in NGOs – stemming from former NGO leaders entering the Kibaki administration, from closer contact between NGOs and civil servants, and from government officials noting the positive response that people on the ground have for NGO programs and projects.[101] Government official credit NGOs for this explicitly: "It's NGOs that made government open our eyes. We have made a lot of changes" (2008-37).

The reader need not see NGO-government relationships through rose-colored glasses – the administration of most public services has not become efficient, accountable and participatory – but it is *moving in this direction*. The *degree* to which they are changing is yet to be determined, and will be a long-term process.

A Degree of Conflictual Relations Still Exists

Despite these considerable improvements, some hard feelings still exist between NGO and government representatives. Generally speaking, NGO workers had very positive attitudes toward NGO-government relations, but would slip into expressions of mild pique such as, "they [the government] take your ideas down, but they don't use them. ...They work with you, but really, not in good faith" (2008-24), or "Government can make policy. But implementation is where the [NGOs] come in. Government is a toothless dog without them. They have so many policies on paper, but they don't *do* anything!" (2008-14). We could interpret these latter statements as the "true relationship" between NGOs and government – in fact, this was my hypothesis before beginning field research in Kenya. Yet the sentiments expressed in interviews belied this interpretation – acrimonious relationships seemed a true afterthought for most NGOs. Goodwill was the rule.

Nevertheless, friction between NGOs and government remain in several arenas. Factors contributing to this acrimony include: a) mutual suspicion, lack of trust and insider-outsider resentment, b) lack of communication, c) promises made, but not kept, d) bitterness stemming from resource constraints, and e) organizations taking credit for others' work.

---

[100] One customer care desk in Machakos district entailed a table placed under an awning outside of a central administrative office. Two women staffed the desk, although "customers" were infrequent. This suggests good intentions on the part of the government, but perhaps not well-thought-out implementation.
[101] In the survey of 501 adults in Kenya, about 60% felt that NGOs "shared their values"; 70% thought that NGOs have the interests of the people in mind (vs. 34% for politicians and 53% for civil servants), and nearly 20% would choose NGO leaders to run the country (vs. 15% for the civil service).

Mutual Suspicion, lack of trust and insider-outsider resentment

One of the main sources of animus between NGOs and government was a generalized sense of suspicion between the organizations – likely stemming from years of rancor during the Moi Administration. Becoming part of the in-group favored by the district administration is important to NGOs, but is difficult. "They are too suspicious! You have to convince them that you are serious," one NGO leader told me, using the broad Kenyan-English meaning of "serious": well-intentioned, upstanding, judicious and responsible. He said it took several years and careful grooming to get onto the district government's good side (2008-43). Sometimes, though, distrust led to high level district workers "pulling rank" and explicitly exerting their power over NGOs – particularly small, local ones, who spoke of officials getting upset and stalling their work (2008-16).

Lack of Communication

Much of this mistrust stems from a lack of information flow on both sides of the aisle. Sometimes it is unintentional – people work on their own thing, using the contacts they already know (2008-24). Other times, NGOs say they do not know what information they should provide to the government. If employees are foreign, they frequently do not understand the informal protocol of working in Kenya. And government officers similarly do not realize NGOs like to know what civil servants are working on and how it affects them. One NGO leader said that his successful solution to this was "knock on doors; demand information; demand to know," which led him to cohesive relationships with government (*ibid.*).

Yet some NGOs deliberately withhold information from the government (2008-60) – because they don't want to pay government fees, because they don't want government to interfere with or skim from their programs, or because they are themselves shady, corrupt "briefcase" NGOs. Government employees become frustrated with all of these NGOs both because they feel they have a right to know what NGOs in their area are doing, and because the NGOs sometimes cause avoidable problems. For example, an agricultural officer complained about NGOs encouraging crops that require access to markets for profitability, but then disappearing after the plants had been grown, but before a market could be found (2008-38). She said that their office tries to partner with NGOs so that the farmers are not hurt in the process.

Promises and Policies Made, but not Implemented

NGOs in particular expressed mild frustration that the government cannot always be relied on to hold up its end of bargains. Sometimes reneging is explicit, as when a government promises to bring staff to an NGO-built dispensary or school, but doesn't (2008-14, 2008-30, 2008-47). Other times, it is inferred; an NGO might regularly assist the government, but when the government implements its own programs, it doesn't support the NGO in return (2008-54). One NGO leader complained about government contracts, "There's no point to sign a paper if you aren't going to actually [do the] work" (2008-27).

This feeling reflected the disparities between government's strong planning and weak implementation. As one NGO leader said, "Kenya on paper is good! The

policy documents are perfect! But they are *very* poor on implementation! …The rules are there. But they are not followed" (2008-14). Another NGO employee had previously worked in Sudan, and felt that collaboration there was more successful than in Kenya, largely because *both* NGOs and government followed through after working together. "The Kenyan context, though, is about meetings, but never what comes out. …No one talks about budget. No evaluation is ever done of whether the plans worked" (2008-17). Still, many NGOs that mentioned this also recognized the limited resources of government. As one NGO leader diplomatically phrased it, "Government acts on these [ideas, suggestions and opinions] at times, but… let's talk of limited resources…" (2008-25).

Mutual Resentment over Resource Issues

Nevertheless, although many NGOs recognized the government's resource constraints, issues of money were a frequent source of slight conflict. NGO workers resent the "allowances" and *per diem* that their organizations had to pay to their government collaborators (2008-18, 2008-47, 2008-54). Others expressed concerns that particular civil servants would not help them without bribes or other inducements (2008-16). NGOs felt that government was jealous of the money that NGOs receive (2006-3).

On the other side, civil servants expressed concern that profligate NGOs caused problems for their ministries. For example, the Ministries of Agriculture and Livestock implemented a policy ending handouts. Yet they see NGOs give material incentives to the people, who then favor NGO programs over government ones. As a civil servant worried, "They take the community away from government. We can't get quorums for our meetings, etc." (2008-38). These workers felt that NGOs were stymieing their efforts to developing working agro-markets.

Taking Credit for Others' Work

One way that government appears to handle these issues is to claim credit for NGOs' work, in order to make itself look better. This conforms to Bratton's (1989: 572) analysis of credit taking: "Governments are loath to admit that they have performed poorly because of the implications this has for their right to hold power. They may be unwilling to allow credit to accrue to any organization other than the state." This strategy, however, can cause frustration among NGOs (2008-19, 2008-31). "Don't take the glory if you're not actually my partners!" exclaimed one NGO leader, when asked about the issue (2008-47).

A common NGO solution is to implement *complementary* projects instead of identical ones (2008-17, 2008-18). Another method is to insist on public, written acknowledgement for the NGOs contribution (2008-24). NGOs also make a point of informing communities of the source of the program – by including community members in the project as it happens and/or leaving their logo on infrastructure or signboards built. This prevents politicians taking over the entire plaque (2008-18). For example, NGOs placed the signs below at places in which they worked:

NGO signboard outside an office

NGO logo painted on the side of a building at a sponsored project

Yet many organizations are quite happy for the government to take credit for their work – some even encourage it (2008-11). They see their role as supplementing government in the service of the state and its development. "It happens [that MPs take credit]," says one NGO leader, "But I like it. It means they take ownership and care" (2008-33).

Problems with Politicians or Public Administration?

Many informed observers made a point to stress that much of the conflictual relationship between NGOs and the government is related to politicians rather than to public administrators. They talked of MPs writing NGOs' programs into their Constituency Development Fund (CDF) reports, even when the NGO received no CDF money or support (2008-10). Or of an MP announcing to his constituents at a project launch, "You told me to bring someone [to help you], and I have brought [this NGO], and they've done it!" – even though the MP had nothing to do with the NGO working in that place (2008-54). Such politicking has been common since time immemorial, yet, "Ministries don't do this [credit-taking]," according to local informants (*ibid.*).

Politicians can sabotage NGOs when they focus only on their political agenda. One NGO worker spoke of an MP drilling a borehole for political reasons 400 meters from the spot where the NGO had just drilled one – even after the organization implored him to put it farther away (2008-14). Another felt that, "When NGOs do well, politicians come to identify with them. They are not there when you start… but they come in… [and end up] destroying the work!" (2008-19). As another said, "When we're opening a project, we'll call them, okay. But generally we don't work with them. Someone really concerned with helping works without a [political] agenda" (2008-30). And a fourth: "Politicians want people to know that *he* brought these things. But… if it doesn't go well, they turn around and blame you for it!" (2008-17). A fifth added that relations are "very cordial except when politics comes in. Politicians don't like it when you educate people" (2008-54). The list could go on…

At the same time, some politicians worried about inadvertent credit taking, and chose to steer clear of their NGO counterparts. "NGOs don't work with the

County Council; they work with communities. …We cannot join together with NGOs. Otherwise, who owns the project?" (2008-35).

Unlike politicians, NGOs generally had positive things to say about working with civil servants. As described earlier in this paper, many NGOs work with technical staff from government line ministries. In particular, there is frequent collaboration with the ministries and departments of health, water, agriculture, youth, children and gender. Likewise, the provincial administration – particularly at the lowest levels – is very well regarded.

Conclusion

Let's return to Dahl's (1961) question, "Who governs?" In Kenyan service provision, it is increasingly a joint process. Governance is no longer the purview of only public government actors; it is increasingly seen as a shared or networked process among several types of organizations. Governance here is not the removal of government (Rosenau & Czempiel 1992, Jordan et al. 2005), but the addition and acceptance of other actors to the steering process.

Government and NGOs learn from each other to improve what they do. In particular, many government agencies notice the successes achieved by NGOs and mimic their actions, whether intentionally or not. This is most obvious in their attempts at participatory approaches, in which opinions from the village to the city are solicited (if not always actually listened to). As a result, governance in Kenya has slowly begun to more democratic, moving away from its hierarchical, authoritarian past.

Governance of this nature is contingent on several factors, which require constant vigilance and effort to maintain. Not surprisingly, it works best when relations between public and private actors are collaborative and collegial. Good relations largely depend on government representatives being open to help from NGOs, to working hand-in-hand, and on NGOs taking time to work with government as well. Governance also works best when electoral political considerations do not become forefront in the picture. NGOs prefer working with line ministries and the provincial administration, not MPs or County Council members, so as to avoid the abject politicization of their work. Likewise, with some exceptions, government generally prefers to work with NGOs with non-political objectives. Where there are more NGOs in an area, relations seem slightly better – perhaps because government workers are more accustomed to working together.

The implications of these findings are threefold. First, what are the long-term consequences of relying on this particular type of private actors – largely foreign-funded NGOs – as key participants in the governing process in developing countries? Is it realistic to assume that NGOs are in Kenya to stay? Or that global economic conditions will continue to facilitate their funding? One hopes to avoid a mass exodus of international funds until the capacity of local NGOs, government and civil society has grown to fill the space occupied by them. It is imperative that Kenyan actors, whether inside the government or outside, also grow their capabilities.

Second, the history of Kenyan NGO-government relations in the Moi and Kibaki Administrations suggests a delicate balance exists between collaborative and bureaucratic governance patterns. Maintaining positive relationships and NGO integration into policymaking and governing generally depends to some extent on political goodwill. Recent upheaval in Kenya following the 2007 presidential elections reminds us that democracy in Kenya is young and unconsolidated. While NGOs are helping to move public service administration and decision-making in a more democratic direction, these efforts exist in a broader and fragile political context. Success in public management improvements will depend largely on the trajectory of the political system as a whole.

Finally, for academics, the Kenyan case allows us to examine how categories and concepts travel globally. Elements of the governance literature such as "steering and rowing" may be possible and laudable in developed countries where much of the governance literature blooms. Yet in weakly institutionalized states with limited public administration capacity, this sort of organization-level comparative advantage development is not feasible. Instead of a clear separation of duties where government makes policy while private organizations implement them, we find the blurring of lines of authority, decision-making and governing between NGOs and government.

References

Barr, Abigail, Marcel Fafchamps and Trudy Owens. 2005. "The Governance of Non-Governmental Organizations in Uganda." *World Development,* 33, 4: 657-679.

Bates, Robert H. 1981. *Markets and states in tropical Africa*. Berkeley: University of California Press.

Bates, Robert H. 1983. *Essays on the political economy of rural Africa.* Cambridge University Press: New York.

Bayart, Jean-Francois, Stephen Ellis and Beatrice Hibou. 1999. *The Criminalization of the State in Africa*, Indiana University Press.

Bebbington, Anthony. 1997. "New States, New NGOs? Crises and Transitions among Rural Development NGOs in the Andean Region," *World Development,* 25, 11: 1755-1765.

Besley, T., & Ghatak, M. 1999. Public–private partnerships for the provisions of public goods: Theory and an application to NGOs. STICERD Development Economics Discussion Paper: DEDPS/17, London School of Economics and Political Science.

Bevir, Mark. 2006. "Governance," in Mark Bevir (ed.), *Sage Encyclopedia of Governance*.

Bevir, Mark and R.A.W. Rhodes. 2003. "Searching for Civil Society: Changing Patterns of Governance in Britian." *Public Administration.* 81:1, 41-62.

Bevir, Mark, R. A. W. Rhodes, and Patrick Weller. 2003. "Traditions of governance: interpreting the changing role of the public sector." *Public Administration.* 81:1, 1-17.

Bratton, Michael. 1989. "The Politics of Government-NGO relations in Africa" *World Development.* 17:4, 569-587.

Bratton, Michael.1990. "NGOs in Africa: Can They Influence Public Policy?" Development and Change 21

Brautigam, Deborah. 1996. "State Capacity Effective Governance" in *Agenda for Africa's Economic Renewal.* (Ben Ndulu and Nicolas van de Walle, eds.) Washington DC, Overseas Development Council, 81-108.

Cannon, C. 2000. "NGOs and the state: A case study from Uganda." In J. Pearce (Ed.), *Development, NGOs, and civil society*. Oxford: Oxfam.

Chabal, Patrick and Jean-Pascal Daloz. 1999. *Africa Works: Disorder As Political Instrument.* Indiana University Press.

Chaudhry, Kiren. 1993. "The Myths of the Market and Common History of Late Developers." *Politics & Society* 21:3, 245-274.

Chege, Sam. 1999. "Donors Shift More Aid to NGOs" *Africa Recovery,* 13:1, 6.

Chieni, Susan Njeri. 1997. "The Harambee Movement in Kenya: the role played by Kenyans and the government in the provision of education and other social services." Paper presented at the Seventh BOLESWA Symposium, University of Swaziland, Kwaluseni.

Clark, John. 1991. *Democratizing Development: The Role of Voluntary Organizations*. West Hartford, Conn.: Kumarian Press.

Clark, John. 1995. "The State, Popular Participation and the Voluntary Sector" *World Development,* 23:4, 593-601.

Cooley, Alexander and James Ron. "The NGO Scramble Organizational Insecurity and the Political Economy of Transnational Action *International Security,* 27, 1: 5–39.

Dahl, Robert. 1961. *Who Governs?* New Haven: Yale University Press.

Deininger, Klaus and Paul Mpuga. 2005. "Does Greater Accountability Improve the Quality of Public Service Delivery? Evidence from Uganda." *World Development*. 33, 1: 171–191.

Diamond, Larry, Juan J. Linz, and Seymour Lipset 1995. "What makes for democracy" in Diamond, Larry, Juan J. Linz, and Seymour Lipset (eds.) *Politics in developing countries: comparing experiences with democracy*. London: Lynne Rienner, 1–66.

Ebrahim, Alnoor. 2003. "Accountability In Practice: Mechanisms for NGOs." World Development, 31, 5: 813–829.

Edwards, Michael. 2000. *NGO Rights and Responsibilities. A New Deal for Global Governance.* London: Foreign Policy Centre.

Edwards, M., & Hulme, D. (Eds.) (1996a). Beyond the magic bullet: NGO performance and accountability in the post-Cold War World. West Hartford, CT: Kumarian Press.

Fafchamps, Marcel and Trudy Owens. 2008. "The Determinants of Funding to African NGOs." Unpublished manuscript.

Fernando, Jude L. and Alan W. Heston. 1997. "The Role of NGOs: Charity & Empowerment" *Annals of the American Academy of Political and Social Science,* 554, 8-20.

Fowler, Alan. 1991. "The role of NGOs in changing state-society relations: perspectives from Eastern and Southern Africa" *Development Policy Review* 9, 53-84.

Garrison. J. 2000. *From confrontation to collaboration: civil society–government–World Bank relations in Brazil*. Washington DC: World Bank.

Government of Kenya. 2007. *Vision 2030: the popular version.* Nairobi: Government Press.

Hyden, Goren. 1983. *No Short Cuts to Progress: African Development Management in Perspective.* Berkeley CA: University of California Press.

ICNL (1995). Regulating not-for-profit organizations. International Center for Not-for-profit Law at www.icnl.org, Washington, DC.

Jordan, Andrew, Rudiger K.W. Wurzel and Anthony Zito. 2005. "The Rise of 'New' Policy Instruments in Comparative Perspective: Has Governance Eclipsed Government?" *Political Studies.* 53, 477-496.

Kameri-Mbote, Patricia. 2000. *The Operational Environment and Constraints for NGOs in Kenya: Strategies for Good Policy and Practice.* IELC Working Paper No. 2000-2; International Environmental Law Research Centre.

Kanyinga, Karuti. 1996. "The Politics of Development Space in Kenya" in Semboja, Joseph and Ole Therkildsen (eds.) *Service Provision Under Stress in East Africa.* Copenhagen: Centre for Development Research.

Kasa, Sjur and Lars Otto Naess. 2005. "Financial Crisis and State–NGO Relations: The Case of Brazilian Amazonia, 1998–2000." *Society and Natural Resources,* 18: 791-804.

Keck, Margaret and Katherine Sikkink. 1998. *Activists beyond Borders.* Cornell University Press: Ithaca.

Kenya National Commission on Human Rights. (KNCHR) website. Accessed 27 May 09.
http://www.knchr.org/index.php?option=com_content&task=view&id=46&Itemid=89

Martin, Jay. 2004. "Can Magic Bullets Hurt You? NGOs and governance in a globalised social welfare world. A Case Study of Tajikistan." Discussion Paper No.92, Australian National University.

Matthews, Jessica T. 1997. "Power Shift," *Foreign Affairs,* 76, 1: 52-53.

Mercer, Claire. 1999. "Reconceptualizing State-Society Relations in Tanzania: are NGOs 'Making a Difference?'" *Area*, 31, 3: 247-258.

Mercer, Claire. 2002. "NGOs, civil society and democratization: a critical review of the literature." *Progress in Development Studies* 2,1: 5–22.

Meyer, Carrie. 1997. "The Political Economy of NGOs and Information." *World Development,* 25, 7: 1127-1140.

McSherry, Brendan and Jennifer N. Brass. 2007. "The Political Economy of Pro-Poor Livestock Policy Reform in Kenya," IGAD-LPI Working Paper, Addis Ababa: IGAD Livestock Policy Initiative.

Menkhaus, Ken. 2006. "Governance without Government in Somalia: Spoilers, State Building, and the Politics of Coping." *International Security.* 31:3, 74-106.

The National Council of NGOs. 2005. http://www.ngocouncil.org/index.asp *Online. Internet.* The National Council of NGOs: Nairobi.

Ndegwa, Stephen. 1994. "Civil Society and Political Change in Africa: the case of non-governmental organizations in Kenya." *International Journal of Comparative Sociology*, 35.

Owiti, Jeremiah, Otieno Aluoka and Adams G.R. Oloo. "Civil Society in the New Dispensation: Prospects and Challenges" in Okello, Duncan (ed). 2004. *Civil Society in the Third Republic.* National Council of NGOs: Nairobi.

Osborne & Gaebler. 1992. *Reinventing Government.* Reading, MA: Addison-Wesley.

Peters, B. Guy and John Pierre. 1998. "Governance without Government? Rethinking Public Administration." *Journal of Public Administration Research and Theory* 8:2, 223-243.

Republic of Kenya. Statute Law (Miscellaneous Amendments) Act, 23 Oct 1992.

Republic of Kenya NGO Coordination Bureau. 2006. Internal documentation/database collected by the author.

Rhodes, R.A.W. 1996. "The New Governance: Governance without Government." *Political Studies.* 44, 652-667.

Rhodes, R.A.W. 2000. "Governance and Public Administration," in Jon Pierre (ed.). *Debating Governance: Authority, Steering, and Democracy*. Oxford: Oxford University Press. P. 54-90.

Rosenau, James N. and Ernst-Otto Czempiel (eds.). 1992. Governance without Government: Order and Change in World Politics. Cambridge: Cambridge University Press.

Rosenau, James N. 2000. "Change, Complexity, and Complexity in Globalizing Space," in Jon Pierre (ed.). *Debating Governance: Authority, Steering, and Democracy*. Oxford: Oxford University Press. Pp. 54-90.

Salamon, L. M., Anheier, H. K., List, R., Toepler, S., & Sokolowski, S. W. (1999). Global civil society: Dimensions of the nonprofit sector. Baltimore, MD:Johns Hopkins Center for Civil Society Studies.

Sandberg, Eve. 1994. "Introduction: The Changing Politics of Non-Governmental Organizations and the African State" in Eve Sandberg (ed.) *The Changing Politics of Non-Governmental Organizations and African States.* Westport CT: Praeger, 1-31.

Sanyal, Bishwapriya. 1994. "Co-operative autonomy: The dialectic of State-NGOs relationship in developing countries." *International Institute for Labour Studies Research Series*, 100.

Selznick, Philip. 1949. *TVA and the Grass Roots.* University of California Press: Berkeley.

Stoker, Gerry. 1998. "Governance as Theory: Five Propositions," *International Social Science Journal*, 50, 155: 17-28.

Stern, Rachel. 2009. *In Safety's Shadow: Suing Polluters in China.* PhD diss. University of California – Berkeley.

Tocqueville, Alexis de. 1863. (2000 edition). *Democracy in America.* New York: Harper Collins Perennial Classics.

U.S. Department of State. 1998. "Kenya Report on Human Rights Practices for 1997." Released by the Bureau of Democracy, Human Rights, and Labor: Washington, DC.

World Development. 1987. 15, 1. Supplemental issue covering topics of NGOs and international development.

Chapter Five: Do NGOs Account for Decreasing Legitimacy in Kenya?

"Since the leaders of the postcolonial state claimed their right to rule on the basis of promises of improved material welfare, a loss of distributive capacity is predictably met with a reduction in popular legitimacy. In many African countries, ordinary people are ceasing to regard the state as their own and are refusing to comply with official injunctions."
 (Michael Bratton 1989b: 410)

"Of the five imperatives that are a constant source of political concern to African governments, legitimacy is potentially the one most susceptible to NGO expansion. The critical shortcoming of the governing system chosen by the leaders of most African states is its non-fulfillment of the original contract between government and governed. Inability to provide for the sustainable well-being of citizens and failure to ensure social justice and public accountability can only undermine the government's position vis-à-vis a voluntary sector which could offer an alternative on all these fronts."
(Alan Fowler 1991: 78)

Introduction

Beneath each of the preceding chapters is an underlying question of whether NGOs are a support or a threat to the state. Each builds to this set of two chapters on state legitimacy. Whether or not a state broadcasts physical presence over its territory, exerts capacity to provide services, or governs with finesse – all have implications on how citizens perceive their state. The more state presence, capacity and fair governance an individual observes, the more confidence that person will have in the state's moral and appropriate right to rule. And since we have already seen that NGOs impact state service provision capacity, governance and territoriality, they certainly impact legitimacy as well.

What is legitimacy? *Legitimacy,* following Weber, is a generalized acceptance of the authority of the state to rule. Stated another way, it is the perception that the state has a right to govern and that its actions are proper or appropriate in its cultural context (Suchman 1995). It is an expression of consent by the people to be governed without reliance on coercion or bribes, and is therefore the lowest-cost method of gaining compliance (Etzioni 1966). It is also a means to evaluate authority, as people judge how fairly and morally authority is exercised (Sunshine & Taylor 2003). While some believe that legitimacy is based on *characteristics* of an organization, institutional theory correctly asserts that legitimacy derives from acceptance by those in the organization's environment, who are informed by the rules, belief systems, values and relational networks of the broader social context (Selznick 1949, Lister 2003).

The roots of NGOs' impacts on state legitimacy lie in the historical foundations of the state in Kenya, as they do in the African state generally. As

discussed in Chapter One of this dissertation, African states have predicated their legitimacy on the distribution of services and promises of economic development (Young 1988: 59-62, Bratton 1989 and 1989b, Fowler 1991, Kanyinga 1996: 71, Owiti et al. 2004, Osodo & Matsvai 1997). Arising out of colonialism, during which Africans were often denied services and opportunities for advancement, the newly independent states of Africa set their regimes in opposition to the previous era, basing their part of the social contract with society on providing these very things to the people (Jackson & Rosberg 1984). Governments in Africa have developed a paternal role, acting as caregiver, provider and source of security to the citizen-children of the nation; the president serves – often explicitly – as the "father" of the country (Schatzberg 2001).

This set of chapters explores the impact on this parental relationship of a re-routing of service provision. It examines what happens when a third, non-"familial" set of actors – NGOs – steps between state and society to provide services. Do NGOs act as surrogate mother for the state? Or does the introduction of this third actor interrupt the flow of legitimacy from citizen to state?

As established in the introductory chapter to this dissertation, the literatures on NGOs and service provision in Africa are filled with explicit claims that NGOs threaten – or have the potential to threaten – state legitimacy (Fowler 1991: 62, Rothschild & Chazan 1988, Schatzberg 2001, Young 1988, Martin 2002, Sandberg 1994).[102] Many of these are summed well by statements presented at the opening of this chapter.

When I first began studying NGOs in Kenya in 2002, it was in a context of weakening semi-authoritarianism at the crepuscule of Daniel arap Moi's twenty-four year presidency. The NGO with which I worked had had several negative experiences with the government in Nairobi and lived in fear of being shut down. Donors, other NGO workers and the newspapers were proclaiming the positive role that civil society and NGOs had played in ending the "Old Man's" near-dictatorship. One imagined at that time that NGOs were a constant thorn in the side of the Kenyan government, intentionally – or inadvertently – undermining state legitimacy by urging on democracy, accountability and rule of law.

During field research several years later, some interviewees expressed the same ideas. They told me that NGOs are "seen as inciting – people see NGOs providing all this, and they feel alienated from government. Apathy, too. …But the government doesn't want to take a backseat" (2008-10). They also suggested that *wananchi*, regular Kenyans, make comparisons between the two groups that reflect unfavorably on government. NGOs are known for starting projects, monitoring them to a successful end, and allowing concerns to be voiced throughout; "But with government, you hit bureaucracy. Go to one office, they tell you to bounce to another. They tell you nothing… So people trust NGOs more than government" (2008-27).

This work aims to discover whether these claims hold water. Does the government itself have to provide services for legitimacy to accrue to it? When

---

[102] For a review of the arguments on why NGOs either bolster or undermine legitimacy, see Chapter One.

NGOs provide better, cheaper services than the government, distribute donor resources generously, and foster a democratic spirit of participation, is the result lower popular perceptions of government?

To answer this question, the chapter begins by simply testing whether the legitimacy of the Kenyan state has decreased over time, comparing data from 1966 to replicated results in 2008. In a sense, we are comparing citizens' views of the government over time, using a period before the proliferation of NGOs as our baseline, NGOs as the "treatment," and the current period as the treatment outcome. If NGOs are threatening legitimacy, we expect to see measures of state legitimacy going down over time, all other factors being equal. Eyeball analysis of the data does suggest a decrease in legitimacy over time, which accords with both popular and scholarly opinion.

Table One: Descriptive statistics show apparent decline in legitimacy

Question: Agree or Disagree	Positive Response Rate 1966	Positive Response Rate 2008	Change in Legitimacy 1966-2008
People have the right to disobey laws they think are wrong or immoral?	42%	48%	-6%
The government usually knows what is best for people?	53%	46%	-7%

Once changes in demographics are included in the analysis, however, as will be shown below, we find that, first, legitimacy has not decreased very much over time.

But *even if* legitimacy has decreased, NGOs are not the major factor lowering it in Kenya – endemic corruption and heightened insecurity, among other things, have a stronger negative impact on legitimacy.[103] Thus the second section of this chapter examines NGOs' impacts on the same measures of legitimacy used in the first section. Instead of focusing on changes over time, we focus on NGO impacts in the second period alone.[104] This section shows that it is not NGOs, but largely mistrust in politicians along with other demographic trends that explain a lessening of legitimacy in Kenya between 1966 and 2008.

Thus, using tools of statistical and regression analysis, I show that controlling for these factors, legitimacy levels in 2008 are nearly identical to those in the immediate post-independence era, if not higher. NGOs do not appear to be driving a reduction in state legitimacy, where one is seen at all.

---

[103] If legitimacy levels had gone up in the 1966 to 2008 time period, we could therefore conclude that NGOs are likely increasing legitimacy, since these other factors are clearly lowering it.

[104] This can be analyzed only in the second period since questions about NGOs were not included in 1966.

Replication of a 1960s Survey

To obtain the data needed to run these tests, I conducted a survey of 500 Form Three[105] secondary school students in Eastern Province (where Machakos and Mbeere are both located) in October and November 2008. This survey replicated work done in Kenya in 1966-1967, a time of great optimism just a few years after the country's independence in 1963. The original survey was conducted by political scientist George von der Muhll as part of a larger project directed by political scientist and former US Census Director Kenneth Prewitt (Prewitt 1976). Prewitt's original survey queried students throughout East Africa on issues of nationalism, state building and socialization via schools. I replicated portions of the survey most closely related to issues of state legitimacy. Comparing Prewitt's results from the mid 1960s to answers students give forty years later gives a sense of change over time in Kenya.[106] In addition, I inserted questions (or answer choices on selected questions) to provide another means to understand the relationship between NGOs and popular views of government legitimacy in 2008. Approximately half of the 2008 respondents received Prewitt's exact questions, while the other half had the questions modified to include NGOs in the questions or answers. This allows for a comparison over time that includes information about NGOs in the present time period.

Sampling for the replication was done in a manner attempting to closely match that of Prewitt in the 1960s. Because of significantly altered demographic conditions in the past half-century, and because Von der Muhll and Prewitt removed school names for confidentiality reasons, the schools visited in the late 1960s could not be replicated exactly. Instead, after consultation with Prewitt, now a Columbia University professor, about his methods, I selected schools that matched the *type* of school selected in the 1960s. These schools were long-standing, well-established schools of good reputation – important because all secondary schools in Kenya in the early post-independence era would have had these characteristics. While Prewitt's full sample came from multiple grade levels across all of Kenya's provinces, I compare only his results from Eastern Province that correspond to today's Form Three students there. As a result, this sub-sample of his work contained 144 respondents from four schools. My survey is of 500 respondents from six schools. Because of changes in Kenyan demographics during this time period, the 2008 students tend to be younger, more likely to be female and to have better-educated parents than their 1966 counterparts. I control for these factors in all regression analyses.

---

[105] Form Three is the penultimate year of secondary school in Kenya today, in which secondary school takes four years. To conform with the Protection of Human Subjects Committee at UC Berkeley requirements, all respondents in my survey were aged 16 or older.

[106] Ideally, I would have compared my results to some intermediate time in the forty-year gap as well as to the immediate post-independence era. Opinion and political surveys, however, were not allowed in Kenya during most of the twenty-four years that Moi was president. Try as I might, I was not able to discover a politically-relevant opinion poll conducted in the country between Prewitt's time and 2002, when surveys began to be allowed. I did, on the plus side, have some enlightening email exchanges with many scholars who did research in Kenya during the Moi years.

To arrive at the conclusions of the first section of the chapter, I begin with a simple model testing whether legitimacy has decreased during the period 1966 to 2008, controlling for the demographic factors just mentioned. Thus Pr(legit=1) = $f(\alpha + \text{ß}_{Year} + \text{ß}_{Gender} + \text{ß}_{Age} + \text{ß}_{Urban} + \text{ß}_{FatherEd} + \varepsilon)$, where the variables are described as in the table below.

Table Two: Dependent, independent and control variables used[107]

Variable (stata name)	Description	Survey Question	Included in Survey
Dependent Variable			
Moral Legitimacy (govt_knws_bst)	0 = disagree or strongly disagree; 1 = agree or strongly agree	The government usually knows what is best for most people.	1966, 2008, 2008-N
Procedural Legitimacy (laws)	0 = agree or strongly agree. 1 = disagree or strongly disagree.	If someone believes a law is wrong or immoral, he has a right to disobey it	1966, 2008, 2008-N
Independent Variables			
Year	Measures change over time. 0 = 1966; 1 = 2008.	Year in which survey was conducted.	NA
Corruption (govt_leaders)	Measure of faith in government leaders and politicians. 1 = never; 2= not always; 3 = sometimes; 4 = usually.	How much would you say you trust government leaders?	1966, 2008, 2008-N
Insecurity (police)	Measure of faith in the police. 1 = never; 2= not always; 3 = sometimes; 4 = usually.	How much would you say you trust the police?	1966, 2008, 2008-N
Democracy (voting)	Measure of faith in democratic processes. 0 = Voting has very little effect on what government does; 1 = Voting is a good way to control government.	Which sentence is more true about voting?	1966, 2008, 2008-N
imprv_k_ngos	Measure of faith in NGOs. 1 = strongly disagree; 2 = disagree; 3 = agree; 4 = strongly agree.	The people of Kenya cannot improve their country unless NGOs lead them and help them.	2008-N
ngo_knw_bst	Measure of faith in NGOs. 1 = strongly disagree; 2 = disagree; 3 = agree; 4 = strongly agree.	NGOs usually know what is best for most people.	2008-N
ngo_help_fam	Measure of contact with NGOs. 1 = NGOs do not do much for my family; 2 = NGOs do some things for my family; 3 = NGOs do	Which statement best describes how much NGOs do for you and your family?	2008-N

---

[107] This table includes the variables used in both sections of the paper.

many things for my family.

ngo_trust	Measure of faith in NGOs. 1 = never; 2= not always; 3 = sometimes; 4 = usually.	How much would you say you trust NGOs?	2008-N
Control Variables			
Gender (gender)	0 = Male 1 = Female	Are you male or female?	1966, 2008, 2008-N
Age (age)	Ranges from "16" to "20 or older"	What is your age?	1966, 2008, 2008-N
Urban/Rural (rents_live)	Measure of urban vs. rural respondent; In 2008 data, it can also be a measure of insecurity, which is considerably higher in urban areas. 0 = rural; 1 = urban.	Where do your parents live now? (In a location; In a town or city)	1966, 2008, 2008-N
Father's Education (dum_sch)	Measure of family class, using father's education level. Ranges from 0 = primary education or less; 1 = secondary education and more.	Did your father attend school? If so, what is the highest standard he attended?	1966, 2008, 2008-N

I start using a measure of moral legitimacy, asking whether the respondent believes that the Government of Kenya usually knows what is best for most Kenyans. If legitimacy has decreased, as suggested in the literature, the coefficient on ß_{Year} will be statistically significant and negative (*year* = 0 for 1966; *year* = 1 for 2008).

To test the robustness of my model, I repeat the steps above using a different measure of legitimacy. The second measure addresses procedural legitimacy, asking whether a person has the right to disobey laws they believe are immoral or wrong.[108] This has become a common measure of legitimacy in survey research (World Values Survey, Afrobarometer, Gilley 2006 and 2006b).

In the second section of data analysis, I use the 2008 sample that includes questions and answer choices about NGOs to test the impact of NGOs on legitimacy outcomes. Again, I begin by examining moral legitimacy, and use the question on procedural legitimacy as a test of robustness. In this model, I am also interested in the impacts of corruption and high insecurity on legitimacy, again controlling for gender, education level and age. I therefore set $\text{Pr}(\text{Leg}_{08}=1) = f(\alpha + \text{ß}_{NGO} + \text{ß}_{corr} + \text{ß}_{police} + \text{ß}_{controls} + \varepsilon)$ Finally, I hypothesize that the main drivers of decreased legitimacy are corruption and insecurity, not NGOs.

---

[108] In this case, the agree/disagree responses to this question are reversed from the previous one, such that a positive response continues to indicate a positive view of legitimacy.

Legitimacy, Change over Time and NGOs

Legitimacy and Change over Time

I first look at the impact of time on government legitimacy in Kenya. As shown in Table Three below, I find that controlling for a number of demographic factors, the passing of time (*year*) is not significantly correlated with legitimacy. This means that counter to the general perception, once a variety of factors are taken into account, legitimacy in Kenya does not appear to have fallen between 1966 and 2010.

I arrive at this conclusion using the two separate measures of legitimacy mentioned above. The first measures moral legitimacy, legitimacy based on judgments that an organization or institution "does the right thing" (Suchman 1995: 579), meaning the organization reflects the values, moral and ethics of the populace. Here, respondents were asked whether they agreed or disagreed with the following statement: "The government usually knows what is best for most people." The results of this were regressed using logistic regression against the change in time (*year*) controlling for a number of demographic factors including the respondent's gender, age, father's education level (*dum_sch*), and urban or rural background (*rents_live*). In some models, I also included the variable *voting*, which measures whether the respondent believes in procedural democracy as a way to control government. While the output is not shown in the regression tables, I also tested for changes to the demographics by interacting these variables with my variable of interest, change in time. This was meant to control for the changes in demographics over time. These interaction effects did not reveal significant information.

Table Three: Impact of time on legitimacy in Kenya

VARIABLE	Model One	Model Two	Model Three	Model Four
	Moral Legitimacy	Moral Legitimacy	Procedural Legitimacy	Procedural Legitimacy
year	0.0732	0.0468	-0.294	-0.252
	(0.281)	(0.279)	(0.288)	(0.281)
gender	-0.0968	-0.0753	-0.446***	-0.502***
	(0.166)	(0.164)	(0.167)	(0.165)
age	0.0965	0.0953	-0.0709	-0.0709
	(0.0944)	(0.0931)	(0.0964)	(0.0952)
rents_live	-0.304*	-0.381**	-0.00740	0.0111
	(0.183)	(0.180)	(0.183)	(0.181)
dum_sch	-0.0352	-0.0107	-0.0939	-0.0993
	(0.243)	(0.240)	(0.242)	(0.236)
voting	0.660***		-0.339	
	(0.219)		(0.220)	
Constant	-2.149	-1.574	2.129	1.865
	(1.782)	(1.761)	(1.839)	(1.808)
Observations	621	633	616	628

Robust standard errors in parentheses
*** p<0.01, ** p<0.05, * p<0.1

Table three shows that there is not a clear and significant decrease in government legitimacy between 1966 and 2008. Ignoring statistical significance for a moment, it appears that moral legitimacy has increased over time, while procedural legitimacy has decreased.

Because the log-odds reported above are not easy to interpret, I provide a substantive interpretation on my key variable of interest, *year*, looking first at Model One, which examines moral legitimacy. When *age* is set at the mean, *year* is set at 1966 and each other independent variable is set at 1, or positive, then the predicted probability that a person thinks the government is legitimate is 0.44. When the *year* examined is changed to 2008, but all else is unchanged, the predicted probability of a positive legitimacy response rises very slightly to 0.46. This means that in 1966, an average aged female urban respondent whose father has attended at least some secondary school, and who believes in electoral democracy has a slightly lower than 1 in 2 chance of feeling that the government is legitimate. In 2008, the same type of person would have a nearly identical probability. Considering the electoral violence that occurred approximately ten months before this survey was conducted in 2008, the results in more normal times might have been more positive.

Briefly discussing other variables of interest, we see that when all variables are held constant as above in 2008, changing from a rural to an urban location lowers the predicted probability of a positive view of government by 0.08. Having a positive view of democratic procedure, however, increases the likelihood of a positive view of government by 0.15. These changes in predicted probability are very similar looking at the 1966 data, where the respective changes in location and in electoral democracy are -0.07 and 0.15. These results support the commonly held notion that urban residents are more skeptical of government than are their rural counterparts.

As a test of robustness, the models were repeated using an alternate measure of legitimacy. This time, procedural legitimacy is measured, meaning that respondents uphold the legitimacy of the procedures of government. This is of particular interest in light of Michael Bratton's statement that regular Africans are "ceasing to regard the state as their own and are refusing to comply with official injunctions" mentioned earlier in the chapter (1989b: 410). In this case, the question asked of respondents was whether they agreed or disagreed with the statement, "If someone believes a law is wrong or immoral, he has a right to disobey it." A positive response to this question implies than the respondent accepts the greater authority of the state as set by government procedures, the laws. If legitimacy is declining over time, the coefficient on *year* should be significant and negative.

The logistic regression output, expressed again in log-odds, is included in Table Three above. Again, the results do not provide statistically significant indicators showing an impact of the variable *year.* This means the change in time cannot be proven to correlate with a change in legitimacy levels. The only significant independent variable in these models is *gender.* It appears, interestingly, that women are more likely to follow their own moral compass, rather than that set out by the laws of the government.

NGOs and Legitimacy

The models and data above suggest that legitimacy in Kenya has not decreased during the period 1966-2008. Yet additional information is needed to understand the role that NGOs play specifically. Therefore in this section, I examine the correlation between several NGO-related variables and legitimacy, both moral and procedural, using the same measures of legitimacy as above. I use logistic regression with robust standard errors, and employ the same independent variables as in the previous regressions, allowing me to control for the same factors used when examining change over time.

To examine the role of NGOs, I provide a variety of measures, as listed in Table Two earlier in the chapter. In Table Four and Table Seven below, *imprv_k_ngos* becomes increasingly positive as respondents move from a "strongly disagree" to a "strongly agree" response to the statement, "The people of Kenya cannot improve their country unless NGOs lead them and help them." Likewise, *ngo_knw_bst* becomes more positive when respondents agreed or strongly agreed with the statement, "NGOs usually know what is best for most people." *A priori,* I consider this the best measure of a respondent's view of NGOs, since it is identical to the question asked of government and used as an indicator of moral legitimacy of government. In models three and seven, *ngo_help_fam* is increasingly positive when the respondent answered "some" or "many things" to the question, "Which statement best describes how much NGOs do for you and your family?" Finally, *ngo_trust* increases as respondents indicate that they trust NGOs "sometimes" and "usually," over "not often" or "never."

The results of these regressions are slightly inconclusive, but tend to support the finding that NGOs have a positive or neutral impact on views of government legitimacy in Kenya. While there is one model (Model Four) of the eight where there is a negative correlation between positive views of NGOs and government legitimacy, it is still not the strongest indicator of legitimacy – views on government leaders have a greater impact on a respondent's sense of government legitimacy than do their views of NGOs.

Table Four: Relationship between NGOs and moral legitimacy in Kenya

VARIABLES	Model One Moral Legitimacy	Model Two Moral Legitimacy	Model Three Moral Legitimacy	Model Four Moral Legitimacy
govt_leaders	0.735***	0.838***	0.767***	0.824***
	(0.244)	(0.278)	(0.248)	(0.249)
police	0.192	0.102	0.163	0.348
	(0.232)	(0.242)	(0.236)	(0.245)
gender	-0.161	-0.0867	-0.141	-0.303
	(0.269)	(0.273)	(0.270)	(0.276)
age	0.00717	-0.0166	0.0238	-0.0564
	(0.160)	(0.165)	(0.160)	(0.161)
rents_live	-0.476*	-0.441	-0.457	-0.446
	(0.279)	(0.287)	(0.281)	(0.281)
dum_sch	0.280	0.275	0.241	0.168
	(0.412)	(0.435)	(0.408)	(0.392)

voting	0.0368	-0.192	-0.0579	0.00284
	(0.351)	(0.369)	(0.348)	(0.342)
imprv_k_ngos	-0.0351			
	(0.119)			
ngo_knw_bst		0.528***		
		(0.136)		
ngo_help_fam			0.170	
			(0.208)	
ngo_trust				-0.547***
				(0.197)
Constant	-1.751	-2.718	-2.344	0.246
	(2.875)	(3.027)	(2.889)	(2.931)
Observations	255	256	253	256

Robust standard errors in parentheses
*** p<0.01, ** p<0.05, * p<0.1

Using predicted probabilities to help us interpret the coefficients on Model Two above, we find that if age, views on NGOs, views on government leaders and on the police are set at their mean, and each other independent variable is set at 1, meaning a positive response, then the predicted probability that a person thinks the government is legitimate is 0.42, or about a 2 in 5 probability. If we then hold all else constant, but set *ngo_knw_bst* at the most positive response ("always" think NGOs know what is best for Kenya), the predicted probability for a positive response regarding government legitimacy is 0.59, a substantial increase in probability. This means that an average aged female urban respondent whose father has attended at least some secondary school, who has average views on government leaders and the police, and who believes in electoral democracy has about a 3 in 5 chance of feeling that the government is legitimate – if she does believes that NGOs usually know what is best for most people. If she never believes that "NGOs know best," the same type of person would have only a 1 in 4 likelihood of a positive response to government.

The variable *govt_leaders*, which measures trust in government leaders, is also consistently significant in the models pertaining to moral legitimacy, and – importantly – has a greater impact on legitimacy. Again looking at Model Two, holding *ngo_knw_best* at the mean and all else as above, we find that changing from a strong distrusting to strongly trusting view of government leaders results in an increase in the predicted probability of a positive view of government legitimacy of 0.53. When respondents "always" trust their government leaders, they have a 4 in 5 likelihood of finding the government legitimate. When respondents "never" trust government leaders, likely due to perceptions of corruption, they have less than a 1 in 3 probability of finding the government legitimate in general. This is not surprising, as one would expect *a priori* that trust in government leaders reflects a respondent's belief in government legitimacy generally. And belief in government corruption strongly drives negative views of government legitimacy generally.

Table Five: Changes in Predicted Probabilities for Variables in Model Two

Variable	Range of Change	Predicted Probability of Finding the Government Legitimate at Bottom of Range[109]	Predicted Probability of Finding the Government Legitimate at Top of Range	Change in the Predicted Probability of Finding the Government Legitimate
Trust in Government Leaders	Full Range (from 1 to 4)	0.27	0.80	0.53***
Belief that "NGOs know best" for Kenya	Full Range (from 1 to 4)	0.24	0.59	0.35***

Looking then at Model Four, it is important to note that while a respondent trusting NGOs does correlate with a decreased sense of legitimacy, the impact of views of NGOs is smaller than is their view of government leaders. This suggests that distrusting government leaders – likely due to high corruption levels in Kenya – is the main driver lowering legitimacy in Kenya, among those who do not find the government legitimate.

Using predicted probabilities, holding the variables as we did in Model Two, we find that changing from a strongly distrusting to strongly trusting view of government leaders results in an increase in the predicted probability of a positive view of government legitimacy of 0.53. The same change in the NGO variable, from strongly distrusting to strongly trusting affects the predicted probability less – decreasing it 0.28. Feelings about government officials and corruption have twice as much impact across the range of responses than do feelings about NGOs. Those who never trust government officials have only a 1 in 4 likelihood of finding government legitimate, rising to a nearly 9 in 10 probability if they always trust government leaders. The range is smaller for NGOs: those who always trust NGOs still have a 3 in 5 probability of finding government legitimate. This suggests that even where NGOs do decrease respondents' views of legitimacy, it is views on government leaders and their levels of corruption that are the main drivers of legitimacy in Kenya.

---

[109] In this table, as in the descriptions in the chapter, these are the predicted probabilities when age, views on NGOs or views on government leaders and on the police are set at their mean, and each other independent variable is set at 1, meaning a positive response.

Table Six: Changes in Predicted Probabilities for Variables in Model Four

Variable	Range of Change	Predicted Probability of Finding the Government Legitimate at Bottom of Range[110]	Predicted Probability of Finding the Government Legitimate at Top of Range	Change in the Predicted Probability of Finding the Government Legitimate
Trust in Government Leaders	Full Range (from 1 to 4)	0.25	0.88	0.53***
Trust in NGOs	Full Range (from 1 to 4)	0.87	0.59	-0.28***

Turning then to the models on procedural legitimacy shown in Table Seven below, we find that NGOs do not appear to have a statistically meaningful impact on whether or not a respondent believes in the legitimacy of the procedures of government. Other factors have a more consistently significant relationship with a respondent's belief in abiding by the law. In general, all else held constant, female respondents were more likely to follow their own moral guidelines (and disobey government laws), as were those whose fathers completed at least some secondary school, and those who believe that voting is a good way to control government.

Interpreting the log-odds of Model Six using predicted probabilities, we find that again setting age, views on NGOs, government leaders and the police at their mean, with each other independent variable set at 1, meaning a positive response, then the predicted probability that a person thinks the government is legitimate is 0.44, or again about a 1 in 2 likelihood. Being female in this instance lowers the predicted probability of a positive view of procedural legitimacy by 0.12; having higher educated parents by 0.17; and believing in electoral democracy by 0.19. These variables not only have a greater impact on views of procedural legitimacy, they are also consistently significant statistically.

Table Seven: Relationship between NGOs and procedural legitimacy in Kenya

VARIABLES	Model Five Procedural Legitimacy	Model Six Procedural Legitimacy	Model Seven Procedural Legitimacy	Model Eight Procedural Legitimacy
govt_leaders	-0.0692	-0.0546	-0.0357	-0.0486
	(0.214)	(0.210)	(0.211)	(0.211)
police	0.114	0.120	0.0768	0.109
	(0.224)	(0.224)	(0.224)	(0.227)
gender	-0.451*	-0.486*	-0.458*	-0.480*
	(0.270)	(0.270)	(0.270)	(0.274)
age	-0.240	-0.246	-0.227	-0.251
	(0.167)	(0.165)	(0.164)	(0.165)
rents_live	0.293	0.272	0.309	0.288

---

[110] In this table, as in the descriptions in the chapter, these are the predicted probabilities when age, views on NGOs or views on government leaders and on the police are set at their mean, and each other independent variable is set at 1, meaning a positive response.

	(0.265)	(0.265)	(0.266)	(0.265)
dum_sch	-0.676*	-0.706*	-0.683*	-0.699*
	(0.392)	(0.392)	(0.391)	(0.390)
voting	-0.807**	-0.812**	-0.864**	-0.838**
	(0.374)	(0.369)	(0.364)	(0.364)
imprv_k_ngos	-0.190			
	(0.121)			
ngo_knw_bst		-0.0921		
		(0.125)		
ngo_help_fam			0.0981	
			(0.196)	
ngo_trust				-0.0251
				(0.185)
Constant	5.914*	5.849**	5.122*	5.759*
	(3.021)	(2.984)	(2.971)	(3.008)
Observations	254	255	252	255

Conclusions

This chapter provides two key additions to the literature on state legitimacy in sub-Saharan Africa. First, comparing data from the immediate post-independence period and the present, we see that once a variety of demographic factors are controlled for, legitimacy has not actually decreased over time in Kenya. If anything, young people remain as optimistic about the government, if not more so, than they did in the late 1960s. Second, when we look at the relationship between respondents' views on NGOs and those on government legitimacy, it is likely not NGOs, but a variety of other factors that drive current levels of respect for government authority. Contrary to the statements cited in the opening of this chapter, ordinary people are *not* "ceasing to regard the state as their own… and refusing to comply with official injunctions" under the influence of NGOs (Bratton 1989b).

Instead, the data in this chapter clearly suggest that the main drivers of low legitimacy perceptions, where they exist, are corruption, socio-economic background (as expressed in higher parental education levels, urban upbringing and gender). It should not come as a surprise that people who distrust their leaders are not likely to find the government and its procedures to be legitimate. And where they are more urban, the same holds true, as the insecurity Kenyans feel in urban settings reflects poorly on the government. In this way, the data from Kenya tell something of a modernization story – people who are more urban and better educated, tend to be more critical of government. This critique could be indicative of greater awareness of and responsiveness toward the government and its actions.[111]

These results, however, are not conclusive. While it appears that NGOs are having a positive impact on legitimacy, the results are not consistently significant across the regression analysis models, using the data available from this cross-

---

[111] These trends will be addressed in greater detail in the following chapter.

temporal survey. Thus, this chapter should be read in conjunction with the following one, which provides more robust evidence of the neutral or positive impact of NGOs on government legitimacy in Kenya.

Appendix A: Correlation Matrix for Independent Variables Used in Time Analysis

	year	gender	age	rents_live	dum_sch	voting
year	1					
gender	0.08	1.00				
age	-0.58	-0.19	1.00			
rents_live	0.36	0.01	-0.27	1.00		
dum_sch	0.63	0.01	-0.45	0.36	1.00	
voting	-0.08	0.01	0.09	-0.06	-0.07	1.00

Appendix B: Correlation Matrix for Independent Variables Used in 2008-only Analysis

	ngo_trust	imprv_k_ngos	ngo_knw_bst	ngo_help_fam	govt_leaders	police	gender	age	rents_live	dum_sch	voting
ngo_trust	1.00										
imprv_k_ngos	0.26	1.00									
ngo_knw_bst	0.29	0.29	1.00								
ngo_help_fam	0.15	0.03	0.22	1.00							
govt_leaders	0.18	-0.01	0.04	0.08	1.00						
police	0.30	0.03	0.14	0.14	0.46	1.00					
gender	-0.16	0.06	-0.08	0.02	0.08	-0.04	1.00				
age	-0.05	0.03	0.03	0.07	0.08	0.05	-0.13	1.00			
rents_live	0.10	0.00	-0.07	-0.03	0.01	0.12	0.00	-0.07	1.00		
dum_sch	0.01	-0.03	-0.03	-0.08	0.09	0.01	-0.10	-0.17	0.18	1.00	
voting	0.08	0.02	0.14	0.14	0.17	0.21	-0.03	0.00	-0.02	0.04	1.00

Appendix C: Descriptive Statistics

Variable	Obs	Mean	Std. Dev.	Min	Max
govt_knws_bst	643	0.48	0.50	0	1
laws	638	0.53	0.50	0	1
police	642	2.02	0.77	1	4
govt_leaders	636	2.03	0.75	1	4
ngo_leader	266	0.12	0.32	0	1
imprv_k_ngos	265	2.39	1.09	1	4
ngo_knw_bst	266	2.67	1.08	1	4
ngo_help_fam	263	1.81	0.67	1	3
ngo_trust	264	2.29	0.76	1	4
gender	644	0.47	0.50	0	1
age	641	17.45	1.08	16	20
rents_live	637	0.39	0.49	0	1
dad_sch	595	4.22	1.65	1	6

| voting | 632 | 0.82 | 0.38 | 0 | 1 |

References

Afrobarometer. "Questionaires." http://afrobarometer.org/questionnaires.html (Accessed May 2010).

Bratton, Michael. 1989. "The Politics of Government-NGO relations in Africa" *World Development.* 17:4, 569-587.

Bratton, Michael. 1989b. "Beyond the State: Civil Society and Associational Life in Africa." *World Politics*, 41:3, 407-30.

Etzioni, 1965. "Organizational Control Structure", in J.G. March, ed., *Handbook of Organizations*, p. 650-677.

Fowler, Alan. 1991. "The role of NGOs in changing state-society relations: perspectives from Eastern and Southern Africa" *Development Policy Review* 9, 53-84.

Gilley, Bruce. 2006. "The meaning and measure of state legitimacy: Results for 72 countries." *European Journal of Political Research* 45: 499–525.

Gilley, Bruce. 2006b. "The Determinants of State Legitimacy: Results for 72 Countries" *International Political Science Review.* 27,1: 47–71.

Jackson, Robert and Carl G. Rosberg. 1984. "Personal Rule: Theory & Practice in Africa" *Contemporary Politics.* 16:4, 421-42.

Lister, Sarah. 2003. "NGO Legitimacy: Technical Issue or Social Construct?" *Critique of Anthropology* 23:2, 175-192.

Martin, Jay. 2002. "Can Magic Bullets Hurt You? NGOs and governance in a globalised social welfare world. A Case Study of Tajikistan" Discussion paper 92 of the Graduate Program in Public Policy, Australian National University.

Kanyinga, Karuti. 1996. "The Politics of Development Space in Kenya" in Semboja, Joseph and Ole Therkildsen (eds.) *Service Provision Under Stress in East Africa: State, NGOs & People's Organizations in Kenya, Tanzania and Uganda.* Copenhagen: Centre for Development Research.

Osodo, Patrick and Simon Matsvai. 1997. "Partners or Contractors? The Relationship Between Official Agencies and NGOs – Kenya and Zimbabwe." INTRAC: Oxford UK.

Owiti, Jeremiah, Otieno Aluoka and Adams G.R. Oloo. "Civil Society in the New Dispensation: Prospects and Challenges" in Okello, Duncan (ed). 2004. *Civil Society in the Third Republic.* National Council of NGOs: Nairobi.

Prewitt, Kenneth. 1976. Education and Citizenship in East Africa, 1966-1967: Kenya Sample [Computer file]. ICPSR07301-v2. Ann Arbor, MI: Inter-university Consortium for Political and Social Research [distributor], 2010-01-05. doi:10.3886/ICPSR07301

Rothchild, Donald and Naomi Chazan. 1988. *The Precarious Balance: State and Society in Africa*. Boulder: Westview Press.

Sandberg, Eve. 1994. "Introduction: The Changing Politics of Non-Governmental Organizations and the African State" in Eve Sandberg (ed.) *The Changing Politics of Non-Governmental Organizations and African States.* Westport CT: Praeger, 1-31.

Schatzberg, Michael. *Political Legitimacy in Middle Africa: Father, Family, Food.* 2001. Bloomington: Indiana University Press.

Selznick, Philip. 1949. *TVA and the Grass Roots.* University of California Press: Berkeley.

Suchman, Mark C. 1995. "Managing Legitimacy." *Academy of Management Review* 20 (3).

Sunshine, J. & T. Taylor 2003. "Moral Solidarity, Identification with the Community, and the Importance of Procedural Justice: The Police as Prototypical Representatives of a Group's Moral Values," *Social Psychology Quarterly*. 66: 2, 153-165.

World Values Survey. http://www.worldvaluessurvey.org/ (Access May 2010).

Young, Crawford. 1988. "The Colonial State and its Political Legacy" in Rothschild and Chazan (eds) *The Precarious Balance: State and Society in Africa.*

Chapter Six: Increase State Legitimacy or Undermine Popular Support?

"The problem actually is when NGOs are not there. The wananchi *don't care that government is not there when NGOs are there. As long as one is there, all is okay. But if none* are there, then they get angry at government."
(Civil Servant, Machakos, 2008)

"If I don't give services, I won't be elected."
(County Council Member, Masaku County, 2008)

Introduction

This chapter acts as a companion to the preceding chapter. In Chapter Five, we saw that the legitimacy of the state has actually not decreased in a statistically meaningful way in the post-independence time period, once demographic and political factors are taken into consideration. Moreover, NGOs' relationship with legitimacy is usually positive; where it is negative, the impact of NGOs is less strong than are other factors. This second chapter on legitimacy links NGOs and questions of legitimacy even more explicitly. The data from Chapter Five drew on survey research among secondary school students, replicating work done in the late 1960s. The data in this chapter, however, draws on an original survey of 501 adult Kenyans in three districts of the country. It asks questions directly about contact with and access to NGOs, as well as questions directly querying the legitimacy of government. Using regression analysis, the two are linked.

There are four principle findings in this chapter. First, most individuals have limited direct contact with NGOs. Second, at the same time, NGOs are generally regarded favorably – often better so than their government counterparts. Third, contact with and appreciation for NGOs does not translate into distaste for government. Those sounding the alarm that NGOs are overwhelming weak state legitimacy are crying wolf – if perhaps unintentionally. In Kenya, there is little evidence of NGOs replacing the government as the new legitimate authority. Indeed, in my findings, NGO presence either bolsters the way people view their state, or seemingly has little effect.[112] Finally, while NGOs appear not to have a major impact on legitimacy in *general*, there is some evidence of a significant difference in responses from urban versus rural dwellers, and on more versus less-educated individuals.

This chapter is organized as follows: the first section describes the data collected and used in this chapter. Next, the chapter examines descriptive statistical findings from the data, followed by models that control for a variety of factors and provide checks of robustness. Drawing on interviews conducted while the survey was taking place, the following section provides several explanations for the

---

[112] In a 2009 APSR article, Chris Blattman also finds that NGOs do not affect political participation levels among ex-combatants in northern Uganda.

statistical results, highlighting the most convincing explanations. The chapter concludes with a brief outline of factors that do affect legitimacy.

The Data

Survey Instrument and Interviews

This chapter draws on data from an original survey of 501 individuals taken at the household level in three districts (the capital, Nairobi, Mbeere and Machakos), in August and September 2008.[113] Random samples of 150 respondents were taken in the two full districts, Mbeere and Machakos. Sampling was done in clusters in urban, rural and peri-rural areas (so-called market towns), in proportion to the population of each location or sub-location according to the most recent government census. Not more than ten respondents came from any one cluster.[114] Both district-wide samples were therefore meant to be representative of the district as a whole.

To compare responses of the average Kenyan (from Machakos and Mbeere) to urban Kenyans, a random sample of 101 respondents in Nairobi "middle class" neighborhoods was also conducted.[115] These neighborhoods were carefully selected for being long-standing communities inhabited largely by educated and formal-sector employed – but not wealthy or "elite" – Kenyans. For the most part, they were neighborhoods where one might expect civil servants and their families to live. A random sample of 100 respondents in Machakos Town, the district headquarters of Machakos (population 150,000), was also taken in order to compare urban vs. rural viewpoints outside of the capital city.[116]

To supplement the responses from my survey instruments, I conducted in-depth one-on-one interviews with regular Kenyans, NGO workers, civil servants and politicians. These interviews help interpret the statistical findings. Respondents often provide stories of mechanisms by which NGOs and legitimacy are related.

Variables

Contact with NGOs is measured through two sets of questions in the original survey. First, respondents are asked where they go to receive basic services – education, healthcare, HIV-specific healthcare, drinking water and security. Second,

---

[113] While I designed the survey and oversaw its implementation, I hired the Nairobi-based international firm Steadman Group to translate the survey to three local languages (Swahili, Kamba and Kimbeere), administer it and input the data to digital format using high-speed scanners (15% of which were rescanned and 10% of which were checked manually for quality control purposes). Steadman, which was in the process of being acquired by the British company Synovate, is the largest survey firm in East Africa and does considerable work for clients like UNDP, Afrobarometer, and other American scholars. In addition to scholarly research, they have an extensive commercial marketing and 24-hour media monitoring business.

[114] In Mbeere, sampling took places in twenty-three locations representing the entire district. In Machakos, sampling was done in 25 locations.

[115] These neighborhoods included Umoja I, Mbotela, Buru Buru, Bahati, Maringo, Ofafa Jericho, Uhuru, Kayole, Makadara, and Donholm.

[116] In Machakos Town, sampling was done in Bondeni, Katoloni, Kariobangi, Kenya Israel, College, Mjini, Miwani, Muthini, Eastleigh and Majengo II.

other questions directly address perceptions of the number of NGOs in their area as well as their individual contact with them. Aside from contact with NGOs, some questions aim to assess whether regular Kenyans make comparisons between NGOs and different aspects of government to determine which they view more favorably.

In this chapter, legitimacy is operationalized in several different ways. It follows the World Values Survey and Afrobarometer models, asking questions concerning perceptions of the right to govern in procedural terms. These ask respondents such things as whether they believe state courts should always be obeyed; whether police have the right to enforce laws; whether the state has the right to collect taxes; and whether the laws represent the way they should be ruled. Questions also ask about voting and other measures of civic participation. These have all become common measures of legitimacy in survey research (World Values Survey, Afrobarometer, Gilley 2006 and 2006b), and remain valid regardless of slight variations in the definition of legitimacy employed.

Other questions ask more directly about popular support for and trust in government. While perhaps not identical to legitimacy, popular support is more comprehensible to the average person than the abstract concept legitimacy. This is particularly true in the rural African context, where "legitimacy" must often be translated into local languages and discussed with people who have had limited access to post-primary education opportunities. Popular support therefore serves as a good proxy for legitimacy in this context, especially when combined with the more common survey measures.

A wide variety of control variables were included in both surveys. Issues of education level, socio-economic class, views on the economy, access to media, first language, gender, age and urbanization level are all considered.

Findings

Most Kenyans have little direct contact with NGOs

Simple descriptive statistics provide the first finding in this chapter: counter to suggestions that NGOs are overwhelming the state, most Kenyans actually have little direct contact with them. This should not be surprising given the findings of Chapter Three, which showed that although a not-insignificant proportion of services are provided by non-governmental organizations, many of these services were provided in joint NGO-government arrangements. The government provides the majority of services, as seen in the table below.[117]

Chapter Three also showed that the types of services offered by NGOs are usually indirect assistance in the form of training, bursary provision, HIV awareness and prevention activities, etc.[118] Outside of remote parts of the country, where interviewees avow that NGOs do provide core services (as discussed in Chapter Two), these survey results are probably generalizable to the rest of Kenya.

---

[117] Total responses reach over 501 because respondents were asked to name more than one school, medical facility or security provider, if applicable.
[118] See Chapter Two.

Table One: Primary Social Service Provision by Type of Organization

Primary School Type	Response Frequency	Percent of Sub-Total
Government	342	75.0%
Private	66	14.5%
Joint Government & Missionary	24	5.3%
Missionary/FBO	21	4.6%
Don't Know	3	0.7%
Sub-Total	456	

Healthcare Provider Type	Response Frequency	Percent of Sub-Total
Government	538	70.8%
Private	127	16.7%
Missionary/FBO	89	11.7%
NGO	2	0.3%
Joint Government & Missionary	1	0.1%
Don't Know	3	0.4%
Sub-Total	760	

Security Service Provider	Response Frequency	Percent of Sub-Total
Government: Police	425	47.4%
Government: Area Chief	19	2.1%
Community Policing Initiative	200	22.3%
Vigilantes[119]	129	14.4%
Private Guards	100	11.2%
Other (myself, dogs, family, God)	21	2.3%
No Answer	2	0.2%
Sub-Total	896	

Clearly, NGOs are not overwhelming the state in providing basic services, though they are contributing to service provision. Indeed, most Kenyans in the survey had had little or no contact with NGOs, (excluding churches).[120] While NGOs are quite visible on the international scene and among the elite in most cities, most *wananchi* surveyed are not aware of being in direct contact with them. When asked whether they think there are many or few NGOs in their area, only 33.4 percent gave responses of "many" "some" or "few" NGOs in the area, while 53.3 percent said "none."[121] Similarly, 25.5 percent have been approached by an NGO providing goods

---

[119] Vigilantes in the Kenyan context do not have quite the same connotation as in the West. Usually they are groups of young men who have taken provision of security of their neighborhood or village upon themselves for a small fee.

[120] The questions did not specify what was meant by NGO, leaving interpretation open to the respondent – although it immediately followed a question asking respondents to "define NGO." Clearly, given the high rate of church attendance in Kenya, these figures do not reflect contact with churches.

[121] Respondents chose from "Very many, Some, Very Few, None or Don't know." 12.4 percent of respondents said they didn't know.

or services in their area at least once, with 24.2 percent of respondents having deliberately gone to an NGO for assistance.[122]

The level of contact is dependent to some extent on where a person lives. There is a vast difference in the percentage giving a non-zero response in Machakos Town – a high of 57 percent – versus middle class Nairobi or Mbeere district (see table below). This corresponds to and confirms the conclusion presented in Chapter Two, that NGOs locate where they are needed, but also where it is convenient to reach a great number of people. Middle class Nairobi residents do not particularly need NGOs, and while rural Machakos and Mbeere residents do need them, they are less convenient than Machakos Town. (In particular, there is no large town in Mbeere; it's district headquarters is not on a paved road, but twelve kilometers down a bumpy murram road.) These findings regarding NGO penetration also confirm data collected by the government NGO board (2006) and used in Chapter Two, which says that Machakos had a higher concentration of NGOs than Mbeere. In this group of people, then, about one-quarter to one-half of the people felt exposure to NGOs.

In your opinion are there many NGOs working in your area or few?						
	Total Positive Response	Very Many	Some	Very Few	None	Don't Know
Urban Machakos	57.0%	1.0%	18.0%	38.0%	39.0%	4.0%
Machakos District	30.7%	1.3%	10.0%	19.3%	64.7%	4.7%
Urban Nairobi	28.7%	1.0%	5.9%	21.8%	43.6%	27.7%
Mbeere District	26.7%	2.7%	6.0%	18.0%	58.0%	15.3%

In addition, about one-third (33.5 percent) of all respondents said, "I don't know" when asked to define NGO. While it's possible this had something to do with the way enumerators asked the question, it's equally likely that most Kenyans are not as familiar with the "NGO Revolution" as we are in the West, especially among those in international development and public administration circles. This statistic also suggests that, unlike in the West, regular Kenyans do not associate most mission or church-based efforts as belonging to the NGO. Only a tiny fraction of well-educated Kenyans, however, didn't know what an NGO is. Indeed, of those who could not define "NGO," 147 of the 168 respondents (87.5 percent) were classified in the lowest of seven socio-economic brackets in Kenya, with another 14 (8.3 percent) located in the second-lowest bracket. While the majority (72%) of the total respondents fell into these two extreme-poverty brackets, this data could be interpreted to mean that NGOs are not reaching the poorest of the poor. It could, however, also mean that NGOs, particularly development and relief organizations associated with churches or religious institutions, are not identified *qua* NGOs by the poor. Clearly, there is a significant level of contact with NGOs, but it is not the overwhelming presence sometimes portrayed.

NGO vs. Government Legitimacy

Kenyans who do have opinions about NGOs, however, tend to think very

---

[122] These groups are not mutually exclusive.

highly of them – often more positively than they think of the government. NGOs in Kenya are considered legitimate organizations, given respect and appreciation by most respondents: "people are just happy with NGOs" (2008-32). For example, when respondents were asked two related questions regarding the moral legitimacy of NGOs, roughly 58 percent and 56 percent responded affirmatively, while only about 13 percent and 16 percent responded negatively (the rest were neutral or didn't know). Specifically, respondents were asked to what extent they agreed or disagreed with the statements, "NGOs in general share my values and do the right thing" and "What NGOs believe is good for Kenya is the same as what I think is good for Kenya."[123]

Thoughts on NGOs compare favorably or were about equal to those on the government. When asked the first two questions about government, favorable responses were very similar to those for NGOs. 65 percent of respondents agree that the government of Kenya shares their values, while 56 percent felt that what the government of Kenya believes is good for Kenya is the same as what they believe is good for Kenya. More people had negative views of government than they did of NGOs, however; 21 and 27 percent of respondents disagreed or strongly disagreed with the statements respectively.

Organization "shares my values and does the right thing"

	Government of Kenya	NGOs
Strongly Agree	7.4%	5.2%
Agree	57.3%	52.7%
Neither agree nor disagree	13.8%	17.6%
Disagree	18.4%	10.4%
Strongly disagree	2.8%	2.2%
DK	0.4%	12.0%

What organization "believes is good for Kenya is what I think is good for Kenya"

	Government of Kenya	NGOs
Strongly Agree	8.0%	5.6%
Agree	47.9%	50.3%
Neither agree nor disagree	16.4%	14.8%
Disagree	22.6%	11.8%
Strongly disagree	4.6%	4.2%
DK	0.6%	13.4%

Respondents were also asked, "To what extent do you think that Kenya-based or internationally-based NGOs have the interests of the people in mind?" Just less than 63 percent of total respondents thought that Kenya-based NGOs "sometimes or usually" have the interests of the people in mind, while a full 75 percent of people felt this way about international NGOs.[124] As one informed

---

[123] Respondents were asked to choose from the options "strongly agree," "agree," "neither agree nor disagree," "disagree," and "strongly disagree." They could also answer "don't know," and 13 and 12 percent did so respectively.

[124] Respondents were given the options, "never," "rarely," "sometimes," and "usually" have the interests of the people in mind.

observer said, "The common man likes NGOs ten times government! Go ask anyone on the street" (2006-6). When asked whether Kenyan politicians or civil servants have the interests of the people in mind only 33 percent and 53 percent of Kenyans respectively responded "sometimes" or "usually" – considerably fewer people think government officials have their interests in mind than do NGOs.

To what extent do these organizations have the interests of the people in mind?

	Kenyan Politicians	*Kenyan Civil Servants*	*Kenyan NGOs*	*International NGOs*
Never have interests in mind	35.9%	14.6%	6.6%	2.4%
Rarely have the interests in mind	27.9%	27.4%	19.2%	13.6%
Sometimes have the interests in mind	27.5%	33.1%	42.5%	36.9%
Usually have the interests in mind	5.6%	19.8%	20.4%	38.3%
No Answer	3.0%	5.2%	11.4%	8.8%

Put in bar graph form, we see the proportion of respondents thinking favorably about politicians is the inverse of that for international organizations. If we were to draw lines following the blue (politicians) and purple (international NGOs) bars below, they would form an X. Civil servants (in red) and Kenyan-based NGOs have a similar trend as international NGOs, if less positive, particularly at the highest "usually" frequency.

To what extent do these organizations have the interests of the people in mind?
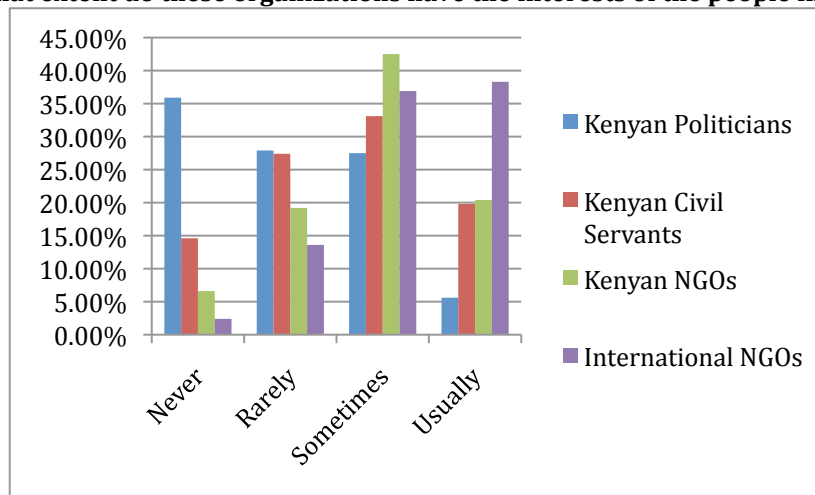
Finally, when respondents were asked how much confidence they had in various governmental and non-governmental organizations and institutions, ranging from individuals like the president to organizations like the police to Kenyan-based NGOs. "Government of Kenya" rated very highly as an aggregated category with nearly 74 percent of respondents giving a positive assessment. NGOs did as well – particularly internationally-based ones, in which almost 69 percent felt confident. Arguably, the aggregate government category rated so highly because Kenya – and Africa generally – has highly personalistic political systems, leading to a tendency among citizens to associate the state with the person of the president.

Nearly 81% of respondents said they had a great deal or quite a lot of confidence in president Kibaki.[125] Confidence levels in organizations like Parliament, the civil service and the police were a good bit lower, at 61, 58 and 54 percent confidence levels respectively.

How much confidence do you have in the following organizations or institutions?

	Generally Positive	A great deal	Quite a lot	Not very much	None at all	NA
President	80.8%	37.1%	43.7%	16.8%	2.2%	0.2%
Government of Kenya	73.7%	30.1%	43.5%	22.0%	4.0%	0.4%
International NGOs	68.5%	25.0%	43.5%	19.4%	6.2%	6.0%
Prime Minister	62.1%	23.6%	38.5%	27.2%	10.6%	0.2%
Parliament	61.3%	19.4%	41.9%	31.4%	5.8%	1.6%
Kenyan NGOs	58.7%	21.4%	37.3%	26.4%	8.4%	6.6%
Civil Service	58.1%	16.4%	41.7%	37.1%	4.2%	0.6%
Police	53.7%	13.4%	40.3%	33.5%	12.0%	0.8%

It may be worth noting that nearly all of the responses in this section of questions are much higher than one would have expected a priori for a survey of Kenyans.[126] Wolf, et al. (2004) found a very similar situation in the data they collected for the first wave of the Afrobarometer research done in Kenya, in 2003. They refer to the overwhelmingly positive responses as "euphoria," stemming from the presidential democratic turnover of power in late 2002 after twenty-four years of semi-authoritarian rule. This tendency toward "euphoric" answers on the part of Kenyans does not invalidate the responses. In fact, it accords with the positive findings on government legitimacy from a different set of data used in the previous chapter.

NGO Impact on Legitimacy?

Moral Legitimacy

Clearly, people do think highly of NGOs. But how does their exposure to NGOs impact the way that they perceive government and the state broadly speaking? Does exposure to NGOs correlate with higher or lower levels of legitimacy of government? I test this question using several measures of legitimacy and NGO contact or influence, comparing between whole district (rural) and urban

---

[125] This is a remarkably high percentage, given that Kibaki is widely thought to have stolen the presidential election that took place less than a year before the survey was conducted. Some of this can be explained by the fact that there was little electoral violence in the areas where the survey was conducted, and most Kambas and Mbeeres, the largest ethnic group living in Machakos and Mbeere respectively, tend to support Kikuyu politicians like Kibaki. Moreover, Kibaki's vice president comes from the Kamba group.

[126] While the respondents were told that the survey was conducted for a researcher at the University of California, the enumerators were adult Kenyans. They were trained enumerators instructed to dress and speak appropriately for the region they were in, and to speak in local languages when preferred by the respondent. For these reasons, I do not believe respondents were answering the way an "outsider" would want them to, but how they thought they "should" more generally.

samples.[127] The analyses here provide another check on the results of the previous chapter. For these analyses, however, contact with NGOs was queried directly, making the linkages between NGOs and legitimacy more transparent.

Holding all else constant, there is not a significant impact on perceptions of government from contact with NGOs. People who have sought out NGOs for a good or service within the year prior to the survey do not have statistically significantly different views of government than those who haven't. And there does not appear to be a "transfer" of legitimacy affect from government agencies to NGOs – meaning that people who view NGOs very highly do not view government less favorably. While I could show these outcomes in myriad permutations, I display only a few below. These should not be considered exhaustive, but representative.

I use a number of variables largely as control variables. I began by imagining what might correlate with higher or lower levels of legitimacy besides my principle independent variable of interest, NGOs. I included questions measuring these controls in my survey instrument (see table below). Controls include continuous variables measuring age, education level, socio-economic class,[128] and views on the present state of the national economy (using a Likert scale),[129] as well as dummy variables for sex and setting (in the full district sample only). I also include a measure to gauge the respondents' political activity level, using their history of attendance at protests or demonstrations and whether they are generally the type of individual who raises issues with government administrators or politicians (see Appendices for tables).[130] Although NGO levels are not significant correlates with higher or lower perceptions of the government, several of the other factors are.

As my key independent variable of interest, I rely on a survey question regarding whether a person has actively sought out or visited an NGO within the past year for training, information, goods or services.[131] I use this particular measure of NGO contact in part because this question asks respondents about

---

[127] The whole-district sample includes a representative sample of all of Machakos and Mbeere districts. The urban sample includes 101 respondents from working class Nairobi and 100 respondents from urban Machakos Town.

[128] I report only the regressions using a composite measure of class ranging from 1 (extreme poverty) to 17 (extremely wealthy), based on the Living Standards Measurement Survey (LSMS) developed in the early 1980s in the World Bank, which has been used in more than 70 countries (http://go.worldbank.org/WKOXNZV3X0). I also tested the results using different measures of economic status, such as the type of housing and the respondents' access to television. These generated similar results, so are not included in the tables shown.

[129] While not all social scientists agree that Likert scales should be used with interval procedures, many agree that an item with at least five categories can be used in this manner. For example, Jaccard and Wan (1996: 4) summarize, "for many statistical tests, rather severe departures (from intervalness) do not seem to affect Type I and Type II errors dramatically."

[130] While not reported in the tables below, I used several different measures of political participation inclinations, including being registered to vote, their level of disappointment with the 2007 elections, and having voted in the 2002 and 2007 elections. All turned back similar results.

[131] The question was: "In the past year, how many times have you gone to an NGO seeking training, information, a service or for a physical good?" In the survey, respondents chose between "Once, two to four times, more than four times or Never." Because of the relatively small sample sizes in my data, I have recoded the variable as a binary variable, where 1=has gone to an NGO for goods or services in the past year, and 0=has not gone to an NGO.

having taken initiative toward NGOs, and we might expect that proactive NGO seekers might be both more likely than others to transfer legitimacy, and to already be irritated by the government than those who have not actively sought goods or services from an NGO. I also use this variable for practical reasons – there are a significant number of individuals who have sought out an NGO at least once in the past year (about one-third of the total sample), and there are remarkably few "don't know" or "NA" responses – only 3 respondents out of 501.[132]

Table of Variables	
Dependent Variables (stata name)	**Description**
Govt shares my values	Measures moral legitimacy, asking whether the respondent agrees (3), disagrees (1) or is neutral (2) with the statement, "The Government of Kenya in general, "shares my values" and "does the right thing"
Agreement with Government	Measures moral legitimacy, asking whether the respondent agrees (3), disagrees (1) or is neutral (2) with the statement, "What the Government believes is good for Kenya is the same as what I think is good for Kenya."
Laws	Measures procedural legitimacy, asking whether the respondent agrees (3), disagrees (1) or is neutral (2) with the statement, "The laws of Kenya express the values and morals of people in this country."
Police	Measures procedural legitimacy, asking whether the respondent agrees (3), disagrees (1) or is neutral (2) with the statement, "The police always have the right to make people obey the law."
Independent Variable	
Gone to an NGO (Dum_GoneNGO)	Signifies whether a respondent has gone to an NGO seeking training, information, a service or for a physical good, in the past one year. 1 = Yes; 0 = No.
Control Variables	
Age (Age)	Age in years, ranges from 18 to 85
Gender (Gender)	Male (0) or female (1)
Education (highest_ed)	Highest level of education obtained. Scale from 1 = No formal education to 7 = Finished university.
Class (sclass1_17)	Variable measuring wealth based on a questionnaire asking which of 22 items the respondent's household contains. Ranges from 1 (extreme poverty) to 17 (very wealthy). This tool is based on the Living Standards Measurement Survey (LSMS) developed in the early 1980s in the World Bank, which has been used in more than 70 countries (http://go.worldbank.org/WKOXNZV3X0).
Economic Views (econ_condtns)	Response to the question, "In general, how would you describe the present economic conditions of this country?" Scale from 1 = Very Bad to 5 = Very Good, with 3 being neutral.
Protest (dum1protest)	Respondents were asked whether, as citizens, they had ever attended a protest march or demonstration. Dummy variable for having attended

[132] Other possible survey questions asked respondents whether they thought there were many or few NGOs working in their area, and whether an individual has been approached by an NGO for services or goods in the past year. Since the non-response rates on these questions were much higher (12 percent and 6 percent respectively), making for a significant loss in observations or power, I use the question about visiting an NGO.

	(1) or having never done so (0).
Raised Issue with government (raised_issue)	Respondents were asked whether, as citizens, they had ever gotten together with others to raise an issue with a local politician or administrator. 1 = Yes; 0 = No.

In the two tables presented below, I present the log-odds from ordered logistic regressions in which the dependent variable measures respondents' agreement with the statements: "The Government of Kenya in general, 'shares my values' and 'does the right thing'" and, "What the Government believes is good for Kenya is the same as what I think is good for Kenya" respectively.[133] These questions measure the government's moral right to govern, a key component in state legitimacy.

VARIABLES	**Rural Districts**				**Urban Areas**	
	Model One *Govt shares my values and does the right thing*	Model Two *Govt shares my values and does the right thing*	Model Three *Govt shares my values and does the right thing*	Model Four *Govt shares my values and does the right thing*	Model Five *Govt shares my values and does the right thing*	Model Six *Govt shares my values and does the right thing*
dum_goneNGO	0.08	0.08	0.03	-0.05	0.09	0.13
	(0.30)	(0.30)	(0.30)	(0.36)	(0.37)	(0.37)
highest_ed	-0.04	-0.04	-0.05	0.25*	0.38***	0.38***
	(0.09)	(0.09)	(0.10)	(0.13)	(0.14)	(0.14)
sclass1_17	-0.18**	-0.18**	-0.17**	0.01	-0.04	-0.03
	(0.07)	(0.07)	(0.07)	(0.04)	(0.04)	(0.04)
gender	0.26	0.26	0.38	0.38	0.58*	0.54*
	(0.27)	(0.27)	(0.28)	(0.31)	(0.32)	(0.33)
age	0.00	0.00	0.01	0.00	0.00	0.00
	(0.01)	(0.01)	(0.01)	(0.01)	(0.01)	(0.01)
setting3	2.23**	2.23**	2.08*			
	(1.10)	(1.10)	(1.11)			
dum1protest	0.77*	0.76	0.74	-0.33	-0.95	-0.97*
	(0.42)	(0.47)	(0.47)	(0.52)	(0.58)	(0.59)
raised_issue		0.02	0.02		1.96***	1.84***
		(0.31)	(0.32)		(0.61)	(0.61)
econ_condtns			0.24**			0.19
			(0.12)			(0.15)
Cut Point 1	-1.41**	-1.41**	-0.74	0.16	0.85	1.27
	(0.59)	(0.59)	(0.66)	(0.79)	(0.82)	(0.92)
Cut Point 2	-0.66	-0.66	0.01	0.86	1.59*	2.00**
	(0.59)	(0.59)	(0.66)	(0.79)	(0.83)	(0.93)

---

[133] The dependent variable is an ordinal variable, in which 1 = does not agree, 2 = neutral, and 3 = agree.

Observations   297[134]   297   294   196   196   188
Coefficients are log-odds; Standard errors in parentheses
*** p<0.01, ** p<0.05, * p<0.1

       Examining the table above, we find that even for the set of individuals who have sought out an NGO at least once in the past year, there appears to be no significant correlation between NGO use and views on government legitimacy. If anything, having visited an NGO in the past year raises a respondent's view of the government very slightly. Using predicted probabilities, we can make the regression coefficients more substantially meaningful. For example, looking at Model Three of the full rural districts subsample above, if we set the values of the independent variables for age, education level, social class and views on the economy at their mean, and look at a male, rural, politically involved and active respondent, we find that the probability of feeling that the government shares the respondent's values remains flat, increasing by a near zero 0.005, if that person has visited an NGO, from 0.729 to 0.734. This result is not statistically significant, nor is it substantively meaningful. This change level for having visited an NGO is similar in rural and urban areas.

       Other variables, however, have both statistically and substantively significant impacts on government legitimacy, as can be seen in the table below. Again, these results are for a rural man of average age, education level, class* and views on the economy*, who is politically active rural* (*except where specified in the table). These results suggest that the average Kenyan finds the government to be legitimate, a finding that corresponds to the findings of Chapter Five. Respondents have about a 3 in 4 likelihood that they will believe that the government "shares their values" and "does the right thing." However, according to these results, an urbanite is considerably more likely to find the government legitimate than is a rural dweller, all else held as stated above.[135] The same holds true of a person who has very positive views on the current state of the Kenyan economy, all else unchanged.

Variable	Range of Change	Predicted Probability of Finding the Government Legitimate at Bottom of Range	Predicted Probability of Finding the Government Legitimate at Top of Range	Change in the Predicted Probability of Finding the Government Legitimate
Social Class	Full Range (from 0 to 17)	0.76	0.22	-0.54**
Setting	From Rural to Urban (0 to 1)	0.73	0.93	0.20*

[134] On the dependent variable, six responses were dropped for "don't know" answers. Observation numbers are lower in this table and those that follow because of "don't know" and non-responses in both this dependent variable and a number of categorical independent variables.

[135] Note, however, that in this sample of 300, only 10 respondents, or 3.3% are coded as living in urban areas.

Econ Conditions	From Negative to Positive View of the Economy (1 to 5)	0.69	0.84	0.15**

The wealthier a rural individual is, however, the more likely he is to view the government negatively. Moving from a person in extreme poverty to one of the richest people in Kenya, the probability of their finding the government legitimate decreases dramatically – from a 3 in 4 likelihood to a 1 in 5 likelihood. The variation on this variable can be seen more clearly in the graph below, in which the dark gray area represents the predicted probability of finding the government legitimate over the range of economic classes.

Relationship between Economic Class and Legitimacy (Rural)
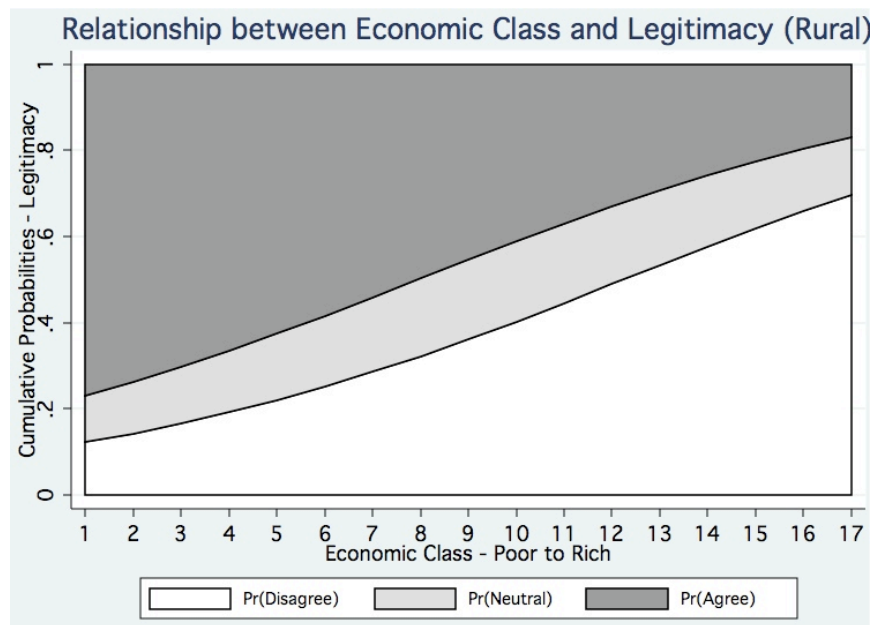
The results of the same regressions looking at the urban sample are somewhat different, but our variable of interest, NGOs, is still not significant, either substantively or statistically. Looking at factors that do have a relationship with legitimacy, we see that whereas economic class has a significant relationship with legitimacy in rural areas, in urban Nairobi and Machakos, it does not play a significant role (although in models five and six, the sign is in the same direction).[136]

If we look at the same type of person in the urban sample as we did in the rural ones – that is, if we look at a male respondent of average age, education, class and views on the economy, who has protested, raised issues with his administrators, and visited an NGO – we find that the predicted probability of his responding affirmatively about government legitimacy is 0.75 (model six above). If he has not

---

[136] 88% of the population in the rural districts sample are classified in the poorest three of the seventeen categories, whereas in our urban sample, only 35% of respondents fall into these extreme poverty categories. This might explain the discrepancy between the urban and rural samples on the wealth and education variables.

visited an NGO, it is 0.74, although this is not statistically or substantively significant this is about the same likelihood as it was in rural areas.

In urban areas, education, gender, and prior political involvement have a significant relationship with government legitimacy. Holding all the same except education level, and setting it to the highest possible education level, the predicted probability of finding the government legitimate increases to 0.83, a sizable, but not a major increase over the person of average education. In the town or city, however, a person with the lowest possible level of education is far less likely to find the government legitimate, with a predicted probability of doing so of only 0.38. This makes sense if we consider that urban dwellers with the least education are likely to have low employment opportunities and be without the land and community available to their rural counterparts. They may blame the government for their situation, while the most educated in urban areas are much more likely to have employment and steady income – particularly in the middle class neighborhoods of Nairobi that were visited.

Variable	Range of Change	Predicted Probability of Finding the Government Legitimate at Bottom of Range	Predicted Probability of Finding the Government Legitimate at Top of Range	Change in the Predicted Probability of Finding the Government Legitimate
Education	Full Range (from 1 to 7)	0.38	0.83	0.45**
Gender	From Male to Female (0 to 1)	0.81	0.89	0.08*
Raising an Issue with Politician or Administrator	From No to Yes (0 to 1)	0.48	0.88	0.40***
Protesting	From Have Never Protested to Have Protested (0 to 1)	0.93	0.79	-0.14*

In urban areas, having a propensity toward political activity is also significantly correlated with views on government legitimacy. If a person has ever taken initiative to raise an issue with a local administrator or politician, they are much more likely to feel positive about the government than if they have not – going from about a 1 in 2 chance of a positive view of government to a 9 in 10 chance. If they've protested or demonstrated, however, they are less likely to find the government legitimate. This can be understood to mean that people who raise an issue with an individual generally have had good experiences in doing so, while those who have protested remain slightly more disenchanted with government than they might otherwise, all else held as stated above.

Tests of Robustness

As measures of the robustness, the models used above were used with other measures of government legitimacy. The second measure draws on a question that

asks whether respondents feel their government holds the same values and beliefs as they do. The results of an ordered logistic regression are presented below. The same variables are significant using this alternate measure of government legitimacy, with the signs pointing the same direction, in both urban and rural areas. Note that having gone to an NGO in the past year is again insignificant (and positive) in all models.

| | Rural Districts | | | Urban Areas | | |
VARIABLES	Model One *What govt believes is good for Kenya is what I think is good*	Model Two *What govt believes is good for Kenya is what I think is good*	Model Three *What govt believes is good for Kenya is what I think is good*	Model Four *What govt believes is good for Kenya is what I think is good*	Model Five *What govt believes is good for Kenya is what I think is good*	Model Six *What govt believes is good for Kenya is what I think is good*
dum_goneNGO	0.46	0.46	0.45	0.29	0.40	0.44
	(0.29)	(0.29)	(0.29)	(0.34)	(0.35)	(0.35)
highest_ed	-0.01	-0.01	-0.01	0.21*	0.30**	0.29**
	(0.09)	(0.09)	(0.09)	(0.12)	(0.13)	(0.13)
sclass1_17	-0.18**	-0.18**	-0.18**	-0.04	-0.07*	-0.07
	(0.07)	(0.07)	(0.07)	(0.04)	(0.04)	(0.04)
gender	-0.14	-0.14	-0.04	-0.10	-0.02	0.02
	(0.26)	(0.26)	(0.26)	(0.29)	(0.30)	(0.31)
age	0.00	0.00	0.01	-0.00	-0.00	-0.00
	(0.01)	(0.01)	(0.01)	(0.01)	(0.01)	(0.01)
setting3	2.51**	2.51**	2.38**			
	(1.09)	(1.10)	(1.10)			
dum1protest	0.52	0.53	0.50	-0.94*	-1.27**	-1.25**
	(0.37)	(0.42)	(0.42)	(0.51)	(0.54)	(0.55)
raised_issue		-0.01	-0.01		1.14**	1.02**
		(0.29)	(0.29)		(0.50)	(0.50)
econ_condtns			0.20*			0.17
			(0.11)			(0.14)
Cut Point 1	-1.16**	-1.16**	-0.61	-0.23	0.20	0.58
	(0.56)	(0.56)	(0.62)	(0.75)	(0.78)	(0.87)
Cut Point 2	-0.24	-0.25	0.33	0.32	0.76	1.11
	(0.55)	(0.56)	(0.62)	(0.75)	(0.78)	(0.88)
Observations	296	296	293	196	196	188

Coefficients are log-odds; Standard errors in parentheses
*** p<0.01, ** p<0.05, * p<0.1

Next, I turn to a different sort of measure of legitimacy, procedural legitimacy, which is the degree to which citizens believe the government has the

right to govern as measured through perceptions of its procedures – its right to collect taxes, to enforce laws, and so on. Respondents were asked questions pertaining to procedural legitimacy, as they are on the World Values Surveys (www.worldvaluessurvey.org), Afrobarometer (www.afrobarometer.org) and other regional perception surveys. Respondents were asked how much they agree or disagree with the following statements: a) The laws of Kenya express the values and morals of people in this country; and b) The police always have the right to make people obey the law. These questions probe very different elements of government procedure, the abstract laws of the country and the day-to-day implementation and enforcement of those laws. Ordered logistic regression output is shown below for both questions, and is quite consistent within the rural and urban samples.

VARIABLES	Rural Districts		Urban Areas	
	laws	police_right	laws	police_right
dum_goneNGO	0.357	-0.328	0.353	0.431
	(0.342)	(0.398)	(0.390)	(0.459)
highest_ed	0.0460	-0.0995	0.156	0.201
	(0.106)	(0.133)	(0.145)	(0.163)
sclass1_17	-0.306***	-0.211**	-0.0212	-0.0496
	(0.0779)	(0.0897)	(0.0463)	(0.0498)
gender	0.240	0.161	0.325	-0.0613
	(0.313)	(0.399)	(0.340)	(0.370)
age	-0.00881	-0.0197	0.0173	0.0100
	(0.0103)	(0.0128)	(0.0154)	(0.0161)
dum1protest	0.695	0.0913	-1.461**	-1.541***
	(0.501)	(0.629)	(0.580)	(0.541)
raised_issue	-0.113	0.573	0.651	0.115
	(0.338)	(0.468)	(0.517)	(0.524)
econ_condtns	0.143	0.0380	0.506***	-0.0245
	(0.135)	(0.164)	(0.173)	(0.162)
Cut Point 1	-1.889**	-3.712***	0.873	-0.974
	(0.740)	(0.954)	(0.969)	(1.069)
Cut Point 2	-1.137	-3.040***	1.549	-0.341
	(0.733)	(0.941)	(0.973)	(1.062)
Observations	283	282	185	185

Standard errors in parentheses
*** p<0.01, ** p<0.05, * p<0.1

Regression results again support the finding that having gone to an NGO for information, services or goods does not significantly correlate with higher or lower levels of legitimacy, all else held constant. As for moral legitimacy, economic variables among rural respondents and political participation in urban areas appear to be most highly correlated with views on the state's right to government.

Making Sense of the Data

The statistics above suggest that NGOs do not undermine state legitimacy. If anything, the opposite appears to be true: NGO contact seems to improve overall support for the state. While scholarship has suggested that African states make a social contract with their citizens in which the state gives services and people give the state loyalty, it seems that in fact the people give loyalty regardless of who gives services. Why?

Interview data from my field research helps to make sense of these regressions. In this section, I propose several possible mechanisms by which NGOs have their impact. These are divided into three types of mechanisms: one focusing on deliberate political obfuscation, another on cognitive limitations among Africans or researchers, and the third on the types of expectations common among the poor, particularly the rural poor. Some of these mechanisms were brought to my attention during qualitative fieldwork interviews with NGO leaders and workers, politicians and civil servants – meaning that they reflect the biases of my respondents, most of whom were relatively well-educated middle and upper class Kenyans.

Understanding NGOs' Impact on Government Legitimacy

Cause	Explanation	Assessment
Political	▪ Government successfully takes credit for NGOs' work. ▪ People expect services of government, and they view the government to have delivered if it creates an environment in which any service provider delivers, including NGOs.	Sometimes. Occasionally.
Cognitive	▪ Africans do not understand the difference between NGOs and the government – they are all government in the eyes of *wananchi.* ▪ Scholarly error in assumptions on the sources of African state legitimacy.	Rarely. Sometimes.
Poverty	▪ African citizen expectations of their government are extremely low, particularly among the rural poor.	Frequently.

The first explanation regarding the neutral or positive correlation between NGOs and government legitimacy largely involves political sleight-of-hand: the argument is that politicians, from local county councilors to Members of Parliament, claim credit for the services that NGOs provide, thereby claiming the positive popular sentiment. As mentioned in Chapter Four, governments do not want credit for socio-economic progress to go to non-governmental organizations (Bratton 1989:572) – so government officials and even administrators often claim responsibility for the work that others have done. As a result, the legitimacy derived from providing services accrues to the government, as well as NGOs.

Credit taking assumes many forms, ranging from the relatively subtle dropping of NGOs' names in the authorship of jointly created documents (2008-24) to politicians and administrators publicly and unambiguously declaring they personally arranged for – or even funded – an NGO to work in the area. These happen in Constituency Development reports (2008-10), project openings or launches (2008-17), dedication plaques on infrastructure (2008-18, 2008-14), and other events. On occasion, politicians also attempt to garner political legitimacy by acting the hero, publically denouncing NGOs for unrest or problems in the area

(2008-54). A local politician in Machakos District explained the rationale: "The community might not like to know where their services come from, but for politicians, when it comes to election time, it really matters! So they really make sure to specify to the people" (2008-35).

To reiterate a point made in Chapter Four, some NGOs encourage the government to gain legitimacy from the organization's work – they see their role as improving the state as a whole, not undermining it. As such, they are happy to share accrued service provision-based legitimacy with local civil servants and politicians. On the whole, however, NGO representatives interviewed did not want credit to go to government unless government actors actually contributed in some way. While NGOs don't work to *undermine* the state,[137] many would like to see government being more responsive to its citizenry.

Related to this, some suggest that the Government gains legitimacy by creating an environment in which NGOs choose to be present and conduct their work – work which often could just as easily be undertaken elsewhere, such as in other countries with needy populations. Indeed many of the NGOs in some parts of Kenya serve neighboring countries, especially Sudan and Somalia, from within Kenya, since the atmosphere for working in the country is so much less hostile in Kenya. One small NGO leader, when asked how NGOs affect legitimacy said, "the common people end up thankful to government for allowing the NGOs to operate there" (2008-13).

A second explanation relies on a rather pessimistic view of the cognitive abilities of *wananchi.* This line of reasoning holds that regular Kenyans are not smart enough (or not well educated enough) to understand the difference between NGOs and government. Thus, when *wananchi* see services coming from an organization external to the village or town, they assume that the services come from some branch of government. Interview data, however, suggests that this is not the case – though confusion does happen sometimes.

For one thing, particularly in poor or remote areas, the start of a new service provision program is often big news – everyone in the village knows about it, how it came about, and by whom. Projects are discussed seriously throughout the village. Communities have management committees as well, who work with NGOs to complete projects – so "they know who brought what!" (2008-33). People also know that it's uncommon for government to fund very localized programs: "So if something comes, they know it's not from government" (2008-18). Even if individuals do not know particulars about the NGO bringing goods, informed observers insist that they know that it's not the government (2008-34, 2008-50, 2008-52).

In addition, NGOs make a point of informing the community in which they do a project of the source of the program – by including them in the project as it happens, holding meetings in the village, and/or leaving their logo on infrastructure or signboards built (2008-18, 2008-25, 2008-30, 2008-32). As such, it's not easy for a politician to successfully claim credit for something s/he did not do: for example,

---

[137] Cannon (1996:263) similarly found that NGOs in Uganda are there to meet needs, not worry about whether or not they are undermining government by providing services.

when a District Officer in one area tried to take over a community borehole provided by a large NGO, he could not convince the community that he drilled it – they had been actively involved with the NGO in the project and knew the truth (2008-14). In many cases, "*wananchi* are mobilized before the project and throughout, so they know that when a politician takes credit, it's usually not true" (2008-54).

Still, confusion of this type does happen sometimes, allowing NGO activities to reflect positively on state legitimacy. Most informed observers thought that such misunderstandings were very context specific – they are more likely in extremely poor or remote areas (2008-31), or in situations where much is uncertain, as in refugee or internally displaced persons camps (2008-14). Confusion has started to arise around relatively new government decentralization of funding initiatives as well – things like the Local Area Transfer Fund, government bursary funds, and local HIV/AIDS funds increasingly look like NGO programs, but are run by the government. A local research company, Research International, has found a good deal of confusion between these programs and those of NGOs when it has conducted its own research on non-state provision of services (2008-59). As NGOs and government work together more and more, the easily drawn line between them has blurred for *wananchi* as well: "People don't know what's government funded, what's NGO, especially now that they are working so much together," according to a mid-level civil servant (2008-37).

Most commonly, however, the attitude of people depends on their local-level public administrator – the Chief or Sub-Chief of the Location or Sub-Location. "For local people, the government *is* the Assistant Chief," after all (2008-30). And "The common people end up thankful to government for allowing the NGOs to operate there," since, "Most people know that government has to allow the NGO to participate before they start in an area…" (2008-13).

Instead of citing misunderstanding on the part of *wananchi*, we can also make sense of this data in a third way, by reassessing our own assumptions as scholars. Are our priors about the relationship between African states, service provision and legitimacy wrong? Perhaps where previous theories were mistaken is at the level of understanding *expectations.* Political scientist and development expert Norman Uphoff once wrote that legitimacy derives from "*having satisfied people's needs and for having met their normative expectations over time*" (1993: 614, emphasis added). Data from interviews held concomitant to the survey suggest that NGOs do not lower legitimacy – particularly in rural areas – because Kenyans' expectations of the government in these areas are *already extremely low* (2008-32). Most informed observers felt that *wananchi* don't make the link between NGO provision and government not fulfilling its end of the social contract (2008-30, 2008-34, 2008-51) because, "People tend to understand that government can't do it all. They see the government representative living in their same conditions, etc." (*Ibid.*) They also might not understand that they pay value-added tax (VAT) on goods they purchase in formal stores: "A lot of people don't think that they pay tax, so they don't think government needs to give anything" (2008-27). They don't become frustrated because to a large extent, they are not holding expectations that

aren't being met. In his seminal work on rebellion, Gurr (1970) identifies this relative deprivation as the key source of human violence and rebellion.

Regular Kenyans seem to understand and accept the limitations of their own and government's situation (2008-18). There is a sense of understanding – even empathy – on the part of *wananchi*: "People understand government has an obligation, but no capacity to reach down so far. They know." (2008-25) Even when they think it's the government's responsibility to take care of them, they understand that NGOs simply try to fill in where government can't provide (2008-23, 2008-24). This understanding may be realistic – Kenya's post-independence development history suggests its reasonable for people to make do with what is available.

Yet on some level, *wananchi* both understand that the government is unlikely to provide for them, and expect on an abstract level that the government will still do so. An NGO talking about bringing financial services to a market town in Mbeere, for example, said, "People expect government to do things, like bring a bank here. But people also understand the government is slow, so they are happy that the [organization] is here for now, even if its not a full bank… In the long-term, though, they expect a lot more from government, because NGOs will leave one day." (2008-45).

Interviewees unwittingly recalled Schatzberg's (2001) extended analogy in *Political Legitimacy in Middle Africa: Father, Family, Food* of the African state as family. Comparing the state to a mother and NGOs to a caring neighborhood lady, one senior Kenyan NGO worker said,

> "Imagine that you have a mother, who is supposed to provide you with care. But what if some lady from the neighborhood is the one who always takes care of you. How do you feel? You don't know her interests! You'd rather still have your mother's love. So… You understand that you are being taken care of, but you really want your mother to come and do it. There is just something special about a mother's care, and that other woman, you don't know why she's doing it, what other motivations she has…" (2008-10)

Even though people might want their own government to look after them, several NGO managers independently worried that NGOs inadvertently lower people's *expectations* of public officials and agencies (2008-18). One noted that *wananchi* pester the government for services less frequently when NGOs are in the area, because people know they can get the services from the NGO (2008-44). While this means to him that government can be less accountable, it also suggests that NGOs lull Kenyans away from making demands on their public administrators and officials. Even a government official said that people *expect* something from NGOs only, taking pressure off government, "People have come to associate NGOs with getting stuff. They don't expect as much from government" (2008-39). A generalized sentiment of, "People know government *should* provide, but is not able to, so they count on NGOs," prevailed in many interviews (2008-54).

Another government official clarified that, "The problem actually is when NGOs are *not* there. The wananchi don't care that government is not there when NGOs are there. As long as *one* is there, all is okay. But if *none,* then they get angry at government." He pointed out, "You rarely find a place where *neither* NGOs or

government is there." (2008-39) This suggests that NGOs may decrease the extent to which people make demands on government.

Finally, many informed observers thought that NGOs providing services benefits state legitimacy because in situations of extreme poverty, people live in too dire situations to care where services and goods come from – they are just happy to have some of their needs met (2008-12, 2008-26, 2008-33, 2008-34, 2008-45, 2008-47, 2008-49, 2008-50, 2008-51, 2008-53). This happiness results in diffuse support – *wananchi* tend to be generally more optimistic when services come. As a woman working in rural Machakos explained it, "Desperate people don't think about *where* things come from – because of their poverty. They just want more, so as to get out of the place they're in. So they generally feel better about the government, because someone is helping them at least!" (2008-12). Mixing sarcasm and cold reality, another said, for the uneducated "...so long as there is food on the table... Actually, if there even is a table... well, they don't care where [help] comes from" (2008-26). Another said, "People are just very happy. It's wonderful, the World Concern [NGO], for bringing these things" (2008-45). As such, "You don't see NGOs reflecting poorly on government. You see government being *helped* by NGOs" increasing overall satisfaction levels (2008-50).

In conditions of extreme poverty, the fact of an outsider coming for poverty relief suggests to people that their lives could become less precarious over time. They gain the sense that people "out there" or – "up there" as they say in Kenya – cares about their small village and its problems. Whether intentionally or not (and I believe its not), *wananchi* transfer this positive fellow-feeling to the state, excusing its limited performance.

The Real Drivers of Legitimacy

Contrary to what some scholars have asserted, NGOs do not threaten government legitimacy in the places where this survey was conducted. What does? According to these survey data, correlates with legitimacy differ between urban and rural areas. In rural areas, household wealth strongly correlate with changes in view of state legitimacy. As rural people become wealthier, they become more likely to be skeptical of government. And if they believe the economy is doing very poorly, they tend to feel less positive about government. For town and city respondents, political and civic participation appears to matter most. Urbanites who engage with government in a positive, individual manner by raising an issue with their local administrator or politician tend to feel the government is more legitimate, while those who protest in urban areas find it less so.[138]

Again, interview data helps make sense of this. In particular, many informed observers felt that as people become better educated, wealthier and more urban, they began to expect more from government, citing their "rights" as citizens. As such, their expectations of government as well as their skepticism of it tend to be higher. As changes come to communities, their demands go up. They realize they

---

[138] Of course the direction of causation here is unclear; indeed it is possible that low legitimacy leads to protest.

should have possibilities that the government is not providing (2008-25).

Interestingly, when asked how they thought *wananchi* would respond to the question:

"Which statement do you agree with more: A) It is the responsibility of the Government of Kenya to provide my family with services, and I expect that the Government itself will provide them, or B) It doesn't matter who provides my family services as long as they are provided,"

many NGO and government officials interviewed felt that educated people who know their rights would answer "A" (2008-10, 2008-14, 2008-26, 2008-27, 2008-33, 2008-36, 2008-37, 2008-47). Often, interviewees made the distinction between those who understand they pay taxes and those who don't, believing people who know they pay taxes will expect more from the government. One senior NGO leader said, "But we pay taxes! So the government has to provide from those taxes. It's unfair otherwise, and it's unsustainable. Should we pay taxes to NGOs?" (2008-10). Government officials felt the same way:

"(Laughs) Let's say both are true. They carry the same weight, but statement B is slightly heavier than A. People have been enlightened, like about taxes. Before, they just thought government is there to misuse funds. Now, they even query their MP in Parliament: Why are there no lights? Why the road isn't tarmacked? But it depends on literacy levels. In places without literacy, they will say A. They don't care who gives what." (2008-37)

In the survey, however, urbanites actually tended to respond "B" considerably more than their rural counterparts. Moving from the most rural sample (Mbeere) to the most urban (Nairobi), we find a near-doubling of "B" answers: 36% in Mbeere, 49% in Machakos District, 60% in Machakos Town, and 70% of respondents in Nairobi said that it doesn't matter who provides services as long as they are provided. As one Nairobi resident says: "Nairobians are now realizing that the Government is incapable of solving all of the city's problems. Their solution lies in the will of Nairobians themselves" (Onyango, 1998).

Which statement do you agree with more: It is the responsibility of the govt of Kenya to provide services and I expect the government to provide them; or It doesn't matter who provides services as long as they are provided.

	Rural Districts	Urban Areas	Total
Doesn't matter	128	131	259
Responsibility of Government	172	70	242
Total	300	201	501

Summary & Conclusions

Although scholars and politicians have claimed that NGOs threaten to undermine state legitimacy, in Kenya there is little evidence of this pattern. Indeed, while NGOs are regarded quite favorably – and often even more favorably than their government counterparts – they do not take away legitimacy from the government.

Rather than a zero-sum game where a positive view of NGOs brings about a negative view of the civil service or politicians, NGOs appear to either have no impact on popular perceptions of the state, or to improve them.

In places like Kenya, this finding matters for quite practical reasons. In the past, NGOs have been decried by politicians as undermining their legitimate authority. Yet when put to the test, such allegations appear not to have merit – they may be a useful scapegoat for politicians facing unhappy populations, but do not reflect empirical evidence. This chapter, when combined with the results of the previous one, demonstrates using data not only from two different types of Kenyans (secondary school students and adults), but also across rural and urban areas that NGOs are not decreasing government legitimacy in Kenya.

Appendix A: Correlates of Independent Variables

Rural Districts

	goneNGO	setting3	age	highes~d	gender	sclas~17	dum1pr~t	raised~e	econ_c~s
goneNGO	1.00								
setting3	-0.06	1.00							
age	0.05	-0.03	1.00						
highest_ed	0.25	0.11	-0.19	1.00					
gender	-0.11	-0.16	-0.13	-0.27	1.00				
sclass1_17	0.24	0.20	-0.06	0.52	-0.12	1.00			
dum1protest	0.08	-0.07	0.10	-0.02	-0.26	0.05	1.00		
raised_issue	0.12	-0.12	0.14	-0.05	-0.15	0.04	0.51	1.00	
econ_condtns	0.09	0.17	-0.10	0.11	-0.19	0.07	0.02	-0.02	1.00

Urban Areas

	goneNGO	age	highes~d	gender	sclas~17	dum1pr~t	raised~e	econ_condtns
goneNGO	1.00							
age	-0.01	1.00						
highest_ed	0.24	-0.10	1.00					
gender	-0.08	-0.01	-0.18	1.00				
sclass1_17	0.10	-0.06	0.47	-0.14	1.00			
dum1protest	-0.06	0.10	-0.11	-0.02	0.08	1.00		
raised_issue	-0.09	0.01	-0.13	-0.13	0.23	0.32	1.00	
econ_condtns	-0.03	-0.12	0.01	0.01	0.11	0.11	0.10	1.00

Appendix B: Descriptive Statistics

Rural Districts

Variable	Obs	Mean	Std. Dev.	Min	Max
GoK_share_~s	299	2.44	0.82	1	3
q302	298	2.28	0.85	1	3
laws	298	2.56	0.75	1	3
police_right	297	2.77	0.58	1	3
dum_goneNG~y	298	0.24	0.43	0	1
age	300	35.28	13.79	18	85

highest_ed	300	3.81	1.60	1	8
gender	300	0.62	0.49	0	1
sclass1_17	300	1.88	1.97	1	12
dum1protest	300	0.14	0.34	0	1
raised_issue	300	0.30	0.46	0	1
econ_condtns	297	1.88	1.09	1	4

Urban Areas

Variable	Obs	Mean	Std. Dev.	Min	Max
GoK_share_~s	200	2.44	0.82	1	3
q302	200	2.30	0.89	1	3
laws	196	2.51	0.80	1	3
police_right	197	2.64	0.70	1	3
dum_goneNG~y	200	0.25	0.43	0	1
age	200	31.46	11.67	18	78
highest_ed	198	5.27	1.41	2	8
gender	201	0.45	0.50	0	1
sclass1_17	201	6.18	4.34	1	16
dum1protest	199	0.09	0.29	0	1
raised_issue	199	0.16	0.36	0	1
econ_condtns	193	1.98	1.13	1	5

Appendix C: Frequency Tables

In the past year how many times have you gone to an NGO seeking training, information, a service or for physical good?

	Rural Districts	Urban Areas	Total
Never	226	151	377
Once	47	28	75
2-4 Times	13	18	31
More than 4 Times	12	3	15
DK	2	1	3
Total	300	201	501

To what extent do you agree with this statement: The govt of Kenya shares my values and does the right thing.

	Rural Districts	Urban Areas	Total

	Rural Districts	Urban Areas	Total
Strongly Agree	28	9	37
Agree	166	121	287
Neither agree nor dis	42	27	69
Disagree	54	38	92
Strongly disagree	9	5	14
DK	1	1	2
Total	300	201	501

To what extent do you agree with this statement: What the GoK believes is good for Kenya is the same as what I think is good for Kenya.

	Rural Districts	Urban Areas	Total
Strongly Agree	30	10	40
Agree	132	108	240
Neither agree nor dis	58	24	82
Disagree	66	47	113
Strongly disagree	12	11	23
DK	2	1	3
Total	300	201	501

Laws

	Rural Districts	Urban Areas	Total
0	2	5	7
Strongly Agree	58	26	84
Agree	158	111	269
Neither agree nor dis	34	21	55
Disagree	38	33	71
Strongly disagree	10	5	15
Total	300	201	501

Police

	Rural Districts	Urban Areas	Total
0	3	4	7
Strongly Agree	83	32	115
Agree	171	121	292
Neither agree nor dis	19	18	37
Disagree	18	23	41

	Rural Districts	Urban Areas	Total
Strongly disagree	6	3	9
Total	300	201	501

In general how would you describe the present economic conditions of this country?

	Rural Districts	Urban Areas	Total
Very Good	0	3	3
Good	40	25	65
Neither Good nor Bad	41	29	70
Bad	58	45	103
Very Bad	158	91	249
Total	297	193	490

What is the highest level of formal education that you have finished?

	Rural Districts	Urban Areas	Total
No formal education	11	0	11
Some primary	56	6	62
Finished primary	87	16	103
Some secondary	30	18	48
Finished secondary	85	97	182
Some post-secondary	8	15	23
Finished post-seconda	17	32	49
Finished University	6	14	20
Total	300	198	498

Gender

	Rural Districts	Urban Areas	Total
Male	113	110	223
Female	187	91	278
Total	300	201	501

Class - based on LSMS (Level of Social and Material Status)

	Rural Districts	Urban Areas	Total
1	221	35	256

2	26	18	44
3	18	18	36
4	5	19	24
5	5	8	13
6	5	9	14
7	8	20	28
8	6	21	27
9	4	8	12
10	1	12	13
11	0	5	5
12	1	6	7
13	0	5	5
14	0	5	5
15	0	6	6
16	0	6	6
	300	201	501

Have you, as a citizen, ever attended a protest or demonstration?

	Rural Districts	**Urban Areas**	**Total**
Would never protest	219	140	359
Haven't protested, but would under right circumstances	40	41	81
Have protested	41	18	59
Total	300	199	499

Have you ever raised an issue with politicians or administrators?

	Rural Districts	**Urban Areas**	**Total**
No	209	168	377
Yes	91	31	122
Total	300	199	499

170

References

Blattman, Chris. 2009. "From Violence to Voting: War and Political Participation in Uganda," *American Political Science Review.*

Bratton, Michael. 1989. "The Politics of Government-NGO relations in Africa" *World Development.* 17:4, 569-587.

Bratton, Michael. 1989b. "Beyond the State: Civil Society and Associational Life in Africa." *World Politics*, 41:3, 407-30.

Etzioni, 1965. "Organizational Control Structure", in J.G. March, ed., *Handbook of Organizations*, p. 650-677.

Fowler, Alan. 1991. "The role of NGOs in changing state-society relations: perspectives from Eastern and Southern Africa" *Development Policy Review* 9, 53-84.

Gilley, Bruce. 2006. "The meaning and measure of state legitimacy: Results for 72 countries." *European Journal of Political Research* 45: 499–525.

Gilley, Bruce. 2006b. "The Determinants of State Legitimacy: Results for 72 Countries" *International Political Science Review.* 27,1: 47–71.

Gurr, Ted. 1970. *Why Men Rebel*. Princeton: Princeton University Press.

Jaccard, James and Choi K. Wan (1996). LISREL approaches to interaction effects in multiple regression. Thousand Oaks, CA: Sage Publications.

Jackson, Robert and Carl Rosberg. 1984. Popular Legitimacy in African Multi-Ethnic State. Journal of Modern African Studies. 22 (2): 177-198

Kanyinga, Karuti. 1996. "The Politics of Development Space in Kenya" in Semboja, Joseph and Ole Therkildsen (eds.) *Service Provision Under Stress in East Africa: State, NGOs & People's Organizations in Kenya, Tanzania and Uganda.* Copenhagen: Centre for Development Research.

Lister, Sarah. 2003. "NGO Legitimacy: Technical Issue or Social Construct?" *Critique of Anthropology* 23:2, 175-192.

Osodo, Patrick and Simon Matsvai. 1997. "Partners or Contractors? The Relationship Between Official Agencies and NGOs – Kenya and Zimbabwe." INTRAC: Oxford UK.

Owiti, Jeremiah, Otieno Aluoka and Adams G.R. Oloo. "Civil Society in the New Dispensation: Prospects and Challenges" in Okello, Duncan (ed). 2004. *Civil Society in the Third Republic.* National Council of NGOs: Nairobi.

Prewitt, Kenneth. EDUCATION AND CITIZENSHIP IN EAST AFRICA, 1966-1967: KENYA SAMPLE [Computer file]. Chicago, IL: Kenneth Prewitt, University of Chicago, Dept. of Political Science [producer], 196?. Ann Arbor, MI: Inter-university Consortium for Political and Social Research [distributor], 1976. doi:10.3886/ICPSR07301

Sandberg, Eve. 1994. "Introduction: The Changing Politics of Non-Governmental Organizations and the African State" in Eve Sandberg (ed.) *The Changing Politics of Non-Governmental Organizations and African States.* Westport CT: Praeger, 1-31.

Schatzberg, Michael. *Political Legitimacy in Middle Africa: Father, Family, Food.* 2001. Bloomington: Indiana University Press.

Selznick, Philip. 1949. *TVA and the Grass Roots.* University of California Press: Berkeley.

Suchman, Mark C. 1995. "Managing Legitimacy." *Academy of Management Review* 20 (3).

Sunshine, J. & T. Taylor 2003. "Moral Solidarity, Identification with the Community, and the Importance of Procedural Justice: The Police as Prototypical Representatives of a Group's Moral Values," *Social Psychology Quarterly*. 66: 2, 153-165.

Uphoff, Norman. 1993. Grassroots organizations and NGOs in rural development: opportunities with diminishing states and expanding markets. *World Development*. 21:4.

Wolf, Thomas P., Carolyn Logan, and Jeremiah Owiti. 2004. "A New Dawn? Popular Optimism in Kenya after the Transition." Afrobarometer Working Paper 33.

Young, Crawford. 1988. "The Colonial State and its Political Legacy" in Rothschild and Chazan (eds) *The Precarious Balance: State and Society in Africa,* 59-62,

Chapter Seven: Blurring the Boundaries: NGOs and the State in Africa

"People consider us government. They are confused about where government starts and [our NGO] stops."
(NGO Worker, Machakos District, September 2008)

"The government is now more NGO than the NGOs are!"
(NGO leader, October 2008)

Throughout this dissertation, the argument has been made that NGOs strengthen the state in Kenya. Taken individually, each chapter demonstrates the positive impact of NGOs on one of four "elements of stateness," providing new insights on the way that services are provided and on their impacts. Examining NGOs' role in one core state activity, public service provision, this study shows that NGOs have supplemented a sense of governing presence within the territory; they have expanded the state's capacity to provide services; they have influenced a slow turn toward participatory governance practices; and they have boosted the legitimacy of the state. Taken together, the chapters tell a rich story about how the state itself is changing in response to this new phenomenon.

NGOs, however, do not simply stimulate change within public offices, government agencies, and among government officials. Instead, in many cases, they themselves take on roles and responsibilities traditionally associated with public administration of services by public, government actors. Kenyan political scientist Walter Oyugi argues that government and NGOs have become partners in the development process in Kenya; NGOs' "activities essentially parallel and complement those of the state" (2004: 48). I argue, however, that NGOs run more than analogous programs to their government counterparts. NGOs have moved away from being third-party players, and toward integration and interweaving into the *de facto* organizational fabric of the state in Kenya. The line between non-governmental and governmental organization blurs, as service provision decisions are made, programs are offered, and district-wide planning is done jointly. And with the blurring, government performance improves.

Should we be surprised to see such a phenomena: nominally non-governmental actors assuming government responsibilities in Africa? Is it a sign that these states are getting weaker in the face of powerful international actors? Not at all. Political theorists since Tocqueville have described situations in which formally non-state actors undergirded weak states. Much as the churches, community organizations, women's groups and village councils of early America took on the responsibility for the education of children, the paving of roads, and the digging of wells, NGOs act in Kenya today. This occurs not only in the physical provision of services, but also in patterns of governance and decision-making. In Kenya, as in the US, "the tradition of a strong civil society bears some of the brunt of governing. Even before it became fashionable, government in the United States

utilized the private sector... to help make and implement policy" (Peters & Pierre 1998: 238, citing Salamon 1981 and Kettl 1987).

The point here is not that Africa today should be seen as replicating the United States two centuries ago. Instead, this research reminds us that the organizational composition of states should not be understood in starkly bifurcated terms, in which "government = state" and "non-governmental = outside the state." Instead, we should follow Migdal's (2001: 16) understanding of the state as more complex than "a single entity that is fairly autonomous, unified and centralized." As he says, "the state, no more probably today than at any other time in its history, does not have this unity, this individuality, this rigorous functionality" (*ibid.* 18).

At the same time, the manner and reasons for NGO integration into service provision in Kenya differ from many places in the world. For example, a large literature exists on NGO-state relations in corporatist (sometimes called state-corporatist or neo-corporatist) systems in East Asia, Eastern Europe and Latin America. In these countries, the state bargains with or provides licensing and regulation to NGOs, unions, and other sorts of civil society organizations ostensibly to organize them, but often also in order to restrict or limit them (see Schmitter 1974, Unger & Chan 1995, Saich 2000). Usually, the state designates particular organizations as interest group intermediaries, giving them power relative to other organizations in the system but usually weakening them relative to government. The organizations help implement policies of government and to organize others in the sector.

In China, for example, NGOs are frequently "welcomed" into state activities – or are created explicitly by the state – so as to remove them as a civil society threat by organizing and controlling them. Whether welcomed or created, all societal organizations need a state sponsor in order to operate, leading some to call China's arrangement "state-led civil society" (Brook & Frolic 1997). The boundary between state and society is therefore incredibly porous, if not completely intertwined. Conflict, when it occurs, is to a large extent, contained within the state (Gallagher 2004) since NGOs and other civil society organizations are so embedded in it. One might consider them appendages of the party-state (Foster 2002).

In Kenya, however, NGOs have not been silenced by their involvement in government. In this way, NGOs in Kenya often act like a "Trojan horse," entering government committees openly – even by invitation – only to change the government from the inside. Rather than government co-opting civil society, it is in fact slowly adopting the strategies and mechanisms promoted by civil society in its governing processes. Counter to the clear and large setback incurred following the presidential elections of 2007, this suggests a movement towards democratization and civic empowerment in Kenya, however small – a theme that was addressed in more detail in Chapter Four.

Interestingly, however, there remain some similarities with state-corporatist systems: in both Kenya and China, for example, NGOs have become interwoven with the government enough that they can be studied as "new elements of the state's administrative system," used by the government to carry out its mandated tasks

(Foster 2002: 42).[139] However, where integration in China reflects state control and cooptation, in Kenya, in involves mutual adjustment and cooperation. As in the implementation of policy, the borders between public administration and NGOs in Kenya are increasingly blurred and hazy.

* * * * *

More important than the recognition of a multiplicity of possible organizational configurations of the state, this work demonstrates that the African state has not been *undermined* by NGOs; rather, it has been *reinforced* by them. While some scholars, the news media and politicians have portrayed NGOs as threatening the state, in fact their actions serve to bolster it. In the language of Cameroon scholar Janet Roitman (2005), NGOs reconstitute the state, creating new networks of actors deploying state technologies.[140] Or as Callaghy, Kassimir & Latham (2001: 7) put it; trans-boundary organizations like NGOs have become involved in shaping and constituting order and authority in various social and political contexts in Africa.

At the same time, the Kenyan government clearly understands the priorities of a state, and makes efforts to fulfill the most fundamental states services of education, healthcare and security through public agencies. Recognizing that legitimacy derives from providing these services, the government has not left them to NGOs. Providing universal free primary education, in particular, has been one of the most visible programs of the Kibaki Administration.[141] Likewise, in cities and towns – particularly in Nairobi – improving physical security has been a clear priority.[142] NGO representatives mentioned feeling that these three services were primarily the responsibility of government, and that their role was to complement government on lesser priorities. As one said, "Common people understand that government… gives schools, hospitals, security. Nothing else. So we try to do what is overlooked by them" (2008-18). While NGOs often grumble about the way government works, they do not see their role as competing with it, but as filling gaps where public agencies do not reach.

Not only that, but NGOs have also become a means by which the state can conduct service provision "experiments" at little cost to public coffers. Because of the structure of their funding sources and accountability mechanisms, NGOs – often relatively well-funded vis-à-vis their government counterparts – have the flexibility

---

[139] Foster refers specifically to business associations in an article on the embedded nature of civil society in the state in China.

[140] Roitman does not write about NGOs, but about other types of non-state actors deploying state functions. She argues that regulation of trade and legitimate authority over the rules of it are no longer solely in governmental hands, but that a multiplicity of legitimate authorities has taken shape.

[141] The program is not without its faults. Because students no longer have to pay prohibitive school fees, the cost of providing universal education in some areas of the country has been vastly over-crowded classrooms, since additional classrooms and teachers have not been provided at the same rate as new students enroll. Single classrooms have as many as 120+ children (2007-29; 2007-30).

[142] While security seems to be improving in Nairobi, it is still a city where car-jacking, armed robbery and muggings are daily occurrences, and where news headlines like "Crime wave blamed on police officers" remain common (*Daily Nation*, 26 May 2005: 18).

and resources to attempt a variety of types of programs, projects and service provision methods, even when their failure rates may be high. Government agencies in Africa, especially at the local level, do not have this type of leeway in their budgets or in their programmatic decision-making. But African states can make use of this feature of NGOs, allowing them to bear the costs of programmatic experimentation and then adopting only their successful programs at the district, province or national level.[143] Already, they show signs of adopting NGOs' participatory methods, as well as some of their internal quality control mechanisms like service charters and employee performance appraisals.

Thus service provision – from policy making, to experimental attempts at implementation, to nationwide efforts to provide – has increasingly become a joint project of NGOs and government. Unlike the Moi Administration, which largely viewed NGOs with suspicion and hostility, the Kibaki Administration appears to recognize the benefits of working more closely with them. In colloquial terms, the Administration seems to have been feed the "collaborative governance" line by international donors and development agencies, and has decided to eat it up. This administration invites NGOs to participate in most line-ministry planning sessions, to contribute to the drafting of national policy and legislation, to set up offices within ministry buildings, and to conduct joint service provision activities throughout the country. Partly because the Kibaki Administration brought many NGO leaders into government during its first term, many of the participatory patterns of working that are commonly associated with NGOs have become government practice. As such, at least one NGO employee proclaimed, "The government is now more NGO than the NGOs are!" (2008-33).

NGOs, Legitimacy and Government Policy

On a practical and policymaking level, the findings in this dissertation pertaining to legitimacy may be the most useful to the Kibaki Administration and other developing country governments. Using two original survey instruments, this research proves that NGOs are not a serious threat to government legitimacy. If anything, NGO penetration, contact and access are correlated with *higher* views of government legitimacy in the survey districts. Thus the Kibaki Administration likely made a correct decision when it chose to collaborate considerably more with NGOs than did its predecessor – it appears it can only gain popular support for such action.

At the same time, the chapters on state legitimacy suggest that whether regular people trust their government officials and politicians or not has the greatest impact on legitimacy. This suggests, perhaps unsurprisingly, that while some African politicians choose to blame international actors, civil society or NGOs for their lack of popularity, their own actions have the greatest impact. The more transparently they govern, the more legitimacy they will garner.

Finally, both the relatively high legitimacy rates in the survey results, as well as data obtained in one-on-one interviews suggest that the Kenyan people are

---

[143] Clark (1995: 596) makes a similar point.

relatively forgiving or understanding of the financial and developmental difficulties of their government. In interview after interview, respondents talked about how *wananchi* believe that the government has a responsibility to provide for them, but essentially accept at the same time that it is not going to do so – either because it is unwilling or unable. When NGOs come to provide in government's stead, they do not then *blame* government for slacking on its duties. Instead, they tend to be simply grateful that some state-like organization is trying to look out for them. Particularly in rural areas among the extremely poor and uneducated, the provision of any service is appreciated and brings hope for the future to local residents.

NGOs, Accountability and the Long-Term

A common concern among development workers and scholars is the long-term feasibility of growing NGO involvement in the provision of services, not only in Kenya or Africa, but throughout the developing world. These concerns arise out of a number of fears: that NGO funding is not sustainable (Edwards & Hulme 1996: 964) and can end or fall arbitrarily at any time; that NGOs create greater dependency among poor countries; and that NGOs allow government inefficiency to self-perpetuating (Farrington & Lewis 1993: 333). This dissertation does not address the question of long-term consequences in great detail, choosing to focus on what *is* happening than predict what *might* happen in the future. Yet a few thoughts are in order.

It is a fact that the Kenyan – and many other poor country – governments currently cannot supply to their citizens the extent of services they might ideally provide. At present, NGOs are helping to do so, both by offering significant financial and physically resources and by positively encouraging participatory and transparent governance processes within the government. This said, the actual level of NGO involvement in no way matches that of government, either in the level of physical or financial resources from donors. Indeed, in recent years, donor agencies have returned to direct budgetary support for developing country governments, making NGOs worry more about their finances than they did in the 1990s or early 2000s. As one informant said, "Funds of government are up – and if it continues, NGOs won't need to be there anymore" (2008-33). Thus, while worries that NGOs are "taking over" are common, the reality is that NGOs have only a small portion of the resources of governments. Moreover, they rarely desire governmental-style control at any level.

Indeed, nearly all agree that the problems of development and of service provision in Kenya are ultimately the responsibility of the Kenyan government.[144] NGOs may be currently assisting with short-term development and maintenance efforts; they should not be seen an alternative to functioning public administration in the long run (Brautigam 1994, Chege 1999). More effort by international financial institutions, development agencies and donors should clearly be paid to the very difficult task of increasing administrative capacity within the state. In the medium

---

[144] See Martin 2005 for a similar sentiment regarding NGOs' role in Tajikistan.

term, however, NGOs are positively influencing this growth in capacity within the public service.

Just as concerns abound about the long-term sustainability of the NGO solution to the problem of service provision, many critical scholars worry about the lack of accountability to the people that NGOs have. The argument is that NGOs are accountable not to the impoverished people that they claim to serve, but to their international donors, who are usually both physically and cognitively distant from the situation on the ground. This is indeed an issue. Ideally, public administration, connected to democratically elected governments, would provide services to the people as they do in most wealthy countries, allowing for accountability through the voting process.

In the absence of such ideal situations, however, the question becomes whether it is better for non-democratic, but generally idealistic organizations to contribute or not. Seeing a) that the alternative would be a lesser total supply of services in a still only semi-democratic state, and b) that NGOs appear to be having a positive influence on the use of participatory and democratic methods within the public service, this issue becomes somewhat moot. It is of course important to acknowledge the fairly hypocritical gap in transparency and accountability of NGOs. Yet it might be equally foolish to too harshly judge them in this regard.

References

Brook, Timothy B. and Michael Frolic. 1997. *Civil society in China.* Armonk, NY: M.E. Sharpe.

Callaghy, Kassimir & Latham. *Intervention and Transnationalism in Africa.* "Chapter 1: Introduction: Transboundary formations, intervention, order and authority. 2001.

Clark, John. 1995. "The State, Popular Participation and the Voluntary Sector" *World Development,* 23:4, 593-601.

Edwards, Michael and David Hulme. 1996. "Too Close for Comfort? The Impact of Official Aid on Nongovernmental Organizations." *World Development* 6: 961-973.

Farrington, J., and D. Lewis (Eds.), with S. Satish, and A. Miclat-Teves. 1993. *NGOs and the State in Asia: Rethinking Roles in Sustainable Agricultural Development.* London: Routledge.

Foster, Kenneth W. "Embedded within State Agencies: Business Associations in Yantai." *The China Journal.* 47: 41-65.

Gallagher, Mary E. 2004. "China: The Limits of Civil Society in a Late Leninist State," in *Civil Society and Political Change in Asia: Expanding and Contracting Democratic Space.* M. Alagappa (ed.) Stanford, Calif.: Stanford University Press, 419-52.

Martin, Jay. 2005. "Can Magic Bullets Hurt You? NGOs and governance in a globalised social welfare world. A Case Study of Tajikistan." Discussion Paper No.92, Australian National University.

Migdal, Joel. 2001. *State in Society: Studying how States and Societies Transform and Constitute One Another.* Cambridge University Press.

Oyugi, Walter O. 2004. "The Role of NGOs in Fostering Development and Good Governance at the Local Level in Africa with a Focus on Kenya" *Africa Development.* 29:4, 19-55.

Peters, B. Guy and Jon Pierre. 1998. "Governance Without Government? Rethinking Public Administration." *Journal of Public Administration Research and Theory,* 8: 227-243.

Roitman, Janet. 2005. "The Garrison-Entrepot: A mode of governing in the Chad Basin" in *Global Assemblages: Technology, Politics and Ethics as Anthropological Problems.* Oxford: Blackwell Publishing, 417-436.

Saich, Tony. 2000. "Negotiating the State: The Development of Social Organizations in China." *China Quarterly.* 161: 124-141.

Schmitter, Philippe C. 1974. "Still the Century of Corporatism?" *The Review of Politics.* 36:1, 85-131.

Unger, Jonathan and Anita Chan. 1995. "China, Corporatism and the East Asian Model." *Australian Journal of Chinese Affairs.* 33, 29-53.