

# Civil Society and Political Change in Africa

## *The Case of Non-Governmental Organizations in Kenya\**

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### ABSTRACT

Civil society organizations have in recent times significantly altered state-society relations in Africa. Current analyses of these changes have focussed on the oppositional actions by civil society against repressive regimes. However, there is no systematic discussion of the *process* through which organizations in civil society have mounted challenges against the state or of the *factors* that make such challenges successful. This paper details how Non-Governmental Organizations (NGOs) in Kenya repelled controlling legislation introduced by the Kenyan government in 1990. It details the evolution of this challenge against the Kenyan state and suggests specific factors that enabled NGOs to successfully counter legislative control of their activities. This study therefore demonstrates how NGOs have contributed to the wider political reform movement in Kenya and extends present discussions on the role of civil society organizations in political change in Africa.

THE GROWTH AND political activity of civil society<sup>1</sup> in Africa has been associated with important challenges against authoritarian governments and with fundamental political change in African countries. This correlation is an important step in theorizing about the capacity for political influence among associational groups and non-state actors. This paper seeks to advance this theoretical project by transcending the focus on civil society's actions (events) and instead elaborating on *factors* that have facilitated effective political actions. Focusing on a specific confrontation between Non-Governmental Organizations (NGOs) in Kenya and the Kenyan government, I suggest a *combination* of factors that enabled NGOs to successfully counter state control of their development activities. Along with numerous others, this incident helped shape state-society relations in Kenya and add to the momentum for political liberalization.

\* An earlier version of this paper was presented at the Institute for Development Studies at the University of Nairobi, Kenya in June 1993. I wish to thank Karuti Kanyinga, Mutahi Ngunyi, Kabiru Kinyanjui, Ezra Mbogori, and Alan Fowler for various insights on NGOs in Kenya, and Patrick Alila, Paul Kaiser, Jeff Pickering, York Bradshaw, and C.R.D. Halisi for comments on earlier drafts. This paper is based on field work made possible by grants from the Rockefeller Foundation and the Midwest Universities Consortium for International Activities.

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A brief example from Kenya illustrates how voluntary and associational groups such as churches, organized labor, professional associations, and grass-root movements have in recent times challenged authoritarian regimes in Africa. Before the mid-1980s the Law Society of Kenya (LSK), an association of 1,500 lawyers, was a little-known entity in Kenyan politics. However, as the single-party government became more authoritarian, the LSK emerged as one of the few civil society organizations that fearlessly opposed the regime. For instance, it vehemently opposed the abolition of the secret ballot in 1986 and later the abolition of security of tenure (thus the independence) of the offices of the attorney general, the auditor general, and the high court judges (*Weekly Review*, March 30, 1990). By 1991, the Law Society was calling for the government to repeal laws under which government critics were jailed without trials and to register an opposition party (*Weekly Review*, March 15, 1991).

Other examples of civil society challenging undemocratic governments in Africa include Zambia where agitation by nascent pressure groups and the trade union movement led to a multi-party electoral system and the electoral defeat of the former single-party in 1991. In Zaire, scathing condemnation of President Mobutu's regime by the Church and a confluence of student and labor unrest in 1990 in part forced the introduction of multi-party politics (Leslie, 1993). In Ghana and Nigeria—long-governed by military regimes—civic associations, especially the lawyers' associations, have consistently opposed illegal state actions. Indeed, following the annulment of the 1993 elections by Nigeria's military leaders, an assemblage of civic organizations were at the forefront of calling for a constituent conference to re-write the Nigerian constitution. Similarly, NGOs engaged in advocacy activities (e.g. in Zimbabwe and Kenya) or working in strife-torn areas (e.g. in Uganda and Sudan) have also been embroiled in conflicts with governments bent on restricting their activities (Bratton, 1989b; *Weekly Review*, June 19, 1992).

Forthright political actions by civil society organizations have therefore dramatically altered state-society relations and influenced broader political changes in African countries. It is useful to examine recent political changes in Africa through the state-civil society relations framework because it highlights a central tension in the post-colonial African state—also described as a “precarious balance” (Rothchild and Chazan, 1988). This description appropriately captures the relationship between the state—representing the imperatives of order—and society with its diverse and narrow interests representing potential anarchy. Historical experience in Africa shows that the post-colonial state and its imperatives of order triumphed over disorganized societal interests and imposed a rigid political order in the form of a supreme single-party. The party-state suppressed organized collectivities that it considered potential challengers to its dominance of governance and to its legitimacy. In other instances, states encouraged or tolerated social movements that could enhance state legitimacy and effectiveness (e.g. the *Harambee* movement in Kenya [Holmquist, 1984]).<sup>2</sup>