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THE PRINCIPAL CONSTRAINTS CONFRONTING ADVOCACY GROUPS IN THE PROCESS OF DEMOCRATIC CONSOLIDATION IN POST-TRANSITIONAL AFRICA: A COMPARATIVE STUDY OF KENYA AND ZAMBIA

By
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A dissertation submitted for the degree of Doctor of Philosophy

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ABSTRACT

THE PRINCIPAL CONSTRAINTS CONFRONTING ADVOCACY GROUPS IN THE PROCESS OF DEMOCRATIC CONSOLIDATION IN POST-TRANSITIONAL AFRICA: A COMPARATIVE STUDY OF KENYA AND ZAMBIA

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The primary purpose of this study was to conduct a comparative investigation and systematic examination of the constraints confronting advocacy groups in the post-transitional states of Kenya and Zambia. The researcher also examined the effects of such constraints on the ability of advocacy groups to effectively contribute to the process of democratic consolidation. The constrained advocacy sub-sector of civil society in a supposedly democratic political setting is an intriguing paradox that is less studied and understood despite advocacy groups' critical role in the process of democratic consolidation. The study employed a domestic politico-institutional approach with a *comparative* and *case-oriented*, qualitative research design, primarily based on in-depth semi-structured interviews method of data collection.

The study demonstrated that advocacy groups in the post-transitional states of Kenya and Zambia are finding it extremely difficult to adapt to the new political environment. The groups are confronting constraints from the uncertainty of the new political environment defined by advocacy groups' internal contradictions and weaknesses, the legacy of authoritarianism, the influence of politics, primordialism, and international donor control; all have combined in varying degrees to undermine the role of advocacy groups in the process of democratic consolidation. Deliberate state strategies have also led to the 'closing civic space' for advocacy groups coupled with popular disengagement due to the disillusionment of citizens with advocacy groups' performance in the process of democratic consolidation. Advocacy groups are therefore a microcosm of society rigid and not as adaptable as previously portrayed in the literature of civil society studies. The contribution of advocacy groups to the process of democratic consolidation is, therefore, ambiguous. The study also concludes that domestic actors and institutions are the primary determinants of the pace and direction of democratic consolidation, while the state remains the most significant actor in the process.

LIST OF ACRONYMS AND ABBREVIATIONS

4Cs	Citizen Coalition for Constitutional Change
AFRICOG	African Centre for Open Governance
AIC	African Inland Church
AU	African Union
AVAP	Anti-Voter Apathy Project
CBOs	Community-Based Organisations
CDF	Constituency Development Fund
CGD	Centre for Governance and Development
CIC	Constitution Implementation Commission
CKRC	Constitution of Kenya Review Commission
CLARION	Centre for Law and Research International
CNU	Caucus for National Unity
COTU	Central Organisation of Trade Unions
CPI	Corruption Perception Index
CPK	Church of Province of Kenya
CRA	Commission for Revenue Allocation
CSP	Case Study Protocol
CSPR	Civil Society for Poverty Reduction
DDCCs	District Development Coordinating Committees
DFID	Department for International Development
EACC	Ethics and Anti-Corruption Commission
ERP	Economic Reform Programme

ERSWEC	Economic Strategy for Wealth and Employment Creation
FAPRO	Freedom of Association and Protection of Right to Organise
FFTUZ	Federation of Free Trade Unions of Zambia
FIDA-K	Federation of Women Lawyers-Kenyan Chapter
FODEP	Foundation for Democratic Process
FORD	Forum for the Restoration of Democracy
FRPBOs	Federation of Registered Public Benefits Organisations
GDP	Gross Domestic Product
GEMA	Gikuyu, Embu and Meru Association
GJLOS	Governance, Justice, Law, and Order Sectors
GNU	Government of National Unity
GOK	Government of Kenya
GONGOs	Government Organised Non-Governmental Organization
GTZ	German Organisation for Technical Cooperation
HDI	Human Development Index
HIPC	Highly Indebted Poor Countries Initiative
ICC	International Criminal Court
ICNL	International Centre for Not-for-Profit Law
ICT	Information Communication Technology
IEBC	Independent Elections and Boundaries Commission
IED	Institute for Education in Democracy
IFIs	International Financial Institutions
ILO	International Labour Organisation

IMF	International Monetary Fund
IRFP	Inter-Religious Forum for Peace
JSC	Judicial Service Commission
KANU	Kenya African National Union
KCC	Kenya Cooperative Creameries
KHRC	Kenya Human Rights Commission
KLRS	Kenya Law Reform Commission
KNBS	Kenya National Bureau of Statistics
KNHRC	Kenya National Human Rights Commission
LCMs	Living Conditions Monitoring Survey
LDP	Liberal Democratic Party
LRF	Legal Resources Foundation
MDSD	Most Different Systems Design
MMD	Movement for Multi-Party Democracy
MOU	Memorandum of Understanding
MUZ	Mine Workers Union of Zambia
MVOA	Matatu Vehicle Owners Association
MYW	Maendeleo ya Wanawake
NAK	National Alliance Party of Kenya
NARC	National Rainbow Coalition
NCC	National Constitutional Conference
NCCK	National Council of Churches of Kenya
NCEC	National Convention Executive Council

NCIC	National Cohesion and Integration Commission
NCSC	National Civil Society Congress
NDI	National Democratic Institute
NDP	National Development Plan
NECEP	National Civic Education Election Programme
NFPBO	National Federation of Public Benefits Organisations
NGC	National Gender Commission
NGOs	Non-Governmental Organisations
NGOCC	Non-Governmental Coordination Council
NLC	National Land Council
NPSC	National Police Service Commission
ODM	Orange Democratic Movement
OYV	Operation Young Voters
PBO	Public Benefits Organisation
PBODT	Public Benefits Organisations Dispute Tribunal
PBORA	Public Benefits Organisations Regulatory Authority
PCEA	Presbyterian Church of East Africa
PDCCs	Provincial Development Coordinating Committees
PEV	Post-Election Violence
PF	Patriotic Front
PIPE	Political Institutions, and Political Events
PNU	Party of National Unity
POA	Public Order Act

POs	Peoples Organisations
PRGF	Poverty Reduction Growth Facility
PRSP	Poverty Reduction Strategy Paper
SAGs	Sector Advisory Groups
SAPs	Structural Adjustment Programmes
SID	Society for International Development
SODNET	Social Development Network
SOEs	State-Owned Enterprises
SONU	Student Organisation of Nairobi University
SRC	Salaries and Remuneration Commission
SWGs	Sector Working Groups
TA	Thematic analysis
TI-Z	Transparency International-Zambia
TJRC	Truth, Justice and Reconciliation Commission
UN	United Nations
UNDP	United Nations Development Programme
UNIP	United National Independence Party
UNZA	University of Zambia
USAID	United States Agency for International Development
WB	World Bank
WMS	Welfare Monitoring Survey
WSF	World Social Forum
YWA	Young Women in Action

ZCF	Zambia Cooperative Federation
ZCSD	Zambia Council for Social Development
ZCTU	Zambia Congress of Trade Union
ZDHS	Zambia Demographic and Health Survey
ZNBC	Zambia National Broadcasting Corporation
ZNUT	Zambia National Union of Teachers
ZNWL	Zambia National Women's Lobby

CHAPTER 1

THE PRINCIPAL CONSTRAINTS CONFRONTING ADVOCACY GROUPS IN THE PROCESS OF DEMOCRATIC CONSOLIDATION IN POST-TRANSITIONAL AFRICA: A COMPARATIVE STUDY OF KENYA AND ZAMBIA

1.1. Introduction

The primary purpose of this study was to conduct a comparative investigation and critical examination of the constraints confronting advocacy groups in the post-transitional states of Kenya and Zambia. The researcher also examined the effects of such constraints on the ability of advocacy groups to effectively contribute to the process of democratic consolidation by restraining the exercise of state power, extending and protecting civil liberties and political rights, promoting political participation, broadening and democratising public policy-making, demanding transparency and public accountability and providing spaces for democratic deliberation, among other functions**.** After more than two decades of democratisation in both countries, the democratic spaces and platforms for the activities of advocacy groups have expanded exponentially, due to political and institutional reforms. Specific changes include the expansion of civil liberties and political rights,[1] a relatively free press and the establishment of competitive multi-party elections, which have resulted in more legitimate regimes[2] and created an environment for a potentially vibrant and autonomous civil society. However, several empirical studies from a variety of disciplines have demonstrated that civil society and, specifically, advocacy groups in African countries are still significantly weak, structurally deficient, fragmented, disorganised, ethnicized and lack autonomy and independence (Agbu, 2011; Lynch and Gordon, 2011; Mutua, 2008; Brown and Kaiser, 2007; Gyimah-Boadi, 2004).[3]

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[1] *Freedom in the World* (2003-2016) surveys have consistently ranked both Kenya and Zambia as "*partly free"* since 2003. These reports are available from www.freedomhouse.org

[2] According to Mainwaring (1992, p.296), a political regime is "a broader concept than government and refers to the rules that govern the interactions of major actors in the political system and involves institutionalization, i.e. the idea that such rules are widely understood and accepted, and that actors pattern their behaviour accordingly".

[3] Gyimah-Boadi (2004) argues that the weakness of civil society in Africa is mostly pronounced in the areas of public accountability and redressing state-society relations in favour of the latter, creating doubts about its ability to mid-wife democratic consolidation.

These deficiencies have increased pessimism among scholars of democratisation, policymakers, practitioners and ordinary citizens about the ability of advocacy groups to effectively contribute to the process of democratic consolidation. Advocacy groups are fundamental to the process of democratic consolidation and played a pivotal role in the collapse of authoritarian systems in Africa, during the "third wave" (Huntington, 1991) democratisation process. They were thus widely regarded as the "prime catalysts" for promoting and sustaining democratisation in Africa (Ibrahim, 2015; Dwyer and Zeilig, 2012; Habib and Taylor, 1999; Diamond, 1997; Bratton, 1994; Liebenberg, 2000). Additionally, the role of advocacy groups in the process of democratic consolidation has become more crucial due to the numerous obstacles to democratic consolidation such as poor economic performance, weak bureaucratic and political institutions, the persistence of neo-patrimonialism, vast social and economic inequalities, lack of national elite consensus on democracy (Whitefield and Mustapha, 2009; Villalon and VonDoepp, 2005), fragile democratic values and beliefs (Khadiagala and Nganje, 2015; Kivuva, 2011) and lingering authoritarian tendencies (Bratton and Van de Walle, 1997; Van Doepp, 1996).[4]

It is, therefore, critical to investigate the factors that constrain advocacy groups in a supposedly democratic environment and the impact that such constraints have on the ability of these groups to effectively contribute to the process of democratic consolidation. The study employed a domestic politico-institutional approach[5], which posits that institutions, interests and strategic behavior of political actors such as advocacy groups shape political outcomes within specific contexts (Bratton, 2010; Teorell, 2010; Bratton and Van de Walle, 1997) to comprehensively achieve these objectives. This framework provides a systematic account of the constraints confronting advocacy groups in both Kenya and Zambia as generated by political and institutional variables and strategic behaviour of these groups in the process of democratic consolidation. The study explores the nature, composition, organisation, strategic choices and the complex interaction of advocacy groups with other principal political actors in

[4] There have also been an increasing level of political repression in many supposedly democratic countries in Africa such as Rwanda, Uganda, Ethiopia, Democratic Republic of Congo, Lesotho, Togo, Burundi, Niger, Mozambique, South Sudan and Zambia.

[5] Other theoretical approaches in comparative democratization include structural theories (Lipset, 1959; Diamond 1992), social approaches (Moore, 1966; Rueschmeyer et al, 1992), economic models (Haggard and Kaufman, 1996) and strategic approaches (Diamond 2010; O'Donnell and Schmitter, 1986)

generating both constraints and opportunities for these groups' in the democratic consolidation. The goal here is, therefore, to delve into the experiences of advocacy groups in the post-transitional environment in both countries to generate a more powerful understanding of the political and contextual constraints confronting these groups, thus, making it possible to situate their role within the broader and rapidly changing process of democratisation in Africa. The study argues that by employing such an eclectic approach, we stand a better chance of understanding the pattern of constraints confronting advocacy groups in their quest to support the process of democratic consolidation in both countries. The approach is explained in detail in Chapter 2 of this dissertation.

It is critical to note that the study of democratic consolidation is a major area of interest within the field of comparative politics, specifically the "embryonic sub-disciplines of transitology and consolidology"(Schmitter, 2008, p. 14).[6] These sub-disciplines help provide a comprehensive understanding of the democratisation process with the goal of improving the outcomes of contemporary efforts by various actors in supporting both the system and the process of democratisation. In recent years, there has been an increased interest in consolidology in Africa due to the establishment of more democracies from the late 1980s to early 1990s and the need to support these regimes to institutionalize and complete the process of democratisation. To place this study firmly within the broader theoretical and contextual framework, major theories and themes that are common to most attempts at explaining and understanding the process of democratic consolidation are examined.

1.2. Statement of the Research Problem

Despite the intriguing paradox of a constrained advocacy sub-sector of civil society in a supposedly democratic, supportive and enabling political environment, relatively little empirical research has been conducted to qualitatively examine the constraints confronting advocacy groups in the post-transitional Africa. Moreover, the effects of such constraints on the ability of advocacy groups to effectively contribute to the process of democratic consolidation are less studied and understood. It must be noted that by the late 1990s, there

[6] Schmitter (2010) suggests that consolidology promises to be a flourishing academic sub speciality of comparative politics

were already mounting doubts about the pace and direction of democratisation in Africa. Joseph Richard, for instance, described the democratic transitions in Africa in 1991 as a 'virtual miracle'[7] (Joseph, 1991). Seven years later, he observed a reverse trend, noting that these regimes were building up to variants of 'virtual democracies,' emphasising the significance of the 'virtuality' of ritual and symbols of appearance and presentability in these regimes (Joseph, 1998, p. 13). These regimes had transformed into autocratic systems, characterised by less citizen participation, rigging of elections, weak opposition political parties, executive-compromised judiciary and legislatures, a controlled press and a neutered civil society. According to Joseph (1998, p. 15), Africa had moved from "*abertura* to political closure." Similarly, Marina Ottaway (1997), in a very realistic assessment of the African democratisation process, was sceptical about democratic prospects for most African countries due to power struggles and economic crises among other factors.

Recent studies have also been pessimistic about democratisation prospects in Africa, due to the loss of momentum and stagnation (Joseph, 2016; Kivuva, 2011; Diamond, 2009; Van de Walle, 2009). The Economic Intelligence Unit's Democracy Index 2016[8], which measures democracy in a "thicker"[9] fashion, showed that there was only one country categorised as a *"full democracy"* in Sub-Saharan Africa and only nine countries categorised as "*flawed democracies*." More than a dozen countries were classified as "*hybrid regimes,"* and the most worrying trend was that 23 countries were still categorised as "*authoritarian regimes*." Similarly, using Freedom House data, Pfeiffer and Englebert (2012) concluded that, "On average, African regimes displayed rapid improvements in democracy from 1989 to 1995, followed by overall stagnation, after that. In 2011, regime, distribution showed that the continent had nine *"free*" 23 "*partly free"* and 16 *"not-free"* countries." By 2015, Freedom House reported that the number of regimes categorised as *"free"* had remained the same, while those categorised as "*partly free"* had decreased from 23 to 19. The most significant result was

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[7] See Joseph (1991) "Africa: The Rebirth of Political Freedom," *Journal of Democracy* 2:11-24

[8]Democracy Index (2016): Revenge of the "deplorables," A report by the Economic Intelligence Unit, available from http://felipesahagun.es/wp-content/uploads/2017/01/Democracy-Index-2016.pdf. The democracy Index is based on five categories: electoral process and pluralism; civil liberties; the functioning of government; political participation and political culture. Based on these scores on a range of indicators with these categories, each country is then itself classified as one of the four types of regimes: "full democracy," "flawed democracy," "hybrid regimes," and "authoritarian regime."

[9] The EIU uses a more inclusive and wider measure of democracy in their methodology

that regimes classified as *"not-free"* had dramatically increased from 16 in 2011 to 24 in 2015[10] representing a 50 percent increase within only four years.

Several other international reports on the state of democracy in the continent reflect this broader trend of democratic stagnation and rollback.[11] Sub-Saharan Africa has thus been described as "the grey zone region per excellence" (Moller and Skaaning, 2013, p. 5) or the "twilight zone" (Diamond 1999b), populated by deeply entrenched "hybrid regimes," which are characterised by a mix of both formal democratic institutions and authoritarian practices (Diamond, 2002).[12]This trend of "democratic stagnation" has been steady for almost two decades, and there is no compelling evidence to suggest that it is likely to change soon. While the number of African countries holding elections has dramatically increased over the years, the quality of those elections has tremendously decreased (Bratton and Posner, 1998) due to the emergence of a sophisticated pattern of electoral authoritarianism, where "electoral contests are subject to state manipulations so severe, widespread, and systematic that they do not qualify as democratic" (Schedler, 2006). Electoral authoritarianism is thus becoming its own stable kind of regime on the continent.[13] Broadly, these trends are significantly contributing to the shifting of opinion from cautious or guarded optimism to open pessimism, regarding the democratic prospects in the continent.[14] This state of democratic stagnation in Africa has heightened the need to examine the specific constraints confronting major political actors such as advocacy groups in the process of democratic consolidation - the focus of this study.

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[10] *Freedom in the World* Annual Reports 2011 and 2016, available at https://freedomhouse.org/. Freedom House freedom ratings is an average of political rights (PR) and civil liberties (CL). Rating from 1 (most free) to 7 (least free). Ranked overall as "free" (1.1-2.5);" Partly free" (3.0-5.0) and "Not free" (5.5-7.0) (Freedom House 2012)

[11] Various Mo Ibrahim Index Reports of African Governance, available from http://mo.ibrahim.foundation/iiag/. There have been a few cases of democratic breakthroughs in Africa; In Ghana (2016), Nigeria (2015) and Malawi (2014)-incumbent Presidents lost in the elections, while in Gambia (2016), Burkina Faso (2014) and Coted'Iviore (2011)-incumbents were forced out of office.

[12] Other Scholars have described these types of regimes as "frozen democracies (Rakner, 1999), "feckless democracies" (Carothers, 2002) "pseudo-democracies" (Diamond, 2002), "electoral autocracies" (Haynes, 2012), "defective democracies" (Merkel, 1999a), "illiberal democracies" (Zakaria, 1997), "delegative" (O'Donnell, 1994), "multi-party autocracies" (Moller and Skaaning, 2013) among others

[13] See also Van de Walle (2010), O'Donnell (2010) and Diamond (2002)

[14] Specifically shifting of opinion from afro-optimism to afro-pessimism.

Secondly, the role of civil society and particularly popular organisations in the process of democratisation was accorded less attention in earlier studies, which primarily focused on elite predisposition and structural preconditions in explaining the dynamics of the democratization processes (Bermeo 1997; O'Donnell and Schmitter 1986; Moore 1966; Lipset 1959). As Pinkney (2003) has pointed out, most of these studies assumed that most transitions involved negotiations between government and opposition elites with the broader society, including civil society and the masses, playing a marginal role in the process.[15] These studies emphasised "elite strategic choices" in the democratization process (Collier, 1999, p. 5). The focus of this study on popular organizations is, therefore, timely and brings back into political analysis, the role of civil society in the democratization process. Moreover, democratic survival has not required such structural requisites dominant in the earlier studies (Schmitter 2010; O'Donnell 2010). Additionally, the bulk of previous studies on democratisation in Africa primarily focused on the transition process with little attention paid to the process of democratic consolidation. Indeed, Young (1998) has pointed out the crucial need to move away from "initial transitional dynamics" towards evaluating other aspects of democratisation, including, constraints to democratic consolidation and contradictory aspects of the democratization process. This position, therefore, informs the focus of this study.

Thirdly, several scholars have lamented the lack of empirical comparative research and case studies on democratisation in Africa (Erdmann and Simutanyi, 2003; Herbst 2001). Obadare (2013) for instance, has argued that democratisation studies in Africa have tended to be more national rather than comparative and, thereby, providing less knowledge across countries. Similarly, Shin (1994) has decried the shallow treatment of democratisation issues on the continent. This comparative study, therefore, seeks to fill in both the practical and theoretical knowledge gaps identified above, by using Kenya and Zambia as case studies. The study aims to answer two fundamental questions: "Why are advocacy groups constrained in the post-transitional states of Kenya and Zambia?" and "how have these constraints impacted on the ability of advocacy groups to effectively contribute to the process of democratic consolidation in these countries?."

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[15] See also O'Donnell and Schmitter (1986) *Transitions from Authoritarian Rule: Tentative Conclusions about Uncertain Democracies*, Baltimore, Johns Hopkins University Press.

The study fundamentally shifts the focus of political analysis and debate from issues of democratic transition to problems of democratic consolidation. It employs a combination of a *comparative and case-oriented qualitative research* methodology to give detailed insights and contextual relevance to the issues and countries being studied. The methodology is explained in detail in Chapter 3 of this dissertation.

1.3. The significance of the Study

The current study investigated and explained the constraints confronting advocacy groups in the post-transitional societies of Kenya and Zambia and the impact that such constraints have had on the ability of advocacy groups to effectively contribute to the process of democratic consolidation. Having midwived the process of democratic transitions, during the "third wave" democratisation process, there has been a growing scholarly interest and political attention on the power of civil society to transform the state and contribute to the process of democratic consolidation. Diamond (1996) has emphasised this point by asserting that democratic change in the developing world cannot be comprehended without reference to civil society. It is a political reality that cannot be wished away. This contention is based on the fact that "civil society is sovereign" (Bratton 1994, p. 59) and the right of the elite to exercise state power depends on popular acceptance,[16] a value that is "manufactured by the institutions of civil society." In seeking to explain democratisation in Africa, Harbeson (1994, p 1-2) advances this idea by proposing that civil society enables a clearer understanding of the interface between society and government. Civil society, he writes, is the "missing key to sustained political reform, legitimate states and governments, improved governance, viable state-society and state-economy relationships and prevention of the kind of political decay that undermined the new African governments a generation ago." Civil society groups are, therefore, indispensable in understanding political change and democratic sustainability in developing countries.

[16] Popular acceptance of democratic elections is the basis of political legitimacy for a democratic government.

The study is also significant since it fundamentally shifts the focus of political analysis from issues of civil society and democratic transition, which have dominated political and academic discourse in the last two decades in Africa, to problems of democratic consolidation, which are still less studied and understood. The study, thus, broadly contributes to the growing comparative literature on democratisation studies in Africa and the broader research agenda of the relationship between civil society and democratic consolidation. It significantly advances our knowledge of civil society and democracy by providing a systematic and excellent in-depth understanding of the contingent connections between advocacy groups and the challenges of democratic consolidation. This kind of focus represents a critical area of research that has not received much attention in democratisation studies. The study could thus inform the experiences of advocacy groups in other democratising countries in the developing world and offer useful, functional guides to students of comparative democratisation, scholars, policymakers, local and international stakeholders, who are keen on gaining a deeper understanding of advocacy groups and the process of democratic consolidation in post-transitional Africa.

The current study is one of the few studies that systematically investigate and explain the constraints confronting popular organisations in the process of democratic consolidation in a non-western context. Most studies in this area of research are grounded in the experiences of Latin America, Southern, Central, and Eastern European countries.[17] Africa has been less prominent in this literature, and the few studies, which have relevance to the African context have primarily focused on the democratic transition process. The present study, therefore, fills a significant gap in the literature of civil society and democratic consolidation by extending this area of investigation and debate to the African context. Although the study has an African focus, it is of broader relevance to developing countries that are experiencing democratic transformation. Specifically, this study contributes to the literature on the two embryonic sub-disciplines of comparative politics, transitology, and consolidology, which have been in evolution since the beginning of the democratisation wave in Southern Europe in 1974.

[17] See for example the studies by Ekiert and Foa (2017), Howard (2003), Rose (1999), Bernhard (1996), Lomax 1997, Green (2002), Staniszkis (1999), Rose, Mishler and Haerpfer (1996), Bernhard and Karakoz (2007) among others.

In the end, the study helps us gain a better and more insightful understanding of the constraints that popular organisations face in the post-transitional dispensation in Africa and the effects of such constraints on their effectiveness in the process of democratic consolidation. This broader and more comprehensive understanding has significant benefits to advocacy groups, activists, scholars and development agencies involved in democracy promotion in Africa and other developing regions around the world. This current study is also pioneering research that systematically applies the concept of popular disengagement in a *horizontal dimension* to explain the constraints confronting advocacy groups in the post-transitional countries of Kenya and Zambia and the impact of disengagement from advocacy groups on their ability to effectively contribute to the process of democratic consolidation. The concept of disengagement has dominated explanations of state-society relations in the continent since the 1980s as an alternative to state-centric approaches (Migdal, 1988; Azarya 1988; Rothchild and Chazan 1988; Azarya and Chazan, 1987) which have been criticised for failing to include relevant societal actors and forces, which are critical to the political process.

Although the concept embraced civil society as a crucial player in the process of governance and development, democratization studies in Africa from the perspective of disengagement have almost exclusively focused on state-civil society relations (Baker 2001, Dicklitch, 1998; Mamdani and Wamba-dia-Wamba, 1995; Assies, 1994; Lewis 1992,) and ignored the fact that civil society itself, as a component of society, has its own internal dynamics and relations with other components of society. Barkan (1992, p. 6) has emphasized this point by noting that studies utilising the concept of disengagement have, "singularly neglected the *horizontal dimension* within society, i.e., the relations among the various constituent actors in society." This study is, therefore, one of the first studies to systematically apply the concept of popular disengagement, in its *horizontal dimension*, as a constraint to advocacy groups and its effects on the ability of these groups to contribute to the process of democratic consolidation. The study employs social power perspective, which recognizes the variety of cross-cutting authorities within society with the state just being one of them (Osaghae, 1995a; Chazan, 1988a).

The concept of popular disengagement has been extremely productive in analysing societal responses to state actions and, therefore, could as well be very productive in examining individuals' responses to the actions of their own organisations in a rapidly changing political and socio-economic environment as a result of the process of democratisation. The current study thus consciously and deliberately seeks to reassert the agency of the individual to the center-stage of social change and political analysis in African politics. It focuses on the analysis of the views of the citizens and their experiences in the production of knowledge and thus recognizes Africans as producers of knowledge in their cultural and political context. The intellectual and practical focus on individuals as agencies, who make choices is crucial since they are the backbone of political transformation, yet several studies have tended to ignore their views and how they exercise agency in political and social processes. The study thus takes the level of analysis down to the communities and individuals, who sometimes get unnoticed and thus provides knowledge that respects the nuances of the local situation, connect this knowledge to the wider process of democratic consolidation and expands the breadth and understanding of the social and political expression of popular disengagement through the analysis of the dynamics of individual relationships with their own organizations in both Kenya and Zambia and how it relates to the process of democratic consolidation. Additionally, employing the concept of popular disengagement in a horizontal dimension broadens our understanding of social processes within African societies that impact governance, beyond the state and more so, elucidates how such processes specifically affect advocacy groups' effectiveness in the process of democratic consolidation. In this specific instance, the study re-orients political analysis away from the more visible political processes and towards the invisible dynamics of popular disengagement and advocacy groups that otherwise may have a more significant impact on the capacity of advocacy groups to influence the process of democratic consolidation.

The study employs an eclectic approach in the form of domestic politico-institutional approach, which immensely contributes to both theory and literature on civil society and democratisation in Africa as it emphasises the role of institutions, interests and strategic behavior of political actors in shaping political outcomes within specific contexts. The approach thus focused on domestic political factors with specific attention to structural and contingency dimensions. In other words, advocacy groups are constrained by the political and institutional environment in which they find themselves and the strategic choices that they make within such

an environment. The employment of this approach is significant to the study of civil society and democratic consolidation in several ways. Firstly, it allows for a comprehensive understanding of domestic considerations for democratic consolidation, such as domestic institutions, strategic choices of political actors and the context shaping the rules of the game (Bratton and Van de Walle, 1997). It, thus, focuses explicitly on political actors, who fundamentally and ultimately shape, the pace, and the direction of democratic progress (Murunga and Nasongo, 2007; Burnell, 2000; Ottaway, 1997; Remmer, 1995, Ake, 1991). Additionally, a concern with rules and struggles enables analysts to address a full range of other issues that are pertinent to constraints confronting advocacy groups in the process of democratic consolidation in the post-transitional dispensation in Kenya and Zambia. Secondly, the approach shifts the focus of analysis from concerns with preconditions and agents only driven explanations in studying the dynamics of civil society and democratisation to the incorporation of the structure into the analysis of agency, which has gained much attention in the recent past. The approach, thus, offers us a better chance of an in-depth understanding of the constraints confronting one of the major political actors in the process of democratic consolidation and how such constraints have impacted on their ability to effectively contribute to the process of democratic consolidation.

Finally, the employment of an *empirical-analytical approach* with a *functional perspective* (Heinrich, 2010*)* to civil society in Kenya and Zambia, breaks away from the *theoretical-normative approaches* that have dominated the study of civil society in Africa. The approach has several advantages over the theoretical-normative approaches. Firstly, it views civil society as a societal sphere and focuses on the *purpose of the activity* of advocacy groups rather than *their form of organisation*, which is mostly influenced by cultural and historical processes. It is, thus, much more realistic and practical as, it, studies, "what existing civil societies are doing" as opposed to "what civil society ought to do." It examines the features of "real civil societies" (Alexander, 1998) as experienced on the ground, where civil society performs its functions. Dicklitch, (1998, p. 3) has emphasised this point by stating that, "The recent surge of interest in NGO activity in Africa calls for an examination of what role they play as opposed to what role they are expected to play in the democratisation process." The empirical-analytical approach, therefore, facilitates the adoption of the concept of civil society to a non-western context without the perceived cultural incompatibility of the concept with non-

western societies. Varshney (2001, p. 369-70) has asserted that in non-western societies, "the purpose of the activity rather than the form of the organisation should be the critical test of civic life." The study thus contributes both to the current literature on civil society and comparative politics by employing an approach that significantly helps in understanding 'real civil societies' in Africa and the developing world in a comparative manner.

The study adopted an innovative combination of *case analysis and cross-case comparison* in a single study, based on semi-structured personal in-depth interviews with both key experts and ordinary citizen respondents. This methodology has several advantages. It ensured the combination of both "*knowledge from above,"* and *"knowledge from below*" (Bienen and Herbst 1991; Dwyer and Zeilig, 2012)[18] or *emic perspective* (Monga, 1996), leading to comprehensive and more in-depth coverage of the issues under study. This focus, therefore, contributes to a growing research agenda dissatisfied with the dominant focus of democratisation studies on only elites and institutions. Such top-down approaches have failed to capture the contribution and the relationship of local level action to the national processes of transformation (Bratton and Van de Walle, 1997; Robinson, 1994; Mainwaring, 1992). This study, therefore, brings back into political analysis, the influence of the local citizenry and local actions in the national process of change and the dynamics of the relationship between popular organisations and the masses, in the explanations of the constraints confronting advocacy groups in post-transitional countries of Kenya and Zambia. This approach is critical since less attention has been paid to how African people assess their own issues (Potts and Mutambira, 1997) and articulate their concerns in their own voices.[19]

The combination of *case analysis and cross-case comparison* in a single study is also considered as one of the most reliable means of drawing inferences from case studies (Goodrick, 2014; Smith-Hohn, 2010), leading to credible and invaluable insights from a comparative standpoint on the constraints confronting advocacy groups in the post-transitional countries of Kenya and Zambia and their impact on the ability of these groups to effectively contribute to the process of democratic consolidation.

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[18] In some democratization studies "knowledge from above" approaches are also referred to as top-down approaches, while knowledge from below approaches are referred as bottom-up approaches.

[19] Ordinary people in Africa are often taken as objects of study rather than subjects of study in much of democratisation studies.

The study adopted a *hybrid approach* to the thematic analysis in its interpretation phase by combining both *deductive* (theory-driven) and *inductive* (data-driven) data analysis methods. The deductive method relied on the study's propositions, while the inductive method captured relevant data that did not fit into the framework of the propositions thus ensuring the possibility of refinement the theoretical framework. This approach ensured a thorough and comprehensive analysis and interpretation of data, thus providing a better and complete understanding of the constraints confronting advocacy groups in the post-transitional countries of Kenya and Zambia and their impact on the ability of these groups to effectively contribute to the process of democratic consolidation. Finally, the current study is a significant attempt to respond to scholars, who have lamented the lack of empirical comparative research and case studies on democratisation in Africa (Erdman and Simutanyi, 2003; Herbst 2001; Shin, 1994)

1.4. The scope of the Study

The scope of this study is exclusively limited to finding the correlations between the primary constraints confronting advocacy groups in the post-transitional countries of Kenya and Zambia and the impact that such constraints have on the ability of advocacy groups to effectively contribute to the process of democratic consolidation from the early 1990s to 2012. Several noteworthy events beyond 2012 have also been included in the analysis. The study does not aim to develop an overarching theory of democracy, democratisation or democratic consolidation. It employs domestic politico-institutional approach, which views institutions, interests and strategic behaviour of political actors as the main determinants of political outcomes within specific contexts. It thus focuses on the interplay between contingency choices of political actors, institutions and contextual settings. The study considers advancing change in the direction of democratic consolidation as the desired goal of advocacy groups and other political actors in the new political and institutional environment in both countries.

The study considers objective conditions such as economic development, social stratification, poverty and inequality to be correlated with democratic consolidation, but insufficient in explaining the prospects for democratic consolidation. It, therefore, focuses on evaluating advocacy groups' strategic choices, interests and mutual interactions with other political players under the obtaining political and institutional conditions to understand the principal constraints confronting these groups and the impact of such constraints on the ability

of these groups to effectively contribute to the process of democratic consolidation. The study utilises macro, meso and microdata in its analysis and argues that the constraints confronting advocacy groups in both countries are mediated by domestic, structural, cultural and economic factors. The study's propositions provide its structure and further places limits on its scope. While appreciating the impact of external factors and actors[20] on the role of advocacy groups in the process of democratic consolidation, the study, however, prioritized the roles of domestic actors and institutions as critical drivers of the process of democratic consolidation. It contends that although international actors and factors played a significant role in the initiation of democracy in the selected cases, they only play a secondary, supportive and facilitative role in the process of democratic consolidation (Pinkey, 2003). Moreover, the effects of international factors on democratic consolidation are mediated by domestic actors. Domestic actors and factors, therefore, fundamentally shape the pace and direction of the process of democratic consolidation (Burnell, 2000; Ottaway, 1997; Remmer, 1995).

1.5. Definitions of Major Terms and Concepts

Most of the central concepts at the core of this study, such as civil society, democracy, and democratic consolidation among others are highly contested both in academic and development discourses and, therefore, subject to permanent "wars of interpretation" (Slater, 1997, p. 385). In the end, it may not even be necessary to agree on one definition for such concepts. Instead, we should recognise and accept the utility of various definitions, depending on the context in which they are used. What is vital is to explicitly specify the perspective and orientation in which a concept is employed in any study to ensure conceptual and methodological clarity, since empirical results of any scientific research depend on the definitions of concepts used (Sartori, 1970)

[20] Such international factors include international assistance to democratic actors, democratic conditionality, training and capacity building of civil society actors, demonstration effects and the increasing emphasis on human rights and democracy promotion by international actors.

1.5.1. Civil Society

Civil society is one of the most contested concepts in the social sciences with several definitions, depending on the perspective and orientation in which the concept is used. This study broadly conceived civil society as *"the arena between the family, market, and state in which people associate to advance their interests"* (Heinrich 2010:29). In other words, a distinct societal sphere in which people associate voluntarily to advance common interests (Anheier 2004; Schwartz and Pharr 2003; Kymlicka 2002; Bratton 1994). It is an intermediary space between citizens and the political system, which is populated by a multitude of voluntary associations, both formal and informal, representing a wide range of competing and sometimes conflicting interests and values. Civil society groups perform various functions in society, including, service delivery, monitoring government policies, ensuring public accountability and advocacy on behalf of their members and the public (Ibrahim and Hulme 2010; Doyle and Patel 2008). Civil society has an organic relationship with the state as both produce similar social realities constructed in the public realm (Kanyinga 2009). The groups within civil society regularly interact with the state but are independent from it (Chazan, 1992). This point is emphasized by Diamond (1994, p. 15) when he writes, "Civil society must be autonomous from the state, but not alienated from it. It must be watchful but respectful of state authority." However, it must be noted that civil society is also an arena of power relations, struggles, exploitation and inequality (Alagappa, 2004, Van Doepp 2000) with contradictory possibilities, outcomes, and conflict, which in some cases impede the process of democratization. It is a bedrock of heterogeneity and an "ensemble of contradictory social relations" (Shivji 1988)

This study adopted a broad definition of civil society as outlined above for several reasons. Firstly, the definition is suitable for the study's empirical-analytical framework, which has been explained in this chapter and which also treats civil society as a distinct public sphere of collective action, separate from the state, the market and the family (Deakin 2001; Linz and Stepan 1999). Secondly, the broader definition of civil society applies to a wide range of contexts, especially the African context, which is dominated by informal, unorganised social groups, and other less institutionalized forms of civil society formations, which institutionalized definitions of civil society would not fully capture. The conceptualization of civil society adopted for this study, is, also appropriate for a comparative study such as this, since civil society in both Kenya and Zambia are usually broadly defined to include Africa's diverse

elements, modes and manifestations of associational life, both formal and informal, as part of civil society. Thirdly, the definition does not prescribe the *forms of organisations* which should qualify as civil society, a feature, which is primarily determined by historical and cultural processes, but instead defines organisations that belong to civil society in terms of their *purpose* (Heinrich, 2010).

This perspective is crucial since democratic systems and processes require civil society primarily for purely functional reasons.[21] Additionally, the adopted definition for this study is universal as it avoids equating civil society with a "narrow set of historical phenomena found principally in Western Europe, reducing it to a set of values that are culturally determined" (Alagappa, 2004). Obadare and Willems (2014) explicitly make this point, when they note that African civil society is not a replica of western models but manifest its own historical and social conditions. Furthermore, focussing on the nature of activities of civil society groups broadens the scope of civil society engagement in the process of democratic consolidation to include, individual citizen participation, social movements and other unorganized forms of civic engagements.

It is important to note that this study views civil society as conceptually and analytically distinct from political society, although, in practice, the boundary between the two societies are blurred as individuals frequently occupy more than one space and may at times enter and exit these spaces. Additionally, most civil society groups and, especially advocacy groups work with political parties to achieve shared goals and objectives. The study, thus, excluded political parties from the sphere of civil society, since they properly belong to political society (Hann and Dunn 1996; Foley and Edwards, 1996; Tocqueville, 1835), which is "an arena in which the polity, specifically arranges itself for political contestation to gain control over public power and the state apparatus" (Stepan, 1988, p. 4), while civil society organisations only seek to influence the processes and policies of the state. Similarly, Bratton (1994) defines political society as the institutions through which societal actors seek to win and exercise state power. These institutions openly practice partisan political contestation, whereas civil society groups, neither seek to gain nor to exercise state power. Cohen and Arato (1992, p.x) have also captured

[21] Such functions include checking state power, representing specific constituencies and interests, offering alternative policy perspectives and lobbying the government on policy issues among others.

this difference between civil and political society when they write, "The political role of civil society, in turn, is not directly related to the control or conquest of power, but the generation of influence through the life of democratic association and unconstrained discussion in the public cultural sphere."

1.5.2. Advocacy Groups

Advocacy groups are broadly conceived in this study as "any organisation that seeks to influence government policy, but not govern" (Young and Everitt, 2004, p. 5). They are critical components of civil society since they are the principal means through which citizens attempt to influence public policy. The groups perform this function by providing channels through which citizens can voice their preferences, opinions, and views on a range of social, political and economic issues. This study deliberately and purposefully chose the term *"advocacy groups*" as opposed to the narrower term "*interest groups*," which focuses solely on groups that seek to lobby the government to take action that specifically benefits their members. As Young and Everitt (2004) have noted, the term advocacy group is a broader term that includes groups that seek both selective and collective benefits. This distinction is important from the perspective of democracy since policy debates dominated by groups seeking selective benefits do not always advance the process of democratic consolidation.[22] Moreover, most groups selected for this study were "public interest groups" (Berry 1977) claiming to represent the public interest, specifically, the advancement of democracy.

Advocacy groups have high visibility, diversity and exhibit variations in size, agenda, and location. Some are membership organisations, while others are non-membership, highly professionalised groups with paid staff and permanent offices. The groups also operate at the international, national or local levels and pursue varied agenda ranging from environmental issues, women's rights to democratisation. Most advocacy groups also research issues linked to their advocacy functions. This study mainly focused on national urban-based advocacy groups but also included a considerable number of rural advocacy groups, which work to advance

[22] Pluralists believe that the pursuit of selective benefits by competing groups produces outcomes that approximate the public interest, but this is only possible if we assume that all relevant interests are mobilized on equal basis and that the government is a neutral arbiter among the groups (Young and Everitt, 2004). This scenario is hardly the case in many countries.

democratisation in both Kenya and Zambia. The groups employ a variety of strategies and tactics to influence public policy, including lobbying government officials, participating in formal government forums such as legislative committees, and government-sponsored consultation fora, organising demonstrations and protests, writing petitions and engaging in civil disobedience among others.

The selection of advocacy groups as opposed to other types of civil society groups as the focus of this study was based on several factors; Firstly, advocacy groups have the most substantial and direct role in the process of democratisation and public life (Bratton, 1994; Blair 1993b). Their democratic potential is derived from their purpose in the democratisation process (Warren, 2001). They represent a crucial link between citizens and government and perform specific functions that directly support democratic institutions and the democratic process. These functions include extending citizens' rights, promoting political participation and civic education, democratising public policy-making, election monitoring, and ensuring political accountability and transparency. Additionally, the groups encourage greater use of democratic practices among the citizens, advocate and lobby the state for specific policies connected to democracy, such as human rights, the rule of law and the strengthening democratic institutions. Advocacy groups are, therefore, considered important agents of democratisation (Gyimah-Boadi, 2004; Diamond, 1999; Ihonvbere, 1997; Chazan, 1994a). In other words, they are the democratising component of civil society.

Secondly, advocacy groups have a unique and sophisticated dualistic relationship with the state in their role in the democratisation process. On the one hand, they are expected to constructively engage the state to influence public policy-making, a process that has the risk of compromising their autonomy and, therefore, reducing their ability for effective representation, while on the other hand, they are supposed to act as a *countervailing power* against state power, which involves challenging, opposing and, in some cases, confronting the state (Diamond, 1994). This type of relationship between advocacy groups and the state is what de Wet (2012) describes as being "frenemies." Advocacy groups must thus balance both roles through trade-offs between the institutional goals of autonomy and political engagement of influence and remain politically relevant, a task which is not easy in the rapidly changing political environment of democratization. It is a precarious balance (Foweraker, 1990) that these groups must strike to be effective.

This study, therefore, views advocacy groups as a unique brand of civil society groups, which are the most critical groups within civil society in the process of democratic consolidation and thus worth studying to understand and explain the constraints confronting non-state actors in the process of democratic consolidation.

Thirdly, most advocacy groups operating in both Kenya and Zambia, have a wealth of experience on the democratisation, having participated in all the previous phases of the process since the early 1990s and increasingly becoming important in the process of democratic consolidation. They, therefore, offer excellent and cumulative knowledge and experiences that are crucial for a study such as this in understanding advocacy groups' struggles, opportunities, and constraints in the process of democratisation. Fourthly, advocacy groups are inadequately studied alone as part of civil society, which consists of a plethora of organisations, performing various functions in society. The focus on a specific type of civil society group, such as advocacy groups, allows for a detailed and comprehensive understanding of that group regarding their composition, nature, organisation, content, interaction with the state and other significant political players and more importantly their role in the process of democratic consolidation. Finally, since the democratic transition in both Kenya and Zambia in the early 1990s, the number and scope of issues related to democratisation handled by advocacy groups have dramatically increased, making the study of these groups essential in understanding their experiences and constraints in their contributions to the process of democratic consolidation.

However, we must be cautious when studying advocacy groups and take into consideration the fact that civil society groups have the potential of producing a mixture of positive and negative consequences for democracy (Way, 2014; Diamond, 1999; Berman, 1997; Bermeo, 1997; Mamdani, 1996). Moreover, there is no guarantee that the positives produced by civil society groups will always outweigh the negatives (Alagappa 2004). The impact of civil society groups in the process of democratisation, therefore, is contingent upon their willingness and capacity to support democracy, a process that is limited by cultural, economic, legal and political environments. Schmitter (1997, p. 247) explains the positive effects that civil society on democracy, but emphasizes this point when he writes, "Civil society, however, is not an unmitigated blessing for democracy. It can affect the consolidation and subsequent functioning of democracy in some negative ways." He notes that these consequences may include, building a systematically biased distribution of influence into the

policy-making process, imposing an elaborate and opaque process of compromise in policy-making and making the formation of majorities more difficult in cases of several civil societies all operating in one territory or polity.

Additionally, some civil society groups may have the will to support democratisation but may lack the capacity or resources to do so (Court et al. 2006; Pollard and Court 2005; Makumbe, 1998). Similarly, Hirata (2002) points out that civil society organisations may not contribute to the process of democratisation if they lack autonomy from the state, accountability, transparency and internal democracy. Their involvement in partisan politics may reinforce the creation of a patrimonial state as happened in most African countries. Theories of democratic transition have also warned against the dangers of mass mobilisation by civil society groups during the transition process (Karl and Schmmiter, 1991). Berman (1997) for instance, has demonstrated in her study of Weimar Germany, how a strong civil society contributed to the collapse of democracy, leading to the takeover of the country by Nazism. She argues that in the context of weak national institutions, the associational activity may enhance societal fragmentation, which can undermine the legitimacy of national political institutions and democratic development. Additionally, in a recent study, Berman (2003, p. 263) demonstrates how the rise of the Muslim Brotherhood in Egypt triggered a process of Islamization "from below" and promoted *sharia* as the law of the land, therefore, undermining the development of democracy.

Similarly, Ndegwa (1996, p.110) in his study of democratisation and NGOs in Kenya found that there is no necessary connection between NGO activity and democratic struggles. He concludes that "civil society is not necessarily predisposed to challenging and democratising the African state" and asserts that not all organisations within civil society choose to confront the state for democratisation purposes, even if they have the potential to do so. Chandhoke (1995, p.9) also concludes that "the existence of civil society does not necessarily mean that it will always challenge the state, or that it will transgress the boundaries of the political as constructed by the state." The role of civil society in the process of democratisation is, therefore, contingent upon many factors, including the role of the state and available political opportunities. This study, therefore, adopted a balanced and critical view of the role of advocacy groups in the process of democratic consolidation in both Kenya and Zambia in the post-transitional political and institutional environment.

1.5.3. Democracy

Democracy is a contested concept, and scholars, therefore, have to decide on the best definition for their purpose and context. On the first level, studies either adopt a procedural (Przeworski, 2003; Schumpeter, 1962) or a substantive definition and on the second level, such definitions have to either view the concept of democracy as a dichotomous or a continuous variable.[23]The most popular empirical and thicker "process-oriented" definition of democracy in political science is offered by Robert Dahl (1971), who defines democracy as a system of government, which meets three necessary conditions. Firstly, there must be political contestation through free, fair, regular, competitive and meaningful elections for all effective positions of government. Secondly, there needs to be an inclusive level of political participation in the selection of leaders and policies. In other words, all adults must have an equal right to vote and run for political office. Finally, there must be a guarantee of civil liberties and political rights, which include the freedom of expression, freedom of assembly, freedom of the press and freedom to form and join organisations such as political parties and civil society groups. A democratic country must also have diverse sources of information protected by law, and government policies must depend on votes and other expressions of preferences.

Dahl acknowledges that democracy as a concept is an *ideal-type* and hardly attainable in contemporary societies and, therefore, refers to regimes that meet the above characteristics as "polyarchies" (Dahl 1971, p. 8), that is, the real world representation of democracy. Although scholars widely use Dahl's definition of democracy, Ake (2000, p. 10, 1996b) has argued that it is a liberal conceptualization of democracy, which emphasizes institutional guarantees, focused on individual rather than group claims and replaces government by the people with government based on the consent of the people and, therefore, does not apply to the African context. As Eboh (1990) has argued, democracy is culturally relative and varies from one society to another. Although democratic ideals such as liberty, equality, justice, freedom, the rule of law and accountability are universal, democratic practice differs with cultural and political societies (Fayemi 2009; Eboh 1990). From that line of argument, Mafeje (2002) has

[23] Most measures of democracy including the Freedom House Freedom Rating and Democracy Index by the Economic Intelligence Unit both view democracy as a continuous variable with varying degrees of democracy obtaining in different countries.

noted that liberal democracy is a political system and culture that is a product of western civilization and unsuitable for the African continent, since it negates humanistic morality based on human dignity, equality and liberty and elevates market morality, based on individual freedom such as legal and property rights.

Ake (1996a) believes that genuine democracy in Africa has close affinities to Dahl's conceptualization of democracy, but quite different. He offers a conceptualization of democracy which has four key characteristics; Firstly, it is a social democracy, which emphasizes the concrete political, social and economic rights of the African people as opposed to a liberal democracy, that emphasizes abstract political rights. It is a democracy that invests heavily in the improvement of people's health, education and capacity for democratic citizenship. Ake (1990, p. 2) argues that democracy is a *sine-qua-non* for development in Africa since there is a causal relationship between democracy and development. He writes, "There is a definite correlation between the lack of democratic practices in African politics and the deteriorating economic conditions.[24] If governments are not accountable to the people they govern, then they are very likely to engage in socio-economic practices which are not responsive to people's needs."

Similarly, it must be noted that the high levels of poverty, inequality and poor standards of living primarily drove the demand for democratic change in Africa (Adejumobi, 2002; Abrahamsen 2000, Widner 1994) and, therefore, the new democratic governments were first and foremost expected by citizens to address economic growth and redistribution of development dividends. This point is also emphasized by Wambia-dia-Wamba (1990), who argues that democracy in Africa must be viewed as a process of emancipation and meeting the needs of the people. Similarly, Ademola (2009) echoes the same point when he argues that democracy in Africa must focus on the collective well-being of Africans and instead of equating development to modernisation, it should promote shared material and non-material benefits, mutual trust, citizen participation in decision making and public accountability.

[24] The causal relationship between democracy and development is debatable and there is no consensus among scholars on the same.

Secondly, people must have real decision-making power, beyond the formal consent through regular elections. It is a type of democracy with a powerful legislature, judiciary and decentralization of power to local democratic formations of governance, where people can genuinely participate in governance and decision-making process. Thirdly, it is a kind of democracy that must emphasize both individual and collective rights. This perspective is in line with most African cultures, which emphasize collective rights, but also recognize individual rights. Finally, it is a type of democracy of incorporation, that engenders an inclusive level of political participation, equitable access to state resources and ensures special representation in the legislatures of mass organizations and marginal groups.

This study adopted Ake's conceptualization of democracy since it is the most appropriate conceptualization of democracy in Africa for several reasons. Firstly, it is substantive and, therefore, appropriate to employ in comparatively evaluating the level of democratic consolidation in both Kenya and Zambia. Secondly, it views democracy as a continuous variable with the possibility of varying degrees of democracy, which is in line with most measures of democracy.[25] It must be noted that most African countries such as Kenya and Zambia are still undergoing the process of democratic consolidation and, therefore, approximate democracy to varying degrees. Moreover, procedural definitions of democracy leave little room for analysis of civil society, associational life, social and political struggles (Grugel 1999), which are central in Ake's conceptualization of democracy. Thirdly, it must be noted that democratic transitions in Africa in the early 1990s were sold to the people as a process that would usher in a type of governance driven by the citizens with the goals of achieving social, political and economic needs and expectations of the African people.

[25] Most measures of democracy such as the Freedom House's Freedom Rating and Democracy Index both view democracy as a continuous variable with varying degrees of democracy obtaining in different countries.

1.5.4. Pre-Transition, Political Liberalisation, and Democratic Transition

Bratton (1994) has noted that the democratization process occurs in at least four phases, which include the pre-transition period, political liberalisation, democratic transition and finally, democratic consolidation. He describes the pre-transition as the period in which the authoritarian regime is consolidated and faces no significant political challenge. In this phase, the regime is in firm control of all political processes and opposition political parties are banned. Civil society organisations still exist but are too weak to pose any serious challenge to the regime (Cohen and Arato, 1992). This period is also characterised by increasing internal pressure on the regime by moderates and international actors outside of government, for reform or replacement of the existing system (O'Donnell and Schmitter, 1986). The increasing pressure by both domestic and international actors may lead to political liberalisation, which involves the authoritarian regime easing up repression and granting citizens some civil liberties and political rights, which were previously denied (Mainwaring, 1989). Shin (1994) views this process as the decay of authoritarian rule, characterised by uncertainty and unpredictability. It may occur due to progressive factions that split state elites (O'Donnell and Schmitter, 1986, p. 17), the need for the authoritarian regime to relax social terms and broaden the social base of ruling elites to strengthen its position (Przeworski, 1991, p. 57) or a response to heightened social, political and economic protests and international pressure (Bratton and Van de Walle, 1997; Cohen and Arato, 1992). Political liberalisation does not necessarily lead to democratisation.

Bratton (1994, p. 10) defines political transition as "the interval between one political regime and another" and argues that the critical moment is when the incumbent regime agrees to change the rules of political competition to allow for multi-party politics, while O'Donnell and Schmitter (1986, p.11-12) argue that democratic transition, begins "at the moment that authoritarian rulers announce their intentions to extend significantly, the sphere of protected individual and group rights, and are believed" and ends with the "the installation of a government chosen on the basis of one competitive election, as long as that election is freely

conducted within the matrix of civil liberties and that all the contestants accept the validity of the election results"[26] (Bratton and Van de Walle, 1997, p.13)

This study, therefore, conceived democratic transition as the process of "moving from a non-democratic regime to one that makes significant steps, which the general public accepts as real, towards extending rights of all citizens" (O'Donnell and Schmitter, 1986, p.10). The period is characterised by high levels of uncertainty with no well-delineated interests by political actors. In this phase, political elites are not sure of the "identity, resources and intentions of those whom they are playing in the transition game" (O'Donnell and Schmitter, 1986, p. 66) and wrestle with the process and the details of establishing the rules of contestation of state power through competitive elections. Political society becomes crucial as political parties prepare for competitive elections. The process moves through the negotiation of a new system of government and, if successful, ends up with the establishment of a new government elected through free and fair elections.

However, scholars have differed regarding the role of civil society during the political transition. While some scholars view the role of civil society as less important during this period as political parties take over most political activities and governance issues (O'Donnell and Schmitter 1986), others view the continued civil society mobilisation as significant in pressuring politicians to negotiate and respect the outcomes of such negotiations (Bermeo 1997; Collier and Mahoney 1996). Bratton (1994), for instance, argues that the role of civil society becomes more neutral than partisan as they carry out roles such as civic education, electoral monitoring, and arbitration between contending political parties. Bermeo (1997) on the other hand, has demonstrated that persistent protests keep the transitions moving forward and broadens the arena for the democratisation process, a position that supports the cases of transitions in most African countries in the early 1990s, where the continued civil society mobilization, i.e. democratization from below, gave momentum to the transition negotiations. It, is, therefore, crucial to acknowledge the role of popular organizations in the process of democratic transition and consolidation in Africa.

[26] In practice this is not necessarily the case. There have been several "*partial transitions"* in Africa, where the regime ends up dealing with both issues of transition and consolidation.

1.5.5. Democratic Consolidation

The concept of democratic consolidation[27]is central to this study and thus need clarification in the way it is used. There are contentious debates in both academic and development discourses on what constitutes a consolidated democracy with no clear consensus, (Gunther et al. 1995) leading to a variety of definitions and perspectives. The definition of democratic consolidation, therefore, highly depends on the perception of the evaluator (Encarnacion, 2000). Maximalists definitions tend to include a wide range of requirements (Ozbudun 2000), while minimalist's definitions tend to be oversimplified. According to Bratton (1994), democratic consolidation begins when a new government is installed through free and fair elections following the collapse of a non-democratic regime. However, it must be noted that there is no guarantee that such regimes will progress towards a consolidated democracy. A democracy can persist without being consolidated (O'Donnell, 1996), stagnate or progress towards consolidation. Moreover, a democratic transition can temporarily overlap with democratic consolidation (Gunther et al., 1995, p. 3), a situation, which has been experienced in most African countries, which went through "partial democratic transitions" during the "third wave" democratisation process.

Andreas Schedler (1998, p. 92) has advised that one of the best ways to define democratic consolidation is to consider "the concrete realities as well as the practical tasks that the term is meant to address." In other words, combine empirical viewpoints and normative horizons. The meaning of democratic consolidation, therefore, varies with context, and the goals that democracy is supposed to achieve, which depending on each country's unique starting point. In the case of Kenya and Zambia,[28] the goal of democratic consolidation is progress towards democratic completion or the attainment of full democratic rule. As outlined in the conceptualization of democracy in Africa in this chapter, the goals of democracy in the African context includes, the achievement of concrete political, social and economic rights, through massive investment in the improvement of people's health, education and capacity for

[27] Other terms that are synonyms to democratic consolidation include habituation (Rustow, 1970) and internalization (Whitehead, 1989)

[28] The two countries hold relatively free and fair competitive elections, have competitive multi-party-political systems, universal adult suffrage and significant public access of major political parties to the electorate. However, the countries fail to fulfil other features that are essential to democracy such as upholding civil liberties and political rights.

democratic citizenship since African contemporary economic problems constitute a serious impediment to the institutionalization of democracy (Ademola, 2009). Although there is no consensus on the positive link between economic growth and the prospects for democratization, scholars generally agree that economic growth contributes to democratic consolidation (Diamond 1999; Huntington 1993). Democratic consolidation also involves the creation of viable, legitimate and democratic institutions such as regular, free, fair and transparent elections, the growth of civil society and the establishment of effective legislatures among others, to ensure an inclusive level of political participation and equitable access to state resources. Additionally, democratic consolidation must also ensure the decentralization of power to local level institutions so that people can have real decision-making power through these units. Finally, the goal of democratic consolidation in Africa must be to ensure the achievement of both collective and individual rights, which underpin the African socio-economic culture and development.

Linz and Stepan (1996a, p. 5), holds that a consolidated democracy is one in which "democracy is the only game in town." In other words, no significant force is working to take over power or secede through unconstitutional means and all political forces within the state are accustomed to resolving conflicts through laws and the institutions of democracy. The authors argue that "democracy becomes routinized and deeply internalized in social, institutional and psychological life as well as political calculations for achieving success" (p. 16). It is a gradual process that leads to democratic practices being firmly established and accepted by most relevant actors in society (O'Donnell and Schmitter, 1986). Linz and Stepan (1996a) conceptualization of a consolidated democracy is composed of three major dimensions. Firstly, the behavioral dimension, which means that no significant actors spend significant resources "attempting to achieve their objectives by creating a non-democratic regime or turning to violence or foreign intervention to secede from the state' (Linz and Stepan, 1996a, p. 6). Secondly, the attitudinal dimension, which means that a vast majority of public opinion regards the democratic procedures and institutions as the most appropriate ones to govern society. Political actors perceive these institutions as part of "normal order of things, and social relations become social structures" (Schmitter 1988, p. 10).

Finally, there is a constitutional dimension, where both governmental and non-governmental forces become habituated to the resolution of conflicts within the democratic procedures and laws (Linz and Stepan 1996a, p. 6). This dimension also means the construction of democratic institutions, which include forms of government, political parties, and party systems, electoral systems, a guarantee of civil liberties and political rights, legislative bodies, state bureaucracy and systems of interest mediation. The authors argue that for the three dimensions of democratic consolidation to combine and guarantee democratic status as "the only game in town," five arenas must fulfill specific needs and reinforce one another. These include civil society, political society, the rule of law, state apparatus and economic society (Linz and Stepan 1996a, p. 7-15). However, it must be noted that democracies are not supposed to be completely consolidated in that their rules should institutionalise a degree of "bounded uncertainty" and "contingent consent" (Schmitter, 2008, p. 7). Moreover, democratic consolidation is reversible and imperfect democracies that are not fully and formally institutionalized can endure (O'Donnell 1996)

1.5.6. Democratisation

The concept of democratisation can be conceived as a roadmap towards democracy that involves at least four phases of a single long, unpredictable and complex process. These phases are conceptually distinct and include pre-transition, political liberalisation, democratic transition and finally, democratic consolidation as explained earlier on in this chapter. However, it must be noted that these phases of democratization have neither clear-cut distinctions nor linear in practice, but do overlap in most cases. Democratisation is thus the movement from a non-democratic regime towards a democratic one. This process is established through the expansion of political contestation, civil and political liberties, improvement of citizen social and economic conditions and citizen participation in the political process. More specifically, O'Donnell and Schmitter, (1986, p. 8) define democratisation as "the process, whereby the rules of procedures of citizenship are either applied to political institutions previously governed by other principles or expanded to include persons not previously enjoying such rights and obligations or extended to cover issues and institutions not previously subject to citizen participation." This study adopted the above definition because of its specificity and inclusivity. It neatly captures what is otherwise in practice, a complex process that involves the interaction

of various actors in all the four phases of the process and the effect of structural factors, elite strategic choices, and social, economic and political processes. The argument in favour of democratisation is that the dynamic of competitive multi-party elections and guarantee of civil liberties and political rights leads to political accountability, and transparency and thus the likelihood of good governance and prospects for economic development.

1.6. Limitations of the Study

The limitations of this study emanated from numerous sources and processes, which included the level of funding and the time limits for the study, case selection, data collection and analysis and the utility of the research findings. Due to the limited funding and the timeframe within which the study was to be conducted, it was not possible to carry out a full random selection of respondents for the in-depth personal interviews, using a sampling frame based on Census data for the two case studies. The researcher, therefore, relied on purposive sampling methods as explained in the methodology section of this dissertation. These types of sampling methods are easy to conduct and produce as many likely results as probability sampling methods (Buck, 2011; Cumming, 1990). Limitations of funding also affected the number, geographical coverage and type of respondents interviewed. However, the researcher made every effort to obtain a representative sample that reflected the range of stakeholders and views on issues of advocacy groups and democratic consolidation in the selected countries.

Regarding the case selection, the researcher systematically selected the two cases using a theory-driven small-N research process with the primary goal of maximising contrast. The study thus applied the *"Most Different Systems Design (MDSD)"*[29] as a case selection process based on the differences of civil society formations in Kenya and Zambia and a range of other contemporary social, political and economic variables. Selection of more cases would have yielded different results and possibly led to different conclusions with different levels of generalisation of results. Data collection processes posed several limitations associated with the use of semi-structured in-depth interviews as an instrument of data collection. Selection of key expert respondents was relatively skewed towards urban-based advocacy groups located in the capital cities of both countries. However, this focus was critical for the urban environment is

[29] See Przeworski and Teune's (1970) *The Logic of Comparative Social Inquiry*. New York: Wiley

the "the bedrock of democracy and citizenship"(Isin 2000) and centres of political activism, where agitation for political change usually begin.

Additionally, most national advocacy groups were located in the urban areas, where they were easy to access in both countries. Nevertheless, for purposes of representativeness of the study, the researcher interviewed a considerable number of advocacy group leaders and ordinary citizens from the rural areas in both countries. There was also the cumbersome bureaucratic procedure that was needed to obtain permission to conduct fieldwork research in Zambia, which took some time before the actual fieldwork could commence. Other limitations with data collection processes involved non-responses from some potential interviewees, despite numerous follow-ups, unavailability of respondents, inability to turn up for the interviews, while some potential respondents flatly refused to be interviewed. None responses were mostly experienced with international donor representatives in both Kenya and Zambia, who felt that some of the interview questions were politically "sensitive" to their organisations' interests. Additionally, most international donor representatives asked for the interview guide well-in-advance of the face-to-face interviews and restricted their responses to the official positions of their organisations, while a few others differentiated their individual opinions from institutional positions during the interviews. However, for an interview that failed to take place due to any of the reasons mentioned above, the researcher found replacements as soon as was possible through snowballing sampling.

Flexibility in the interview timetable was critical and helped limit delays, cancellations, and other scheduling constraints. To ensure accuracy and to minimize the effects of various problems associated with data collected through face-to-face in-depth personal interviews,[30] the researcher conducted rigorous cross-checking and verification of the data gathered to seal the gaps, factual inaccuracies and contradictions that may have been in the data. This process took place during the fieldwork, and any corrections and verifications made immediately after the interviews were conducted. Other efforts employed by the researcher to mitigate the limitations of data collection methods, included the design of the interview questions, which were

[30] Bernard (2006) has identified five general problems inherent in face to face personal in-depth interviews that include respondents telling the interviewer what they believed happened rather than what they observed, distorted recollection of what happened due to personal prejudices, incorrectly recalling what happened, attempting to answer questions they are not qualified to answer to appear relevant and simply lying to mislead the interviewer.

standardized and neutral for consistency across the board with only a few changes made to target specific groups of respondents such as international donors. The interviews were also mostly conducted in the interviewees' offices, homes, and restaurants, where they were most comfortable. The researcher maintained a neutral position regardless of the respondents' ideological leanings and ensured reliability by clearly outlining procedures and processes involved in the research process since the quality of comparative qualitative research heavily depends on the individual researcher's range of skills and experience. The researcher took a master's level course on research methods and analysis at City, University of London, besides having a solid background in research methods from both undergraduate and graduate levels and over ten years of practical fieldwork experience in Africa. All these undertakings provided the researcher with the capacity to conduct credible fieldwork research, integrate convergent and divergent evidence and critically make sense of evidence and present coherent arguments.

Regarding data analysis, the study employed a hybrid thematic analysis, which may sometimes miss nuanced data (Guest and McQueen, 2012) - a shortcoming whose effect was reduced in this study through continuous reading and re-reading of data in the process of data analysis. Secondly, because of the nature of doctoral research study, the data were coded, and themes identified only by the researcher. However, the analysis was widely discussed with both supervisors and their comments, insights, and suggestions used to improve the quality of the study. Thirdly, the flexibility of thematic analysis requires that the researcher decides what aspects of the data to focus on and which ones to leave out (Braun and Clarke, 2006). However, this was not a serious problem for this study since most of the codes were derived from the research questions and the theoretical framework, while other codes were generated from the data.

Finally, there were limitations on the level of the utility of research findings. All cases are unique and, case studies are valuable since they produce content-dependent knowledge. However, the results of the two cases are relatively more generalisable only within the cases and to a reasonable extent some African countries with similar social, economic and political experiences. Considering the diversity of the continent, sweeping generalisations about the constraints confronting advocacy groups and the impact of such constraints on their ability to effectively contribute to the process of democratic consolidation would be misleading. Therefore, statements about the implications of the study's findings beyond the two cases, have

to be approached with caution. However, conclusions from this study undoubtedly shed light and insights into the dilemmas and constraints confronting advocacy groups in most post-transitional African states and can inform debates about the problems of democratic consolidation. The analytical generalisation is potentially possible since the case study is generalisable to the theoretical propositions that were used for the study (Yin, 2014). If the results are shown to support the theory, replication can be claimed.

1.7. Structure of the dissertation

The overall structure of this dissertation takes the form of seven chapters, including this introductory chapter. Chapter 2 is divided into two sections. The first section critically reviews the essential literature on the relationship between civil society and democratic consolidation. In this task, the chapter reviews the various perspectives on the role of civil society in the process of democratization. The chapter advances the argument that there is a positive correlation between civil society and democratic consolidation. This section also delves into the debate on how best to study civil society in Africa and suggests the employment of an empirical-analytical approach as the most effective way of studying "real civil societies" on the continent. This approach views civil society as a societal sphere and focuses on the purpose of the activity of civil society groups rather than their form of organization.

The second section of this chapter lays out a detailed overview of the theoretical framework, which includes the study's theoretical approach, the research questions and propositions The section explains the role of the theoretical framework and discusses the suitability of the domestic politico-institutional approach for this study and how it guides the study in investigating the constraints confronting advocacy groups and their impact on the ability of these groups to effectively contribute to the process of democratic consolidation. Finally, the section outlines the primary research questions, distills the propositions and elaborates on the main arguments of the specific theories that informed each of the propositions as they relate to the constraints confronting advocacy groups in the post-transitional political and institutional environment in both countries. Chapter 3 presents a comprehensive overview of the research design of the comparative study, describes and explains the methods and processes used in this investigation. The chapter discusses the rationale and the suitability of the *comparative and case-oriented qualitative research design* as employed by this study.

The second section is dedicated to explaining the case selection, instrumentation, sampling and sample size, data collection procedures, data analysis, and interpretation. The chapter concludes with a brief discussion of the ethical issues related to this study.

Together, Chapters 4, 5 and 6 present the empirical findings, analysis, and interpretation of the primary constraints confronting advocacy groups in Kenya and Zambia and their impact on the ability of these groups to effectively contribute to the process of democratic consolidation. Chapter 4 discusses both the opportunities and constraints confronting advocacy groups in the new political environment emanating from the dynamics of the new political and institutional context, the strategic choices, interests, behaviour, and interaction of advocacy groups with other principal political actors in the process of democratic consolidation. It begins by examining the opportunities for advocacy groups brought about by the democratic transitions, which have led to relatively open civic spaces, improved civil liberties, and political rights, and the establishment of legitimate opposition political parties among others. The chapter, then provides an in-depth analysis of the constraints confronting advocacy groups in the new political environment in both countries, which have created a three-fold dilemma for these groups; re-defining their role in the new political dispensation, crafting new tactics and strategies for articulating demands for democratic consolidation and developing a new constructive relationship with the new democratic state and other principal political actors such as political parties and international donors. The chapter concludes by discussing the implications of these findings on the ability of advocacy groups to effectively contribute to the process of democratic consolidation.

Chapter 5 turns the focus of analysis to the primary strategies employed by the newly democratic states to deliberately control and restrict the activities of advocacy groups and their impact on the ability of these groups to effectively contribute to the process of democratic consolidation. These strategies include co-optation, the use of NGO legislation, political appropriation, selective harassment, and political propaganda. The chapter concludes by discussing the implications of these findings on the ability of advocacy groups to effectively contribute to the process of democratic consolidation in both countries. Chapter 6 then shifts the focus of analysis to the relationship between advocacy groups and their members and supporters. The chapter argues that a combination of macro, meso and micro factors related to advocacy groups explain the process of popular disengagement from advocacy groups, which

is a significant constraint to these groups ability to effectively contribute to the process of democratic consolidation. The chapter examines the nature, pattern, forms, and significance of popular disengagement from advocacy groups to the process of democratic consolidation in both countries and concludes by discussing the implications of popular disengagement to the ability of advocacy groups to effectively contribute to the process of democratic consolidation. Finally, Chapter 7 draws upon the entire dissertation and summarises the most pertinent results that emerge from the study's two-fold aim of investigating and critically examining the constraints confronting advocacy groups in the post-transitional countries of Kenya and Zambia and the effects of such constraints on the ability of these groups ability to effectively contribute to the process of democratic consolidation. The findings of this study draw on, refines and in some instances challenge some arguments advanced in the broader literature on advocacy groups and the democratization process. The chapter concludes with suggestions for further research on advocacy groups and the process of democratic consolidation in Africa and other developing countries.

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CHAPTER 2
LITERATURE REVIEW AND THEORETICAL FRAMEWORK

2.1. Introduction

The concept of civil society has become popular in both academic and development discourses for the past three decades. The renewed resurgence of interest and the rapid rise and the prominence of the notion of civil society is closely associated with the end of the cold war and the collapse of the Soviet Union in the late 1980s, events which triggered a massive wave of protests and demonstrations for democratisation across East and Central Europe. By the late 1980s, the "third wave" (Huntington 1991) had spread across Africa led by a constellation of social movements and civil society organisations, which were part of the pro-democracy movements calling for pluralism and democratisation in the continent. Civil society was, therefore, regarded as the key to the democratisation process and regained prominence in that regard. African countries experiencing democratisation at this time did not exhibit any of the structural conditions or "pre-requisites" for the process of democratization as advocated by the dominant modernisation theories, leading scholars to explain the "third wave" democratisation in Africa using actor-oriented approaches. These approaches further gave civil society a prominent role in the process of democratisation (Young, 1999; Bratton, 1994; Shin, 1994; Huntington, 1991; O'Donnell and Schmitter 1986) and arguably the most powerful concept associated with the democratisation process in the continent. Although most contemporary studies on democratization and civil society generally assume a positive and causal relationship between the two concepts, the relationship remains contentious.

This chapter explores the debate on the relationship between civil society and democracy and provides a detailed theoretical framework for the study. The chapter is divided into two sections; the literature review and the theoretical framework. The goal of the literature review here is two-fold. Firstly, it critically reviews the essential literature on the relationship between civil society and democratic consolidation and specifically focuses on the various perspectives on the role of civil society in the process of democratisation. The chapter advances the position that there is a positive relationship between civil society and democratic consolidation. Secondly, the chapter delves into the discussion on the best way to study civil society in Africa and advances an empirical-analytical approach as the most effective way of

studying "real civil societies" in the continent. The second section of this chapter lays out the theoretical framework, which provides the structure for the study. It explains the main theoretical approach to the study, outlines the research questions, distills the research propositions and elaborates on the main arguments of the specific theories that inform each of the propositions about the constraints confronting advocacy groups in the post-transitional countries of Kenya and Zambia.

2.2. Civil Society and democratic consolidation

Most contemporary studies of civil society and democratisation assume the democratising potential of a vibrant civil society and thus view it as a positive influence in the process of democratic consolidation without much interrogation and more in-depth analysis. Despite such assumptions, the causal link between civil society and the democratisation process is not an obvious and conclusive one. It is both a complicated and contested relationship with scholars taking different positions on the same. Although there are many useful models in civil society literature, which examines the role of civil society in the process of democratization, this study adopted the categorisation advanced by Forbrig (2002), which is particularly instructive and useful as it categorises the roles of civil society in the process of democratisation broadly and by functions linked to democratic consolidation. Its functionalist approach fits well with the empirical-analytical approach adopted for this study to examine the constraints confronting advocacy groups in both Kenya and Zambia. At the core of this model is the fact that the role of civil society in the process of democratic consolidation is based on the specific functions that these groups perform to support the democratization process.

Forbrig's model categorises civil society roles that support democratisation into five significant functions; control of state power, interest mediation, social integration, political socialisation, and political leverage. Equally important are the voices of sceptics, who remain unconvinced about the causal link between civil society and the process of democratisation. It is important to note that scholars who subscribe to the notion that civil society promotes democratisation, emphasise that only a vibrant and robust civil society can promote democratisation (Ibrahim, 2015; Arato, 2000; Diamond, 1994). Linz and Stepan (1996a) for instance, specify that "the development of a free and lively civil society" is the first necessary condition for democratic consolidation. Such a civil society must also have "a necessary degree

of independence and autonomy. “Similarly, Tocqueville (1835) emphasises the numerical density, self-regulation, and autonomy as necessary characteristics of such a civil society, while Putnam (1993) supports the view that the density of civil society is significant for democratic development. Diamond (1999) has, therefore, attempted to explain what a “vibrant civil society” that would promote democratic consolidation means. He argues that this type of civil society meets certain criteria besides its density of associational life. Firstly, it must respect and practice democratic tenets, such as transparency, accountability, deliberation, participation, and internal democracy. Secondly, the goals and methods of such a civil society must not contain “maximalist uncompromising, interest groups or groups with undemocratic goals and methods” (Diamond, 1999, p. 228). Thirdly, such a civil society must demonstrate a higher level of institutionalisation with the attributes of autonomy from forces outside the organisation, the coherence of purpose, and the complexity of organisations. Finally, pluralism must exist both within organisations and in the civil society sphere. For Diamond (1994), “a vibrant civil society is probably more essential for consolidating and maintaining democracy than initiating it.”

Additionally, Bratton (1994), has also argued that civil society can play a significant role in democratic consolidation only if it is independent, resourceful, well organised and ideologically focused. For these scholars, the more developed the institutions of civil society, the high chances that they will support democratic consolidation (Arato, 2000). A “vibrant and robust” civil society is, therefore, a necessary but insufficient condition for democratic consolidation, (Ibrahim, 2015; Linz and Stepan, 1996a; Leyachi 1995; Diamond 1994, 1999; Putnam, 2000; Arato, 2000) especially in transitional democracies such as those of Kenya and Zambia. It is also important to note that civil society groups’ role in the process of democratization is contingent upon several factors, which include; political opportunities, the type of regime, the stage of democratisation, and the strength of political society among others. The next section of this Chapter discusses the five categories of functions of civil society that support democratic consolidation as outlined by Forbrig (2002).

2.2.1. The Lockean Function: Control of State power

Liberal scholars consider civil society organizations as vehicles through which citizens can challenge the excesses of the state. Civil society groups are, therefore, a crucial counterweight to state power. In other words, a bulwark against unbridled state power. Liberals consider this function as the most critical function of civil society in modern democracy as it relates to the control of the state by society. Huntington (1984, p.204) has emphasized this point by noting that civil society provides "the basis for the limitation of state power, hence for the control of the state by society, and hence for democratic political institutions as the most effective means of exercising that control." Similarly, Chazan (1996, p. 282) argues that the nurturing of civil society is widely perceived as the most effective means of controlling repeated abuses of state power, holding rulers accountable to their citizens and establishing the foundation for durable democratic government. In the same liberal tradition, Diamond (1994) defines the role of civil society as that of "containing the power of democratic governments, checking their potential for abuse and violation of the law and subjecting them to public scrutiny." Overall, civil society groups, therefore, check, monitor and restrain the exercise of state power.

Civil society groups also help guarantee transparency and political accountability, virtues that are regarded as the "distinctive hallmark of democracy" (Blair 1993b, p. 7) and can force governments to engage in democratic institutional reforms, that create institutions that are responsive to the needs of the citizens (Diamond, 1999; Ferguson, 1996; Bratton 1994). Additionally, institutions of civil society protect individual civil liberties and political rights, the rule of law and the democratic procedure. The groups provide information to the public and may at times mobilise the public through protests and demonstrations to support or oppose public or political decisions to achieve the role of restraining state power (Forbrig, 2002). Scholars such as Alexis de Tocqueville believe that an independent and well-organised civil society is capable of counter-balancing state power and thus ensuring public accountability, which is crucial for democratic consolidation. Ndegwa (1996) has characterised this role of civil society as "civil society liberalisation thesis," emphasising the centrality of civil society institutions in opposing undemocratic states and at the same time fostering democratisation.

2.2.2. The Hegelian Function: Interest mediation

The Hegelian function emphasizes civil society role in the process of democratic consolidation through structuring various channels for interest aggregation, articulation, representation, and mediation, which are critical processes in democratic decision-making. As organised groups, they participate in the policy-making process by mediating and representing various competing and sometimes conflicting social interests, values, beliefs, norms and sectors, especially the poor and marginalised groups, such as women and the youth (Forbrig, 2002; Diamond, 1999). This role is expected to complement the role of representation by political parties and other democratic institutions. With the diminishing capacity of political parties to effectively play the role of representation both in the West and the developing countries (Manim, 1997), civil society groups role in interests' aggregation, articulation and representation become more critical for the process of democratic consolidation. Additionally, civil society groups provide spaces, places, and platforms for democratic deliberations of competing and conflicting interests of various social groups and individuals (Diamond, 1999) and thus improve the democratic spirit of tolerance, deliberation, and participation. These actions go a long way into improving political and social equality, ensuring responsive governments and the legitimacy of the democratic process and system (Waylen, 1994).

However, the representative claim by civil society groups and specifically advocacy groups have been contentious within a modern representative democracy. With the increasing number of countries struggling with the process of democratic governance and consolidation, the debate about the representative role of civil society groups has become more robust in Africa. State officials continue to question their representativeness and even their accountability processes. Scholars such as Przeworski (2002) argue that the true representatives of the people are those elected through regular and contested democratic elections and not civic groups, which are guided by particularistic interests. Additionally, advocacy groups have been perceived as competing with and, therefore, weakening democratically elected representative institutions such as political parties. However, it must be noted that the representative role of civil society groups is critical in the process of democratic consolidation and more so in Africa where there is widespread "democratic deficit" (Gaventa, 2004; Luckham et al., 2000), and the need to support the institutionalization of democracy.

Political parties in Africa face numerous problems, including weak organisational structures, low ideological variation, tenuous roots in society with high volatility, ethnicisation, fragmentation, and persistence of personalistic and clientelist relationships (Ottaway, 1999; Van de Walle, 2003; Mozaffar and Scarritt, 2005). They are thus ineffective in representing various social groups (Randal 2007) besides having weak linkages with organised interests (Widner, 1997; Van de Walle and Butler, 1999) and the citizens, leading to poor linkage of citizens with the political process and creating a crisis of political representation and intermediation (Schmitter, 2001; Skocpol, 2003; Carothers 2005). The emergence of robust forms of associational life, such as advocacy groups in the last two decades with the democratisation process has helped to fill some of these gaps of representation left by weak political parties and other democratic institutions.

It is important to note that although civil society groups play the role of representation, democratically elected officials remain the representatives of society-at-large and should be accountable to the citizenry. Civic organisations cannot claim the kind of degree of representation by political parties but can claim representation of the public and for the interests that are not well represented in the mainstream political institutions and processes. Public interest advocacy groups represent issues and agenda that go beyond the self-interest of the organisation and its members (Schattschneider, 1960). They appeal to universalistic principles and claim "assumed" representation because most of them lack formal membership and do not choose their leaders through regular democratic elections. Nevertheless, their role as intermediaries between citizens and the state is considered a form of political representation (Peruzzotti, 2004) in modern representative democratic governments. Membership advocacy groups, on the other hand, speak as representatives of specific constituencies or interests when they engage in policy-making and initiatives aimed at making governments politically accountable. Advocacy groups, therefore, do not compete with representative institutions such as political parties but complement the work of these democratically elected institutions by giving voice and expression to constituencies and issues that are overlooked in the mainstream political processes.

2.2.3. The pluralist function: Social integration

Pluralists mainly view civil society groups' contribution to democratic development as that of ensuring social integration. They integrate individuals into social groups, where they have shared beliefs, norms, and values, which shape social identity and have mitigating effects on entrenched societal cleavages, which may cause conflicts and instability, both detrimental to democratic consolidation. Individuals who join civil society groups with diverse interests, values and norms come to share common interests as they get to understand each other and deliberate on numerous issues of democratic development. Civil society groups thus bridge societal cleavages along diverse interests and values. Pluralists also believe that civil society has a moderating effect on both individuals and social groups by way of cross-cutting social cleavages. It diffuses the explosive potential of such cleavages and contributes to the integration of the whole society (Putnam 1993; Lipset 1969). Social integration is thus critical to the process of democratic consolidation. Pluralists also stress the representative role of civil society groups, which play a crucial role in agenda setting in democratic politics and influencing policy outcomes in favour of the public. Scholars who subscribe to this school of thought view the density of civic associations as an indicator of a healthy democracy as these groups guarantee that all societal interests will be aggregated and considered in the policymaking process, which is the essence of democratic governance.

However, the pluralists' assumption overstates the extent to which interests and views are represented in the political bargaining process, equality of power of interest groups and the neutrality of the state as an arbiter in the policy-making process. Schattschneider (1960) has argued that there is no factual basis to demonstrate that all interest groups are potentially equal, that the state is a neutral arbiter in the policy process and that all views find themselves represented in the policy process. He points out that in most countries, a very narrow slice of the population participates actively in the policy process and the level of access to power differ considerably within civil society. He concludes by noting that, "The flaw in the pluralist heaven is that the chorus sings with a strong upper-class accent. Probably about 90 percent of the people cannot get into the pressure system." This argument points to winners and losers in the policy process, where the upper-class groups, which are the most organised with the most resources and power have the most significant influence in the policy process. These groups mobilise the most consistently and effectively and are most likely to defend the most affluent and powerful

against the interests of ordinary citizens (Everitt and Young, 2004). Moreover, the state, like any other political actor will pursue its own interests and preferences over preferences favored by other policy actors. The state, is, therefore, not a neutral mediator in the policy-making process. Despite all these criticisms of pluralism, the contribution of advocacy groups to social integration and interest representation in the democratic consolidation process cannot be gainsaid.

2.2.4. The Tocquevillian function: Political socialisation

Scholars associated with the concept of "social capital" (Hardin, 2002; Fukuyama, 1995; Putnam, 1993) emphasizes the positive effects that active participation in civil society has on individuals, which in turn support the development of democracy (Halpern 2005; Fukuyama 2002; Putnam, 2000; Putnam, 1995; 1993; Granovetter 1973; Tocqueville, 1968). They view social capital as the "connections among individuals, social networks and the norms of reciprocity and trustworthiness that arise from them" (Putnam 2001, p. 19). In other words, social networks that cut across various cleavages promote both trust and reciprocity, which are critical for democratic development. Specifically, the underlying logic between social capital and the development of democracy is that active participation in civil society inculcates skills of cooperation and shared responsibility for collective action, besides the development of positive civic virtues, attitudes, norms, and values like freedom, equality, tolerance, debate, willingness to compromise and respect for opposing views, all of which enhance political participation and democratic citizenship (Michel, 2011; Diamond, 1999).

Similarly, Putnam (1993, p. 90) a proponent of the concept of social capital, views belonging to cross-cutting groups with diverse goals and membership as moderating people's attitudes because of group interactions and social pressures. Such values support the democratic process. Participation in civil society groups also helps citizens develop political interests with the skills and desire to express themselves and hold public officials accountable (Warren, 2009). This process leads to deliberation and questioning of public officials for public accountability. Finally, participation in civil society groups promotes political efficacy and skills of democratic citizenship among citizens, thus ensuring responsive democratic institutions that can address societal concerns, needs and interests.

In a broader sense, civil societies thus act as "schools of democracy" in which citizens learn the values, the skills and the mechanisms of democracy (Tocqueville, 1835). It is a school where political interests are stimulated, and citizens learn civic virtues and organisational skills that are crucial in the development of democracy. Gareeton, (1989, p.155) argues that by acting as "schools of democracy," civil society "re-inject politics into society." The groups, therefore, act as mechanisms for democratic socialisation, leading to popular participation, which is a crucial purpose of advocacy groups in the political process and supports democratic citizenship- a critical cornerstone of democratic consolidation. The level and quality of participation of citizens in the democratic process is thus an important barometer for democratic consolidation and should be a critical goal for advocacy groups in democratising countries such as Kenya and Zambia.

However, the concept of social capital has been criticised on both empirical and normative grounds regarding democratic development. Newton (2001) for instance, has questioned the empirical link between social and political trust. Using survey research, the author found that social and political trust are not closely associated and more so, not even associated with membership in voluntary associations. Although Inglehart (1997, p.174) agrees that "On the whole, we cannot be sure of the precise causal connection," between trust and democracy, he, however, argues that the preponderance of evidence shows that trust and stable democracy are closely linked. Other scholars have criticised the concept of social capital as having been overstretched to explain so much in development and in the process, lost its meaning (Robinson et al. 2002; Arrow, 1999). According to this group of scholars, the concept is being used to explain almost everything from development to democratisation and has thus lost its value. The third group of scholars argues that the concept of social capital has significant methodological and normative baggage (Smith and Kulynych, 2002; Solow, 1999; Levi, 1996) which makes its use at least questionable and at best misleading. For instance, Hyden (2001, p.161) argues that "the notion that social capital is made up of a common currency of civicness is both ethnocentric and misleading for policy and governance purposes." This line of criticism is similar to that taken by Encarnacion (2000) and Kasfir (1998) who have both questioned the usefulness of the Tocquevillian approach to actual realities of the African context and specifically the democratisation process in the continent.

For Encarnacion (2000), the applicability of the Tocquevillian interpretation of the role of civil society in most developing countries with poor socio-economic development is questionable, while for Kasfir (1998) the Tocquevillian prescriptive nature of the definition of civil society precludes most organizations that have been crucial in the process of democratization in Africa. He argues that although these groups may lack the civil character that supposedly separates civil society organisations from other groups in society, according to the Tocquevillian approach, these groups have immensely contributed to the process of democratisation in Africa and should not be excluded in studies of civil society and democracy in the continent. Finally, Skocpol (1996) argues that the concept puts too much blame on the citizens for social problems, thus ignoring the power that is controlled by elites and the state in society. Despite all these criticisms and perspectives, the concept of social capital remains a useful and powerful concept in explaining democratic development and has had a profound influence on civil society and democratisation studies around the World.

2.2.5. Historical institutionalists

Historical institutionalists emphasize the importance of group or class conflict in shaping the development of modern democracy (Skocpol, 2004; Skocpol and Fiorina 1999; Gutman 1998; Ertman 1997; Rueschemeyer et al. 1992; Moore 1966). They explain the link between civil society and democratic consolidation by emphasising the direct political leverage or influence on political and economic processes that civil society groups have and achieve through lobbying, provision of information, interest aggregation and articulation and mobilisation of citizens for political, social and economic causes. Civil society groups can positively influence the law and regulation by providing legislators with information, viewpoints, and perspectives. Through this process, civil society groups can prevent the state from passing laws that are against the interests of their members and the citizenry-at-large. Skocpol and Fiorina (1999, p. 15) have noted that "From an institutional perspective, voluntary associations matter as sources of popular leverage, not just as facilitators of individual participation and generalised social trust." Historical institutionalists also emphasise the ability of civil society organisations to serve as a self-defense mechanism that protects citizens against a potentially intrusive state.

The historical institutionalists' emphasis on the direct political leverage of civil society can also be applied at the level of the individual, where voluntary associations are viewed as providing spaces and platforms for individuals to express their views and opinions freely and to be heard by political authorities. This line of argument has been advanced by Gutman (1998, p.1) who argues that, "Without access to an association that is willing and able to speak up for our views and values, we have a very limited ability to be heard by many other people or to influence the political process, unless we happen to be rich or famous." In support of this notion, de Tocqueville (1969/1835, p.190) writes, "An association unites the energies of divergent minds and vigorously directs them towards a clearly indicated goal." Membership in associations, therefore, gives the members and society direct and tangible benefits because it allows citizens to influence processes that directly affect their livelihood.

In conclusion, Diamond (1994) has summarised the many positive roles that a vibrant civil society plays in the process of democratic consolidation. These include checking and limiting the power of the state, stimulating political participation, developing a democratic culture of tolerance and bargaining, creating additional channels for articulating and representing interests, generating cross-cutting cleavages, recruiting and training new political leaders, improving the functioning of democratic institutions, enriching the flow of information to citizens, among others. According to Diamond, all these functions strengthen and legitimate a democratic state, but he warns that a strong civil society does not in itself substitute for strong political and legal institutions, which he considers as the foundation for a democratic system. For Schmitter (1997), the principal functions of civil society for democratic consolidation include aggregating and stabilising expectations, inculcating civic conceptions of interests and norms of behaviour, supporting inclusive political processes, reducing the burdens of governance, and checking state abuses of power. However, Schmitter (1997) also warns that civil society is not an unmitigated blessing for democracy. Certain qualities of civil society may make the formation of majorities more difficult, build biases in policy-making processes, lead to pork-barrel politics and segment the political community. All these outcomes may be detrimental to the process of democratic consolidation.

2.2.6. Sceptics

Finally, the last group of scholars remains unconvinced by the validity of the presumed causative relationship between civil society and democracy and the beneficial effects of civil society to democratic consolidation. They point out that there is no concrete evidence demonstrating how the causal mechanism works empirically and that civil society alone is not a guarantee for democracy. For this group of scholars, what is most significant for democracy is the development of strong political institutions (Armony, 2004; Encarnacion, 2003; Carothers, 2000; Rieff, 1999; Berman, 1997; Edwards and Foley, 1997; Newton, 1997; Ndegwa, 1996; Levi 1996). These institutions include political parties and governmental institutions such as the legislature, the judiciary, and rational-legal bureaucracies. Sceptics argue that scholars who believe in the positive link between civil society and democracy treat it as if it is the only or the most important factor in democratic consolidation. According to these scholars, this is not the case as they hold that significant institutional development is the foundation for democratic consolidation. With weak political institutions, even a strong and vibrant civil society will not support democracy.

Following this line of argument, Huntington (1968) contends that too many demands too forcefully on the state by civil society groups could undermine the political order upon which the state depends and lead to civil war, instability or anarchy. In the same vein, in an influential article, Berman (1997) strongly critiques the general assumption that there is a necessary link between a vibrant civil society and democracy. She demonstrates how an active and vibrant civil society contributed to the collapse of democracy in Weimar Germany in the 1930s and argued that in this case, weak political institutions were unable to respond to a flurry of demands by various civil society groups in the country. Having been disappointed by these institutions, civil society decided to work with populist political parties like the Nazi party and helped in the mobilisation process that facilitated the rise of the Nazis to power. Berman, therefore, concludes that in the context of weak, inefficient and partial national institutions, civil society activities may enhance societal fragmentation, and undermine democratic development. Further, Berman (2003, p. 263) has also noted that the rise of the Muslim Brotherhood to power in Egypt, engineered a process of Islamization "from below" by constantly attacking secularism and promoting *sharia* as the law of the land. Overall, she concludes that civil society alone is not a guarantee for democracy. In her view what is more

significant for the development of democracy is the establishment of strong political institutions.

Using contrasting democratisation evidence from Spain and Brazil, Encarnacion (2003) has demonstrated that the performance of political institutions rather than the configuration of civil society determines the consolidation of democratic regimes. In a different study, Encarnacion (2000) challenges the notion that civil society could lead a process of democratic transformation of formally authoritarian societies and argues that the idea that a robust and vibrant civil society is a prerequisite for democratic consolidation is empirically flawed in at least two ways. Firstly, he argues that the Tocquevillian interpretation of civil society, which is American in character, is incompatible with the socio-economic context of most democratising states. Secondly, in the context of "undeveloped political systems, overburdened newly democratic governments and highly politicised populations" (Encarnacion 2000, p. 13) a vibrant civil society might supersede the ability of government to respond to social demands and thus lead to "a crisis of governability and democracy." The author points out that in cases where a strong civil society becomes an alternative to strong political institutions, the result is the atomisation of society and dispersion of political power, which complicates the process of democratic consolidation. Encarnacion, therefore, concludes that civil society is neither a necessary nor a sufficient condition for democratic consolidation. Diamond (1999) has also admitted that although a dynamic and active civil society is critical for the development of effective and legitimate democracy, it is not a substitute for strong legal and political institutions, which form the foundation for a democratic system.

Similarly, Ndegwa (1996) has contributed to this debate in his study of NGOs in Africa. One of his case studies, Undugu Society, which works to help the urban poor in Nairobi, worked closely with the authoritarian Kenyan state for an extended period. The author argues that the cooperation with the state benefitted the organisation to the detriment of democratisation efforts intended to benefit the whole of the Kenyan society. Undugu society only moved to oppose the authoritarian state when the government enacted legislation that threatened its operations. Ndegwa thus critiques the "civil society liberalisation theory," the view that organisations in civil society are central to both democratic transition and consolidation. He concludes that there is no necessary connection between NGO activity and democratic struggles.

Further, Armony (2004) also rejects the claim that the presence of a vibrant civil society will necessarily lead to or guarantee democracy. The author uses the case of the rise of Nazi Germany, the anti-desegregation movements in the US, and the spread of human rights movements in Argentina after the end of the military regime to demonstrate that intense levels of political engagement by strong and vibrant civil society lead to exclusionary policies. The thrust of his argument is that whether civic engagement contributes to democratisation or not, depends on specific socio-economic and institutional context. For Armony, civil society is only beneficial to democratic consolidation, if there is economic stability, less socio-economic disparities, social trust in transparent institutions and a healthy synergy between the state and civic actors. Sceptics conclude that the importance of civil society to democratisation has been exaggerated by those who believe in the positive link between civil society and democracy. In their view, there is no necessary association between civil society and democratic consolidation. In other words, a rich associational life does not necessarily guarantee a stable polity, for increased mobilisation by civil society could lead to the collapse of political institutions (DeVotta, 2004; Berman, 1997; Huntington, 1968)

Despite the diversity of opinion about the relationship between civil society and democracy, there is a growing consensus among political analysts that a robust, active and vibrant civil society is beneficial to the consolidation of democracy (Graeme, 2000) and that civil society is a necessary though not sufficient condition for democracy. Hagan (2013) goes as far as to claim that the current literature settles earlier doubts of a positive relationship between civil society and democratic consolidation. For scholars, who subscribe to this consensus, an active and robust civil society is consequential in all the stages of democratisation process (Diamond 1997; Fukuyama, 1995; Bratton 1994; Chazan, 1994a; Woods, 1992). What is at the core of this debate is whether the existence of a robust and dynamic civil society is a sufficient or a necessary condition for democracy. This study takes the position that civil society groups, and specifically advocacy groups, are beneficial to the process of democratic consolidation, although not, a sufficient condition for the same. The study argues that in the context of Kenya and Zambia, the existence of a robust and autonomous civil society becomes even more critical since the two countries already face numerous institutional deficits, political, social and economic bottlenecks in the process of democratic consolidation.

2.3. Conceptualizing and Studying Civil Society

As explained in Chapter 1 of this dissertation, civil society is a contested concept with various definitions, depending on the purpose for which the concept is used. It is, therefore, incumbent upon any researcher to explicitly articulate which approach is being employed (Heinrich, 2010; Fioramonti, 2005) for both conceptual and methodological clarity. However, studies of civil society and democratisation have faced two major problems. Firstly, most studies in this area of research hardly define the approaches that are employed in studying civil society. Secondly, contemporary popular discourses of civil society assume an implicit normative perspective, thus treating civil society as a virtuous society that is progressive and democratizing (Linz and Stepan, 1996a; Putnam, 1993). These problems have compounded the already existing conceptual confusions regarding the empirical research of civil society and generated a critical debate over the last three decades among social scientists on how best to study civil society. However, as noted by Heinrich (2010), most scholars of civil society who specify their approaches in studying civil society view it either as a virtuous society or a distinct sphere within society. Studies that view civil society as a virtuous society have dominated the literature on civil society for a long time, while most recent studies have tended to view civil society as a distinct sphere within society, which stands apart from the state, the market and the family and where uncoerced collective action for shared goals takes place (Powell, 2010; Linz and Stepan, 1996a). Additionally, other scholars have conceptualised civil society as a specific societal sector populated by a multitude of voluntary, non-profit organizations (Salamon et al., 1999). All these approaches have specific merits and contribution to knowledge within the civil society literature.

The dimension of conceptualising civil society as either normative-theoretical or empirical-analytical have attracted much interest and attention in the last decade, although normative-theoretical studies of civil society have dominated contemporary literature on civil society (Kopecky and Muddle, 2002). This dominant approach employs the concept of civil society as "a theological notion, not as a political or sociological one" (Rieff 1999). In other words, studies which use this notion, view civil society as a virtuous society and aim to study "what civil society ought to be," while empirical-analytical perspectives view civil society as a distinct sphere within society and focus on studying the features of "existing or real civil societies" (Alexander, 1998) as experienced in the real world, where civil society operates and

performs its functions. This study, conceptualised civil society as a distinct societal sphere in which people associate voluntarily to advance common interests (Anheier, 2004; Schwartz and Pharr, 2003; Kymlicka, 2002; Bratton 1994) as explained in Chapter 1 and employed an empirical-analytical perspective based on the functions of advocacy groups, which support the process of democratic consolidation.

The choice of the empirical-analytical approach was based on several reasons. Firstly, the tendency of employing normative-theoretical approaches to study civil society is more pronounced in studies of civil society and democratisation in Africa, (Heinrich 2010; Whitfield and Mustapha, 2009; Igoe and Kelsall 2005; Herbst 2001) especially after the political transitions in the continent from the early 1980s to mid-1990s, where civil society groups played a significant role as part of the pro-democracy movements. The dominance of this approach has placed unrealistic expectations on civil society (Howell and Pearce, 2002; Chandhoke 2003:36) and contributed to current the perceptions that civil society has underperformed in the post-transitional dispensations in Africa. Fioramonti (2005), therefore, suggests that in studying civil society and democratisation, one needs to distinguish between civil society as "an ideal-type" and civil society as an "actual reality." The "ideal-type corresponds to the *normative-theoretical* approaches, while the "actual or existing civil societies" corresponds to the *empirical-analytical approach* (See also Heinrich, 2010). Real civil societies manifest the qualities of separation, autonomy and civil association to varying degrees (Fioramonti 2005) due to their historical development, cultural and socio-political contexts. Therefore, civil society is not merely a theoretical and normative concept, but a tool to describe and explain concrete social reality and collective action. Keane (1998, p. 37) describes the objectives of employing an empirical-analytical approach as;

> "The immediate or avowed aim of such empirical-analytical interpretation of civil society is not to recommend courses of political action or to form normative judgments. Rather, the language of civil society is used to develop an explanatory understanding of a complex socio-political reality using theoretical distinctions, empirical research and informed judgment about its origins, patterns of development and (unintended) consequences."

Dicklitch (1998, p. 3) has also advised that "The recent surge of interest in NGO activity in Africa calls for an examination of what role they actually play, as opposed to what role they are expected to play, in the democratisation process." This study, therefore, took these

suggestions and focussed on the real or existing advocacy groups in both Kenya and Zambia to explain the principal constraints that confront these groups in the process of democratic consolidation. Secondly, the normative-theoretical perspective conceptualises civil society narrowly and rigidly by setting strict standards, expectations, and boundaries for associations that would qualify as part of civil society. This prescriptive nature of the definition of civil society precludes most of the organisations that have been crucial in the process of democratisation in the continent (Kasfir, 1998). Additionally, it leaves out of civil society critical social interests, voices and diverse manifestations of associational life in Africa, which include informal, formal, traditional and ethnic associations as viable elements of civil society. Further, the normative-theoretical definition precludes uncivil societal groups, which in many cases have been more relevant to the process of democratisation than the civil types in Africa (Kasfir, 1998).

All these precluded groups in the definition of civil society by theoretical-normative approaches are critical elements in social, political and economic development in the continent. The approach, therefore, distorts state-society relations and does not adequately capture the nature and essence of the reality of civil society in Africa (Kasfir, 1998). Empirical-analytical perspective, on the other hand, conceives civil society in a broader, more inclusive way as a distinct public sphere of collective action, separate from the state, the market and the family (Deakin 2001; Linz and Stepan 1996a) and therefore, allows for the inclusion of Africa's diverse and complex elements of associational life in the study of civil society, broadening the social basis for democratic consolidation. Moreover, recent studies of civil society in both Kenya and Zambia (Ngunyi 2008; Maitra, 2006; Chweya, 2004, Kanyinga, 2004,) have adopted the Hegelian perspective by defining defined civil society broadly and inclusively.

Thirdly, the normative-theoretical approach does not consider the historical, cultural and economic development processes that have shaped the nature and content of civil society in non-western societies. African civil society has developed through its own historical and socio-cultural conditions and, therefore, should not be viewed as a replica of western models (Obadare and Willems, 2014). The approach is, therefore, ethnocentric in its understanding of civil society and assumes that civil society is the same all over the World. It muddles the overall understanding, analysis and study of civil society in Africa (Gibbon, 2001; Kasfir, 1998; Orvis, 2001). The empirical-analytical approach, on the other hand, views civil society as a societal

sphere and focuses on the specific modes of action or the *purpose of activity* of advocacy groups rather than their *form of organisation*, which primarily depends on historical, cultural and social processes. The approach, therefore, transcends the cultural relativism rooted in the western origin of the concept of civil society and its perceived incompatibility with non-western contexts. Consequently, the empirical-analytical approach facilitates the adoption of the concept of civil society to non-western contexts. Varshney (2001, p.369-70) has emphasised this point by noting that, "At least in the social and cultural settings that are different from those of Europe and North America, if not more generally, the purpose of activity rather than the form of the organisation should be the critical test of civic life."

Furthermore, the empirical-analytical approach is a much more realistic approach in studying civil society and in this case advocacy groups and democratic consolidation, because advocacy groups contribute to democratic consolidation not so much because of their quantity and form, but rather because of their functions, which support the process of democratic consolidation. The approach, therefore, views collective citizen action for interest articulation in the public sphere as the basis for civil society (Howard, 2003; Stepan, 1988) contribution to the process of democratic consolidation. Finally, empirical-analytical approach recognises the fluidity of the boundaries between civil society and the other spheres of social life (Alexander, 1997; Young, 1999), an aspect of civil society that is more pronounced in the African setting, due to the practice of neopatrimonialism and undeveloped formal institutions of governance.

However, there are several challenges in employing an empirical-analytical perspective to study civil society and democratisation. Its broad definition of civil society includes all manner of collective action and types of associations into the concept of civil society, therefore, downplaying the complexities within society. However, several studies have successfully employed the perspective in analysing various processes and phenomena within society (Biekart, 1999). Secondly, Heinrich (2010) points out that some critics of the empirical-analytical approach argue that it is difficult for scholars to use the concept of civil society as a "value-free" tool to describe social phenomena. However, most scholars agree that to use the concept of civil society in empirical studies successfully and productively; it must cast aside its cultural and historical baggage from its origins in Western Europe. It must be viewed as a universal concept of collective action and, be used as a heuristic tool free from any ideological or socio-historical trappings (Malena 2008, Edwards, 2004; Lewis 2002; Whitehead, 2002)

2.4. Theoretical Framework

The study employed a rigorous deductive approach to the case study design and, therefore, identified the theoretical framework at the beginning of the investigation (Yin, 2014). As emphasized by Creswell (2009, p. 64) "apriori conceptual framework structure composed of theory and method, provide the starting point" in qualitative research. The theoretical framework, therefore, is the "structure, the scaffolding or the frame of the study" (Meriam 2009, p. 66). It guided and shaped the formulation of research questions, which were translated into research propositions.[31] It also structured data collection, analysis and interpretation of findings (Yin, 2014; Meriam, 2014; Creswell, 2009; Miles and Huberman, 1994). The framework further focused and situated the study within the scholarly conversation, guiding the researcher's thinking about the constraints confronting advocacy groups and their effects on the ability of these groups to effectively contribute to the process of democratic consolidation besides managing critical issues of the study such as confidence, validity, and reliability. Additionally, it helped in providing concepts that were used in the coding and analysis of data. Overall the theoretical framework of this study consisted of the study's theoretical approach, the research questions and propositions, and the theories that informed such propositions. The use of multiple theories in this study enhanced insights into understanding the issues under study and allowed the researcher to use multiple facets in analysing the central issues of the study.

2.4.1. The domestic politico-institutional approach

The study employed a domestic politico-institutional approach,[32]to comparatively investigate the constraints confronting advocacy groups in the post-transitional countries of Kenya and Zambia and to assess the effects of such constraints on advocacy groups ability to effectively contribute to the process of democratic consolidation. This approach posits that

[31] In quantitative approaches, research propositions can be equated to hypotheses in that they both make an educated guess to the possible outcomes of the research study.

[32] Other theoretical approaches in comparative democratization include structural theories (Lipset, 1959; Diamond 1992), social approaches (Moore, 1966; Rueschmeyer et al, 1992), economic models (Haggard and Kaufman, 1996) and strategic approaches (Diamond 2010; O'Donnell and Schmitter, 1986)

institutions,[33] whether formal or informal, interests and strategic behaviour of political actors shape political outcomes within specific contexts (Bratton, 2010; Teorell, 2010; Bratton and Van de Walle, 1997). The objective here is to provide a systematic account of the constraints experienced by advocacy groups in Kenya and Zambia as generated by political and institutional variables, interests and patterns of behaviour of advocacy groups in the process of democratic consolidation. Several scholars have employed this approach using variables such as elections, political parties, neopatrimonialism among others, to explain the democratisation process in Africa. The approach emphasises the interaction of actors, structures and processes, based on domestic political factors with specific attention paid to structural and contingency dimensions.

The foundation of this approach is an "emphasis on intermediate institutions that shape political strategies, the ways institutions structure relations of power among contending groups in society, and especially the focus on the process of politics and policy-making within given institutional parameters" (Thelen and Steinmo, 1992, p. 7). Political actors within this approach are viewed as agents, which Giddens (1979) defines as one person or an entire group of people acting with some common purpose. It involves a stream of human interventions intended or unintended in the flow of events making up history, while structure, is constituted in human relations. It is composed of the social practices and capabilities that these practices presuppose. Additionally, the author views structures as "rules and resources," upon which actors draw in their daily actions and interactions; these rules and resources are constantly reconstituted through their use (Giddens, 1979 p. 65). The interaction between structure and agency is reciprocal and critical in understanding the relationship between advocacy groups and the process of democratic consolidation. Katznelson (1997, p. 97) simplifies the essence of this interaction when he states that, "structures and actors make democracy and democracy remakes structures and actors." The author, therefore, emphasizes the structured-contingency interaction as being central to understanding the process of change and in this case understanding the interaction of advocacy groups and the process of democratic consolidation.

[33] North (1990, p. 3) defines institutions as "the rules of the game in a society, or more formally…the humanly devised constraints that shape human interactions". Political institutions on the other hand are the formal rules, regulations and policies that structure social and political interactions (Posner, 2005, p. 2)

Additionally, Karl (1990, p.7) has argued that "Historically created structures, while not determining which one of a limited set of alternatives political actors may choose are "confining conditions" that restrict, or in some cases enhance the choices available to them." Similarly, Marx (1971/1859, p.15) has noted that "Men make their own history, but they do not make it just as they please; they do not make it under the circumstances chosen by themselves, but under the circumstances directly encountered, given and transmitted from the past." Advocacy groups operate within institutional and political contexts that are not directly created by them. There is thus a continuous struggle over the content and process of democratic consolidation with other political actors in an institutional and political environment, which influences the opportunities, choices, constraints, demands, and strategies for all actors involved in the process.

Institutional and political context also contributes to the distribution of resources that matter for organising public citizen engagement (Alagappa, 2004). Such resources include information and freedoms that support citizen engagement and participation. This context or environment is dynamic and may shift due to regime change and other political factors. This point is emphasised by Thelen and Steinmo (1992, p. 3) who noted that "political struggles are mediated by the institutional settings in which they take place." Moreover, "institutions shape the goals that political actors pursue and structure power relations among them, privileging some and putting others at a disadvantage. Institutions structure battles and by so doing influence their outcome." This relationship means that in the process of democratic consolidation, advocacy groups are constrained by the institutional variables in which they operate within and they must, therefore, make choices within these circumstances and as they do, those very choices may provide opportunities and create further constraints or opportunities for future action. However, it must be noted that within given constraints, there are still more choices of actions or inactions left open to them, for instance, the choices that advocacy groups made during the political transition process may support or hinder their contribution to the process of democratic consolidation. On the other hand, advocacy groups may use the changed political and institutional conditions to their advantage. Thelen and Steinmo (1992, p. 12) emphasise this point when they note that, "institutional change results from deliberate political strategies to transform structural parameters to win long-term political advantage."

Bratton and Van de Walle (1997) have outlined several advantages for employing the domestic politico-institutional approach in studying political actors and democratisation process, which directly applies to this study. Firstly, there is a growing shift among scholars from concerns with preconditions and agents only driven explanations in studying the dynamics of democratisation to the incorporation of the structure into the analysis of agency. As Gill (2000, p. 89) has stated, "actors do not play out their role in a vacuum, but in a context consisting of the structures from the past and continuing into the present." The constraints that advocacy groups confront in the post-transitional countries of Kenya and Zambia would thus vary depending on the past, and the present structure, the strategic choices of advocacy groups and the political and institutional context in which they currently operate. Secondly, the domestic politico-institutional approach emphasizes the role of domestic political actors as critical in the transformation process. The approach, therefore, facilitates the understanding of the domestic considerations and the context shaping the rules of the game (Bratton and Van de Walle, 1997).

Democratic consolidation involves the realignment of these rules affecting the composition, relationships and power dynamics of players involved in the process of public decision-making. This realignment directly affects domestic political actors and organisations, which have a great deal to gain or lose in the transformation process. Moreover, there is a growing consensus among political analysts that domestic factors ultimately and fundamentally shape the pace and direction of democratic progress (Burnell, 2000; Ottaway, 1997; Remmer, 1995, Ake 1991). Commenting on the democratic transition processes, Whitehead (2002) notes that "internal forces were of primary importance in determining the course and the outcome of the transition attempt and international factors played a secondary role." Similarly, Schmitter and O'Donnell (1986, p. 5) have concluded that the "prospects for political democracy were largely explained in terms of national forces and calculations." Several scholars have also contended that international factors appear to play a more significant role in the initiation of democracy, but only a secondary and supportive role in the process of democratic consolidation (Pinkney, 2003). In the end, Bratton and Van de Walle (1997) have noted that a country's prospects for democratic consolidation directly depend on its inherited practices. In other words, domestic factors provide a solid foundation and focus on the analysis of the constraints confronting advocacy groups in the process of democratic consolidation. Ultimately, democratic consolidation is essentially a domestic drama.

Thirdly, Bratton and Van de Walle (1997) have stressed the importance of the rules that govern political interactions and the struggles over these rules such as constitutional reforms that determine the distribution of power among formal political institutions. The authors argue that rules and institutions impose limits on the range of choices available to actors and predispose them to opt for certain courses of action over others. The domestic politico-institutional approach concern with rules and struggles, therefore, enables political analysts to address a full range of issues that relate to advocacy groups and democratic consolidation. For instance, examining the internal characteristics of advocacy groups and their relationships with other actors within the political environment. Thelen and Steinmo (1992, p. 13), have emphasised this point when they write, "The emphasis on institutions as patterned relations that lie at the core of an institutional approach does not replace attention to other variables, the players, their interests and strategies, and the distribution of power among them." The politico-institutional approach put all these factors in context and help us understand how they relate to one another in a politically structured environment.

Finally, Thelen and Steinmo (1992, p. 10) have pointed out that the domestic politico-institutional approach builds numerous analytical bridges between actors, agents and objects of history, between formal state and informal societal processes and between grand generalisations and narrower national cases. It focusses on explanatory factors that are proximate to advocacy groups to illuminate both regularities and variations across the two selected countries of Kenya and Zambia and systematically account for both continuities and change across time. This study thus claims that by employing the domestic politico-institutional approach to study the constraints confronting advocacy groups in the process of democratic consolidation, we stand the best chance of understanding in a very comprehensive and detailed manner not only the constraints confronting advocacy groups but also the context in which those constraints emanate. However, applying domestic politico-institutional approach, where states lack strong formal institutions such as Africa may pose challenges to researchers. Bratton and Van de Walle (1997) have advised that analysts must consider this prospect when addressing the issues under their studies. Additionally, it must be taken into consideration that formal institutions have started to play crucial roles in the political processes in many African countries.

2.4.2. Primary research questions

Two primary research questions motivated this study:

Research Question 1: *Why are advocacy groups constrained in the post-transitional states of Kenya and Zambia?*

Research Question 2: *How have these constraints impacted on advocacy groups' ability to effectively contribute to the process of democratic consolidation in Kenya and Zambia?*

The objective of the first question was to comparatively investigate the primary constraints confronting advocacy groups in the new political and institutional dispensation in both countries. The study explored both generic constraints associated with the democratisation process and context-specific constraints associated with each country's historical, political, social and economic circumstances. The objective of the second research question was to assess the effect or impact that the identified primary constraints to advocacy groups in question 1 have had on advocacy groups' ability to effectively contribute to the process of democratic consolidation. The two primary research questions guided the research process and were the basis for data collection and analysis. They focused on the unit of analysis, i.e., advocacy groups, whose characteristics, organisation, relationship with other political actors, strategic behavior, interests, choices, and activities were of critical importance for this investigation. The primary research questions, therefore, framed the study by providing the *structure* and the *focus* for the investigation.

Additionally, all the supplementary questions that were developed revolved around the two primary research questions and were all geared towards achieving the overall objectives of the study. Some additional questions were tailored to specific sub-groups of respondents, such as international donors, depending on their overall role in the process of democratic consolidation. The questions were meant to elicit maximum and comprehensive information and evidence from the respondents to explore the goals of the study. The same set of research questions were posed to respondents in both countries, which helped in the standardization of data collection and were valuable for systematic and comparative analysis of the findings of the study.

2.4.3. Research Propositions

A rigorous qualitative case study such as this that seek explanations for concrete social situations requires the identification of specific research propositions at the outset of the inquiry (Yin 2013). The study's research questions were, therefore, translated into research propositions. These are generalisations or hypotheses in case of quantitative research that help in explaining the constraints confronting advocacy groups in the new political environment in both Kenya and Zambia. For this study, the propositions were derived from well-established civil-society literature and over ten years of accumulated knowledge and work experience by the researcher within the civil society sector in Africa. Although advocacy groups in both Kenya and Zambia face numerous challenges in their quest to contribute to the process of democratic consolidation, this study proposed three primary constraints confronting these groups in the new political dispensation; the uncertain political environment, state actions and strategies to control and restrict the activities of advocacy groups and popular disengagement from advocacy groups.

The study claims that these propositions have the most significant effects on advocacy groups' ability to effectively contribute to the process of democratic consolidation. The combination of these constraints has created an environment, in which advocacy groups are unable to effectively contribute to the process of democratic consolidation in both countries. These propositions formed the foundation for the theoretical framework for this study (Stake 1995; Miles and Huberman, 1994) by providing themes for data collection and analysis and helping in placing limits on the scope of the study (Baxter and Jack, 2008). The propositions also provided the structure of the empirical chapters of the dissertation.

2.4.3.1. Proposition 1: The Uncertain Political Environment

Several studies have established that the democratisation process creates an uncertain political and institutional environment for all political actors, including advocacy groups and this significantly affect their role in the process. Political actors, therefore, continuously grapple with this challenge of transformation, which they attempt to shape, but at the same shape their choices, strategies, interests, and behaviour. Political analysts have, therefore, developed two contrasting models that attempt to explain the trajectory of civil society organisations through

the democratisation process. These models explain the dynamics and changes that occur within civil society and the roles that they play in various phases of the democratisation process.

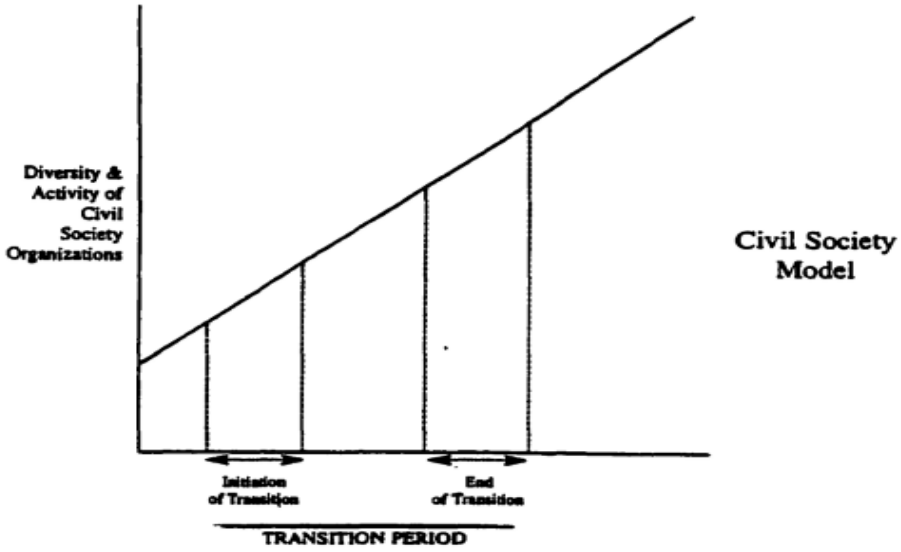
i) The Civil Society Model

The civil society model posits that civil society groups are consequential in all stages of the democratisation process if the process proceeds to completion. Scholars who ascribe to this model predict the continuous rise of civil society organizations throughout the democratisation process due to the mutually reinforcing relationship between democracy and civil society (Glaser, 1997; Cohen and Arato, 1992; Putnam, 1991). Linz and Stepan (1996a, p. 299) have summarised this model by noting that, "a vibrant and lively civil society can help start transitions, help resist reversals, help push transitions to their completion, and help consolidate and deepen democracy." Additionally, they argue that for civil society to effectively carry out these functions to support the completion of the democratization process, they need a strong political society. Proponents of this model also note that a weak civil society does exist within the authoritarian system (Bratton and Van de Walle, 1997; O'Donnell and Schmitter, 1986) since civil society is never "wholly obliterated by authoritarian rule" Bermeo (1992, p. 287).

Although civil society is weak in such systems, it continues to carry out limited functions sanctioned by the authoritarian state. Once political liberalisation begins, the state extends rights and freedoms to citizens, and civil society takes advantage of these new rights to re-organize, expand its activities, and multiply and thus play a significant role in the democratization process by constructing individual rights and a public space free from state control. The role of civil society then dramatically peaks up in the democratic transition phase. Zuern (2000) argues that civil society groups as part of the pro-democracy movement are expected to play several roles in this phase, including the delegitimization of the state, ousting of authoritarian regimes, drafting of new constitutions, constructing a framework of the legitimate public sphere, supporting the development of political parties and a democratic electoral system, carrying out voter education and monitoring elections among others. Although some proponents of this model admit that partial demobilisation of civil society does occur during the transition phase as political parties take centre stage in the negotiation process with the elites from the incumbent regime, they, however, argue that such limited demobilisation does not mean the obliteration of a politically significant civil society (Arato, 2000, p. 71).

Regarding the consolidation phase, Diamond (1994) has argued that "a vibrant civil society is probably more essential for consolidating democracy than initiating it." Along the same line of thought, Arato (2000, p. 68) notes that "While a democratic transition can be formally completed with a marginalised civil society, the same is not true for democratic consolidation." He argues that civil society at this stage of democratisation supports the adherence to the constitutional framework, the rule of law and provides legitimacy to the government and adds that "only sociological legitimacy in the long term can congeal into a political culture supportive of democracy and a given set of institutions." (p. 70). This kind of sociological legitimacy can only be provided for by civil society. These groups are also expected to channel mass discontent at this phase because of the adverse effects of the simultaneous implementation of both economic and political reforms and help reduce populist demands that may overburden the redistributive capacities of the new democratic state. Civil society is, therefore, expected to play a critical role in institutionalisation and sustainability of democracy at this stage (Diamond, 1997; 1994; Bratton, 1994; Chazan, 1994a). Proponents of the civil society model, therefore, view civil society as a catalyst for democratisation from initiation to consolidation. In other words, as democratisation progresses, civil society becomes more diverse, robust and active (Zuern, 2000) in the process as depicted in Figure 2.1. below

Figure 2 1 The Civil Society Model



Source: Adapted from Zuern (2000) Democracy from the Grassroots? Civic Participation and the decline of participatory democracy in South Africa's transformation process, 1979-1999, Columbia University.

ii) The Social Movement Model

The second model that attempts to explain the trajectory of civil society through the democratisation process is the social movement model. Although there are connections between social movements and democratization, several scholars have lamented the narrow focus of social movement studies on contention to the exclusion of studying the nexus between social movements[34] and democratisation (Della Porta, 2014, 2009a; Foweraker, 1995). Charles Tilly (2004), for example, argues that social movements promote democratisation. Bratton (1994) explains this relationship between civil society and social movements by noting that civil society acts as a social movement, when it mobilises pressure for political change, creating a source of counter-hegemonic social movement. Similarly, Chandhoke (1998) has observed that, if the literature on social movement, describes a phenomenon of popular struggle, civil society provides the conceptual apparatus to comprehend the implications of those struggles on state-society relations. Ndegwa (1996) has thus gone further to suggest that democratisation studies require the reconceptualization of civil society by combining it with insights from social movement theory. Indeed, Cohen and Arato (1992) view civil society as both a movement, that is, a set of societal movements, initiatives and forms of mobilisation and an institution, that is, a framework of settled institutions such as rights and associations. Similarly, Dalton (1990) views social movements as forms of civil society.

Advocacy groups fit in this nexus between civil society and social movements more than any other type of civil society groups, since they frequently participate in social movement activities and most of them usually begin as social movements. The social movement model, therefore, can be useful and productive in explaining the trajectory of advocacy groups through the democratisation process. The model posits that social movements rise and fall with the democratisation process (Bratton and Van de Walle, 1997; O'Donnell and Schmitter, 1986), a trajectory that O' Donnell and Schmitter (1986) have described as an inverted 'U' model of activism. The authors argue that popular activism is quite low during the authoritarian period due to the tight control and repression of social movements by the authoritarian regime.

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[34] Tilly (1985.p.735-6) defines social movement as a series of interactions rather than a set group of actors. It consists of a series of demands to power holders.

According to this model, political liberalisation is initiated either by pressure from progressive factions within the authoritarian regime elites or from outside the regime as a response to escalating economic protests (Bratton and Van de Walle, 1997; Cohen and Arato, 1992). At this stage, repression reduces as the state grants both citizens and civil society some civil liberties and political rights. Civil society and social movements take advantage of these newly acquired civil liberties and political rights to rise and begin to mobilise the masses, therefore, putting pressure on the regime for further democratisation. This upsurge of civil society is what O'Donnell and Schmitter (1986, p. 48-50) refer to as the *"resurrection of civil society*" to support the transition process. This is the phase where civil society activity is most intense, and the groups play the most significant role in the process of democratisation.

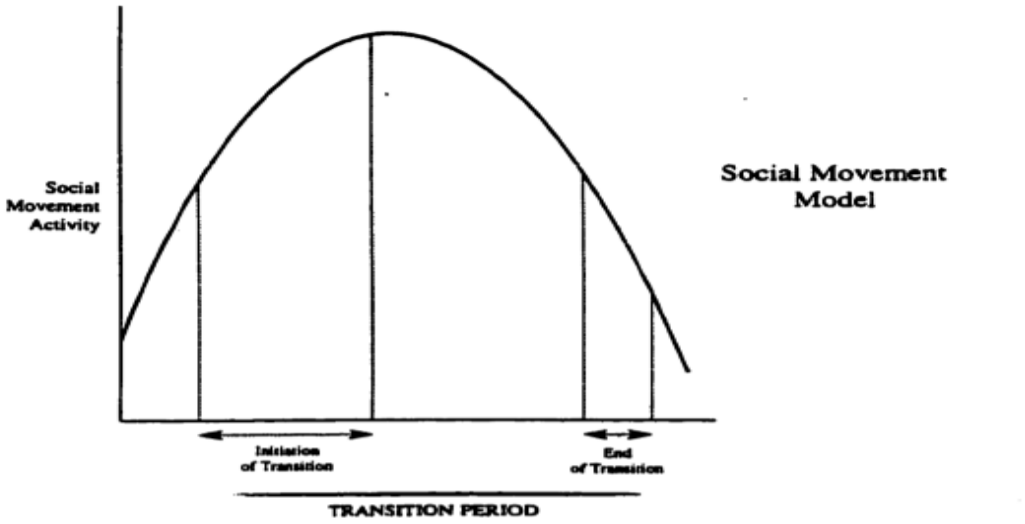
The heightened civil society activities lead to either the outright collapse of the regime or a negotiated settlement between the regime and the opposition political parties. Once political leaders from both sides agree to the negotiations, the intense antagonism between civil society and the regime begin to diminish, and *provisional demobilisation*[35] of civil society actors occurs in anticipation of a positive outcome towards democratisation from the negotiations between opposition elites and the elites from the authoritarian regime (Bernhard, 1996). Proponents of the social movement model argue that this demobilisation is necessary for successful negotiations. However, some scholars within social movement studies disagree with this proposition and instead argue that continued civil society mobilisation plays a significant role in pressurising politicians to negotiate and to commit and respect the outcomes from those negotiations. Bermeo (1997) for example, demonstrates this point in a study of Portugal and Spain, where she found that moderation in protests by popular groups is not necessary for a democratic transition to occur. On the contrary, persistent protests by civil society groups keep the transitions moving forward and broadens the arena for the democratisation process. These findings are consistent with the democratisation experiences of most African countries from the late 1980s to early 1990s, where the continued mobilization of the masses by civil society gave momentum to the transition negotiations.

[35] Demobilisation of insurgent civil society is the process by which civil society groups withdraw from active engagement in the democratisation process.

In the social movement model, the role of civil society is, therefore, mainly restricted to the liberalisation phase, while democratisation becomes the project of the political society (Przeworski, 1991; Stepan, 1988). O'Donnell and Schmitter, (1986, p. 55) have emphasised this point by stating that "regardless of its intensity and background from which it emerges, this popular upsurge is always ephemeral." Other scholars such as Ulfelder (2005) have also supported this transient role of civil society in the democratisation process. The demobilisation of civil society following democratic transitions has been noted in many countries, including Russia, Poland, Uruguay, Brazil and Spain (Oxhorn 1995; Pickvance 1992). Similarly, Bratton and Van de Walle (1997) have cited the demobilisation of civil society following democratic transitions in several African countries. Most proponents of the social movement model perceive transitions as elite centred processes, whether initiated from above or below by the masses (Welsh, 1994). If negotiations are successful and both the regime and opposition elites agree to reforms and founding elections, civil society gets *re-mobilised* in support of the opposition, and if the elections are successful and the opposition wins and replaces the authoritarian regime, civil society gets *demobilised* once again, as democratic institutions are established. In the new political and institutional environment, civil society groups turn to pursue institutional forms of collective action.

Further, these groups become more institutionalised and frequently employ more moderate forms of collective action (Muller and Seligson, 1987) as they fail to replace the mobilised forms of action (Cohen and Arato, 1992, p. 68). Additionally, the decline of civil society at this stage of democratisation is aided by the establishment of more democratic channels and institutions for legal and peaceful participation, which include the legislature, elections, and political parties, following the restoration of democracy. Other factors that contribute to the decline of civil society, include regime repression, selective co-optation, protest fatigue or exhaustion, the emergence of internal conflicts within protest groups willing to compromise for new policies, the disillusionment of the masses and initiation of reforms by the new democratic regime (O'Donnell and Schmitter, 1986, p. 56-57). Political parties return to the forefront of political activity, taking up most of the roles initially played by civil society groups. The trajectory of civil society in the process of democratisation within the social movements' model is depicted in Figure 2.2 below.

Figure 2 2 The Social Movement Model



Source: Adapted from Zuern (2000) Democracy from the Grassroots? Civic Participation and the decline of participatory democracy in South Africa's transformation process, 1979-1999, Columbia University

Kenya and Zambia can both be considered to have undergone through the democratisation processes of political liberalisation, democratic transition and currently in the process of democratic consolidation. Civil societies in these countries have played significant roles, in all these phases of democratisation and continue to play a crucial role in the process of democratic consolidation. The two countries, therefore, provide a suitable pair of cases to test whether the constraints confronting advocacy groups influence or shape the trajectory of civil society through the process of democratisation. The study, therefore, proposed that the uncertainty for advocacy groups in the post-transitional political and institutional environment is as a result of a three-fold dilemma for these groups;

a) Unclear roles in the post-transitional political and institutional environment.
b) Unclear strategies for articulating demands for the process of democratic consolidation
c) Unclear relationship with the newly democratic states

2.4.3.2. Proposition 2: State strategies and Advocacy groups: A Modified Fowler's Model

This study argues that although both Kenya and Zambia embraced multi-party democracy in the early 1990s improved civil liberties and political rights, the governments have continued to perceive advocacy groups suspiciously and, therefore, employ similar strategies and tactics, which were used by their authoritarian predecessors to control and restrict the activities of advocacy groups. Ngunyi and Gathiaka (cited in Ndegwa 1996, p. 26) have identified several strategies that the Kenyan authoritarian state employed to restrict the activities of advocacy groups during the pre-transition period. These strategies include; deregistration and proscription, emasculation by forcing the removal of leaders, withdrawal of resources and privileges, the reconstitution of organisations by the state and the reduction of contacts with the state. Similarly, Fowler, (1991) developed a framework for understanding the African authoritarian state's primary strategies for controlling or restricting the activities of civil society organisations. He identified a mix of three primary strategies, which included the use of NGO legislation, administrative co-optation, and political appropriation. He argues that the overall objective of these strategies was to help authoritarian governments to capitalise on NGO growth while maintaining the political status quo.

This study slightly modified Fowler's framework by including selective harassment and political propaganda as strategies that are becoming popular with the new democratic governments in both countries for controlling and restricting the activities of advocacy groups in the new political and institutional environment (Figure 2.3). The modified framework was then used to analyse the state strategies and their impact on the ability of advocacy groups to effectively contribute to the process of democratic consolidation in both countries. Fowler's framework was considered appropriate for this study for several reasons. Firstly, the framework is an *agency-oriented* model focusing on deliberate state actions towards civil society organisations and thus fitted within the study's broader framework of domestic politico-institutional approach and helped in analysing the incentives for such actions. Secondly, these state strategies meant to limit the activities of civil society organisations disproportionately target advocacy groups in both countries, which are the focus of this study. Finally, the framework was appropriate for this study since it is informed by experiences of civil society groups drawn from both Eastern and Southern Africa, regions of Africa, where both Kenya and Zambia are located respectively.

The rationale for state attempts to control advocacy groups' activities is based on the deep-seated suspicions of advocacy groups by the state due to advocacy groups' challenge to the state's territorial hegemony, national security, autonomy, continued legitimation and revenue (Young, 1988). Governments have also accused civil society groups of representing foreign interests, meddling in domestic affairs to promote regime change and unaccountable to the citizens. In addition, over the last decade, the "war on terror" after 9/11 terrorists attack in the United States has increased governments' concerns with terrorism and the need to control or restrict foreign funding to non-state actors. Further, the endorsement of the Paris Declaration on Aid Effectiveness in 2005 by ninety-nine countries and major international donors has resulted in unintended consequences for civil society groups, with most developing countries misinterpreting the harmonization and alignment of aid with partner countries priorities to mean "host government ownership" (Rutzen, 2015) and, therefore, endeavour to control civil society funding and impose transparency and accountability measures through government regulation. In Africa, the state's behaviour towards social formations has also been shaped by the effects of colonialism, where the state, "embodies the full strength of and instrumentality of colonialism" (Osaghae, 2003.p. 3) and displays a totalising tendency towards society (Bayart, 1986) with the main goal of "seeking to achieve unrestricted domination over civil society" (Young, 1999),

In the case of Kenya, Wanyande (1999) argues that civil society groups were widely viewed by the state as competitors for legitimacy, until 1986, when the government officially recognised them as partners in the development process. Despite the official recognition, the state continued to display controlling tendencies, especially towards advocacy groups. Okuku (2002) has also noted that the control of civil society groups in Africa by the state are mainly driven by the need to control revenues, which sustain the entrenched patronage system in the continent. Bratton (1989, p. 572-6) thus concludes that "the amount of space allowed to NGOs in any given country is determined first and foremost by political considerations, rather than by any calculation of the contribution of non-governmental organisations to economic and social development.*"* This calculation is mainly targeted at advocacy groups, which are traditionally perceived to be critical of government policies, behaviour, and actions.

In Fowler's model, authoritarian regimes in Africa mostly viewed NGO as "both an asset and a liability" and, therefore, reacted to the growth and expansion of Non-Governmental Organisations (NGOs) with strategies that helped them retain the economic advantages offered by NGOs, while countering the political disadvantages, which NGOs represented (Fowler, 1991, p. 64). The counter strategy, therefore, disproportionately targeted advocacy groups, as explained above. Fowler offers three significant strategies that authoritarian states in Africa employed to control and restrict the activities of civil society organisations;

i) Introduction of NGO Legislations

The state's enactment of laws that regulate the operations of Non-State Actors impose both obligations and benefits to these groups. With the rapid growth and expansion of civil society groups in Africa from the late 1980s to early 1990s due to increased support and funding from international donors, most African states introduced NGO legislation under the guise of regulating the sector. Fowler notes that the most common reasons used to justify such regulation included;

- To protect against abuse of status by NGOs
- To support the coordination of NGO activities
- To create alignment with the official system of development administration
- To protect donor funds from misuse and abuse
- To ensure national security
- To control or restrict NGOs from questioning those in power

Although NGO legislations impose obligations on and offer benefits for the organisations that they regulate, Fowler argues that in the real sense, authoritarian African governments were using NGO legislation to achieve political objectives by restricting the activities of these organizations through such laws. The NGO legislations enacted imposed strict conditions for foreign funding, severe penalties for violations of NGO laws, mandatory annual re-registration, and formation of government bodies with excessive discretionary powers to monitor and regulate civil society organisations. These kinds of provisions restrict the activities and operations of NGOs, undermine their autonomy and independence and, therefore, significantly impact on their ability to contribute to governance and the process of democratic consolidation effectively.

ii) Administrative Co-optation

Fowler (1991, p. 67), defines administrative co-optation as the process, whereby NGOs are required to fit into non-participatory systems of development administration to "ensure that their priorities and endeavours conform with national development priorities. The groups are increasingly obliged to have their activities approved through the bureaucratic procedures used by the government itself." International donors have also encouraged this practice by requiring government approval of NGOs as a condition for receiving funding. In other words, it means the incorporation of civil society groups' activities into state systems. Fowler notes that it is not unusual for governments to require some realignment of development policies.

However, he argues that forcing NGOs to fit into such rigid and bureaucratic governmental procedures have led to three significant consequences for NGOs and other types of civil society organisations. Firstly, it has subordinated the development choices of NGOs and POs (Peoples Organisations) to approval by state organs, which are not accountable to the people and only further their own interests. Secondly, it affects NGO effectiveness by reducing their local sensitivity and interferes with their comparative advantages, such as the flexibility of operations, agenda setting, innovation and reaching the most vulnerable and marginalised citizens in society. Finally, it has been used by governments and politicians to satisfy their own legitimacy imperatives by claiming that NGOs are working on their behalf and bringing additional benefits to the people. This study employed a broadened scope of co-optation, which included, both direct and quasi-co-optation of advocacy groups' leadership into state bureaucracy.

iii) Political Appropriation

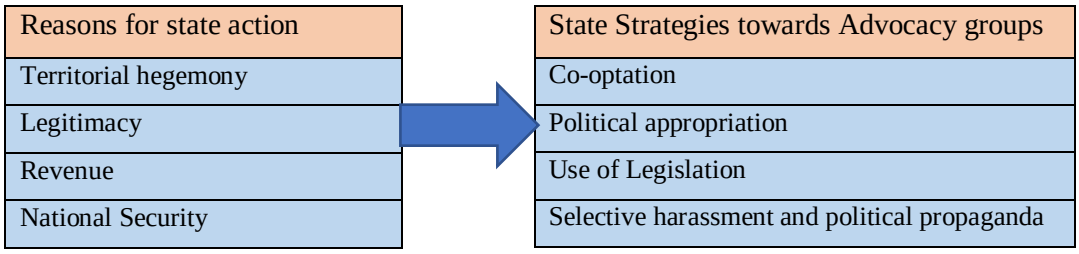
Political appropriation is the process by which NGOs are incorporated into state apparatus and bureaucracy while continuing to operate registered formal groups. Fowler (1991) notes that there are two significant ways in which political appropriation operates in Africa. Firstly, in single-party regimes in Africa, political parties deliberately appropriate NGOs by absorption or affiliation. Elites, politicians, and bureaucrats establish NGOs to access donor resources for patronage purposes and ultimately dominate institutional spaces. Secondly, there is also the formation of nominally independent, but in real fact, government-controlled NGOs (GONGOs), which provide civil servants with access to international donor resources. Such organisations formally remain outside the government but operate as "instruments of the state" by supporting

official government positions and policies. In some cases, such organisations also receive funding from the state. Political appropriation significantly contributes to the blurring of boundaries between the state and civil society and more importantly undermine the autonomy, independence, credibility, and legitimacy of NGOs and other types of civil society organisations. Additionally, it extends political patronage and legitimacy of authoritarian regimes through NGOs that are involved in the process. Finally, political appropriation significantly reduces the ability of civil society groups to play the critical role of a watchdog, challenge unpopular policies of the state and contribute to the process of democratic consolidation.

iv) Selective harassment and Political propaganda

Although Fowler's (1991) framework of state strategies for controlling the activities of advocacy groups only includes the use of NGO legislation, co-optation, and political appropriation, this study included selective harassment and political propaganda, which have become popular with the newly democratic governments of both Kenya and Zambia. Selective harassment includes, brutal police attacks of advocacy groups leaders and supporters during demonstrations and protests, arbitrary arrests, threats of deregistration of advocacy groups and in some cases imprisonment, while political propaganda includes, public smear campaigns by the state branding advocacy groups as "foreign agents" serving imperial agenda, "evil society" and "sell-outs" mainly to undermine advocacy groups' legitimacy, and credibility with the public and therefore, reduce their ability to effectively contribute to the process of democratic consolidation.

Figure 2 3 Summary of the Modified Fowler's Framework



Source: Author created from Fowler (1991) "The Role of NGOs in Changing State-Society Relations: Perspectives from Eastern and Southern Africa," Development Policy Review, 9 (1): 53-84

Regarding state strategies to control the activities of advocacy groups in the new political dispensation in both Kenya and Zambia, the study proposed the following:

a) The new democratic states in both Kenya and Zambia have adopted new forms of co-optation to control the activities of advocacy groups.
b) The new democratic states in both Kenya and Zambia have expanded the use of legislation and political appropriation to constrain the activities of advocacy groups.
c) Selective harassment and political propaganda against advocacy groups have become primary strategies used by the new administrations to control the activities of advocacy groups in both countries
d) The various forms of co-optation, the use of legislation, selective harassment and political propaganda all undermine the autonomy and independence of advocacy groups and therefore circumscribe their ability to effectively contribute to the process of democratic consolidation in both countries.

2.4.3.3. Proposition 3: Popular disengagement and Advocacy groups

The concept of disengagement is central in the political analysis of state-society relations in contemporary Africa. It was introduced by Albert Hirschman (1970) in social organisations, who used the terms *"exit* and *voice*." He argued that those who are dissatisfied with an organisation's declining performance have two options. They can protest by the public *voice*, which means opposition to the organisation to modify its performance or protest by the private *exit*, which means withdrawal from the organisation. Drawing from Hirschman, Victor Azarya, Naomi Chazan and others in the 1980s developed the concept of incorporation and disengagement from the state as an alternative theory to the state-centred approaches that had dominated explanations of state failure in Africa (Azarya 1988; Chazan, 1988a; Azarya and Chazan, 1987). In articulating this theory further in his work, *Re-Ordering State-Society Relations in Africa*, Azarya puts greater emphasis on the continuous and often simultaneous responses by various groups and sectors within society to state actions, particularly in response to the states' ability or inability to meet particular needs.

According to Azarya (1988. p. 6-7), incorporation and disengagement are "societal responses to state actions (or anticipated state actions), which lead to a perceived change in the field of opportunities for given groups or individuals." He defines incorporation as the "process whereby large segments of the population associate with the state and take part in its activities

in order to share its resources" while, disengagement as the "tendency to withdraw from the state and keep at a distance from its channels as a hedge against its instability and dwindling resource base." Withdrawal from the state can thus be social, cultural, religious, political or economic. The withdrawal is based on society's awareness of the state's incompetence, declining capacities or illegitimacy and effectively undermines and delegitimises state actions and authority. It is important to note that in Azarya's formulation, disengagement does not include active opposition to the regime with the objective of replacing its rulers or changing government policies. The groups or individuals disengaging thus seek to ignore, evade, mitigate or ward off the state (Baker, 2001). The state can respond to these processes with a wide range of choices ranging from "encouragement to policy adjustments, repression, and even reconciliation" (Azarya 1988, p.15).

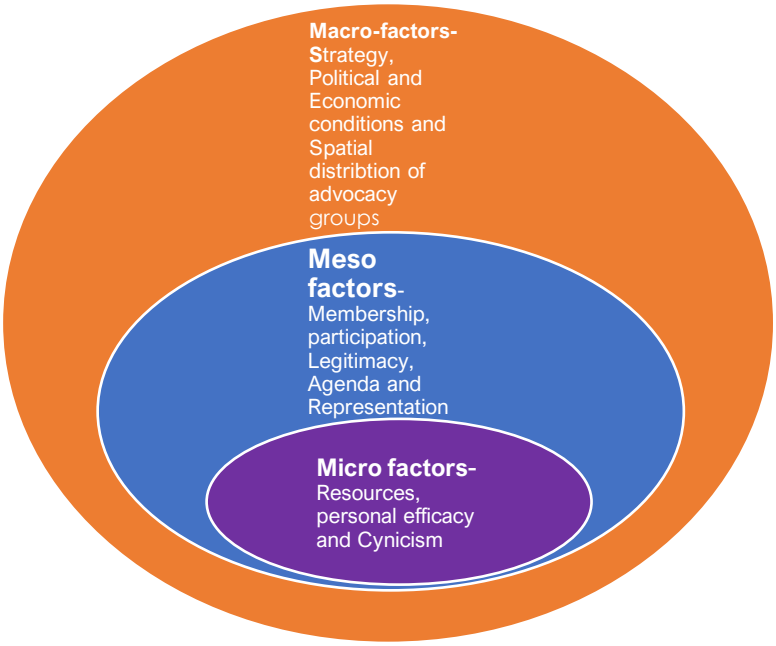
However, several scholars have lamented that most studies utilising the concept of disengagement have "singularly neglected the *horizontal dimension* within society, i.e., the relations among the various constituent actors in society" (Barkan 1992, p. 6). The theory of disengagement has almost exclusively been applied in analysing state-society relations**.** Chazan, one of the proponents of the theory has advised that the theory need not be restricted to the state alone because the state is not "the sole magnet of social, economic and political exchange. It constitutes merely one of the many foci of social actions...politics, power, and control are not necessarily coterminous with the state" (Chazan 1988a, p. 123). Similarly, Osaghae (1995, p. 195), who has written extensively on the concept notes that the state only occupies one of the several public spaces, whereas other authorities such as civil society organisations frequently occupy others. Baker (2001) in his analysis of various types of disengagements in Africa, therefore, broadened the definition of disengagement to include disengagement of citizens from non-state actors. This study, therefore, systematically apply the concept of popular disengagement in a *horizontal dimension* in explaining the dynamics of the relationship between advocacy groups and their membership in both Kenya and Zambia and argues that, if the weakening of state capacity and competencies can lead to individuals and groups to devise alternative methods of sustaining themselves socially and economically, then the same can apply in the pursuit of interests within civil society. If individuals perceive advocacy groups to be incapable of meeting their needs and expectations, then they are likely to disengage from such arenas.

The study argues that disengagement is likely to be the chosen option for individuals and groups disappointed with advocacy groups performance in the process of democratic consolidation since it is private, within reach, low in resource demand and with minimal risk of sanctions (Baker 2001). As Walzer (1992, p. 89) has noted, "Civil society is the space for the *un-coerced* human association." In other words, the institutions of civil society have no jurisdiction over individuals that those individuals cannot avoid, and any person can easily initiate and withdraw from such institutions without any sanctions. Civil society institutions lack the power to coerce individuals to follow their rules. Moreover, withdrawal from civil society groups is a readily available alleviation or invisible means of protest, which Hirschman (1970) also believes would be a most likely response to voluntary associations' poor performance. It is important to note that such invisible means of protest are always overlooked in political analysis, although they are extremely vital in understanding the primary constraints confronting advocacy groups in the process of democratic consolidation in Africa. Additionally, the theory of disengagement is an *actor-oriented theory* which fits well with the broader politico-institutional approach for this study. The study argues that popular disengagement from advocacy groups in the new political dispensation in both Kenya and Zambia is a significant constraint that has reduced advocacy groups' capacity to effectively contribute to the process of democratic consolidation. The study proposes the following;

1. The nature of disengagement

Popular disengagement from advocacy groups depends on macro, meso and micro-scale factors. Macro-scale factors include the availability of strategy, political and economic conditions and spatial distribution of advocacy groups. Meso-scale factors include levels of membership and citizen participation in advocacy groups, legitimacy, agenda, and representation. Micro-scale factors include the availability of resources, personal efficacy, and cynicism. The relationship between the macro, meso and micro-scale factors is illustrated in *Figure 2.4* below.

Figure 2 4 The relationship between Macro, Meso and Micro Factors



Source: Author created from the literature on macro, meso and micro scale factors

2. **The pattern of disengagement from advocacy groups**

- Popular disengagement from advocacy groups crosses social categories (gender, class) and spatial divides (Urban/Rural)
- Popular disengagement from advocacy groups is a *responsive* and *adaptive* strategy employed by citizens when their own organizations are unable to meet their needs and expectations.
- Popular disengagement from advocacy groups is both an *individual* and a *collective* response to advocacy groups' failure to meet its member's needs and expectations.

3. The significance of popular disengagement

- The nature and extent of popular disengagement from advocacy groups affect the legitimacy, credibility, and capacity of these groups to effectively contribute to the process of democratic consolidation.

2.5. Some difficulties with the concept of disengagement

Baker (2001, p.12-15) has outlined three significant limitations of the concept of disengagement, which apply to this study. Firstly, he argues that the same phenomenon of disengagement is capable of being classified in one instance by some scholars as disengagement and in another instance as engagement. These types of classifications can be confusing when the concept is used in the political analysis. Azarya (1988, p.10-11) who is a major proponent of the theory of disengagement admits that this is a "vexing" problem that creates a "methodological quandary." However, it must be noted that these difficulties do not render the concept incapable of being used to understand and explain political processes as long as the analysts explicitly define the perspective in which the concept is being used.

Secondly, Baker argues that there are times when it appears that there is an ambiguity that some individuals or groups can be disengaging and engaging simultaneously, for instance, actors may be disengaging from advocacy groups and joining other civil society organizations such as self-help groups and kinship associations. He explains that this straddling is not because they are inconsistent in their views, but because they are consistent in their desire to maximise their own benefits. This kind of process is, therefore, not unusual within the dynamics of civil society groups and their membership. Finally, the author argues that there are difficulties associated with conceptually differentiating between disengagement and other closely related concepts such as non-engagement and apparent disengagement. It is possible that the phenomena usually associated with disengagement may be the evasion of engagement in the first place. He concludes that all these are difficult conceptual issues and advise that analysts should ensure transparency and clarity when applying the concept in their analyses since these difficulties do not invalidate the usefulness and applicability of the overall theory of popular disengagement in understanding both state-society relations and the relations between various components of society.

2.6. Summary

This chapter reviewed the essential literature on the relationship between civil society and democracy, including the perspectives of the sceptics, and laid out the study's theoretical framework, which guided the investigation. It discussed the conceptualization of civil society and suggested the best way to study "real" civil societies in Africa. In reviewing the relationship between civil society and democracy, the chapter employed Forbig's (2002) framework, which categorised the role of civil society in the process of democratisation into five functions; the Lockean, Hegelian, Pluralists', and Tocquevillian functions, historical institutionalists and the sceptics. The Lockean function, views civil society groups as vehicles through which citizens can challenge the excesses of the state. Civil society groups are considered a *counterweight* to state power. Liberals consider this function as the most critical function of civil society in a democracy as it relates to control of the state by society. The Hegelian function emphasises the contribution of civil society to democracy through restructuring various channels of interest aggregation, articulation, representation and mediation, while the pluralist function, holds that civil society as organised groups can influence the political agenda in the policy bargaining process and integrate individuals into social groups, where they have shared beliefs and values, which shape social identity and have mitigating effects on entrenched societal cleavages, which may cause conflicts and instability, which are detrimental to the process of democratic consolidation. However, the chapter noted that the pluralists' assumption overstates the extent to which interests and views are represented in the political bargaining process, equality of power of interest groups and the neutrality of the state as an arbiter in the policy-making process.

The section also discussed the Tocquevillian function, which uses the concept of social capital to explain how active participation of individuals in civil society help to inculcate skills of cooperation and shared responsibility for collective action, besides the development of positive civic virtues, attitudes, norms, and values such as trust and tolerance, all of which support democratic citizenship. However, the chapter noted that the concept of social capital has been criticised on both empirical and normative grounds as regards democratization. Scholars have questioned the empirical link between trust and democracy, although most scholars agree that trust and democracy are closely linked. Others have argued that the concept is overly stretched to explain almost everything and in the process lost its meaning and that the

concept has significant methodological and normative baggage. Despite all these criticisms, the chapter concluded that the concept of social capital remains a useful concept in explaining the relationship between civil society and democracy.

Finally, the section also discussed historical institutionalists perspective, which emphasizes the direct political leverage or influence on political and economic processes that civil society groups have through lobbying, provision of information, aggregating, articulating views of citizens and mobilization for political, social and economic causes. However, sceptics remain unconvinced by the validity of the presumed causative relationship between civil society and democracy. They point out that there is no concrete evidence about how the causal mechanism works empirically, that civil society alone is not a guarantee for democracy, and that what is more significant for democracy is the development of strong political institutions. Despite the diversity of opinions about the relationship between civil society and democratisation, there is a consensus among political analysts that a robust, active and vibrant civil society is beneficial to the consolidation of democracy. This study takes the position that advocacy groups' functions as part of civil society are beneficial to the process of democratic consolidation, although not a sufficient condition for the same.

The second section adopts the conceptualisation of civil society as a distinct societal sphere in which people associate voluntarily to advance common interests and employed an *empirical-analytical approach* with a functional perspective in studying civil society in Kenya and Zambia. The empirical-analytical approach focuses on the *purpose of the activity* of advocacy groups rather than *their form of organisation*. It is thus much more realistic and practical as it studies "what existing civil societies are doing" as opposed to "what civil society ought to do." The approach was adopted because it transcends the cultural relativism rooted in the western origin of the concept of civil society and its perceived incompatibility with other parts of the world. Consequently, the empirical-analytical approach facilitates the adoption of the concept of civil society to non-western contexts. The approach also conceives civil society in a broader, more inclusive way thus allowing for the inclusion of Africa's diverse and complex elements of associational life in the study of civil society and broadening the social basis for democratic consolidation. It also recognises the fluidity of the boundaries between civil society and other spheres of social life, an aspect that is more pronounced in the African setting, partly due to neopatrimonialism and thus needs capturing when studying civil society in Africa.

However, challenges in using the empirical-analytical approach include its broad definition of civil society, which assume the complexities within civil society and the use of the concept of civil society as a value-free tool to describe social phenomena. However, scholars agree that to use the concept of civil society in empirical studies successfully; it must cast aside its cultural and historical baggage and be viewed as a universal concept of collective action and used as a heuristic tool free from any ideological or socio-historical trappings.

The third section lays out the theoretical framework that guided and shaped the formulation of research questions, the research propositions, and structured data collection, analysis, and interpretation of findings. The framework focused and situated the study within the scholarly conversation, guiding the researchers thinking about the phenomenon under study and managing critical issues of the study such as confidence, validity, and reliability. The theoretical framework, therefore, provided the structure or the frame of the study. The chapter outlined the *domestic politico-institutional approach* as the primary approach to the study. This approach holds that institutions, whether formal or informal and interests and strategic behaviour of political actors such as advocacy groups shape political outcomes within specific contexts. The constraints experienced by advocacy groups in Kenya and Zambia are, therefore, assumed to emerge from the political and institutional variables and patterns of behaviour of advocacy groups in the process of democratic consolidation. The approach emphasises the interaction of actors, structures and processes based on domestic political and institutional factors with specific attention to structural and contingency dimensions. The approach represents a shift from preconditions and agents only driven explanations to the incorporation of the structure into the analysis of agency. It emphasises the role of domestic actors as the most critical in the process of democratic consolidation and its concern with rules and struggles enables political analysts to address a full range of other issues that relate to advocacy groups and democratic consolidation. However, it must be noted that applying domestic politico-institutional approach where states lack strong formal institutions may pose challenges which analysts must consider when addressing the issues under study.

The chapter outlined the two primary research questions which focused on why advocacy groups are constrained in the post-transitional states of Kenya and Zambia and how such constraints have impacted advocacy groups' ability to effectively contribute to the process of democratic consolidation. The two primary research questions guided the research process,

provided structure and focus for the study and were the basis for data collection and analysis. Supplemental questions revolved around the primary research questions and were all geared towards achieving the overall objectives of the study. These research questions were translated into three major research propositions, which were informed by different well-established theories within civil society and democratisation literature. The first proposition was based on the uncertain political environment in which advocacy groups must operate in their quest to contribute to the process of democratic consolidation. The chapter lays out two contrasting models that attempt to explain the trajectory of civil society organisations during the democratisation process. The civil society model posits that civil society groups are consequential in all stages of democratisation if the process proceeds to completion. Scholars who employ this model predict the continuous rise of civil society organizations as democratisation progresses due to the mutually reinforcing relationship between civil society and democracy, while the social movement's model posits that social movements rise and fall with the democratisation process.

The chapter thus proposed that because of the uncertainty created by the advent of democratisation process and the effects of political change, advocacy groups confront a three-fold dilemma: unclear roles in the new political dispensation, unclear strategies for contributing to the process of democratic consolidation and unclear relationship with the newly democratic states. The second proposition was informed by a modified Fowler's (1991) model which explains the strategies that authoritarian states in Africa employ to control the activities of advocacy groups. The strategies included the use of NGO legislation, co-optation, political appropriation, selective harassment, and political propaganda. The overall objective of these strategies is to help governments capitalise on NGO growth while maintaining the political status quo. The chapter considered Fowler's framework appropriate for this study because it is an *agency-oriented model*, which fits into the broader theoretical framework adopted for this study. Secondly, state control of civil society organisations disproportionately targets advocacy groups-the focus of this study and finally, the model is informed by experiences of civil society groups from Eastern and Southern Africa, where the study's case studies are located. The study thus proposed that new democratic states of Kenya and Zambia have developed new forms of co-optation and expanded the use of the old strategies, which have all undermined advocacy groups ability to effectively contribute to the process of democratic consolidation.

The third proposition was derived from the concept of disengagement in *its horizontal dimension*, which attempts to explain the relations among various constituent actors within society as opposed to state-society relations and in this case the relationship between advocacy groups and their members and supporters. The study proposed that the nature of disengagement from advocacy groups depends on macro, meso and micro scale factors, while the pattern of disengagement from advocacy groups crosses social categories and spatial divides, is a *responsive* and *adaptive* strategy employed by citizens when their own organizations are unable to meet their needs and expectations and is both an *individual* and a *collective* response to advocacy groups' failure to meet its member's needs and expectations. Thirdly, the study proposed the nature and extent of popular disengagement from advocacy groups affect the legitimacy, credibility, and capacity of these groups to effectively contribute to the process of democratic consolidation. However, the chapter noted that there are three major difficulties when using the concept of disengagement. The same phenomenon of disengagement can be classified as engagement by other scholars, individuals can also engage and disengage simultaneously, and there are difficulties associated with conceptually differentiating between disengagement and closely related concepts such as non-engagement and apparent disengagement. The chapter, therefore, emphasized the need by analysts to ensure transparency and clarity when applying the concept of disengagement. The next chapter presents the overall research design of the comparative study.

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CHAPTER 3

METHODOLOGY: COMPARATIVE AND CASE-ORIENTED QUALITATIVE RESEARCH DESIGN

3.1. Introduction

The study employed a combination of a *comparative* and *case-oriented*, qualitative research design to meet its two-fold objectives, of investigating and critically examining the primary constraints confronting advocacy groups in the post-transitional states of Kenya and Zambia and assessing the impact of such constraints on the ability of advocacy groups to effectively contribute to the process of democratic consolidation. Conventionally, comparative and case study methods are considered as separate methods of research, where the former involves comparison of a small number of cases (Sartori, 1991), while the latter is usually regarded as a single case investigation. However, recent studies have demonstrated that the most reliable means of drawing inferences from case studies is by using a combination of *case analysis* and *cross-case comparison* in a single study (Goodrick, 2014; Smith-Hohn, 2010). This study, therefore, combined case analysis with cross-case comparison with the overall goal of obtaining a more detailed and holistic understanding of the two cases with regard to the research questions. This chapter presents the overall research design of the comparative study and explains the methods and processes that were used in this investigation. Following this introduction, Section II elaborates on the rationale and the suitability of the comparative and case-oriented qualitative research design for this study, while Section III explains the case selection criteria based on the *Most Different Systems Design* (MDSD). Section IV focuses on instrumentation, sampling and sample size, data collection procedures, data analysis, and interpretation, while section V is a discussion of the ethical issues related to this study. A summary of the chapter then follows.

3.2. Case study design

Yin (2014, p. 2) defines a case study research design as "an empirical inquiry that investigates a contemporary phenomenon (the "case") within its real-life context, especially when the boundaries between phenomenon and context may not be clearly evident; and in which multiple sources of evidence are used." This type of design can be a single or multiple case study. The use of case studies is established in political science and frequently used to

present a detailed and comprehensive analysis of contemporary phenomenon at the macro, meso and micro levels of research. The choice of case study research design for this study was, therefore, was based on five factors that are discussed in detail by Yin (2009). Firstly, this study sought to answer the "why" and "how" type of research questions and focused on a set of contemporary events. It investigated and critically examined *why* advocacy groups were constrained in the post-transitional political and institutional environment in both Kenya and Zambia and *how* such constraints had impacted on advocacy groups' ability to effectively contribute to the process of democratic consolidation.

Secondly, the researcher had little or no control over the behaviour of those involved in the study. The respondents, who included key experts on issues of civil society and democratisation and ordinary citizens in both countries were free to answer the questions as they chose with no undue influence. Thirdly, contextual conditions were considered relevant to the study as it was essential to understand the context under which respondents developed their experiences, attitudes, views, and opinions on the issues of the study. Fourthly, the boundaries between the constraints confronting advocacy groups and the context in which citizens developed their experiences with advocacy groups were not explicitly clear. Finally, the research design was aligned with the study's research paradigm of interpretive approach[36] and fitted into the study's hybrid thematic analysis by easily allowing for both *confirmity* as well as *explanatory* findings to be analysed (Yin, 2014; Hyde, 2000)

The qualitative approach as part of the overall research design provided a detailed, rich and in-depth understanding of context, meanings, experiences, and views of the respondents (Pope and Mays, 1995) concerning the issues of the study. Additionally, qualitative data was useful in exploring complex, contextual, social and political experiences and issues (De Liste, 2011; Mason, 2006). Such issues included citizens' lived experiences, actions, attitudes, and opinions, with the purpose of developing more in-depth levels of explanations and meanings as concerns the dilemmas confronting advocacy groups and their relationship with the process of democratic consolidation.

[36] The constructivist/interpretive approach assumes that individuals have an active role in the construction of social reality and that research methods should capture this reality. Human beings attach meaning to their social reality and thus human action should be considered meaningful.

The study was based on the comparative method, which Lijphart (1971) defines as the "systematic analysis of a small number of cases, entailing at least two observations, yet too few to permit the application of conventional statistical analysis." It thus stands in contrast to the statistical or quantitative method of comparison. Similarly, Nohlen (1994a) defines the comparative method as a systematic comparison of cases to generate empirical generalizations and test pre-determined propositions (Nohlen, 1994a). The study thus generated pre-determined propositions, which guided the research process. The comparative component of the research design for this study had multiple functions. Firstly, it was necessary for control purposes, which means that it allowed for verifying whether generalisations held across the two cases (Sartori, 1991). Additionally, it allowed for the description, analysis and synthesis of similarities, differences and patterns across the two settings regarding the constraints confronting advocacy groups and the extent to which observed relationships were tied to specific settings and contexts (Kohn, 1989). This relationship was critical since the effectiveness of advocacy groups in the process of democratic consolidation is mediated by contextual features of their political, social and economic environments.

Secondly, the comparative approach helped in the comprehensive understanding of the context in which theoretical problems being studied occurred and, therefore, account for or challenge the pre-determined theories vis-à-vis lived realities in each case.[37] It enabled an in-depth analysis, which is the virtue of a case study method. Since the two cases were significantly different in their civil society formations and other contemporary social, economic and political variables, comparison across cases (unit of analysis) enabled a better understanding, explanations, and interpretation of the individual cases (Lim, 2006). It thus provided knowledge that transcended country boundaries in keeping with Sartori's (1994, p. 16) assertion that "He who knows one country, only knows none." Thirdly, comparative analysis helped in building stronger theoretical explanations for the research questions by refining, modifying and confirming theories from empirical data. The comparison of the unit of analysis allowed for broad-based inferences about the constraints confronting advocacy groups in both countries and how such constraints had impacted on the groups' ability to effectively contribute to the process of democratic consolidation.

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[37] See Burnham et al (2008) *Research Methods in Politics*, Palgrave, Macmillan, New York

Finally, the comparative component of the study made it much more *structured* and manageable and conclusions drawn from the findings more reliable, robust and precise (Yin, 2014; Burnham et al., 2008). The two-case study design provided a better basis for comparative analysis and allowed for more in-depth and holistic insight into the research problem, helping to describe, understand and explain the problem (Baxter and Jack, 2008; Tellis, 1997b) in a way that thoroughly answered the research questions.

3.3. Case selection

The two cases in this study were systematically selected using a theory-driven Small-N research process, to specifically maximize contrast. The study thus applied Przeworski and Teune's (1970) approach of the *"Most Different Systems Design (MDSD)*" based on the logic of Mill's "*Method of agreement or similarity*"[38] (Mill, 1868) as a case selection process. MDSD is a purposeful general comparative research strategy in the field of political science. It means that the selected cases of Kenya and Zambia that were investigated and compared in this study were maximally different in all the characteristics of their civil societies or extraneous variables, except on the outcome of interest or the phenomenon under investigation, which was "a constrained advocacy sub-sector of civil society." In other words, the "*most different system, with the same outcome*" (Murray-Faure, 1994, p. 316). The study fulfilled all the major features of the research task that satisfy the applicability of MDSD as outlined by Anckar (2008). These features include the requirement that variable interactions must be studied at the *sub-systemic level*, which in this case were advocacy groups as the unit of analysis; that *deductive research strategy* be employed as done in this study with apriori propositions and lastly, that the study operates with a constant *dependent variable*, which in this case was a "constrained advocacy sub-sector of civil society."

[38] John Stuart Mill (1868). *A System of Logic, Ratiocinative and Inductive: Being a Connected View of the Principles of Evidence and Methods of Scientific Investigation*, 7th Edition. London: Longman, Green, Reader and Dyer

The method was also appropriate because the goal of this study was to establish *correlation* and not *causation*, which is difficult to establish using MDSD (Lim, 2006; Ragin, 1989) since we cannot rule out alternative explanations. Finally, establishing contrast enabled the identification of critical explanatory variables for the study and the development of more generalisable conclusions (Della Porta, 2008; Skocpol and Somers, 1980). Kenya and Zambia are two Sub-Saharan African countries that share common historical, political and social experiences, yet have significant differences in their civil society formations. Firstly, regarding historical similarities, both countries achieved their independence in the early 1960s from Britain and briefly experimented with multi-party politics before adopting one-party systems. Chazan (1999) referred to these regimes as "administrative hegemonic regimes" with strong executives, coercive state apparatus, and one-party systems. Opposition political parties were banned, and civil societies in both countries automatically assumed the role of opposition to the authoritarian systems that had been established. Bratton and Van de Walle (1997) have described the political systems established in both countries as "competitive one-party systems," which means that despite being one-party systems, some political competition was allowed within the party at the parliamentary elections level.

Secondly, both Kenya and Zambia experimented with different strains of socialism as an economic and political ideology and as an alternative to capitalism, which was then perceived by most African countries as a colonial ideology. Kenya adopted what was referred to as the "*African Socialism*[39]*,"* in 1965 based on African traditions, values of political democracy, and mutual responsibility, while Zambia, opted for *"Zambian Humanism*" in 1967, based on a combination of traditional African values and western socialist and Christian values. The ideology placed the human person at the centre of all social, economic and political development.[40]However, both ideologies did not fare well in their implementation, and the countries eventually became predominantly capitalistic systems. Thirdly, following the "third wave" democratisation process (Huntington, 1991) that swept across Africa from the late 1980s to the early 1990s, both countries went through political transitions, in which civil society played a significant role as part of the pro-democracy movement.

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[39] Sessional Paper, No.10 of 1965, Government Printer, Nairobi, Kenya.
[40] Kaunda, K.D (1967) '*A Letter to my Children*,' Lusaka, Zambia Government Press and Kaunda, K (1971) Humanism and a guide to its implementation, Volume 2, Zambia Information Services, Lusaka, Zambia.

After more than two decades of multi-party democracy, both countries have become electoral democracies with electoral competition and minimum levels of civic freedom (Diamond, 1996). They have moved beyond the initial phase of transition to a more complex and challenging phase of democratic consolidation. However, Kenya and Zambia are also fundamentally different in crucial contemporary political, social and economic features, which make them an interesting and suitable template for a comparative study such as this. Although both countries have robust and active civil societies that occupy a significant space in their dynamic political landscapes, the two civil society formations differ strikingly in their nature and character, which has significant implications for their potential contribution to positive social and political change (Ibrahim, 2015; Hadenius and Uggla, 1996). Progress towards democratic consolidation can thus be explained at least in part by the variations in their civil society formations.

Studying civil societies in both countries, immediately after the political transitions in the early 1990s, Bratton (1994) noted that the configuration of civil societies in both countries was organizationally, materially and ideologically different. These differences have remained to date, although the lead organisations identified by Bratton in both countries have considerably weakened, impacting on the overall capacity and effectiveness of these civil societies in the process of democratic consolidation. This study employed Bratton's (1994) framework to examine the differences between Kenya and Zambia's civil society formations. Firstly**,** Bratton (1994, p. 66) defines an organisational dimension of civil society as the "intermediate association and institutional linkages among them" and identified the "lead organisation" in civil society in Kenya and Zambia based on their prominence, size, density, and scope. In Zambia, he identified the labour movement, the Zambia Congress of Trade Unions (ZCTU) as the lead organisation, whose membership at the time represented more than 80 percent[41] of the total working force in formal employment.

[41] Though this membership percentage has gone down since the political transition due to liberalization of the labour sector that has led to the creation of other independent national Labour Unions and government retrenchment of civil servants

ZCTU had an effective organisational structure, autonomy and a history of confronting the Zambian regime, besides having close links with alienated groups and other civil society organisations and the masses (Van Doepp, 1996). In Kenya, Bratton (1994) identified the "lead organisation" as the Christian church, under the umbrella organisation, the National Council of Churches of Kenya (NCCK).[42] The author noted that the characteristics of a lead organisation have implications for the overall strength and strategies of civil society in a country. For instance, churches engage in limited political roles and favour mediation and coalition building due to their social orientation, while labour unions are intrinsically class-based, well-organised and outrightly engage in partisan politics. He concludes that due to these differences, the organisational structure of civil society in Zambia was more favourable for political change than that of Kenya. While individual clergy of the church were at the forefront in the struggle for democracy in Kenya, the ZCTU became the main opposition to President Kaunda's administration and was instrumental in the formation of the Movement for Multi-Party Democracy (MMD) under Frederick Chiluba which went on to defeat President Kenneth Kaunda of UNIP in the first multi-party elections in 1991.

Although not discussed by Bratton (1994), this study considered the presence of an umbrella statutory body as an important aspect of the organisational structure of civil society as it has implications for the coordination and effectiveness of civil society activities which impact the process of democratic consolidation. Kenya has had such a statutory body, the NGO Council since 1993, which was established under the NGO Coordination Act of 1992. The body serves the function of representation and coordination of the activities of the sector, while Zambia has not had such a statutory body since independence, although the country is in the process of establishing a statutory body following the passing of the controversial NGO Act of 2009. These structural differences impact on civil society strategies, capacity, operations and more importantly the degree of effectiveness in the process of democratic consolidation.

[42] By 1990, NCCK was the largest national religious organization in Africa with thirty-two-member churches and associations and a staff of over 370 persons at headquarters and regional offices (Weekly Review, January 12, 1990). These numbers have since increased.

Since Bratton's study in 1994, both the NCCK and ZCTU-the lead organisations within civil society in Kenya and Zambia, respectively, have relatively weakened. NCCK continued to be active in the reform process after the re-introduction of multi-party politics in 1991, conducting civic education and leading the agitation for the constitutional review process. However, after the 2002 general elections, which saw the National Rainbow Coalition (NARC) ascend to power, the political landscape dramatically changed and NCCK decided to cooperate with the new administration as it believed that NARC was committed to the institutionalization of democracy. It became more lenient with the new government and retreated from the political sphere, hardly commenting on national issues and continuously supporting government positions. This change of approach was prompted by the fact that NCCK had closely worked with leaders in NARC for many years in opposition to remove the Moi regime from power. It was, therefore, challenging for the organisation to be critical of the NARC administration. Additionally, the new government had co-opted NCCK Secretary-General into state bureaucracy. Finally, ethnicity played a critical role in NCCK decision to cooperate with the state since its top leadership was dominated by the Kikuyu ethnic community-the same ethnic group as that of President Mwai Kibaki. The leadership thus easily capitulated to the government and the organization was politically appropriated by the state, which weakened its effectiveness in the process of democratic consolidation.

Similarly, the new political dispensation presented ZCTU with an "acute strategic dilemma" (Alexander, 1993) on how to relate with the new MMD administration, which it had played a significant role in its formation and supported during the elections. Moreover, several leaders of MMD were former ZCTU officials, including, President Chiluba. However, the MMD administration had embraced SAPs, which included a reduction in social spending, trade liberalisation, removal of subsidies, and public sector retrenchment among other policies, which ZCTU had fiercely opposed during the Kaunda years. ZCTU was thus at crossroads with possible dangers of cooperating with the MMD administration yet the organisation's leadership decided to support the administration and its policies mostly because they believed that "they were the government" (Larmer, 2005). The Chiluba administration embraced ZCTU support and cooperation but deliberately and diligently worked to weaken the organisation.

MMD employed multiple strategies to weaken the ZCTU in order to consolidate power and implement the Structural Adjustment policies, which ZCTU had fiercely opposed. Firstly, the administration employed market strategies, which involved restrictive legislation to decentralise bargaining to weaken unions (Akwetey and Kraus, 2007). For instance, in 1993, it passed the Industrial and Labour Relations Act, which abolished mandatory unionisation of workers and compulsory dues check-off system. It also restricted workers right to strike and banned inter-sectoral solidarity strikes. The Act led to the emergence of several unions, while others disaffiliated from the ZCTU, leading to divisions within the labour movement. As a result, ZCTU lost vast numbers of its membership and revenue. Additionally, privatisation under SAPs led to state retrenchment of employees, which further reduced union membership and revenue and ultimately weakened ZCTU bargaining power (Kraus, 2007) and its role in the process of democratic consolidation. The inability of ZCTU to defend its members undermined its authority and mobilisation capacity.

Secondly, the MMD administration used corporatist strategies by incorporating ZCTU within the regime interests and granting some benefits to the union in exchange for state limits on trade union behaviour (Akwetey and Kraus, 2007). ZCTU appeared disorganised with no clear ideology or agenda on what it wanted from its relationship with MMD. It, therefore, supported policies that were detrimental to its own survival as a movement and against its own membership interests. Thirdly, MMD directly interfered with internal affairs of ZCTU through co-optation and influencing the selection of union leadership, which diminished the organization's internal democracy (Kraus, 2007), caused internal divisions, and conflicts and further weakened the union. The disaffiliation of Mine Workers Union (MUZ) and the Zambia National Union of Teachers (ZNUT) was a tremendous numerical, and financial blow to ZCTU since the two organisations alone accounted for about 80 percent of ZCTU revenue (Akwetey and Kraus, 2007). The divisions also damaged the unity of ZCTU and further weakened its role in the process of democratic consolidation. Although the new ZCTU leadership that emerged from 2002 were not beholden to MMD as their predecessors, comparatively confrontational and assertive on the autonomy and independence of the organisation (Akwetey and Kraus, 2007), it will likely take time for ZCTU to regain its autonomy, build a strong organisational structure, and accumulate resources to become a significant political force in the process of democratic consolidation in Zambia.

Bratton (1994) also noted that civil societies in Kenya and Zambia were also different regarding their independent capacity to acquire and control resources, which enables them to conduct their operations and implement their programmes effectively and efficiently. The author argues that this dimension of civil society has worked better for Kenya than Zambia for two significant reasons. Firstly, Kenya has had a long history with organized voluntary activity, encouraged by the government through the *Harambee*[43] spirit, which broadened the base of cooperatives and the indigenous bourgeoisie, while in Zambia, the government discouraged the formation of voluntary groups and muzzled the ones that were in existence, except the church. Secondly, Kenya had a relatively better economic performance compared to Zambia. For instance, between 1965 and 1988, the Kenyan economy expanded at an average per capita Gross Domestic Product (GDP) of 1.9 percent annually, while the Zambian economy shrank by 2.1 percent annually in the same period (World Bank, 1990). In 2010, Zambia's GDP was estimated to be $20.03 billion, while Kenya's GDP was double that of Zambia standing at $40.12 billion (UNDP, 2011). Moreover, Zambia ranking in the Human Development Index (HDI) dropped from 110 out of 136 countries in 1990 (0.465) to 166 out of 177 countries in 2005 (0.394) (UNDP, 2006).

In 2008, UNDP ranked Zambia under low human development, with a human development index of 0.453, while Kenya was ranked under medium human development with a human development index of 0.532. In 2014, Kenya was re-classified as a middle-income country becoming the 9th largest economy in Africa with a GDP of $53.3 million.[44] It must be noted that economic performance in a country has a positive relationship with civil society growth and performance. Firstly, the economic decline affects the middle class, who are likely to form and contribute to the development of civil society organisations (Bratton, 1994; Lipset, 1959). Secondly, the economic decline reduces the resources available to civil society organisations to operate and perform crucial functions for the process of democratic consolidation. With the relatively better economic performance, Kenya has more indigenous

[43] Harambee is a Swahili word which means pulling together. The *harambee* spirit is part and parcel of the country's social fabric and has been used to encourage the growth of indigenous self-help groups and other collective endeavours in the country.

[44] Copley, A (2014) Kenya Becomes a Middle Income Country, In *Africa in Focus*, Brookings Institutions, Oct, 3, 2014 found at www.brookings.edu/blogs/africa-in-focus/posts/2014/10/03-kenya-middle-income

foundations that directly fund civil society organisations than Zambia, and its civil society organisations have had more resources at their disposal to perform various functions compared to Zambia's civil society organisations.

Civil societies in both countries are also different in their ideological orientation. Bratton (1994), argues that the ideological orientation of civil society is linked to the level of economic development in a country. He notes that civil society groups in Zambia are mostly driven by economic issues due to the relative weakness of the country's economy, while Kenya's civil society groups are mainly driven by demands for civil liberties and political rights due to its relatively prosperous economic conditions. The differences in the economic performance of the two countries have significantly impacted on the ideological orientation of their respective civil societies. The trade union umbrella organisation, which is the lead civil society organisation in Zambia, has also influenced civil society ideological orientation with its primary focus on economic issues affecting its membership and the country-at-large.

Additionally, civil societies in both countries are numerically different. Although both countries have experienced rapid growth of civil society organisations since the 1990s, Kenya has a large number of civil society organisations compared to Zambia.[45] This difference is partly rooted in the country's popular tradition of self-help ideology known as *Harambee* and the deliberate encouragement by the state for the formation of such organisations to supplement state efforts for social and economic development. With the relative economic development in the country, there is a growing middle class, which is conscious enough to form civil society organisations in the interest of their members and the public good. Further, President Moi's 24 year-ethnically exclusive government, drove a significant number of intellectual middle-class individuals into civil society both as a space for expressing their views, but also for economic livelihood thus further strengthening the sector and making it more vibrant and robust. Conversely, in Zambia, President Kaunda's one-party administration was relatively more inclusive of the middle class, ethnically-diverse and discouraged the formation of civil society organisations.

Although reliable and accurate data on the number of civil society organisations in both countries is hard to obtain due to multiple levels and points of registration, the NGO Coordination Board in Kenya had registered 9, 728 NGOs by 2015 spread across several sectors, besides thousands of Community-Based Organisations (CBOs) and self-help groups registered under the Ministry of Culture and Social Services. According to Kanyinga (2007), there were 140,000 civil society organisations in Kenya in 1999, a number which increased to 186,000 by 2002 and stood at 350,000 in 2005.[46]A USAID report in 2012 noted that the country might have the largest number of civil society organisations in Africa (USAID, 2012). In Zambia, the Registrar of Societies' records showed that 5,860 NGOs, trade unions, and associations had been registered by 2010, besides thousands of informal civil society organisations spread throughout the country. Table 3.1 below shows a summary of the differences between Kenya and Zambia's civil society formations.

Table 3. 1: Summary of differences between Civil Societies in Kenya and Zambia

Extraneous Variables	**Kenya**	**Zambia**
Organisational dimension	Religious-led	Trade Union-led
	Umbrella body	No umbrella body
Ideological orientation	Political- Civil Rights	Economic Rights Issues
Numerical dimension	Estimated no. 7,833 (2012)	Estimated no. 5,860 (2010)
Material dimension	Relatively developed	Relatively less developed
Outcome	**A constrained advocacy sub-sector of civil society**	

Source: Author created from Bratton (1994), Kenya NGO Coordination Board and Zambia Registrar of Societies records.

3.4. Instrumentation

Data for this study were gathered from multiple primary and secondary sources (Yin, 2014; Gillham, 2000) with the primary goal of investigating and critically examining the constraints confronting advocacy groups in the post-transitional countries of Kenya and Zambia and how such constraints have impacted on the ability of these groups to effectively contribute to the process of democratic consolidation. Data triangulation from both primary and secondary sources had several advantages to the study. Firstly, it provided a broader view of the research

[46] The figures are exclusive of thousands of informal associations that people form to promote common interests such as culture and welfare and not captured in governmental administrative records.

questions and acted as a means of cross-checking, validating and corroborating the evidence, besides checking the integrity of inferences drawn from the data, thus leading to "convergence" of both data and the conclusions derived from them (Denzin and Lincohn, 1994). Secondly, triangulation extended the understanding of data and added breadth and depth to the analysis (Fielding and Fielding, 1986) thus ensuring a systematic account that was rich, robust, more convincing, accurate and comprehensive (Yin, 2009). Finally, triangulation helped in checking the consistency of the findings generated by different data sources. Overall, triangulation improved the study's internal validity, credibility, and dependability (Yin, 2014).

The study used in-depth semi-structured interviews as the primary source of data collection since the researcher was interested in more in-depth understanding and insights from both objective and subjective perspectives of respondents' views and opinions on the constraints confronting advocacy groups and their impact on the ability of advocacy groups to effectively contribute to the process of democratic consolidation in both countries. In-depth semi-structured interviews were used to gather face-to-face, focused, qualitative and textual data for the study from both the key expert respondents and ordinary citizens, representing top-down and bottom-up perspectives respectively on the issues under study. In-depth semi-structured interviews as a method of data collection had several advantages. Firstly, it helped focus the discussion on the research questions and provided a more in-depth exploration of the context in which respondents experience the activities of advocacy groups and the process of democratisation.

Secondly, in-depth semi-structured interviews helped in standardising data collection across the two cases thus providing reliable, comparable qualitative data and facilitating comparative analysis. Thirdly, in-depth semi-structured interviews provided a balance between the flexibility of an open-ended interview and the focus of a structured interview (Kvale, 1996). This balance was critical in collecting comprehensive data for the study. Fourthly, in-depth semi-structured interview questions helped the study to unearth in sufficient detail what lies beyond the statistics and buried in the minds, actions and lived experiences of key experts and ordinary respondents in their assessment of the constraints confronting advocacy groups and the process of democratic consolidation. It allowed respondents to freely express their views and experiences on their own terms and voices while giving the researcher the ability to probe interesting respondents' answers for further clarification.

The in-depth semi-structured interviews consisted of a set of general closed-ended questions and specific open-ended questions that defined the areas that were explored (Britten, 1999). The questions were designed in a relatively simple and open framework, allowing for a focused two-way communication. The researcher avoided leading questions to reduce interview bias. Closed-ended questions covered more general information, and a *Likert-scale* type of questions were used to gauge respondents' level of agreements or disagreement with a series of statements. These answers from different respondents were more straightforward to compare, code and analyze. Open-ended questions delved deeper into the constraints confronting advocacy groups and their effect on the ability of advocacy groups to effectively contribute to the process of democratic consolidation. Such questions required more than a yes or no response (Britten, 1999) and gave respondents the opportunity to freely explore and provide their perspectives on the central themes of the study. This process helped to adequately address the research questions by providing depth, value, insights and more elaborate and detailed responses.

Open-ended questions also allowed for greater spontaneity, flexibility, and opportunities by the researcher to ask probing questions on a variety of issues, leading to new and unexpected information that was very useful to the study (Dane, 2010; Daymon and Holloway 2002). Interview questions were slightly modified to fit various groups of respondents in the selected countries. These groups included international donors, expert respondents, and ordinary citizens. The study also used field notes to provide additional descriptive data. These were handwritten and taken during and immediately after each interview. Field notes mainly captured thoughts and ideas about the interview process and content and informed possible changes in later interview processes and content. Field notes included the date and location of the interview, respondents' organisation and information on why the respondent was included in the research process. Ideas and thoughts from field notes were also useful in the data analysis process (Kvale, 1996; May 1991) and complemented audio-recordings and interview notes of the in-depth semi-structured interviews with both key expert and ordinary citizens' respondents.

Data was also obtained from a range of multiple primary sources, including advocacy groups' annual reports, minutes of meetings, statements on advocacy groups' websites and articles in newspapers and magazines. The advantage of these sources is that they are stable and allowed the researcher to review them repeatedly, besides containing exact names and details of events (Yin, 2014) that were useful to the study. Documentation provided specific details that were used to corroborate and augment evidence obtained from interviews. Secondary data were obtained from a wide range of sources to complement the primary data. These sources included publicly available World Bank data, Censuses, annual household surveys, economic reports, government registry of NGOs in both countries, organisational records, relevant academic literature from the libraries in political science, sociology, political economy, history and international relations among others.

The study developed and used a case study interview protocol (CSP), which is "a set of comprehensive guidelines that is an integral part of the case research design and contains the procedures for conducting the research, the research instrument itself and the guidelines for data analysis" (Maimbo and Pervan. 2005, p. 1282). The case study protocol ensured consistency across the two cases and across different respondents, which aided in the comparative analysis of the two cases. Additionally, the case study protocol ensured accurate documentation of data collection and analysis procedures, which improved reliability and the possibility of replication of the study. The CSP was designed around analytical themes derived from the study's theoretical framework that guided the interview process. It also contained the pre-determined set of questions that every respondent was asked, which were developed from the primary research questions. The list of written standardized closed-ended and open-ended questions covered all the topics of the study for both key expert and ordinary citizen respondents. The researcher made sure that the questions were simple, relevant, focused, clear, intelligible and neutral (Bryman, 2001). Additionally, the CSP included interview guides for various groups of respondents, information and consent form and explanation of the interview process **(See APPENDIX A**)

3.5. Sampling and Sample size

The study employed four different forms of purposive sampling methods[47]; expert sampling, snowballing sampling, convenience sampling, and proportional quota sampling. This process resulted in two sets of samples in each of the selected countries, specifically, key-expert and ordinary-citizen respondents. Purposive sampling "implies seeking information-rich cases." In other words, it means deliberately seeking knowledgeable respondents, who can provide significant insights and deeper understanding of the issues under study (Patton, 2002). The sampling method helped to increase the scope of data and covered multiple perspectives from the sample of participants (Lincoln and Guba, 1985). This process also added credibility and reliability to the study. Expert sampling and snowballing sampling methods were used to select key expert respondents, who provided "*knowledge from above,"* while proportional quota sampling was used to select ordinary citizen respondents, who provided *"knowledge from below*" on the central themes of the study. This process led to innovative and comprehensive coverage of the issues under study.

The first set of respondents for in-depth semi-structured interviews were selected using expert and snowballing sampling methods. In expert sampling, "you decide the purpose you want an informant to serve, and you go out to find one" (Bernard, 2006, p. 95). Selection of experts was based on their expertise, knowledge, experience and active involvement on issues of democratisation and civil society in their respective countries. This focus was necessary as the researcher needed to interview individuals, who could provide credible, objective and reliable information on the constraints confronting advocacy groups and how such constraints had impacted the ability of these groups to effectively contribute to the process of democratic consolidation in Kenya and Zambia. The sampling process took into consideration the size and location of organisations from which the experts were drawn. The first step in the sampling process of key expert respondents involved the selection of advocacy organisations in both countries from a list of registered groups obtained from the NGO Coordination Board in Kenya and the Ministry of Community Development in Zambia[48]both used as sampling frames.

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[47] Purposive sampling depends on value judgement of the researcher in identifying key respondents and institutions that are perceived to be more knowledgeable on matters that concern the study.

[48] In 2013, the Zambia Congress of NGO was established under section 26 and sub-section 1 and 2 of the NGO Act passed in 2009, which is responsible for registration of NGOs.

The selection was based on *the purpose or the nature of the activities* of the organisations, i.e., advocacy, rather than *their form*, as explained in Chapter 2 of this dissertation. Additional criteria used in the selection of the organisations included *location* {urban vs. rural} due to the differential impact and presence of advocacy groups in these places, *size*, *type* {intermediary vs. membership organisations} and the *traditional* vs. *non-traditional* social movements such as *Bunge La Mwananchi* (the Peoples' Parliament) and Bunge La Wazalendo (Patriots Parliament) in Kenya and the Land Alliance in Zambia to have a balanced and representative sample. Other expert respondents were selected from policy-think tanks and relevant University departments in both countries to provide more objective and balanced perspectives on the central themes of the study. International donor organisations supporting issues of governance, democracy, the rule of law and human rights in both countries were selected from the directory of international donor and development agencies.[49] Table 3.2. below is a summary of the number of key expert individuals selected from different organisations.

Table 3. 2 Number of key experts selected from the sampling frame

Organisation	Kenya	Zambia	Total
National advocacy organisations	5	5	**10**
Women and Youth organisations	4	4	**8**
Community-Based Organisations	3	3	**6**
International donor organisations	3	3	**6**
Policy-Think Tanks	3	3	**6**
Relevant University departments	3	3	**6**
The Media	3	3	**6**

Source: Author created from the sampling frame

[49]Directory of International Donor and Development Organizations available from http://www.comsats.org/publications/other_docs/directory_of_international_donor_and_development_organizations_june_2007.pdf

The study thus involved a total of 48 organisations, 24 in each of the two countries of Kenya and Zambia, reflecting differences in *location*, *size*, and *type*. This broad approach was adopted to help collect sufficient data representing the breadth and depth of the views and opinions concerning the constraints confronting advocacy groups in both countries and their effects on the ability of these groups to effectively contribute to the process of democratic consolidation. It is important to note that the sampling was slightly skewed towards national advocacy groups, women and youth organisations and Community-Based Organisations engaged in advocacy since they were the primary focus of the study. Although most of the groups sampled were based in the capital cities of Nairobi and Lusaka, due to practical considerations such as accessibility, the researcher included individuals from several groups based in rural areas in both countries to ensure representativeness and balance of the sample.

The second step in the sampling process involved selecting key expert respondents working in the selected organisations. Key expert interviewees were deliberately selected from the management levels of the organisations, with most of the selected respondents being executive directors of their organisations. It was assumed that such individuals would have the most significant amount of knowledge on the operations and activities of their organisations. Selected University scholars and Media personalities were individuals, who had vast experience and expertise and had written extensively on issues of civil society and democratisation in their respective countries (**See APPENDIX B).** The second set of respondents in the study were drawn from adult male and female of over 18 years old, living in rural and urban areas in Kenya and Zambia. This group was sampled using a non-probability proportional quota sampling (PQS) method, where the assembled sample had the same proportions of individuals as the entire population of the pre-selected characteristics. This method is similar to stratified sampling in quantitative research and was deliberately chosen due to the limited time and funding available for the fieldwork, which could not allow for the use of a probability sampling method, which would have required a strict use of random sampling techniques. It ensured that all key groups relevant to the study were included in the sample to achieve a representative sample, according to the pre-specified characteristics of the populations in both countries (Hung, 2005; Lee et al. 2004).

The heterogeneous sample (Robson, 2002) helped explore the central themes of the study as perceived by various groups of people, and the diversity of respondents improved the chances of identifying a full range of factors that explain the constraints facing advocacy groups in both Kenya and Zambia in the new political dispensation. Proportional quota sampling also saved time and resources since it was easier and quicker to conduct, satisfied population proportions and had 100 percent response rate, better than most probabilistic sampling methods, thus reducing potential bias and producing results that are equivalent to the ones generated by probability sampling (Yang and Banamah, 2014; Buck, 2011; Cumming 1990). The first step in the proportional quota sampling process involved the selection of a sample frame, which in this case was based on the population census data of 2009 and 2010 in Kenya and Zambia respectively. The use of censuses may affect the accuracy of the quota frame or the proportion of each category of the sample since the population figures have changed from the last time they were collected. However, one must note that reliable and up-to-date information on populations of the selected countries was difficult to obtain as both countries only conduct population census once every ten years.

The second step involved the selection of mutually exclusive known population characteristics or quota controls that were relevant to the study. In this case, *educational levels* (none, primary level, secondary and above secondary level) and *location* (urban and rural) were chosen as the key characteristics of the population that needed to be reflected in the sample due to their considerable influence on the socio-economic status of the populations of both Kenya and Zambia. Education and location are key determinants of human development through access to more opportunities and enhanced earnings. The level of education is, therefore, a key determinant of social and economic outcomes (Kovacevic, 2010; Bourguignon et al. 2007). Consequently, it is highly reasonable to expect that the activities of advocacy groups and democratisation process will impact various socio-economic groups differently and that their level of participation, attitudes, views, and opinions towards advocacy groups would be varied. The third step involved calculating the proportions of each subgroup or stratum in the population of both countries. The total number of units in each stratum in the sample is the product of the corresponding proportion in the population and the pre-determined sample size of 40 for each of the selected two countries.

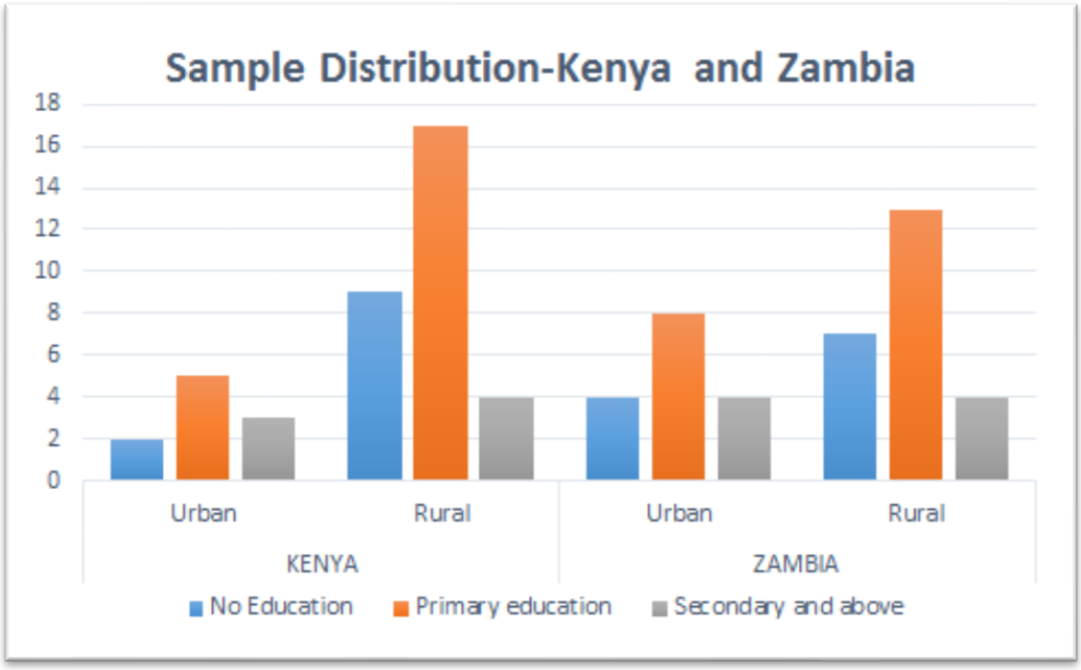
The number of cases that were included in each stratum thus varied depending on the makeup of each stratum in the population of the chosen countries as recorded in 2009 (Zambia) and 2010 (Kenya) censuses. In Kenya, the urban and rural populations represented 24 and 76 percent of the total population respectively, while in Zambia, the urban and rural populations represented 40 and 60 percent of the total population respectively. The sample matrix and the sample distribution for Kenya and Zambia are shown below in table 3.3 and figure 3.1 respectively.

Table 3. 3 Sample Matrix for Kenya and Zambia

Country	Kenya				Zambia			
Location	**Urban**		**Rural**		**Urban**		**Rural**	
Characteristics	Popn	Sample	Popn	Sample	Popn	Sample	Popn	Sample
No education	**16%**	**2**	**30%**	**9**	**24%**	**4**	**35%**	**7**
Primary Education	**46%**	**5**	**55%**	**17**	**48%**	**8**	**60%**	**13**
Secondary Education and above	**38%**	**3**	**15%**	**4**	**28%**	**4**	**15%**	**4**
TOTAL		**10**		**30**		**16**		**24**

Sources: *Author created from the sampling process and sources of data; Exploring Kenya's Inequality: Pulling Apart or Pooling Together (2012), KNBS and SID and Zambia Demographic and Health Survey 2009*

Figure 3. 1 Sample distribution in Kenya and Zambia



Source: Author created from the sample matrix

The last step involved the invitation of cases through *convenience sampling* from the population using the calculated number of units in each stratum until the quota for each stratum was filled. The researcher chose anyone, who met the characteristics of each stratum without discrimination. Since the data on levels of educational attainment by gender were unavailable in both cases of Kenya and Zambia, the researcher made sure that both sexes were fairly represented in the sample during this stage. To reduce the selection bias, the researcher ensured that the selection of respondents was not just based on ease of access but persuaded most uncooperative potential respondents to participate in the study. This approach increased the validity and reliability of the explanatory power of the responses derived from the interviews.

3.6. Data collection procedures

The data collection process for this study involved two main phases; the preparation or the planning phase and the fieldwork. The planning phase involved obtaining ethical authorisation from City, University of London, training in Research Methods, application for permission to conduct fieldwork in Zambia, recruitment of key expert interviewees, and review of the interview protocol. The second phase involved the actual data collection in the field in both Kenya and Zambia. Before commencing fieldwork, ethical clearance was sought and obtained from both the Department of International Politics and City, University of London since the study dealt with human subjects. An application form was filled and approved by both ethical committees at the Department of International Politics and the University levels. To conduct productive interviews and analysis of data, the researcher took a master's level course in Research Methods and Analysis at City, University of London, besides attending several seminars on Qualitative Research. The course and the seminars covered critical skills, values, and techniques that are used in conducting qualitative research and analysis. The values and techniques included listening and note-taking skills, techniques for conducting interviews such as creating rapport, asking right questions, adopting open and emotional neutral body language, strategic use of silence and maintaining ethical standards, data collection methods, and analysis among others. The researcher was thus well-prepared and well equipped with the knowledge and skills needed for effective data collection and analysis in qualitative research.

Besides the training, the researcher had accumulated over ten years of practical fieldwork experience within Africa and had previously taken courses in qualitative research both at the undergraduate and master's levels. As part of the above preparations, the researcher became thoroughly familiar with the structure and detailed contents of the case study interview protocol, including possible follow-up questions and probes. This process led to the refinement of the interview protocol before the fieldwork. Once the key expert interviewees were sampled, their contacts were retrieved from their organisations' websites, and an email was sent to each of them explaining the objectives of the study and the reason why they were selected as potential respondents in this study. This step was followed by telephone calls to discuss the study and the interview process further. The researcher also conducted brief research on their background, their organisations, and their work on civil society and democratisation in their respective countries. A laptop and notebooks were also purchased for the fieldwork. The researcher secured an audio-recorder from City, University of London and bought enough batteries for the entire interview process. Before leaving for Kenya and Zambia, the researcher scheduled most of the appointments with the main expert interviewees through email and telephone calls and noted all the dates and times of the interviews. Interviews were scheduled in such a way that allowed time between the interviews for review of the already done interviews and preparation for the next interviews, including time to travel to the next appointment location.

Field research was conducted in Kenya and Zambia for three months in each country from May to October 2012. In Kenya, the research was undertaken in Nairobi (*the capital*), Kisumu City and its environs (Rural) in the western part of the country and Mombasa City and its environs *(Rural*) in the coastal part of the country.[50] In Zambia, the research was conducted in Lusaka (*the capital*), Chipata and its environs (Rural) on the Eastern part of the country and Mongu and its surroundings (Rural) on the western part of the country[51]. The researcher was attached at the University of Zambia, Department of Public Administration and Political Science. The University of Zambia Ethics Committee conducted a second ethical approval, and the researcher also obtained a research permit from the government of Zambia before

[50] See the map on https://www.mapsofworld.com/kenya/kenya-political-map.html
[51] See the map on https://www.mapsofworld.com/zambia/zambia-political-map.html

commencing fieldwork in the country. In-depth semi-structured interview method was used as the main primary method of data collection, and key expert interviews ran concurrently with interviews with ordinary citizens.

For the key expert respondents, most of the in-person, in-depth interviews took place in their offices and homes, while for ordinary citizens, most of the interviews were conducted in their homes or a place chosen by them, where the interviewee felt comfortable. The interviews were approximately one hour long in duration, exploring more in-depth and comprehensively the reasons why advocacy groups were constrained in the post-transitional countries of Kenya and Zambia and how such constraints had impacted on their ability to effectively contribute to the process of democratic consolidation. Once the researcher arrived in each of the countries of research, follow-up phone calls to respondents were made to confirm the appointments for the interviews. The interview process was systematic, thorough and guided by a case study interview protocol as explained earlier in this chapter. In cases where respondents failed to turn up or could not find time for the interview within the period of the fieldwork in both Kenya and Zambia, "snowballing" sampling technique was used to find more potential respondents for the in-depth personal interviews. Snowballing sampling means asking key experts who have already been interviewed to recommend or identify other potential individuals, who due to their expertise and experience on issues of civil society and democratisation would fit the selection criteria for possible inclusion in the sample.

Each interviewee was asked at least two contact persons to minimise the burden on the respondent and to reduce the potential bias of interviewing respondents in the same social network. Suggested potential respondents were included depending on the number of times they were identified by other key expert respondents already interviewed. Preliminary data analysis was undertaken in real-time after every four interviews were done. It was a simple process that involved checking and tracking the information collected to understand what was coming out of the interviews, identifying areas that required follow-up and questioning the meaning of the information already received. This process ensured continuous engagement with the data and highlighted emerging issues, allowing all relevant data to be collected while providing direction for adjusting data collection activities (Yin, 2012; Dooley, 2002). Approximately 120 interviews were conducted with both the principal expert interviewees (Table 3.4) and ordinary citizens' respondents by the end of the fieldwork research in both countries.

Table 3. 4: Number of Key Experts interviewed by organisation type and country

Organisation type	National advocacy groups	Women and youth	CBOs	International donor organisations	Policy-think tanks	Academia	Media
Kenya	5	2	3	2	3	3	2
Zambia	5	3	2	2	2	3	3
Total	**10**	**5**	**5**	**4**	**5**	**6**	**5**

Source: Author created from the sampling process

3.7. Data Analysis and Interpretation

Data analysis "consist of examining, categorising, tabulating, testing, or otherwise recombining evidence to produce empirically based findings" (Yin, 2014, p. 132). For this study, the objective of data analysis was to seek explanations, similarities, differences, patterns, and relationships of themes that help us understand the constraints confronting advocacy groups in both Kenya and Zambia and the impact of such constraints on advocacy groups' ability to effectively contribute to the process of democratic consolidation. The analysis thus represented accumulated voices of key experts and ordinary citizens expressing their opinions, lived experiences, actions, and attitudes about advocacy groups and democratic consolidation in the post-transitional states of Kenya and Zambia. The process thus involved description, analysis, and interpretation (Wolcott, 1994).

The study adopted qualitative *thematic analysis*, whose primary purpose is to "identify, analyse, and report patterned meanings across a data set that provide an answer to the research questions being addressed" (Braun and Clarke 2006, p. 79). The process also included the interpretation of various aspects of the data set (Boyatzis, 1998). It involved searching for themes from the data that were relevant to the description of the phenomenon under study (Daly et al., 1997). Thematic analysis (TA) was chosen as the most appropriate method of analysis for this study primarily because of its suitability for analysing questions related to people's experiences, attitudes, views, and perceptions (Guest and McQueen, 2012; Braun and Clarke, 2006). The method is also easy to administer and allows for flexibility and application of multiple theoretical frameworks as the case in this study (Vaismoradi et al., 2013; Braun and Clarke, 2006).

Additionally, thematic analysis was suitable in identifying implicit and explicit ideas within the data (Guest and McQueen, 2012) and the emergence of themes from the data (Saldana, 2009), all of which were critical for the interpretation phase of this analysis. This process ensured the application of a *hybrid approach* to thematic analysis, which combined both deductive and inductive methods (Fereday and Muir-Cochrane, 2006) to interpret raw data. In the deductive process, the study relied on the pre-determined theoretical framework as outlined in Chapter 2 of this dissertation to analyze and interpret data (theory-driven), while at the same time considered the possibility for the refinement of some aspects of the theoretical framework through the data (data-driven). Gadamer (1979, p. 273) refers to this process as "the fusion of horizons." The theoretical framework, therefore, formed the basis (Crabtree and Miller, 1999) for the interpretation of data, and once this was done, consideration was made on how to improve the same through data-driven analysis. Additionally, deviations from identified patterns and their explanations, interesting stories emerging from the data about the broader research questions and the findings of the existing similar studies formed part of the analysis. Regarding the process of analysis, the study adopted a synthesis of Braun and Clarke's (2006), Pope and Mays (2006) and Crabtree and Miller (1999) step-by-step thematic analysis and interpretation process. The modification was done to ensure that the analysis was theoretically coherent, consistent, clear and transparent.

Step 1: Development of deductive codes

Data analysis relied on the theoretical framework, which necessitated the development of a template apriori based on research questions, propositions and the theoretical framework developed in Chapter 2 of this dissertation. Several broad categories were developed and formed the basis for the theory-driven data analysis process.

Step 2: Familiarisation with the entire data set

This step involved "careful reading and re-reading of the data" (Rice and Ezzy, 1999, p. 258) or the interview transcripts, and field notes and listening to interview audio-recordings several times to become sufficiently familiar with it. This process helped the researcher to clearly understand the content and context of the data while trying to identify specific patterns of meaning or repeated issues and ideas in the data. The audio-recordings were then transcribed verbatim into text documents to avoid any biases and inconsistencies that could emanate from the transcription process.

The researcher listened to the recordings while reading the transcripts to ensure the accuracy of the transcription. Memos[52] and reflective notes were taken on the first impressions of initial ideas about the research questions, which later helped in formulating codes, categories, and themes. Field notes were also thoroughly reviewed at this stage and contributed to the understanding of the interview content and context.

Step 3: Generating Initial inductive codes

For the inductive codes, the researcher used clear, concise and concrete descriptive codes based on interview dialogues to ensure dependability and credibility of the codes. These included relevant keywords, sentences, phrases, and sections. The codes were manually attached to key features of the data that were relevant to the research questions. Distinct colours of highlighters were used to differentiate codes and to document where and how patterns occurred. This process was implicit and iterative as the researcher continually altered and modified codes as reflected by the data and as new ideas emerged. The study generated as many codes as was possible from the data set. Coding for this study thus involved both data reduction and data simplification through collating relevant identified codes into broader analytical categories in readiness for the next step in the data analysis process.

Step 4: Applying the template of codes and searching for themes

This step involved three processes. The first process used the analytical template technique (Crabtree and Miller, 1999) to apply the codes from the codebook to the text to identify significant broader patterns of meanings or potential useful themes and categories that accurately described the data set. In the second process, the codes generated from the data in step 3 were carefully examined and clustered into themes and sub-themes using flashcards. The study's themes were thus made up of a subset of codes that were related to the research questions and the theoretical framework but also sets directly generated from the data. Codes which could not fit into any of the identified themes were kept as outliers and considered as valuable in the interpretation process. The third process involved the selection and highlighting of the most representative, unedited, direct key quotations from the interviews that depicted broader trends of respondents' attitudes and opinions.

[52] Memos are "research notes that may contain interpretations of patterns found in the data or general comments on issues revealed during the analysis" (Baskarada 2014:17)

Key quotations from minority attitudes and opinions were also highlighted as they were considered equally important for the analysis. The quotations were attributed using the interview number in the interview schedule, year and country of the interview and a brief description of the respondent's socio-economic background.

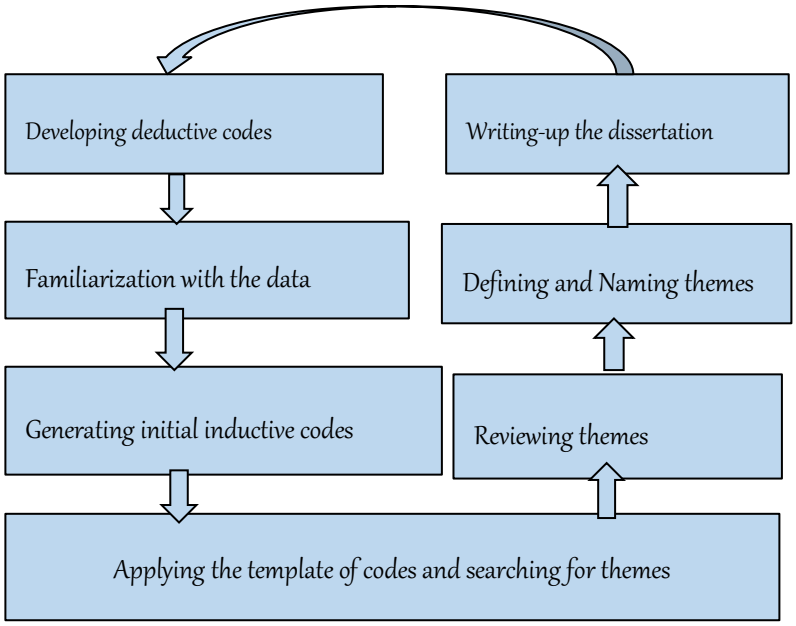
Step 5: Reviewing themes

This step involved a careful and thorough review of themes about each of the theoretical propositions on the constraints confronting advocacy groups in the post-transitional states of Kenya and Zambia and to determine whether the themes told a convincing and compelling story of the data that answered the research questions. Themes were thus refined, resulting in some themes being combined, others broken-down, while others were discarded. Specifically, each theme was considered in relation to the entire data set and some themes combined, others condensed, while others were split.

Step 6: Defining and naming of themes

In this step of the analysis, the researcher developed a detailed analysis of the scope, focus, and significance of each theme to the research study. Potential themes were assigned informative names to reflect a full sense of the themes and their significance. The step resulted in a comprehensive analysis of what themes contributed to understanding the entire data. These themes or categories and their relationships were the main results of this study and were thus considered as the new knowledge about the World from the perspective of the respondents in the study (**See APPENDIX C**). Although the step-by-step process is presented as a linear process, the actual research analysis was an iterative and reflexive process as shown in Figure 3.2. below.

Figure 3. 2 Diagrammatic representation of the stages of data coding



Source: Adapted from Braun and Clarke (2006) Pope and Mays (2006) and Crabtree and Miller (1999)

The final phase of data analysis involved interpretation and writing-up of the results, which meant weaving together a convincing narrative from the findings and a careful drawing of inferences and conclusions regarding explanations, patterns, relationships, and variations or cross-case comparison between themes in the two cases about the research questions. Researcher's thoughts, views, and ideas were also included at this stage, besides triangulation of secondary data obtained through library research. The interpretation went beyond the data to the implications of the study's findings to the broader research agenda in the field of comparative politics and democratisation. Data interpretation was achieved through three main strategies, including reliance on theoretical propositions, relating research results to existing theories and literature, and examining plausible primary rival explanations. Specific techniques included explanation building (Yin, 2014) which meant building general explanations about the cases from the data, cross-case synthesis, pattern matching the findings and the theoretical propositions or what is referred to as the "congruence method" (George and Bennett, 2004).

Data interpretation relied on the initial theoretical propositions of the case study by examining whether the findings were consistent with or different from them. This process focused data interpretation on research questions and was the basis of theory testing, providing an opportunity for corroborating, modifying, rejecting or advancing the initial theoretical framework. The researcher carefully examined the findings that failed to support all or parts of the initial propositions leading to a refinement of theories, where the researcher proceeded to "conjecture intelligently about a more satisfactory general theory" (Rogowski, 2010, p. 95). The process also involved clarifying the relationship between propositions and the broader context of theory and previous research. Here, the researcher employed a strategy of relating research findings to existing theory and literature. This process involved moving beyond the data to relate or integrate the results of the study creatively into existing theory and research to situate the current information into existing literature. The researcher, therefore, considered the findings in relation to the existing research studies and examined how the findings replicate or fail to replicate, extends or clarifies existing research, thus conceptualising and demonstrating the novel contribution of the study to research and the field of comparative politics and democratisation.

Additionally, the researcher identified, explained and reviewed plausible rival explanations for the constraints confronting advocacy groups in both Kenya and Zambia to contextualize the analysis of these alternative explanations. To achieve a high-quality interpretation process, data interpretation just like data analysis was recursive and moved back and forth between the two phases, helping to improve the confidence in the results. The study addressed the most significant findings, attended to all evidence and comprehensively covered all research questions. Effective selection and display of data were used to improve the quality of the dissertation in several ways. Firstly, the visual elements helped the researcher present detailed results and complex relationships, patterns and trends more clearly and concisely in less space (Clark, 2011; CSE, 2006; Durbin, 2004).

Secondly, effective display of data offered a quick overview of the study's findings thus enhancing the reader's interest and understanding of complex study results in a simplified format,[53] and finally, efficient display helped reduce the length of the dissertation[54]besides organising and clarifying complex information. Data for this dissertation were organised in the form of quotations, tables, and figures, followed by more detailed explanations. With respondents' explicit permission, the researcher selected some of the most representative verbatim quotations and some outlier quotations from interviewee responses from the in-depth semi-structured interviews in the analysis to add detail, support and effectively illustrate the researcher's themes, arguments, and findings (Eisenhardt and Graebner, 2007). The use of such verbatim spoken words of research participants has become an effective standard practice in much of social science research (Corden and Sainsbury, 2006) because of the value, the depth, and the richness that they add to the research findings. The quotations, which accurately reflected informants' perceptions also helped in building trust, authenticity, and credibility of the research results. They provided significant evidentiary impact, illustrating the respondents' arguments and enhancing the readability of the dissertation.

Additionally, quotations from participants' views and opinions gave them 'voice,' brought their experiences and perceptions to life, illuminated the linkages that respondents made between experiences, actions, and attitudes and thus improved the researcher's understanding of their lived experiences, insights, attitudes, and opinions. Finally, using a variety of selected *direct quotations* from respondents indicated the balance of views on particular issues and helped clarify the link between data, interpretation, and conclusions. The dissertation also used tables and figures. Tables were used as an efficient and effective way to present complex information for easy visualization, understanding, and description of data. Tables focused on specific data, where detailed information was condensed, showing both exact numbers and clear contrasts and comparisons of data values or characteristics of related items (Clark, 2011; McMillan, 1988). Tables also helped to provide clarity, a summary of concepts, and classification of data and quick evaluation of critical information in the study.

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[53] SAGE Publications: How to get your Journal Article published {Accessed June 15, 2016}, Available form http://www.uk.sagepub.com/journalgatenway/files/how_to_get_your_article_published.pdf

[54] Purdue Online Writing Lab, APA Tables and Figures {Accessed on June 15, 2016} Available from http://owl.english.purdue.edu/owl/resource/560/19/

For high-quality tables, the researcher ensured that all tables were simple, self-explanatory, well-labeled, easy to understand, described by their legends, which were clear and complete, conveying as much information as possible about the table. The figures were used in this dissertation to show trends and patterns of relationships across and between data sets (Clark, 2011; Paradise, 2011; McMillan, 1988). Additionally, the figures presented a visual explanation of the sequence of events and procedures, illustrated and analysed concepts, delineated selected features of aspects of the study and summarised research results. For high-quality figures, the researcher ensured that all figures were interpretable, self-explanatory, clearly labeled with informative titles and sources with complete legends that explained critical information about the figures.

3.8. Ethical issues

Ethical issues for this study emanated from the nature of qualitative research, which involves more personal and subjective methods of data collection, a more significant role for the researcher-participant relationship, and the data analysis process. The researcher ensured a very high level of professionalism in conducting this research by maintaining high standards of honesty, integrity, and accountability throughout the data collection and analysis process. The primary data collection process involved in-depth semi-structured personal interviews, and therefore, was informed by academic and ethical standards that govern social science research.

Firstly, individual respondents were given full and open disclosure of all information concerning the study, which included the purpose of the research, how collected data was to be used, what participation required of them, subjects to be covered and the approximate time that the interview would take. Respondents were informed that participation in the interview was free and voluntary and that they had a right to withdraw at any point in the interview process if they felt uncomfortable. Additionally, participants were informed and guaranteed that all information provided to the researcher would be treated confidentially. Informed consent and confidentiality were ensured through a written agreement signed by both the researcher and the respondent before the interview (**APPENDIX A).** Secondly, the researcher made respondents aware of their rights to privacy, and respected and guaranteed those rights. No identifying information about the respondents was revealed in written or other communication methods unless permission was sought from the said individual respondent.

The researcher, therefore, requested permission from the respondents to audio-record the interviews and to publicise the findings before the interview. All the recordings done were therefore explicitly permitted by the respondents. Some respondents declined to be recorded, and the researcher instead took interview notes during the interview process. Specific consent was also sought from respondents for attribution of comments to respondents in the dissertation. Thirdly, the researcher made every effort to develop a rapport with the respondents and to create a trustworthy environment where the respondents felt comfortable disclosing information without fear. However, the researcher avoided creating a situation in which respondents would think that they were friends with the researcher. This approach ensured a professional relationship with the respondents.

Finally, the researcher avoided any situation that could be perceived as excess intrusiveness on the respondents' time, space and personal lives. Interview questions were neutral, and most of the interviews were conducted in the respondent's' offices or neutral locations chosen by the respondents. The interviews were also limited to a maximum of one hour and focused on the research questions and topics relevant to the study. Despite the unavoidable subjective influence and biases of the researcher which is in-built in qualitative research such as this, the researcher made every effort to mitigate against this bias by analysing data for this study transparently and professionally, avoiding misstatements, misinterpretations and interpreted and presented a picture that is supported by data and evidence. Overall, informed consent, confidentiality, respect for privacy and anonymity were strictly adhered to throughout this study. The data collection process, therefore, respected the dignity, rights, safety, and well-being of all participants. Broadly, the research project complied with City, University of London ethics code and followed all the formal procedures established by the University.

3.9. Summary

This chapter presented the overall research design of this comparative study and comprehensively described and explained the methods and the processes used to investigate the principal constraints confronting advocacy groups in the post-transitional countries of Kenya and Zambia and how these constraints have impacted on the ability of advocacy groups to effectively contribute to the process of democratic consolidation. It also elaborated on the rationale and the suitability of the comparative and case-oriented qualitative research design for this study and explained the case selection criteria, the instrumentation, the sampling and sample size, data collection procedures, data analysis, and interpretation, and a discussion of the ethical issues related to this study. The chapter explained that the rationale for the combination of *case analysis* with *cross-case comparison* was to obtain a more detailed and holistic understanding of the two cases with regard to the research questions. Additionally, the chapter argued that such combination is one of the most reliable means of drawing inferences from case studies in a single study. The use of case study approach was based on four factors, which included the fact that the study sought to answer the "why" and "how" type of research questions and focused on a set of contemporary processes within real-life contexts. The researcher also had little control over the behaviour of those involved in the study and contextual conditions were relevant to the study. Additionally, there were unclear boundaries between the constraints confronting advocacy groups and the context in which citizens developed their experiences and views about these groups and the process of democratic consolidation.

The qualitative approach as part of the overall research design provided a detailed, rich and in-depth understanding of the context, meanings, experiences, and views of respondents on issues under study. The approach was useful in exploring complex, contextual social and political experiences and issues and helped in developing more in-depth levels of explanations about the constraints confronting advocacy groups in the post-transitional countries of Kenya and Zambia and their effects on the ability of these groups to effectively contribute to the process of democratic consolidation. The comparative component of the research design was necessary for control purposes and allowed for the description and analysis of variations and patterns across the two cases. It also helped in understanding the context in which the study took place, the interpretation of individual cases and in building stronger theoretical

explanations for the research questions by refining, modifying and confirming theories from empirical data. Finally, the comparative component made the study more structured and manageable and conclusions drawn from the findings more reliable, robust and precise.

The chapter also laid out the case selection process, which was based on a systematic selection of the two cases using a theory-driven Small-N research process, to maximize contrast. The study thus applied the *"Most Different Systems Design (MDSD)*" as a selection process since Kenya and Zambia are maximally different in all of the major characteristics of their civil society formations, except on the outcome of interest, that is "a constrained advocacy sub-sector of civil society." The study fulfilled all the requirements for the applicability of MDSD as it critically examined the constraints confronting advocacy groups in Kenya and Zambia at the sub-systemic level, used deductive research strategy with apriori propositions, operated with a constant dependent variable and had the goal of establishing correlation and not causation. The chapter argued that civil societies in both countries are fundamentally different organizationally, materially, numerically and ideologically, which have significant implications for their potential contribution to the process of democratic consolidation. Organisationally, the Kenyan civil society is led by the National Council of Churches of Kenya, while the Zambian civil society is led by the labour movement, the Zambia Congress of Trade Unions. The characteristics of these lead organisations have implications for the strength and strategies employed by these civil societies and thus the potential contribution to the democratisation process. While churches engage in limited political roles and favour mediation and coalition building due to their social orientation, labour unions are intrinsically class-based, well-organized and outrightly engage in partisan politics.

Additionally, Kenya has an umbrella statutory body that coordinates the activities of civil society organisations in the country while Zambia has had no umbrella statutory body. Coordination of civil society organisations and other functions of such umbrella bodies have critical implications for the overall operations and effective contribution to the process of democratic consolidation. The civil society formations in both countries are also different in their material dimension, which helps civil society groups develop independent capacity and autonomy to conduct their operations and implement their programmes effectively. Kenya performs much better in this dimension than Zambia due to government recognition and support for civil society organisations and the *Harambee* spirit which has encouraged the formation of

thousands of self-help groups around the country. Kenya has had a relatively better economic performance and conditions than Zambia, which has given the middle-class access to resources and incentives to form and contribute to the development of civil society in the country. There are also ideological differences between Kenya and Zambia civil societies which are influenced by the economic conditions in each of the countries. While Kenyan civil society is primarily driven by demands for civil liberties and political rights, the Zambian civil society, on the other hand, is primarily driven by economic issues due to the relative weakness of the country's economy. Finally, the civil society formations in both countries are also numerically different. Although both countries have experienced rapid growth of civil society organisations since the 1990s, Kenya has a large number of civil society organisations than Zambia due to the culture of Harambee spirit, relatively better economic development and state support for such groups.

The chapter laid out both the instruments and the process of data collection and interpretation. The study gathered data from multiple primary and secondary sources, leading to data triangulation, which provided a broader view of the research questions and acted as a means of cross-checking, validating and corroborating evidence. Data triangulation also extended the understanding of data and added breadth and depth to the analysis and ensured the integrity and consistency of inferences, which led to an account that was rich, robust, more convincing and comprehensive. Overall, triangulation improved the study's internal validity, credibility, and dependability. The study used in-depth semi-structured interviews as the primary source of data collection because the researcher was interested in a more in-depth understanding of the constraints confronting advocacy groups in the selected countries. In-depth semi-structured interviews infused reasonable flexibility and focused the interviews, provided a more in-depth exploration of the context and standardized data collection across the two cases thus providing reliable, comparable qualitative data and facilitating comparative analysis. Field notes were used to provide additional descriptive data, which improved subsequent interviews and later complemented audio recording of the interviews. Secondary data were obtained from a wide range of sources to complement the primary data. The study also developed and used a case study interview protocol which ensured consistency across the two cases and respondents.

Regarding sampling, the study employed four different forms of purposive sampling methods, which included expert sampling, snowballing sampling, and proportional quota sampling to select key expert and ordinary citizens' respondents. The sampling methods achieved several objectives; they increased the scope or range of data, covered multiple perspectives from the sample of participants and ensured the selection of individuals who provided credible, objective and reliable information on the issues under study. Expert sampling and snowballing sampling methods were used to select key expert respondents, who provided "*knowledge from above,"* while proportional quota sampling was used to select ordinary citizen respondents, who provided *"knowledge from below*" on the central themes of the study. This process led to innovative and comprehensive coverage of the issues under study. Selection of experts was based on their expertise, knowledge, experience and active involvement on issues of democratisation and civil society in their respective countries. This focus was necessary as the researcher needed to interview individuals, who could provide credible, objective and reliable information on the issues under study. The sampling process took into consideration the size and location of organisations from which the experts were drawn.

The second set of respondents in the study were drawn from adult male and female of over 18 years old, living in rural and urban areas in Kenya and Zambia. This group was sampled using a non-probability proportional quota sampling (PQS) method, where the assembled sample had the same proportions of individuals as the entire population of the pre-selected characteristics. It ensured that all key groups relevant to the study were included in the sample to achieve a representative sample, according to the pre-specified characteristics of the populations in both countries. It also saved time and resources since it was easier and quicker to conduct, satisfied population proportions and had 100 percent response rate, better than most probabilistic sampling methods, thus reducing potential bias and producing results that are equivalent to the ones generated by probability sampling. The data collection process for this study involved the preparatory phase and the actual fieldwork in Kenya and Zambia. The preparatory phase included obtaining ethical authorisation from City, University of London, training in research methods, recruitment of key expert respondents and review of the interview protocol.

The second phase involved the actual data collection in the field in both Kenya and Zambia. Field research was conducted in Kenya and Zambia for three months in each country from May to October 2012. The researcher interviewed a combined total of 40 expert respondents and 80 ordinary citizens in the two countries. The interview process was systematic, thorough and was guided by a case study interview protocol. The interviews were approximately one hour long in duration, exploring more deeply the issues under study. Preliminary data analysis was undertaken in real-time after every four interviews were done. It involved checking and tracking the information collected to identify and highlight emerging issues, and areas that required follow-up. Additionally, it ensured continuous engagement with the data and highlighted emerging issues, allowing all relevant data to be collected, while providing direction for adjusting data collection activities. Data analysis was then conducted with the primary objective of seeking explanations, similarities, differences, and relationships of themes to understand the constraints confronting advocacy groups in both Kenya and Zambia and the impact of such constraints on advocacy groups' ability to effectively contribute to the process of democratic consolidation.

The study adopted thematic analysis (TA) as the most appropriate method of data analysis primarily because of is its suitability for analysing questions related to people's experiences, attitudes, views, and perceptions. Specifically, a hybrid approach to thematic analysis was used, which combined deductive and inductive methods to analyse and interpret raw data. In the deductive process, the study relied on a pre-determined theoretical framework (theory-driven), while in the inductive process (data-driven) the study was open to the possibility of themes emerging from the data. Data interpretation was achieved through reliance on theoretical propositions, relating research results to existing theories and literature and examining plausible primary rival explanations. Data presentation included direct quotations from respondents, tables, and figures, followed by more detailed explanations. Direct quotations from respondents added detail, depth, authenticity, and credibility to the research findings besides providing significant evidentiary impact and bringing respondents' experiences and perceptions to life. Efficient use of tables and figures provided easy visualisation, understanding, and description of data.

The chapter concluded with a brief discussion of ethical issues such as full and open disclosure of all information concerning the study to respondents, voluntary nature of participation in the research, informed consent and confidentiality of information provided and respect for respondents' dignity, safety, privacy and anonymity among others. The next Chapters 4, 5 and 6 present and analyse data on the constraints confronting advocacy groups in the new political and institutional environment in Kenya and Zambia and their impact on the ability of advocacy groups to effectively contribute to the process of democratic consolidation.

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CHAPTER 4

ADVOCACY GROUPS AND THE POST-TRANSITIONAL POLITICAL ENVIRONMENT IN KENYA AND ZAMBIA: UNCERTAINTY AND DEMOCRATIC CONSOLIDATION

"Civil society actors are expected to toe an ever-moving line. They are expected to work to tear down the authoritarian, non-democratic state, but then dramatically change tactics once a democratic state has been created. This is a difficult transition for both civil society leaders and the communities, which they claim to represent; there is no clear answer as to when civil society groups will work to support their political system and when they will work in a counter-hegemonic fashion against the political establishment". (Zuern 2000, p. 131)

"There is nothing more difficult to execute, nor more dubious of success, nor more dangerous to administer than to introduce a new system of things; for he who introduces it has all those who profit from the old system as his enemies, and he has only lukewarm allies in all those who might profit from the new system" (Niccolo Machiavelli. The Prince, VI.)

4.1. Introduction

In the early 1990s, advocacy groups in both Kenya and Zambia played a significant role in the struggle for the restoration of democracy and the return to multi-party politics. As part of the broader pro-democracy movement, the groups organized mass demonstrations and protests for political change. Once the negotiations for elections were completed between the opposition political parties and the incumbent regimes, the groups conducted civic education and monitored the elections to foster democratic transitions in most African countries (Young, 1999; Ihonvbere, 1997; Bratton, 1994). The pro-democracy movements were responding to years of authoritarianism and economic mismanagement, which had led to poor standards of living for the majority of the population, repression, and violation of civil liberties and political rights and systemic corruption that had paralyzed service delivery in most of these countries. In Kenya, the National Council of Churches of Kenya (NCCK) led a constellation of professional groups, churches, student unions, NGOs and women's movements among others to demand for political pluralism, while in Zambia, the Zambia Congress of Trade Unions (ZCTU) led other civil society actors in the quest for the restoration of democracy in the country (Bratton, 1994). These domestic forces were augmented by international pressure from both multilateral and bilateral donors, which helped push for democratic transitions in the continent.

In 1991, after widespread protests and demonstrations, followed by numerous negotiations between the opposition political party, the Movement for Multi-party Democracy (MMD) and President Kenneth Kaunda's United National Independence Party (UNIP), the administration finally repealed article 4 of the 1973 constitution to allow for multi-partyism. The country held its first multi-party general elections on October 31st, 1991. MMD won both the presidential and parliamentary elections in a landslide against UNIP, leading to the first time in post-independence Sub-Saharan Africa in which power was peacefully transferred through the electoral process (Van Doepp, 2000). Zambia thus became a trailblazer in Africa for the democratisation process and was at the time, described as a "model of democracy" (Bratton, 1994; Joseph, 1992). Since then, the country has held five multi-party general elections with MMD winning the first four of those elections, but subsequently lost power in 2011 to the opposition political party-the Patriotic Front (PF).

In Kenya, President Moi accepted to re-introduce multi-partyism in 1991 after massive protests and demonstrations organised by the prodemocracy movement composed of civil society groups and opposition political parties and supported by the international community. The first multi-party general election was held on 29 December 1992 and, the ruling party, the Kenya African National Union (KANU) managed to retain power against a hopelessly divided opposition and amid claims of rigging, manipulation of results, use of state resources, intimidation and violence by the incumbent regime.[55] KANU went on to win the second multi-party general elections held on the 29 December 1997 with the political opposition still divided and the ruling party massively employing state resources in the elections. In 2002, major opposition political parties united under-the National Rainbow Coalition (NARC) supported by most civil society groups and defeated the Kenya African National Union (KANU). NARC's win was a watershed in the struggle for democratization in Kenya. It was the first regime change through free, fair and peaceful democratic elections in the country since independence in 1963. In the post-transitional period, the political landscape dramatically changed in both countries, creating new opportunities and significant constraints to advocacy groups in their quest to contribute to the process of democratic consolidation.

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[55] Human Rights Watch (1993) Divide and Rule: State Sponsored Ethnic Violence in Kenya, available from www.humanrights.org

The potentially "enabling" political and institutional environment for the growth, expansion, and vibrancy of advocacy groups has posed serious constraints for the operations of advocacy groups and, therefore, created enormous doubts on their ability to effectively support the deepening of democratic governance, sustaining change and effectively contributing to the process of democratic consolidation. Moreover, such challenges have come at a time when advocacy groups are considered crucial players in the daunting task of democratic consolidation, due to the convergence of numerous obstacles to the process in the continent. Such obstacles include extensive institutional and bureaucratic deficits, the persistence of neo-patrimonialism, poor economic performance and lingering authoritarian tendencies among others (Bratton and Van de Walle, 1997; Ihonvbere, 1997; Van Doepp, 1996; Nyongo, 1992).

This study employs the domestic politico-institutional approach as explained in chapter 2 of this dissertation, to explore the principal constraints confronting advocacy groups in their quest to contribute to the process of democratic consolidation in the new and rapidly evolving political and institutional environment in the post-transitional countries of Kenya and Zambia. The first section of the chapter examines the opportunities for advocacy groups brought about by the democratic transition, which includes improved civil liberties and political rights, the establishment of legitimate opposition political parties and institutionalization of free, fair and regular democratic elections among others. The second section delves into the principal constraints confronting advocacy groups in the new political environment. These include the three-fold dilemma of re-defining their roles, crafting new strategies for articulating demands for democratic consolidation and building a new and productive relationship with the newly democratic states. Other constraints discussed in this chapter include the "paradox of pluralism" within advocacy groups, the legacy of authoritarianism, the gradual movement of advocacy groups from the civic space to the primordial arena and advocacy groups' relationship with major political actors such as international donors and political parties. The chapter concludes by analysing the implications of all these constraints on the ability of advocacy groups to effectively contribute to the process of democratic consolidation in both Kenya and Zambia. A summary of the chapter then follows.

4.2. Opportunities for Advocacy groups in the new political environment in Kenya and Zambia

The establishment of democratic systems in both Kenya and Zambia from the early 1990s, presented advocacy groups with new sets of opportunities and constraints that are critical for the process of democratic consolidation due to the changes in the power structure, the establishment of new democratic institutions and improvement in civil liberties and political rights.[56] Advocacy groups mid-wived the political transition, and were, therefore, expected to contribute to the creation and strengthening of democratic institutions and policies that would support the process of democratic consolidation. In Kenya, the political environment considerably remained the same from 1992 to 2002 with the incumbent regime holding on to power and continuing to espouse authoritarian tendencies in a democratic setting. However, in 2002, the country experienced its first peaceful transfer of power from the incumbent regime to the opposition through free and fair multiparty elections, when the National Rainbow Coalition (NARC) defeated the Kenya African National Union (KANU). The political landscape markedly changed and the political space for the work of advocacy groups, exponentially expanded. Additionally, the promulgation of a progressive new Constitution in 2010 increased the avenues and channels for citizen participation, besides enshrining a robust Bill of Rights and establishment of other democratic institutions.

In Zambia, the democratic transition was achieved in the first multi-party general elections in 1991 through a peaceful, free and fair general elections, which saw the Movement for Multi-Party Democracy (MMD) under Chiluba defeat the incumbent President Kaunda's United National Independence Party (UNIP) in a landslide victory. However, the new dispensation proved to be more contentious and defined by continuity rather than a break from the past authoritarianism. The amendments to the constitution in 1996 left the powers of the presidency largely intact, postponing any meaningful democratic deepening in the country (Erdmann and Simutanyi, 2003). Nevertheless, the political space for the work and operations of advocacy groups relatively improved through piecemeal administrative and judicial reforms.

[56] Freedom House Report have consistently ranked Kenya and Zambia as "partly free" since 2003-Reports available from www.freedomhouse.org

The relative improvement in civil liberties and political rights in both Kenya and Zambia have increased the spaces, platforms, and activities of advocacy groups in several ways. Firstly, the improved legal framework in both countries has made it much easier for the registration and operation of advocacy groups. Kenya promulgated a new progressive Constitution in 2010, while Zambia has instituted several positive legal and administrative reforms, which have supported the work of advocacy groups. Secondly, advocacy groups have found it much easier to organize and pursue various goals and interests due to the relative respect for freedom of expression, assembly and association and the right to challenge state decisions. In Zambia, most respondents cited the 2001 protest against President Chiluba's quest for a third term in office. The Oasis Forum successfully mobilized citizens countrywide through social media and organized a massive Anti-Third Term campaign, which stopped the President from amending the constitution to contest the presidency for a third term. In Kenya, some advocacy groups have successfully used the court system to challenge state decisions and to redress gaps in governance and public accountability. Moreover, there is a growing acceptance of divergent views and opinions within both political systems. As explained by one respondent,

> "There is now freedom and space to organise and not agonise. It is totally different from the one-party authoritarian period. There are relative restraint and tolerance from the government" (Kenya: Author interview, 10:2012).

Thirdly, the relatively expanded civil liberties and political rights have broadened and deepened the levels of citizen participation in governance and other democratic processes such as participating in parliamentary committee hearings, signing of petitions, and through various types of media, including TV stations, social media, FM radio stations, and independent newspapers. Finally, the improved civil liberties and political rights have helped advocacy groups create "invented" spaces, where they establish their own spaces and agenda for public deliberation and the articulation of demands for democratic consolidation. In Kenya, there has been a proliferation of civic spaces such as Bunge *La Mwananchi* (the Peoples' Parliament), *Bunge La Wazalendo* (Patriots' Parliament), *Wamama Mashinani* (Women at the Grassroots) and *Korti ya Wananchi* (The Peoples' Court). These are social movement type organizations, which hold free public deliberations on national issues in open spaces, where all Kenyans are free to attend and contribute to the discussions.

The media has immensely contributed to this process by airing some of these discussions on National Television and inviting leaders from these groups to contribute their views and opinions on the national debates. *Bunge La Mwananchi* has become very popular with the city population and meet twice a week at Jevanjee Gardens within the city of Nairobi. An advocacy group leader in Nairobi asserted that;

> "The improved civil liberties and political rights have helped us create our own spaces such as the establishment of "*Bunge la mwanachi*" (Peoples' parliament) and the people's court, besides several social accountability fora throughout the country. These groups have improved public deliberation and made significant efforts in ensuring public accountability" (Kenya: Author interview, 2:2012).

The Zambia Land Alliance is an equivalent group to Bunge la Mwananchi in Kenya. It is an indigenous network of local advocacy groups that was established in 1997 and works for fair and just land policies and laws which take into account the interests of the marginalized and the poor communities in the country.[57] It rejects the neoliberal agenda and international donor support and has adopted a demand-driven agenda by advocating and lobbying for fair land policies. The alliance solely relies on its membership support to conduct its operations (ZLA, 2007) and has resolved hundreds of land issues in rural Zambia. The group holds frequent meetings in the villages, where they take up land issues that need resolutions either formally through the court system and the Lands Ministry or informally through community and family negotiations. The group has also engaged the government on reforming the land administration system. The Executive Director of the Foundation for Democratic Process in Lusaka noted that;

> "The new political environment has given us more spaces and freedom to establish new groups such as the Zambia Land Alliance and to operate freely without fear. Almost all advocacy groups in Zambia today were established after the transition in 1991" (Zambia: Author interview, 28: 2012)

The new political and institutional environment has significantly also improved advocacy groups latitude for participation and engagement with the state in both countries, giving these groups opportunities to influence state policies towards democratic consolidation.

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[57] Detailed information about the alliance is available from the website www.zla.org.zm

In Kenya, the relationship between advocacy groups and the state dramatically transformed in 2002 from confrontational to a more collaborative engagement. This change signalled that advocacy groups and the state at least shared similar policy goals and preferred similar strategies for achieving those goals (Najam, 2000). The National Rainbow Coalition (NARC) administration (2002-2007) was more willing to work with advocacy groups on policy issues than its predecessor, the Kenya African National Union. Moreover, most advocacy groups, had closely worked with and supported NARC in the opposition and thus believed that the new government was committed to the institutionalization of democracy. An adversarial relationship with the state was thus regarded as unnecessary. An advocacy group leader interviewed for this study captured this new mood when he stated;

> "Advocacy groups must move away from the old mentality of confrontation with the state and constructively engage the state in institutional building and democratic governance in the country." (Kenya: Author interview, 17: 2012).

This development of mutual trust, which was later formally supported by the imperatives of a new Constitution passed in 2010 led to the incorporation of advocacy groups into the formal governance processes of the state. It meant institutional cooperation between advocacy groups and the state on policy and development issues. An advocacy group leader interviewed for this study explained this new-found engagement with the government thus;

> "The new political environment has created opportunities to constructively engage with the government and other stakeholders in the Sector Working Groups and Sector Advisory Groups. These are platforms, where we share our policy positions and attempt to influence the government to adopt such policies for the benefit of ordinary Kenyans" (Kenya: Author interview, 8: 2012).

The government thus established "invited spaces" for policy engagement with advocacy groups, which have integrated into the governance processes in policy-making committees (Brass, 2012b). Some of the formal channels of engagement between the state and advocacy groups include advocacy group participation in parliamentary hearings, Sector Advisory Groups (SAGs), Sector Working Groups (SWG) among others. Most advocacy groups have welcomed participation in these fora as a mechanism for influencing national policy decisions. This gesture signalled the official recognition of advocacy groups by the state as essential

players in the democratisation process. International donors have encouraged such partnership and collaboration in policy-making.

Although the conflictual relationship between advocacy groups and the state continued in Zambia, there are some policy areas, where the government and advocacy organizations have found common grounds for cooperation and engagement. Advocacy groups thus had some ability to influence policy decisions in the country. Most respondents interviewed for this study reported that the formal engagement between the state and advocacy groups on policy issues have taken place at the district-level through the District Development Coordinating Committees (DDCCs) and the provincial level through the Provincial Development Coordinating Committees (PDCCs). Advocacy group leaders in Lusaka interviewed for this study, revealed that the most advanced consultative process has been in the budget formulation process under the Ministry of Finance, where advocacy organizations are invited annually by the Ministry to submit views and proposals and present testimonials to the parliamentary budget committee. Advocacy groups also participate in the Sector Working Groups (SWGs) and the Sector Advisory Groups (SAGs) on thematic areas such as trade, health, and education. An advocacy group leader interviewed for this study explained this working relationship with the government as follows;

> "We have worked with government representatives on civic education at the local level in sensitizing citizens at this level on decentralisation policy and citizens' role in the process. We have also submitted our budget proposals to the Ministry of Finance annually and do give testimonials to the parliamentary committee on the budget" (Zambia: Author interview, 2012-32)

Although some advocacy group leaders have lauded the state-advocacy group's collaboration in policy making as critical in policy formulation and implementation processes, such engagements have faced enormous problems. First, most advocacy groups in both countries lack the technical capacity to engage in high-level policy discussions effectively. Advocacy group leaders interviewed in both countries explained this problem thus;

> "Our engagement with government on policy issues exposed the capacity weaknesses that we were not aware of before. We had to initiate our own capacity-building processes to fully understand government policy-making processes and policy content and how to engage with both" (Zambia: Author interviews, 29:2012)

> "We had to quickly adjust to the policy language and engage in a lot of research and capacity building for our programme officers so that they could adequately contribute to the policymaking process with government officials. We still have to do a lot in this area" (Kenya: Author interview, 14:2012)

Secondly, there is a problem of uncertainty of continued formal engagement with the state, in Zambia, where advocacy group participation in formal policy is not anchored in the law (Waldenhof, 2005) and, therefore, solely depends on the goodwill and willingness of various government agencies, while in Kenya, the formal engagement is anchored into law, but there is no framework to guide the engagement between civil society and the state.

Thirdly, most advocacy group leaders interviewed for this study reported that there was a lack of timely and reliable information from the government for meaningful participation of advocacy groups in the policy-making processes as governments are unwilling to share policy documents beforehand. Advocacy groups are thus ambushed with large documents and forced to read and engage with such documents during the formal meetings. Moreover, several respondents pointed out that invitations to these meetings were always sent late and advocacy groups forced to respond to already prepared documents. Other problems identified by respondents included government unilaterally inviting advocacy groups, which they consider friendlier to such meetings to represent civil society and the fact that advocacy groups are forced to react to an already prepared policy document by the government. Fourthly, a particularly critical problem with participation in government-sanctioned bodies was that advocacy groups were always locked out of macroeconomic policy discussions, which were solely reserved for the government and international donors. This exclusion of advocacy groups from macroeconomic discussions undermined advocacy groups' role in the policymaking process for policies only have an impact when funded and implemented.

Regarding the overall assessment of the impact of advocacy group-state engagement in policy-making processes and democratic consolidation, opinion was sharply divided among respondents. The first group of respondents felt that advocacy groups were having a valuable impact on public policy-making processes through their participation in government-sanctioned forums and institutions, for instance, the Executive director of the Non-Governmental Coordination Council (NGOCC) in Zambia, interviewed for this study reported that the 6th National Development Plan (NDP) was heavily influenced by advocacy groups representing

gender issues as reflected by the inclusion of some of their contributions in the plan (Zambia: Author interview, 23: 2012). The second group of respondents interviewed for this study, however, were very sceptical about the impact of advocacy groups' participation in official government forums. They argued that such participation had no real or tangible impact on public policy-making and ultimately democratic consolidation. A policy analyst interviewed for this study in Nairobi noted that;

> "These are fake forums that the state uses for three main reasons; to please international donors, as a mechanism of containment of advocacy groups and as a public relations exercise. For international donors, these forums help in endorsing their neoliberal policies to appear locally owned. Its just tokenism and advocacy groups have no impact on major decisions by the state (Kenya: Author interview, 16: 2012)

A political scientist interviewed for this study concurred with the above assessment and added that official government forums for policy engagement are;

> "Illusions of participation meant to hoodwink international donors and the general public. At the end of the policy engagement, significant economic and budgetary decisions are made by the government in consultation with international donors (Kenya: Author interview, 9: 2012)

According to this view, the forums are merely meant to show that civil society groups have endorsed government decisions to fulfill international donor conditionalities. Major macro-economic decisions are still reserved for the government in consultation with international donors. Advocacy groups participation in such forums are, therefore, more ritualistic and symbolic than substantive and do not serve any meaningful purpose for transformative action. An advocacy activist, interviewed for this study who subscribes to this line of thinking described the forums as; "Government talking to advocacy groups, but not listening to them" (Kenya: Author interview, 23:2012). This statement alludes to the fact that governments are forced by international donors to include advocacy groups in such official forums and, therefore, do not take them seriously since they still reserve the right to make the final decisions on major policy issues. However, it is important to note that this practice of tokenism when it comes to policy making is not unique to Kenya and Zambia. Chabal and Daloz (1999) have referred to this practice as "politics of the mirror," in which many African governments reflect back to international donors what they want to see and hear while following their preferences behind the "looking glass."

Several respondents also felt that attention to national level issues through the involvement of advocacy groups in government advisory bodies crowd out the strengthening of grassroots structures. Dwyer and Zeilig, (2012) have emphasized this point and argued that the participation of advocacy groups in government fora raises the question of the extent to which grassroots organisation participate in such official forums and, therefore, question the extent to which such participation increases bottom-up influence on state policies. This view means that advocacy groups' participation in official fora, as intermediaries between the people and the government and not representatives of the grassroots. However, it must be noted that the partnership between advocacy groups and the state in the policy-making process is a worldwide trend that is not unique to Kenya and Zambia (Brautigam, 1994; Rhodes, 2000). It is considered best practice for the successful implementation of democratic reforms with the assumption that it confers ownership of the reforms to the people.

The study also found that the new political and institutional dispensation in both Kenya and Zambia has led to an expanded scope and depth of old issues and the evolvement of new issues in the policy-making domain of democratic politics. Several issues have become necessary for advocacy groups in the policy-making process. These include taxation, national debt, budget transparency, monitoring and accountability, climate change, gender representation, devolution, and corporate social responsibility, among others. Most respondents interviewed for this study in Kenya, attributed this expansion of issues to the promulgation of the new Constitution in 2010, which established devolution by creating 47 counties, enshrined a progressive Bill of Rights in the constitution and established various state commissions and offices with the mandate of handling various issues that are of interest to advocacy groups. These commissions include the Kenya National Human Rights Commission, The Gender Commission and, the Commission on Administration of Justice (the Ombudsman Office), among others. The commissions have extensively engaged advocacy groups on issues pertinent to their mandates. According to the Executive Director of the Centre for Governance and Development (CGD);

> "The new constitution widened the opportunities and scope for advocacy organisations' engagement and work with the public on various issues at different administrative levels. It also expanded the spaces and the platforms for dialogue and engagement with the county and the national governments" (Kenya: Author interview, 4: 2012).

The promulgation of the new Constitution promoted new forms of popular participation with most advocacy groups expanding their scope of activities to the county level through the creation of local chapters or affiliates besides new groups emerging to take advantage of these new opportunities. For instance, the Social Development Network (SODNET)-an advocacy group in Nairobi expanded its budget literacy and tracking programme to several counties to democratize county decision-making and monitoring of resources (Kenya: Author interview, 7:2012). A further reflection on the new opportunities was provided by an advocacy group leader interviewed for this study in Mombasa, who stated that;

> "The new constitution has opened up more spaces for advocacy groups. Even previously marginalised groups such as the pro-abortionists and atheists have emerged to openly and publicly demand their right to be recognized and respected. These issues were unheard of in the public domain just a decade ago (Kenya: Author interview, 15:2012).

Other issues like social justice and economic emancipation have also come to the forefront of policy advocacy. A prominent civil society activist interviewed for this study noted that;

> "We cannot consolidate our democracy without economic emancipation. The liberation narrative must now be replaced with a re-focusing of our energies on the economic emancipation of our people from poverty, disease and ignorance" (Kenya: Author interview, 10: 2012).

Most advocacy groups are also focused on the implementation of the new constitution through civic education to raise awareness of the contents of the new Constitution with the public. These groups argue that it is fundamental to educate the citizens to fully understand, internalise and put in practice the new constitution. An advocacy group leader interviewed for this study summarised this role as; "breathing life into the new constitution" (Kenya: Author interview, 18: 2012). In other words, making the new Constitution, a living document, which is accepted, understood and practiced by most Kenyans.

Most respondents interviewed for this study also argued that the new media and technology has created more opportunities for the work of advocacy groups in both countries. Most groups now consider the internet, social media, the email, and cell phones as critical tools for their operational efficiency with a tremendous positive impact on their programmes. For instance, advocacy groups in both countries have used the internet, the email, and cell phones to monitor general elections. The domestic Election Observer Group (ELOG) in Kenya and the Foundation for the Democratic Process (FODEP) in Zambia have both used information technology tools to monitor various elections and to provide information to citizens about

elections in real time. These groups have joined the global trend of development of information and communication technology (ICT) for civil society organisations, which has "helped the proliferation and the strengthening of NGOs and other private associations" (Franda, 2002, p. 18-19).

In Zambia, advocacy groups have also taken advantage of the proliferation of the community media, FM radio and TV stations to communicate their programs to the citizens (Zambia: Author interview, 32: 2012), while in Kenya, the Social Development Network has started an innovative program, the info-net platform for public participation, accountability, and transparency. These information technology programmes have helped improve citizen voice in policy and governance issues through call-in sessions in radio and TV stations and citizen participation in budget monitoring and implementation and, therefore, ensuring alternative sources of information, transparency, and public accountability. The media has become critical for the democratic consolidation process as one community leader in Lusaka interviewed for this study state;

> "The media has become the voice of the people and the space for free deliberation of democratic issues in Zambia" (Zambia: Author interview, 34:2012)

The study also found that the new political and institutional dispensation in both countries has led to the rapid growth of local civil society organisations due to both domestic and international factors. Democratic reforms adopted as part of the transformation process by Kenya and Zambia have improved civil liberties and political rights and thus created a political environment conducive for civil society growth. The New Policy Agenda (NPA) adopted by international donors in the early 1990s linked development aid and the promotion of human rights, democracy and good governance, and re-directed donor resources to civil society groups, concerned with issues of democracy and governance, particularly, in the initial period after the transitions (Robinson, 1994). These groups were viewed as cost-effective because they were less bureaucratic and reached the marginalized and the poor than the state. Additionally, international donors pressurized African countries to implement democratic reforms. All these factors stimulated the rapid and unprecedented growth of local advocacy groups promoting liberal models of good governance and human rights. The growth was accompanied by increased diversity of organisations within the broader civil society sector and reflected similar trends in NGO growth in other developing countries (Hershey, 2013)

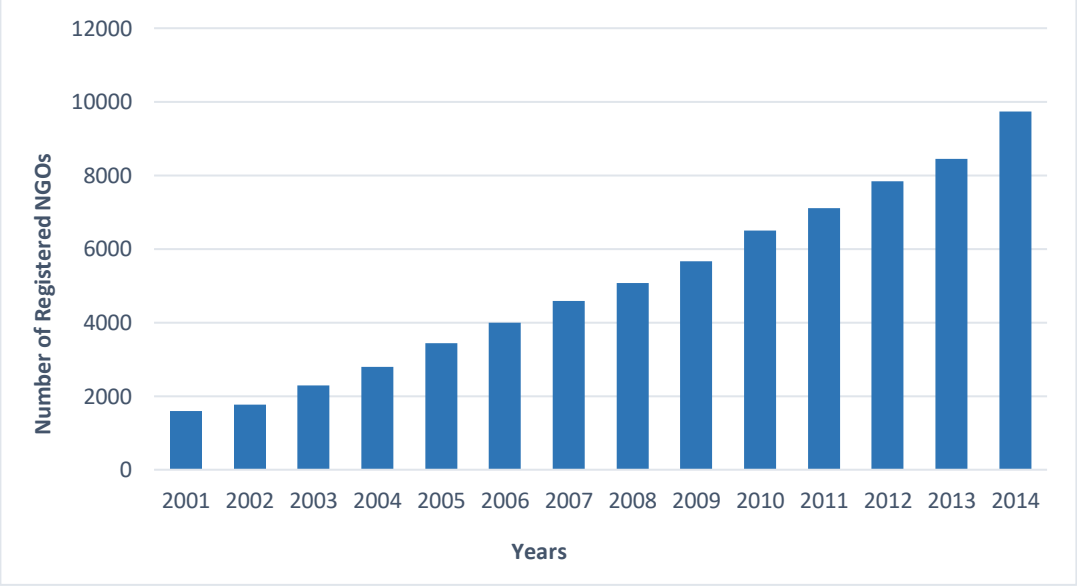
It is difficult to obtain accurate and reliable data on the number of civil society organisations in both Kenya and Zambia due to several factors. Firstly, there is a lack of an updated record of civil society groups in both countries from the bodies mandated with the registrations. Secondly, civil society organizations in both countries register under several laws in multiple administrative levels with no overall register for the groups. In Kenya, the NGO Coordination Act of 1990 that govern the registration and operations of NGOs in the country allows civil society groups to register under the NGO Coordination Act, the Companies Act, and the Societies Act, while some types of civil society groups are exempted from registration. This fragmented registration means that the NGO Coordination Bureau records do not capture all registered civil society groups in the country. However, due to these challenges brought about by different legal, operational frameworks and regulations, the government has sought to bring all registrations of civil society organisations under the new PBO Act No, 18 of 2013, which is yet to be operationalised.

In Zambia, the registration of civil society groups is also administratively fragmented in various government departments, relevant statutory bodies and at different administrative levels in the country. In principle, all civil society organisations should register with the Registrar of Societies, but the current law allows other forms of registrations, for example, youth organisations register with the National Youth Development Council, organisations dealing with issues of disability register with the Zambia Agency for persons with disabilities while other groups can still register with the Zambia Council for Social Development (NORAD, 2008). Furthermore, a growing number of advocacy groups are registering as limited private companies to avoid governmental control under the controversial NGO Act of 2009.[58] Additionally, civil society organisations operate in multiple sectors and engage in a variety of activities defying easy categorisation, for instance, both the *Kitua Cha Sheria* (Centre for Law) and the Legal Resources Foundation (LRF) in Kenya and Zambia respectively, simultaneously conduct advocacy on legal issues and provide legal services to their clients.

[58] Author interviews in Zambia, 29:2012, 33:2012 and 36:2012

Despite all these challenges of registration of civil society groups in both countries, all available data and observations show that civil society groups have experienced unprecedented growth in numbers since the democratic transitions. In Kenya, *Figure 4.1*, shows a clear trend of rapid growth of NGOs from 2001 to 2012 from data obtained from the NGO Coordination Bureau[59] with the highest recorded annual growth between 2004-2005 periods when 710 new groups were registered. Brass (2010) has noted that from 2001 to 2012, NGOs grew by 390 percent, the fastest growth ever recorded in the country. Since most advocacy organisations in the country are NGOs,[60] this trend of the overall growth of the sector accurately reflects the growth of advocacy groups during the same period.

Figure 4. 1 Growth of NGOs in Kenya 2001-2014



Source: NGO Coordination Bureau data 2001-2014

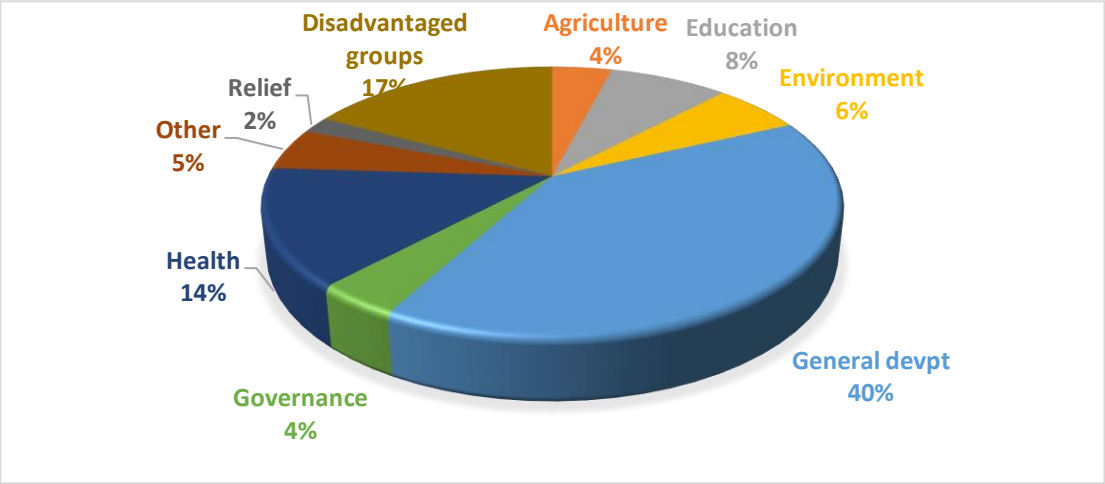
This period of rapid proliferation of civil society organisations saw the establishment of some of the most significant and well-established advocacy groups in the country. These include the Centre for Law and Research International (CLARION), the Citizen Coalition for Constitution Culture (4Cs) formerly the Citizen Coalition for Constitutional Change, the Centre

[59] The NGO Co-ordination Bureau is the official organization charged with the registration, co-ordination and facilitation of the work of national and international NGOs operating in the country

[60]The NGO Co-ordination Act defines an NGO as "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 industry and supply of amenities and services" (NGO Co-ordination Board, 2010, p.3)

for Governance and Development (CGD), and the Kenya Human Rights Commission (KHRC) among others. Most of these organisations are urban-based, elite-led advocacy groups with considerable reach to the countryside. These groups replaced the mainstream church organisations, which had led the demands for multi-party politics in the early 1990s, but retreated to traditional interest representation and articulation after the transition. The most recent advocacy groups to be established in Kenya include the Katiba Institute and the Africa Centre for Open Governance (Africog). According to Brass (2010), by 2006, governance organisations constituted about 4 percent of all civil society groups registered in the country as shown in Figure 4.2. By 2009 advocacy groups constituted 9 percent, capacity building groups 39 percent, and service provision groups 53 percent of all registered NGOs (NGO Coordination Board, 2009:2) demonstrating the rapid growth in sectoral diversity.

Figure 4. 2 Sectoral distribution of NGOs in Kenya (2006)

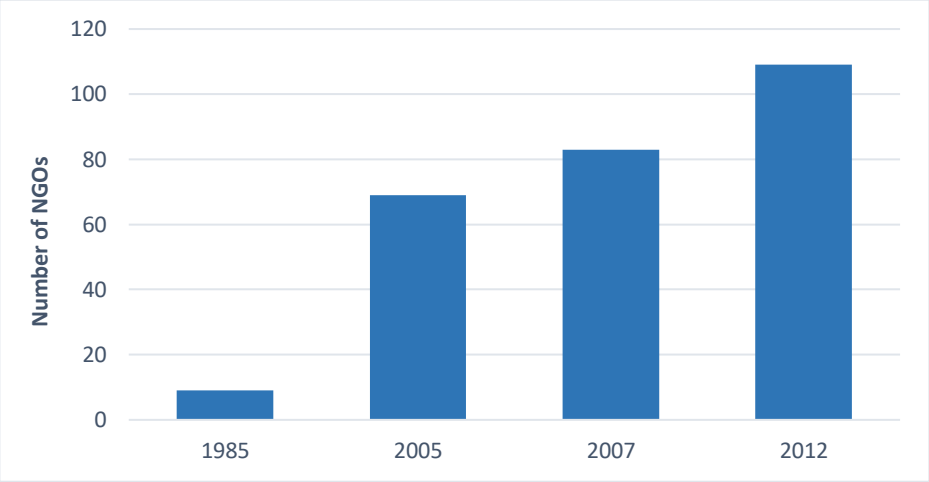


Source: Brass, J. (2016) Allies or Adversaries: NGOs and the State in Africa, Cambridge University Press.

In Zambia, Erdmann and Simutanyi (2003) indicated that by 1995 more than 1,000 new non-governmental organisations (NGOs) had been registered by the Registrar of Societies, besides many informal civil society groups in rural areas. Eight years later, the number of registered civil society organisations had reached almost 10,000, addressing various issues in the country (Maitra, 2006). Other groups have estimated the number of registered civil society organisations in Zambia to be more than 20,000 though not all are active (NORAD, 2008). The Registrar of Societies' records showed that 5,860 NGOs, trade unions, and associations had been registered by 2010, besides thousands of informal civil society organisations spread out in rural areas. The increase in the number of CSOs in the country is also demonstrated by sectoral

growth, for example, the Non-Governmental Organisation Coordinating Council (NGOCC) membership has seen unprecedented growth since its inception. From only nine organisations in 1985 to 69 in 2005, 83 in 2007 and 109 in 2012[61] as shown in Figure 4.3 below.

Figure 4. 3 Growth of NGOCC Membership 1985-2012

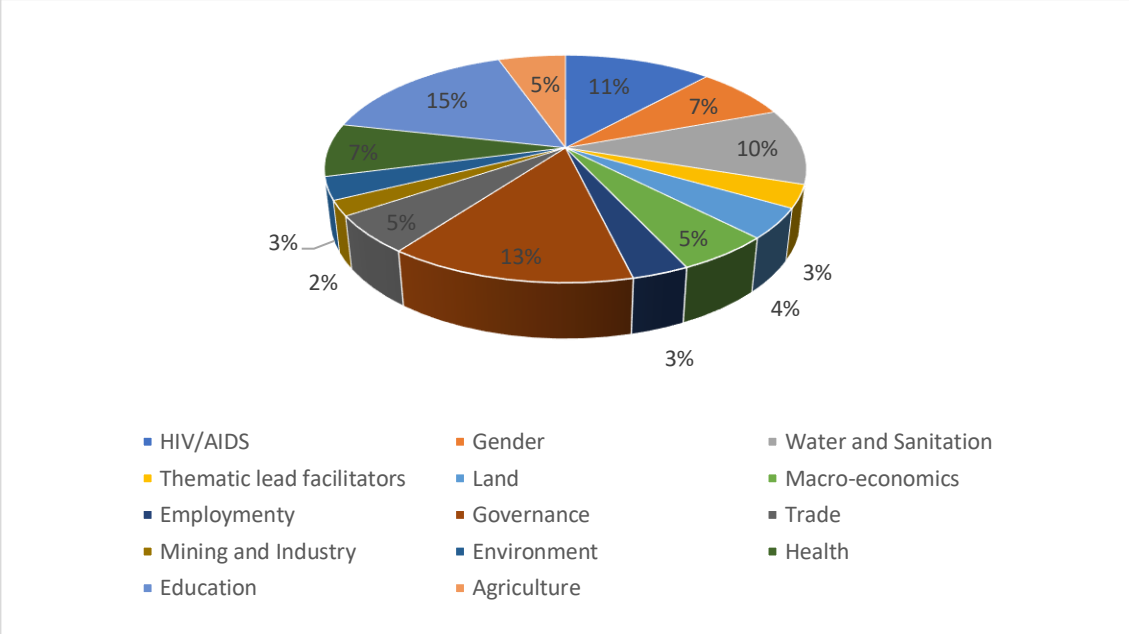


Source: NGOCC Annual Report (2012)

Most of the major advocacy organisations in Zambia were also established after the political transition in 1991, primarily supported by international donor funding (Elemu, 2010). These new organisations took over advocacy campaigns from the churches and the Zambia Congress of Trade Unions (ZCTU), which had been the only opposition voices spearheading political change in the country. These new groups included the Foundation for Democratic Process (FODEP), the NGO Coordination Committee (NGOCC), and the Southern Africa Centre for Constructive Resolution of Disputes (SACCORD) among others. These new groups are mainly urban-based, and elite-led groups, focusing on human rights, governance and democracy, the rule of law, civic education, the conduct of elections and addressing the increasing poverty levels in the country. By 2010, advocacy groups focussing on democracy and governance accounted for about 13 percent of all registered civil society organisations in the country. The rapid growth of civil society organisations in Zambia has also been accompanied by sectoral diversity as shown in *figure 4.4* below.

[61] Gender Equality in Zambia: A presentation of NGOCC during the Civil Society-Patriotic Front Dialogue held on 12-13th April 2012 at Cresta Golf Hotel, Lusaka, Zambia. NGOCC is a network of NGOs involved in women and girls' empowerment, advocacy and development (Author Interview, 30: 2012)

Figure 4. 4 Sectoral distribution of CSOs in Zambia



Source: Zambia Council for Social Development Report, 2010

4.3. The primary constraints confronting advocacy groups in the new political and institutional environment in Kenya and Zambia

Although the new political and institutional environment in both Kenya and Zambia accorded advocacy groups several opportunities as discussed in this chapter, the same environment has also brought in significant constraints, which have left advocacy groups in both countries in a quandary and near paralysis. These constraints emanate from the broader institutional and political environment and include the legacy of authoritarianism, advocacy groups' strategic choices within conditions of uncertainty, and the relationship between advocacy groups and other political actors among others. Moreover, the new political environment is in flux and constantly shaped and re-shaped by a complex interplay of the interactions between the state, society and other political actors within the evolving process of the democratisation process. Advocacy groups, thus face a three-fold dilemma that involves; re-defining their role in the new political dispensation, crafting new strategies for articulating demands for the support of democratic consolidation and re-defining their relationship with the newly democratic states in a way that is constructive and productive to the transformation process. These constraints have put in doubt advocacy groups' ability to effectively contribute to the process of democratic consolidation.

Additionally, challenges have emerged from advocacy groups' internal contradictions and their relationships with other major political actors such as political parties and international donors. The near paralysis of advocacy groups in the supposedly democratic post-transitional environment is an intriguing paradox that invokes fundamental questions about groups that once played a significant role in the process of democratic transitions in both countries and are now facing an existential threat and finding it extremely difficult to adapt to the new political and institutional environment and play a productive role in the process of democratic consolidation.

4.3.1. Advocacy groups' Role, Strategies, and Relationship with the State

The literature on democratisation has shown that democratic transitions alter the political dynamics, the power structure and the institutional environments in which advocacy groups operate and thus affects advocacy groups' orientation, roles, relations with other political actors and the strategies for articulating demands for democratic consolidation. The changing environment requires flexibility and improved capacity for these groups to adapt and effectively contribute to the process of democratic consolidation. Regarding civil society relations with the state, Najam (2000) has developed a model, which posits that the relationship between the two groups is a product of congruencies or divergences' of means and ends in the political process and identifies four tendencies; cooperation, complementarity, co-optation, and conflict. Cooperation occurs when civil society groups and the state seek similar ends and employ similar means to achieve those ends, while conflict occurs when the state and civil society have divergent goals and means to achieve those goals. Finally, complementarity occurs when the state and civil society seek similar ends but prefer dissimilar means, while co-optation occurs when both civil society and the state prefer similar means but dissimilar ends (Pearce 1997; Bratton 1990).

The relationship between advocacy groups and the state is critical to democratic consolidation since the nature and effectiveness of advocacy groups are contingent on the structure of the state and its relationship with advocacy groups (Encarnacion, 2001). An effective process of democratic consolidation, therefore, requires a strong and productive state-advocacy group relationship. In Kenya, advocacy groups played a critical role in the process of democratic transition by organising rallies, demonstrations, and protests, convening opposition party meetings and pushing for opposition unity besides conducting political mobilisation and civic education among other functions.

The groups were highly politicised and deeply consumed in opposition politics and agenda in their efforts to dislodge the authoritarian regimes. Their relationship with the state was confrontational as the incumbent regime resisted political change through various means, including violence and intimidation. With the incumbent regime retaining power for the next years after the transition, the political and institutional environment considerably remained the same and so were the role, strategies and relationship of advocacy groups with the state. The dramatic change of regime in 2002, following the election of the National Rainbow Coalition (NARC) left advocacy groups with the "*shock of victory,* "which contributed to the paralysis in the traditional reform sectors (Holmquist 2005, p. 4) and presented advocacy groups with a grave dilemma on how to relate with the new administration, having closely worked with and supported the opposition party-NARC. Most advocacy groups' leaders, therefore, felt obliged to support the regime as they considered the NARC victory to be their own victory (Oloo, 2005). They appeared unprepared for the new political dispensation with no agenda of their own to pursue. The civil society sector was disorganised, disoriented and became extremely reactionary to national issues with discordant voices and opportunistic maneuvers by various organisations within the sector.

In 2003, the leadership of civil society in Kenya was involved in a deep reflection regarding the new role that it needed to play in the new political dispensation, the new relationship that it needed to build with the new administration, the agenda that it needed to pursue, and the strategies that it needed to employ to achieve that agenda. The leadership of civil society believed that all these changes were critical if civil society was to play a significant role in the process of democratic consolidation. The sector-wide reflection generated a critical debate on these issues from 2003-2005 with numerous attempts to bring the sector together to adopt a joint strategic position on how to approach the new political and institutional dispensation. Although the ideological spectrum of advocacy groups in Kenya is expansive, the debate on the new role of civil society groups in the new political dispensation led to the emergence of two distinct and opposed groups within civil society. The first group, which was probably the most vocal and visible group within civil society believed that the National Rainbow Coalition (NARC) administration was "civil society friendly" or "civil society compliant" (Kanyinga, 2004) and the best guarantor of civil society objectives.

According to this first group of advocacy groups, the NARC administration needed advocacy groups' support through pragmatic engagement to achieve its goals and ultimately democratic consolidation. This position was shared by international donors, who were ready to support these groups' initiatives with the government. The perspective was represented by large and well-established, urban-based, formal, more liberal and elitists powerful and well-funded organisations with virtually no social base at the grassroots. In contrast, the second group believed that the kind of cooperation and accommodation proposed by the first group would lead to advocacy groups being "too close for comfort" (Hulme and Edwards 1997) with the state and, therefore, undermine their autonomy and independence. They preferred a range of strategic relationships with the state, involving the continuation of the autonomous associational life, in which advocacy groups play a strong watchdog role and employ all available strategies and tactics,[62] depending on the issue and the situation to achieve their goals. This group was represented by small, formal and informal grassroots organisations based in both urban and rural centres and led by the Citizens Coalition for Constitutional Change (4Cs).[63]

The first group held its first meeting from January 23-24 in Nanyuki, three weeks after the new government had been installed. The meeting was organised by the NGO Council and attended by about 25 leaders drawn from key advocacy groups in the country to broadly "reflect on the future of civil society in light of the election held on December 2002." The primary objective of the meeting was to "analyse the new political dispensation and its implications for civil society and identify strategic positions for civil society." The group identified threats and challenges that advocacy organisations were likely to face in the new political dispensation. These challenges included possible confusion and complacency within the sector, possible capture of civil society initiatives by the government, potential for co-optation of advocacy group leaders, shifting of funding to the government by donors, weakening of the opposition and polarisation of civil society along pro and anti-government elements.

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[62] The Limuru Civic Organizations Reflective Meeting Report 2003 and the Narumoru Civic Organizations Reflective Meeting Report 2004

[63] 4Cs was formed mainly to push for popular constitutional change and after the passage of the new constitution in 2010, it changed its name to Citizen Coalition for Constitutional Culture. Other groups in this camp included the Ujamaa Centre, Bunge La Mwananchi, Nubian Human Rights Forum, Kenya Debt Relief Network, Social Development Network and Kenyans for Peace with Justice and Truth.

The meeting resolved that to further the democratisation process in the country, the agenda for advocacy organisations needed to be developed in cooperation with the new administration.[64] The group envisaged a more collaborative, less oppositional and professionalised approach to the process of democratic consolidation in the new political dispensation. It eschewed any form of confrontation with the new government as it believed that the main aim of popular mobilisation had been achieved during the transition and, therefore, settled for what Madlingozi (2007) refers to as "in-system tactics." In other words, to make demands for democratic consolidation through the official channels of participation and engagement with the state. It held its follow-up meeting on December 15-16, 2003 at Panafric Hotel with the theme of "Civil Society Contribution to Democratisation and Development in the New Dispensation." The primary aim of this meeting was to review the civil society contribution to the democratic processes in the country and to determine the way forward for such organisations in the new political dispensation.

The meeting reviewed the threats and challenges identified in the first meeting and concluded that advocacy organisations needed to productively engage the government, while at the same time maintain their watchdog role. Moreover, the groups needed to be more proactive, increase their capacity and expertise, maintain collective action through issue-based coalitions and develop and apply more accurate indicators for monitoring and evaluating government performance. It identified new strategies that advocacy groups needed to employ in the new political dispensation, including research, civic awareness campaigns, political advocacy, coalition building, and collaboration. There appeared to be movement towards a middle ground position on the role of advocacy groups in the new political environment, however, overall, the group believed that cooperation with the new administration was the best strategy for advocacy organisations to influence public policy and achieve democratic reforms that would significantly contribute to the process of democratic consolidation in the country.

The second group of advocacy groups also held a series of meetings in Limuru and Naromoru to develop a framework for their role, strategies, and relationship with the new democratic government in the new political and institutional dispensation. The first group perceived the second group as the "radical" wing of the country's advocacy sector. An active member of this group interviewed for this study stated that;

> "We were perceived as the radical group and shunned by both the liberal wing of civil society and the international donor community, but we considered ourselves as the radical progressives, who wanted to engage in the transformation of the country" (Kenya: Author interviews, 10: 2012).

The group resolved to continue playing the role of a strong watchdog for the government and embraced both the "in-system tactics" and the "extra-institutional tactics" (Madlingozi, 2007) as had been used by the prodemocracy movement during the transition period. It prioritised exerting maximum pressure on the state through both "invited" and "invented" spaces, including direct popular mobilisation such as demonstrations and protests, where necessary (Kenya: Author interviews, 10:2012, 12:2012). The group also endorsed the use of the court system to redress the excesses of the state, lobbying, and other strategies that would contribute to the process of democratic consolidation. The group articulated a more transformational ideology based on social and economic justice. The group perceived themselves as the "real" civil society, embodying the spirit of the social movement, opposed neoliberalism, and was active at the World Social Forum meetings both in Africa and abroad. (Kenya: Author interviews 10:2012, 18: 2012).

Table 4. 1 Summary of orientation and characteristics of advocacy groups in Kenya

Group characteristic	Group 1	Group 2
Goal/ democratization	Reform-oriented	Transformation-oriented
Location	Mostly urban	Both urban and rural
Structure	Large and well-established	Small, formal and informal
Ideological orientation	Liberal	Radical progressives
Strategies	In-system strategies	Both in-system and extra-institutional strategies
Relationship with the state	Cooperative/Collaborative	A plurality of relationships
Program design	Supply side approach	Demand side approach
Community participation	Non-political	Political

Source: Author created from qualitative interviews with respondents.

These differences between the two groups within civil society outlined in Table 4.1. continued and were exacerbated by the paralysis and near collapse of the NGO Council over leadership differences. In April 2003, a new organization-the National Civil Society Congress was established to coordinate and galvanise advocacy groups' efforts towards democratisation. NCSC drew its membership from a broad spectrum of organisations within the sector. Its membership was composed of urban-based, formal and informal, small and well-established organisations. The President of the organisation interviewed for this study revealed that the formation of the umbrella organisation was necessitated by the realisation that advocacy organisations were losing voice and influence in the democratic reform process due to their fragmentation and lack of consensus on a national agenda (Kenya: Author Interview, 8:2012).

In 2004, another attempt was made to create an organization that would coordinate the activities of civil society groups through the formation of the Civil Society Forum (CSF) but failed to gain traction as most organisations were already involved with the NCSC, while others were making efforts at reviving the NGO Council (Kenya: Author interviews, 2:2012, 6: 2012, 12: 2012). Despite the intense debate and various efforts at creating umbrella groups to coordinate the activities of civil society groups between 2003 and 2005, the unity of purpose within the sector remained elusive in the new political dispensation due to ideological and other differences within the sector. However, the relationship between advocacy groups and the state remained more collaborative between 2002-2004 as the groups which supported collaboration with the state were larger, well-established, more visible, better financed by international donors, and, therefore, more powerful and dominant within the sector. One respondent interviewed for this study described the transformation thus;

> "Advocacy organisations have moved from the streets to the boardrooms and have to contend with the complexities of policy-making and implementation. We want to contribute to the process of democratic consolidation" (Author interview 1:2012).

The second group was much smaller, more informal and their strength and support base remain unclear, although there are cases, where they have organised successful demonstrations within the capital city of Nairobi.[65] This group continued to believe that the proper role of advocacy

[65] On 31st May 2011, Unga Revolution organized a successful demonstration within the city of Nairobi protesting the high cost of living in the country. Unga is a Kiswahili word for maize flour.

groups in a democratic society must necessarily be that of keeping a check on the state at all times and that this role can only be achieved if the groups are willing to employ all available strategies and tactics strategically. A leader from this group interviewed for this study noted that;

> "No matter what type of government we have, advocacy groups can never act as rubber stamps for the state. We must continue playing our traditional role of a watchdog to the government and ensure that checks and balances are respected, and public accountability practiced by state officials" (Author interview, 1:2012)

In Zambia, the swift and smooth democratic transition in the very first multi-party general elections in 1991 did not give advocacy groups time to be socialised in the complexities of multi-party politics. The groups appeared to have had no higher goal than the removal of President Kaunda and UNIP from power. They had no clear platform for democratic reforms in the post-transitional period and were thus disorganised and dis-oriented amid attempts to figure out what roles, strategies, and agenda they needed to adapt to be effective in the process of democratic consolidation. The political and institutional environment was further complicated by the fact that the MMD administration had politically appropriated the lead organisation within civil society-the Zambia Congress of Trade Unions (ZCTU). ZCTU became an appendage of the administration and retreated from the struggle for democratic consolidation. MMD had started to marginalise civil society groups as early as the transition negotiations between itself and UNIP in July 1991 (Van Doepp, 2000). It viewed advocacy groups suspiciously and continued to marginalise them in the policy-making processes (Rakner, 2003), once it was in power, besides employing high handed strategies such as threats and intimidation towards the groups.

The new MMD administration inherited a failed economy and chose to embrace the neo-liberal economic policies under the Structural Adjustment Programmes (SAPs) supported by the IMF and the World Bank to jumpstart the economy. The state, thus deliberately side-lined advocacy groups, progressives, and intellectuals to allow for the implementation of SAPs (Bartlett, 2000). Although the most advocacy groups supported MMD in the 1991 general elections, they continued to oppose SAPs in the post-transitional dispensation due to their deleterious effects on the economy, the poor and the marginalised. Most respondents interviewed for this study noted that the continued implementation of SAPs in Zambia caused friction between MMD administration and advocacy organisations and created tensions

between advocacy groups and the Zambia Congress of Trade Unions (ZCTU) which changed its stance and was now supporting (Zambia: Author interviews, 29: 2012; 32: 2012; 35: 2012).

The opportunities and avenues of advocacy groups to influence state policies and contribute to the process of democratic consolidation were thus severely limited. In such an uncertain and continuously evolving political and institutional environment, advocacy groups found it extremely difficult to redefine their new roles, develop an agenda and adopt strategies that would allow them to be effective in the process of democratic consolidation. Most advocacy group leaders interviewed for this study noted that as a result of the obtaining political environment, the sector became mostly reactionary to events and issues of national importance preferring to employ ad-hoc mobilisation strategies in response to emerging national issues.

An advocacy group leader interviewed for this study reflected on this situation and stated that;

> "We were in a total quandary once ZCTU joined the government. We had no agenda of our own and lacked the leadership to help us develop a new agenda of transformation. We did not have a way forward, and the government had quickly become more authoritarian and repressive. The whole civil society was paralyzed" (Zambia: Author interview, 29:2012)

The reactionary nature and ad-hoc posture of advocacy groups in the new political environment was successful at times, for instance, the Oasis Forum established in 2000 by the Non-Government Coordination Council (NGOCC), the Law Association of Zambia and three church organisations, coordinated, mobilised and successfully campaigned against the third term quest by President Fredrick Chiluba. The group essentially replicated the spirit of the prodemocracy movements of the early 1990s (Dwyer and Zeilig, 2012). The study also found that the problem of internal capacity of advocacy groups hindered effective advocacy groups' engagement with the state in the policy-making process. The imperatives of the new dispensation demanded formal engagement with the state in policy discussions, lobbying and understanding of the policy process. All these processes require skills, knowledge, and understanding of the legislative process, which most advocacy groups lack. In the absence of a national statutory body, advocacy group networks became important actors in agenda setting of national policy processes such as the PRSP, SAGs and the formulation of the national development plans.

Advocacy groups continued their participation in the Constitutional Review process. In 2005, the Mungomba Commission had presented a draft constitution that recommended the reduction of presidential powers, the institution of a 50 percent plus one requirement for a winning presidential candidate, strengthening of parliamentary oversight and enshrined freedom of speech, expression, and assembly in the Bill of Rights among other recommendations. Advocacy groups initiated a major campaign to ensure that the new constitution would be adopted by a constituent assembly. The groups launched demonstrations and held conferences across the country on the constitutional review process. Eventually, President Mwanawasa conceded and directed that the new constitution would be adopted by a constituent assembly but postponed the process until after the 2006 general elections. In 2007, the president initiated the National Constitutional Conference (NCC)-a constituent assembly of 550 political and civil society representatives to finalise the constitutional review process, but the process was again delayed.

The Banda administration, which replaced the Mwanawasa government took over the process, but lacked the political will to midwife a new constitution for Zambians. In 2011, the Patriotic Front government replaced the Banda administration and promised to complete the constitutional review process with full citizen participation. However, the process was ongoing at the time of this study. The adoption of mass demonstration and protests by advocacy groups in the quest for a constitutional review process represented the continued strategies of the prodemocracy movements of the 1990s. An advocacy group leader interviewed in Lusaka puts it this way;

> "It was becoming clear to us that to confront the MMD administration, we had to use the same strategies that we used during the Kaunda years. What was different was that some powerful groups like the ZCTU were now on the side of the government and the divisions within our side" (Zambia: Author Interview, 32: 2012)

The pattern of semi-authoritarian governance style exhibited by successive MMD administrations since 1991 exacerbated the corrosive relationship with advocacy groups. Two major factors could explain the continuity of this style of governance. Firstly, in 1991, the Chiluba administration inherited a one-party system constitution in a democratic setting and was unwilling to make any major changes to that constitution that would support the institutionalisation of democracy. The administration's attempt at constitutional reform in 1996 mostly left the executive powers of the Presidency intact, giving Chiluba the authority to govern

in a semi-authoritarian manner. The successive MMD administrations maintained that status quo and failed to institute any meaningful constitutional reforms. Most respondents interviewed for this study unanimously agreed that the fight for a comprehensive constitution review has been at the centre of the confrontational relationship between the state and advocacy organisations with the administrations making every effort to tightly control the process, while advocacy groups are campaigning for a more participatory and transparent constitutional review process. The state strategies led to the shrinking of the civic space and put enormous strain on advocacy groups' efforts towards democratic consolidation (Zambia: Author interviews, 31: 2012; 33: 2012; 38: 2012; 40: 2012). President Fredrick Chiluba continuously vilified and demonised advocacy groups as agents of imperialism pursuing foreign agenda and used strategies of co-optation, threats, and intimidation to control the activities of these groups.

Further, any consultation between government and interest groups were limited to formal representation on various government committees in the first year of MMD as the government interpreted its sizeable electoral majority as a mandate for change and, therefore, lost incentive for a wide-ranging consultation with interest groups. By the end of Chiluba's first term, Mphaisha (2000) concludes that civil society was facing a hostile environment with heightened intimidation, harassment, and restricted freedom of assembly. The National Democratic Institute (NDI) pulled out of the country in 1996 citing a hostile political environment which had hindered its operations. Consultation with interest groups further declined during the MMD second administration (Rakner, 2003).

President Levy Mwanawasa, who took over from President Chiluba criticised advocacy groups for their refusal to be co-opted into his administration to help reform the country's constitution (Burnell, 2001a). In 2004, he banned the activities of Oasis Forum.[66] Although the PRSP process during President Mwanawasa's tenure gave both advocacy groups and the state a golden opportunity to rebuild their relationship and engage in constructive cooperation as, mutual suspicion continued after the process (Seshamani, 2002, p. 17). Mwanawasa continued to play lip-service to consultation with civil society groups in the constitutional review process by creating a government-dominated constitutional reform commission, which was boycotted by most civil society groups.

[66] The Post 'Zambia: Mwanawasa Needs to Change attitude towards Civil Society' 12th July 2004

On December 2007, most advocacy groups boycotted the National Constitutional conference, citing bias in the selection of delegates, who were primarily aligned to the MMD (AfDB/OECD 2008, p. 628).

President Rupiah Banda took over after the death of President Mwanawasa in 2008, and state-advocacy group relationship worsened. An advocacy group leader with CARITAS-a human rights organization in Zambia interviewed for this study noted that;

> "President Banda's relationship with advocacy groups was the worst of all MMD administrations. He exacerbated the confrontational relationship with advocacy groups through authoritarian tendencies, which culminated in his government crafting one of the most draconian and controversial NGO legislation ever done in Zambia, which was passed in parliament in 2009" (Zambia: Author Interview, 32:2012).

During the debate in parliament on the controversial NGO Bill in 2009, several advocacy groups led by CARITAS, organised a forum to discuss the Bill and submit their views to the government, but the meeting was violently disrupted by police and several advocacy group leaders arrested (Zambia: Author interview, 32:2012). The leaders were later released without charges. The administration also deregistered several advocacy groups, which included the Citizens Committee, the Forum for Leadership Search and the Southern Africa Centre for the Constructive Resolution of Disputes (SACCORD) which was deregistered on the grounds that it was a "*danger to state security*"[67] (Zambia: Author interview, 29:2012) without elaboration on the activities of the organisation that constituted that danger.[68] The relationship between advocacy groups and the state in the post-transitional political and institutional environment in Zambia has thus been variously described as antagonistic (Habasonda, 2010), adversarial (Mutesa, 2010), confrontational, and conflictual owing to the pattern of authoritarian tendencies of the state in a democratic political setting. This type of relationship has given advocacy groups no incentive to redefine their roles, strategies, and relationship with the state in a way that would support their contribution to the process of democratic consolidation.

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[67] Times of Zambia "SACCORD Looses Appeal", March 4th, 2010 from http://allafrica.com/stories/201003040558.html

[68] CAP 119 Societies Act of the laws of Zambia empowers the Minister to proscribe a registered society

Overall, the political transition in Zambia can best be described as a "transition without transformation" (Ngunyi, 2001) or "change without change" (Ihonvbere, 1996, p. 93) signifying a high degree of continuity with the practices and vices of the one-party system in the post-transitional democratic setting. The state is reluctant to implement comprehensive constitutional reforms that would transform its nature and relationship with society to create the foundation for the institutionalisation of democracy. All the MMD administrations reproduced a pattern of authoritarian tendencies, which they had accused the Kaunda administration of perpetrating during the one-party system. With the regime change in 2011, advocacy organisations had hoped that the state-civil society relationship would improve to a more constructive engagement as signalled by a meeting held from April 12-13th 2012 in Lusaka between the new government and advocacy groups on governance and partnership between the state and advocacy groups. However, since that meeting, the Patriotic Front (PF) administration has exhibited reluctance to involve advocacy groups in policy discussions besides intimidation to these groups, which have threatened its cooperation with advocacy groups.[69]

It is thus unlikely that the confrontational relationship between advocacy organisations and the state will change unless the PF government changes its strategies and move towards embracing constructive engagement with advocacy groups before the next general elections in 2016. The above analysis of the role, the strategies and the relationship between state and advocacy groups in the new political and institutional environment in both Kenya and Zambia has demonstrated that advocacy groups were utterly unprepared for the new political dispensation. The groups are unable to develop a democratic reform agenda, craft new strategies to articulate demands for democratic consolidation and create a new relationship with the democratic states. Moreover, the transition has exposed their internal contradictions, lack of capacity to engage in policy-making processes and lack of flexibility to adapt to the new political environment. All these factors have undermined their ability to effectively contribute to the process of democratic consolidation.

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[69] Zambia: PF Moves to Intimidate Independent Radio Stations-30 August 2013-*http://allafrica.com/stories/201308200246.html* and CDDR Requests Suspension of Zambia from the Commonwealth, February 12, 2013-*http://zambiareports.com/2013/02/12/cddr-requests-suspension-of-zambia-from-commonwealth/*

4.3.2. The Paradox of pluralism and Advocacy groups in Kenya and Zambia

A pluralist civil society with (featuring a dense network of intermediate groups and voluntary associations independent of the state" (Diamond 1989, p. 142) ensures that no one group monopolizes the community interest. It also acts as a channel for aggregating, representing, and articulating the interests of its members and the public, creating various centres of power and ensuring political accountability. In both Kenya and Zambia, civil society has undergone tremendous transformation since the political transitions and today represents diverse sections of society, the poor and the marginalised, various interests and values. There is a notable re-assertion of the plural nature of civil society manifested in a multiplicity of groups and voices within the civic sphere in both countries. The groups also vary in terms of size, type, level of engagement, reach, and professionalism among other features. However, this study found that the multiplicity of advocacy groups in terms of numbers, issues, values, roles, and strategies has led to several unintended consequences which have constrained these groups' ability to effectively contribute to the process of democratic consolidation. An activist in Nairobi noted that;

> "Advocacy groups' approach to the state has been varied, disjointed and fragmented, thus significantly reducing their ability to influence public policy-making. It is a total mess" (Author interview, 18:2012)

Advocacy groups have thus experienced the "*paradox of pluralism,"* where pluralism within civil society has led to more disadvantages than advantages. Firstly, advocacy groups have created a multiplicity of relationships with the state, which has given the state the advantage to cherry-pick which organisations to cooperate with and which ones to marginalise, avoid or ignore in the process of democratic consolidation (Kenya: Author interview, 12:2012; Zambia: Author interview, 16:2012). The governments in both countries have chosen to cooperate with groups which they consider"friendlier" and sideline advocacy groups, which they perceive to be critical of their policies and actions. An advocacy group leader interviewed for this study in Lusaka puts it this way;

> "The government only invites those advocacy groups it considers friendlier and sympathetic to its neoliberal policies. The formal meetings, therefore, become an echo chamber, where invited advocacy groups endorse government policies" (Zambia: Author interview 28:2012)

The strategy of selective engagement has crowded out critical voices, issues, and interests that in many cases represent marginalised sections of society in the process of democratic consolidation. For instance, in Kenya, the state has chosen to cooperate with well-established, well-funded and elite-led, urban-based advocacy organisations, which favour cooperation with the state, while ignoring small, formal and informal advocacy groups which are more critical of its policies, while in Zambia, the state has used the lack of formal law that guarantees state-civil society engagement to unilaterally choose which groups to engage and which ones to ignore. Additionally, a lack of formal law to ensure state-advocacy groups engagement has left cooperation solely dependent on the willingness of the various government departments and agencies to engage with advocacy groups (Zambia: Author interview, 33:2012, 29:2012). The strategy of selective engagement has also led to the representation of parochial and narrow interests that serve the whims of the state and its elites at the expense of marginalized groups, interests, and voices. This behaviour of the state undermines the ability of advocacy groups to effectively represent the interests of the poor and the marginalised groups in the process of democratic consolidation.

Secondly, the study found that the dwindling resources to advocacy groups over the past decade in both Kenya and Zambia due to international donors shifting most of their resources to support the state has created fierce competition among advocacy groups, leaving them open to the risk of state co-optation and political appropriation, which in the end undermine their autonomy and independence and circumscribe their ability to effectively contribute to the process of democratic consolidation. Competition for scarce resources has also created mistrust, suspicions, and schisms within the sector and made it much more challenging to build strategic alliances for the engagement in policy advocacy and activism geared towards the process of democratic consolidation. A large number of registered advocacy groups in both countries has also led to duplication of efforts with several groups pursuing the same agenda and in some cases in the same administrative unit, while hardly sharing any information.

Thirdly, pluralism has made coordination of advocacy groups' activities extremely challenging in an environment with a weak national statutory body in Kenya and no statutory body for civil society groups in the case of Zambia. As noted by Keane (1988, p. 43-44), "a fully democratic civil society will always be threatened by poor coordination, disagreements, stinginess and open conflict among its members." For advocacy groups to have any meaningful

impact or influence in the process of democratic consolidation, their efforts and activities need to be effectively coordinated. In most countries, such coordination is carried out by a national statutory body, whose mandate includes coordination and facilitation of the work of all civil society organisations in the country. In Kenya, the coordination of advocacy organisations and other civil society groups has long been carried out by the NGO Council, which was established under the NGO Coordination Act of 1990. The Act mandates the Council to; empower NGOs to make the sector more democratic, efficient and socially aware of the provision of services to the public and make them provide leadership in the creation of an enabling environment for the development and relief activities that have long-lasting impact (National Council of NGOs, 1994, p. 1).

To achieve these objectives, the Council defined its functions to include the provision of information and coordination around specific legal requirements arising from the NGO Act; establishing effective dialogue between NGOs and the Government, providing support on fundraising issues and establishing a base for local funding; and generally acting as the spokesperson for the NGO community (National Council of NGOs, 1994, p. 9). The Council carried out its mandate very well in the pre-transition period, contributing immensely to the defense of NGOs from intimidation and threats from the authoritarian government and coordinating the activities of the sector with significant achievements culminating in the political transition in the early 1990s. However, with the regime change in 2002, the NGO Council gradually weakened and eventually collapsed, leading to fragmentation and poor coordination of civil society groups in the country. Several respondents interviewed for this study attributed the genesis of the collapse of the Council to the election of Dr. Gichira Kibara in 2003 as the Chairman of the Council. A section of civil society organisations in the country considered him a "front for the government" (Kenya: Author interviews 2: 2012; 7: 2012; 5:2012; 12: 2012)[70] and, therefore, had lukewarm support for the Council after his election.

[70] This view was given some credence, when he was appointed to the Ministry of Justice and Constitutional Affairs in 2004 and abruptly resigned from the Council.

The test of the unity of civil society organisations and his leadership came in 2004 during the Bomas Constitutional Review Conference, where there was a lack of leadership leading to poor coordination of civil society groups' participation in the conference under the NGO Council. This situation was interpreted by most advocacy groups as a deliberate action by the Council to give government control of the process and to many civil society groups, more proof that the Council was under full control of the government. Civil society groups, therefore, failed to meaningfully contribute to the constitutional review process on various critical issues (Kenya: Author interviews 3:2012; 5: 2012; 7:2012; 12:2012). With lack of leadership and coordination, civil society group's contributions in the conference took a dangerous ethnic and religious divide, which tremendously weakened their influence on the discussions at the conference (Kenya: Author interviews, 6: 2012; 12: 2012; 14:2012).

The President of the National Civil Society Congress (NCSC), who was interviewed for this study argues that the chaotic situation at the Bomas Constitutional conference caused a lot of tension among several advocacy groups and the Council at the time as many groups believed that the Council was acting on behalf of the National Alliance Party (NAK), which was part of the National Rainbow Coalition (NARC) to move the review process in the direction that would entrench the status quo, primarily by centralising power on the executive (Kenya: Author interviews, 8:2012, 2:2012). On May 2004, Dr. Kibara abruptly resigned from the Council to take up a government appointment in the Ministry of Justice and Constitutional Affairs. The Council imploded as fierce disagreements emerged within the NGO Board as to whether there was a need for fresh elections for the Chairmanship position or the Vice Chair was to assume the leadership of the Council for the remaining period before the next elections. These disagreements spilled over to the entire civil society with some groups, including the international NGOs supporting the first option,[71] while others supported the second option. Eventually, elections were held and won by the then Vice Chair, Ms. Orie Rogo-Manduli who had mobilised small, formal and informal NGOs mainly from the countryside against the large well-established and well-funded urban-based NGOs.

[71] This group was openly opposed to the Vice Chair Ms. Orie Rogo-Manduli taking over the leadership of the Council for the remaining term of Dr. Gichira Kibara

With the election of Ms. Orie-Manduli, the Council wrangles intensified within the NGO Board and factions and divisions based on tribal and political party affiliations emerged over her leadership style. Most international donors withdrew their funding for the Council and the Chief executive officer, and several Board members resigned in protest of what they considered poor leadership from the Chairperson.[72] The relationship between the Council and the government deteriorated, and most civil society groups withdrew their membership and subscriptions to the Council. The loss of funding and membership weakened the Council's legitimacy and operations. Some international NGOs led by Action-Aid International mooted the idea of the establishment of a parallel NGO Council, which was soon formed, registered and immediately recognised by the Government's NGO Coordination Board. The parallel Council was primarily perceived as "government friendly" and its legitimacy contested within the civil society sector. It soon got entangled in allegations of corruption and collapsed. Although the chairperson finally resigned from the original NGO Council, the wrangles have persisted, as some advocacy organisations have revived the second NGO Council, causing more confusion in the coordination of the sector. With a weakened NGO Council, several advocacy groups formed the National Civil Society Congress (NCSC) in 2004 mainly to;

> "Serve as a platform for a collective voice to increase advocacy organisations influence and solidarity in responding to emerging national issues" (Kenya: Author interview 8:2012).

Although the NCSC President dismisses the view that the Congress was formed to fill in the void left by the collapsing NGO Council, the organisations' own charter states explicitly that one of its objectives is to set an agenda for civil society groups in the country.[73] NCSC is thus gradually attempting to reclaim civil society influence by aggregating and articulating civic organisations interests and efforts at ensuring democratic consolidation. It has a broad membership of organisations from urban and rural areas and has emerged as an alternative platform for advocacy groups in the country.[74] However, the NCSC is not a statutory body recognised by the NGO Coordination Act and, therefore, its mandate and legitimacy cannot be compared with that of the NGO Council.

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[72] Kenya: Four Officials Quit Over NGO Council Wrangles-http://allafrica.com/stories/200411020369.html
[73] http://www.clarionkenya.org/index.php/component/content/article/37-main-content/66-national-civil-society-congress
[74] Interview with the President of the National Congress of Civil Society in Kenya, 2012

Zambia has never had a national statutory body mandated to coordinate the activities and operations of civil society organisations. The controversial NGO Act of 2009 whose implementation started in 2012 during the fieldwork for this study, proposes to establish the Zambia Congress of NGOs, composed of 12 members elected by NGO membership annually and whose mandate will be the management and control of the affairs of all registered NGOs in the country. It will also facilitate NGOs self-regulation on matters of NGO activities, funding, programme, foreign affiliation, training and development of the national human resource, institutional building, scientific and technological development. It will draw-up and administer a code of conduct approved by the NGO Board.[75] It is, therefore, envisaged that the Congress might resolve the problem of civil society groups once the Act is fully implemented.

Most NGOs have vehemently opposed the NGO Act of 2009 on the grounds of excess discretionary powers over NGOs given to the Minister-in-charge of Community Development, the requirement for NGOs re-registration every five years and the creation of a government-dominated NGO Coordination Board with broadly defined powers over NGOs operations among others. Poor coordination of advocacy group activities in both countries has led to advocacy groups' activities being competitive rather than coordinated. It has also led to fragmentation, inadequate sharing of information, lack of a national platform to articulate legitimate national interests and jointly respond to national policies and state actions. All these problems have limited advocacy groups' ability, influence, and effectiveness in the process of democratic consolidation.

Finally, the study found that pluralism within civil society has led to the proliferation of several disreputable advocacy groups, including "briefcase NGO" (BRINGOs), "Government-Owned NGOs" (GONGOs), business NGOs (BONGOs), donor NGOs (DONGOs) political NGOs (PONGOs), family-owned NGOs (FANGOs) and business organized NGOs (BONGOs) among others-all of which undermine genuine advocacy groups' efforts towards the process of democratic consolidation. The most common type is the briefcase NGOs, which are nominally registered organisations, but have no offices, no staff, no tangible programs, do not submit audit reports and, therefore, functionally ineffective. In other words, they operate on paper only.

[75] http://www.parliament.gov.zm/index.php?option=com_docman&task=doc_view&gid=454

These types of advocacy groups are formed primarily to attract and misuse international donor funds for personal aggrandizement. They generally take the form of rent-seeking activities at the expense of the public good and thus abuse the civic space. Moreover, through such fraudulent activities, the groups tarnish the credibility and the image of genuine advocacy groups in both countries. An advocacy group leader interviewed for this study noted that;

> "Briefcase NGOs have become so common in our country and every sub-sector of civil society. They have no agenda for the public, no conviction and no commitment to advocacy work. Their only agenda is accessing donor funds for self-aggrandizement" (Kenya: Author interview, 14:2012).

The formation of nominally independent, but government-induced NGOs (GONGOs), also undermined advocacy groups' efforts towards the process of democratic consolidation. Although they remain outside of government, these groups operate as "instruments of the state" by continuously supporting and endorsing official government positions and policies. Their participation in the policy process is, therefore, unlikely to make any real impact on public accountability and democratic reforms. The groups also attempt to substitute for advocacy groups that are deemed too critical of state policies by the government and, therefore, muddy the waters by creating confusion in civil society policy standpoints.

4.3.3. Advocacy Groups and the Legacy of Authoritarianism: Divisions within the Monolith

As part of the prodemocracy movements in both Kenya and Zambia, advocacy groups played a significant role in the democratic transition process. Their strength and vibrancy was derived from the "unity of purpose," which created the counter-hegemonic drive, and united the multifarious movements over the concerns of the national struggle for change. These groups were united by a common agenda of the restoration of democracy and multi-party politics. This understanding was shared by all the forces behind the political change agenda, and viewed the authoritarian incumbent regimes as the "common enemy." The state was thus treated as the major object of popular struggles for social transformation of society (Mamdani 1990). Authoritarianism, therefore, helped galvanize several groups into powerful social movements that were capable of dislodging the incumbent regimes from power. The groups were responding to decades of poor governance, repressive policies and economic mismanagement by the incumbent regimes.

The pro-democracy movements expressed their quest for change in the language of rights through protests and demonstrations. Since Kenya was relatively developed than Zambia, the pro-democracy movement emphasised civil and political rights, while in Zambia the same groups emphasised economic rights. The movements in both countries consisted of a constellation of diverse groups, which included the opposition political parties, labour unions, student organisations, women's movements, churches, and human rights groups among others. The civic sector, in both countries, therefore, collapsed into purely political expression. According to Foweraker (1990), this kind of orientation made these organisations "popular" rather than "social." In other words, the groups represented the interests of all the dominated in society rather than focusing on achieving the social-economic interests of their members. They were fully drawn into the political frame of the national liberation struggle and subordinated their autonomy to the "national democratic agenda." The pursuit of this common agenda cushioned their internal contradictions and differences throughout the transition process.

In Kenya, the prodemocracy movement mainly consisted of groups of urban and rural youth, young activists, and the church (Kanyinga, 2015). It was led by the National Council of Churches of Kenya (NCCK), with a large membership, strong organisational base, extensive country-wide network and international support, while in Zambia the groups were led by the Zambia Congress of Trade Unions (ZCTU), which had become the de-facto opposition party in President Kaunda's one-party system. ZCTU had a large membership, countrywide networks and massive amount of resources that supported the activities of the pro-democracy movement. The Movement for Multi-party democracy, which was part of the prodemocracy movement was later transformed into a political party that dislodged the United National Independence Party (UNIP) from power in the first multi-party general elections in the country in 1991.

The study found that in the post-authoritarian political and institutional environment in both Kenya and Zambia, the "unity of purpose" that galvanized advocacy groups collapsed and had several consequences for advocacy groups and the process of democratic consolidation. Firstly, with the state being largely perceived as "democratic and legitimate," by the majority of the citizens of both countries, it no longer generates the anti-authoritarian impulse that could galvanize advocacy groups around a common national agenda. This situation shattered the political consensus that had united civil society groups on a national agenda and driven the process of democratic transition. The discordant voices from the advocacy sector have

complicated consensus on national issues that are related to the process of democratic consolidation. Additionally, advocacy groups' fundraising strategies based on the excesses of the state significantly no longer attract much funding as they did during the authoritarian period. In the post-transitional dispensation, the state implemented various constitutional and administrative reforms, which have relatively transformed the state and its relationship with other major political actors within society.

Secondly**,** the state is no longer the primary target of advocacy groups' campaigns and activities. There are now many other established democratic institutions like political parties, which advocacy groups target with their campaigns. An advocacy group leader who participated in the struggle for the restoration of democracy in Zambia and interviewed for this study asserts that;

> "The motivation and drive, which held us together against a "common enemy" in the name of the authoritarian state have crumbled, and putting together a new inclusive agenda has become quite elusive. Things have fallen apart, and the center can no longer hold" (Zambia: Author interview, 19:2012).

A particularly interesting take on the issue by a leader of a women's organisation in Kenya interviewed for this study noted that;

> "During the authoritarian period, it was crystal clear to all of us within the civil society who the enemy was-Moi and his administration, and what the agenda was-the restoration of democracy. Today, it is unclear who the enemy is and what the agenda should be" (Kenya: Author interview, 18:2012).

Thirdly, advocacy groups now must simultaneously handle both the interests of their members and participate in the national agenda, such as the building of democratic institutions, the rule of law, transparency, accountability, and citizen participation among others. The groups have, therefore, become both social and popular organizations. A University Professor in Zambia interviewed for this study noted that;

> "Internal differences within the advocacy sector have resurfaced as these organisations attempt to assert their identity in the public sphere and cut a niche for themselves. This change was expected once the transition occurred" (Zambia: Author interview, 27:2012)

Fourthly, as part of the national liberation struggle, advocacy groups were highly politicized and deeply stooped in the agenda of the restoration of democracy. With the transition, they found themselves with no concrete agenda of their own to pursue and crafting such an agenda in the changed political environment became quite elusive.

In Kenya, the study found that there is a significant problem of discordant voices within the advocacy sector responding to national issues and speaking at cross purposes. This uncoordinated and fragmented response to critical national issues has limited advocacy groups' efforts and influence in the process of democratic consolidation. Although the groups were united in 2004 in conducting civic education before the constitutional referendum in 2005, the referendum campaigns on the Draft Constitution divided them to the extent that they ended up rallying around political parties in either rejecting or supporting the proposed constitution. The same pattern repeated itself in 2007 when advocacy groups were sharply divided on the need for minimum constitutional reforms before the elections. While the Council for Imams and Preachers of Kenya, the Kenya National Human Rights Commission (KNHRC) and the Federation of Women Lawyers in Kenya (FIDA-K) supported the calls for minimum constitutional reforms, several major advocacy groups, including the Kenya Human Rights Commission (KHRC), the National Council of Churches of Kenya (NCCK), the Central Organization of Trade Unions (COTU), and the Catholic Church among others opposed the call on the grounds that there was not enough time for such reforms. A prominent advocacy group leader interviewed for this study noted that;

> "We have been unable to front a united position on critical national issues of the day such as the constitutional review, corruption, extra-judicial killings and more importantly on governance. We thus have a limited influence on these issues" (Kenya: Author interview, 8:2012)

Divisions within advocacy groups based on ethnic, ideological and religious cleavages intensified during the 2007 general elections, for instance, the Catholic Church leadership publicly and openly supported President Mwai Kibaki. The divisions and lack of direction from civil society, therefore, contributed to the Post-Election violence in 2007 over disputed elections. The crisis caused by the PEV further divided civil society groups. The sector was polarised into two major groups; the pacifist and the justice faction. The pacifists preferred a return to calm and peace as a way forward for the country and thus viewed peace as a priority in resolving the electoral differences. For this group of civil society organization, it did not matter who won the elections, all they wanted was the end of violence and a return to peace.[76]

[76] The Standard, 20, January 2008

The justice faction, on the other hand, wanted electoral justice. They called for setting up a transitional government to plan for fresh elections within 90 days. On January 2008, a third group emerged-Kenyans for Peace with Truth and Justice, which succeeded in reconciling the two factions through a consensus based on the understanding that electoral fraud had to be resolved through the justice system, while there was a need for civil society efforts towards peaceful reconciliation of all Kenyans. Although the plural nature of civil society does not necessarily require the organisations to have a national consensus on an agenda as they represent various and sometimes conflicting interests within society, strategic alliances on broader national issues such as democratic consolidation in emerging democracies are necessary within civil society if they are to influence such processes. Moreover, with weak bureaucratic and political institutions and vast social and economic inequalities in both Kenya and Zambia, broader national strategic alliances become critical. Additionally, advocacy groups' consensus on national issues significantly increases their weight, strength, and impact on the national agenda and help with political mobilization around issues of democratic consolidation.

Finally, the study found that advocacy groups have sharply differed on and contested the language and meaning of democratic reform with conflicting visions of democracy in the post-transitional dispensation, which significantly circumscribe their ability to form strategic alliances for the process of democratic consolidation. Although the pro-democracy movement focus was the restoration of democracy, the post-transitional contestation of democracy is defined by competing visions of democratic reform and transformation. This polarisation has further fragmented advocacy groups between the dominant civil society rooted in the middle-class values, the moderates, the left, and the radical elements. This open contestation of the meaning of reform has complicated their mutual engagement with the state in the reform process. While the liberals emphasise civil liberties, political rights and procedural elements of democracy, the radical groups have stressed the total transformation of the nature of the state and reforms geared towards the realization of economic, social and cultural rights. The Executive Director of Kenyans for Peace and Justice, who is in the latter camp noted;

> "For us to consolidate democracy in this country, we must structurally re-organize the state in a way that fundamentally restructures state-society relations for the benefit of society" (Kenya: Author interview 18:2012).

The dominant neoliberal advocacy groups, on the other hand, believe that consolidation of democracy requires meaningful reforms within the existing system that benefit the citizens. Reflecting on this issue, an advocacy leader with a governance organization in Nairobi interviewed for this study noted that,

> "Democratic consolidation includes reforming governance institutions, ensuring the respect of civil and political rights, economic growth and reconciliation of the people so that development can benefit all Kenyans" (Kenya: Author interview, 19:2012).

The two quotations above epitomise the stark differences that have defined advocacy groups' political discourse in Kenya and their visions of democracy in the country.

In Zambia, the divisions within civil society are widespread and compounded by the continuation of the conflictual relationship between the state and advocacy groups in the new political and institutional dispensation. An advocacy group leader interviewed for this study in Lusaka noted that;

> "After the Movement for Multi-party Democracy disappointed advocacy groups on the economic front with SAPs and the constitutional review process, everyone retreated to doing their own thing, only coming out once in a while to give press releases and then disappear" (Zambia: Author interview, 30:2012).

The continuous delay and manipulation of the Constitutional review process by the state has created fatigue and exhaustion within civil society about the prospects for a comprehensive constitutional review in the country, and significantly reduced advocacy groups' participation in the formal constitutional fora. The Executive Director of the Centre for Policy Dialogue in Zambia interviewed for this study underscored the above situation thus,

> "Advocacy organisations in Zambia today operate in a very ad-hoc fashion defined by short-term unity, instigated by crises and unexplained external factors" (Zambia: Author interview 27:2012).

For example, in 1996, advocacy groups joined the opposition political parties in calling for fresh elections after widespread claims of rigging, and other malpractices. The main opposition political party had also boycotted the elections. However, there was not much unity towards this goal, and the groups failed to have fresh elections, and MMD assumed a second term in office. However, in 2001, the groups succeeded through the Oasis Forum in stopping President Chiluba quest to change the constitution and seek a third term in office. It must be noted that the Anti-Third Term campaign consisted of a broad coalition of forces opposed to the third term

quest, including opposition political parties, some members of the MMD, several think tanks in the country and international donors. Although advocacy groups succeeded in this quest, such ad-hoc unity cannot sustainably ensure consolidation of democracy, which requires continuous engagement in the transformation process.

In democratising countries such as Kenya and Zambia, there is a need for a minimum consensus within advocacy groups on the desired nature of social, economic and political order in the country. Without such a consensus, advocacy groups' contribution to the process of democratic consolidation become fragmented, uncoordinated and limited. The inability to "speak with one voice" undermine the very source of advocacy group effectiveness in the process of democratic consolidation. As Tarrow (1994) has correctly noted, to solve the problem of collective action, social movements need a common purpose. Additionally, while serving socio-economic needs of their membership, advocacy groups need to simultaneously and actively engage in the national democratic agenda, if they are to effectively contribute to the process of democratic consolidation. Advocacy groups appeared to have been more dynamic and effective under the authoritarian regime than the democratic regimes in both Kenya and Zambia. The dynamism and effectiveness in the pre-transition period were defined by clear national goals, strategies, framing, and expression of democratic demands in the form of rights of citizens and the unity of purpose that united a broad coalition of all forces pushing for a democratic transition.

4.3.4. Advocacy groups: From civic space to the primordial arena

Peter Ekeh (1975, p. 91) in an influential article published in the 1970s, explained the unique nature of African politics that has significantly influenced its governance process. He argues that "the experiences of colonialism in Africa have led to the emergence of a unique historical configuration in modern post-colonial Africa: the existence of the two publics instead of one public, as in the West." Colonialism, according to him alienated the individual and led to the segmentation of the social and political space into two publics. The first realm is a formally constructed "public" or the civic realm, in which the formal state operates, while the second realm is the "primordial" public that endures, despite social and political developments. The second realm is the domain of modern social formations associated with kinship and the

informal moral sphere of society that governs private relations within the family, the clan and the ethnic groups.

In post-colonial Africa, the two publics function alongside, within and across the boundaries of each other. However, Ekeh (1975) has noted that the civic public hardly functions as expected in Africa since the reality of most Africans is the primordial public. In the same vein, Bratton and Van de Walle (1997, p. 42) have noted that "Africa's formal political institutions are thoroughly steeped in, and penetrated by informal, personal networks," which limits the functioning of the civic realm. Africans are morally attached to the primordial public, which is a crucial element of social pluralism on the continent (Ake, 1993). Consequently, "society has priority over the state in Africa, private over public and patronage over policy" (Hyden, 2006, p. 229-31). Chabal and Daloz (1999, p. 2) even go further to argue that the state in Sub-Saharan Africa has not been institutionalized. It is not structurally differentiated from society, meaning that the political realm in Africa is more of an informal, personalised nature, structured in a patrimonial model, where personal relations dominate. This type of political and social environment is, therefore, problematic for the development of associational life, such as advocacy groups, which defend the common good in the public sphere, since the groups are expected to operate within the civic sphere to influence public policy and, therefore, contribute to the process of democratic consolidation.

Since independence, both Kenya and Zambia have been described as neo-patrimonial states, which means that the state operates mainly within the primordial arena and hardly functions through the legally defined structures for publicly acknowledged aims (Gifford, 2009, p. 200). African political and social systems have, therefore, been held together by loyalty and kinship ties rather than by a hierarchy of administrative and bureaucratic functions. In both Kenya and Zambia, ethnicity with its origin in colonialism has not only provided the primordial basis for governance but also used instrumentally as a means towards both political and economic ends. Regarding voting, for instance, Posner (2005) has argued that Africans, mainly vote their ethnic group, "because of the widespread expectations that politicians will channel patronage resources to members of their own ethnic group." He further notes that this expectation generates predictable patterns of ethnic appeal-making by politicians and electoral support from voters. Ethnicity, is thus, perceived as an influential factor in the redistribution of national resources, and, therefore, highly politicized during electoral campaigns.

In Kenya, ethnicity has always been a salient feature of politics and has long been used as a medium of political mobilisation in both local and national politics (Posner, 2005; Ajulu, 2001). Politics is generally organised around the principles of primordial and ascriptive identities (Nyangoro, 1999; Matanga, 2000) and politicians view citizens as demographics defined by their ethnicities rather than a set of ideas. Ethnic politics has thus led to entrenched patronage and clientelist systems reinforced by inequality and widespread poverty in the country. In a detailed account of Kenya's post-colonial history, Branch (2011) has demonstrated how the Kenyan political elite has encouraged political debate to centre on ethnicity rather than issues of economic redistribution. This focus on ethnicity is beneficial to the political elite at the expense of the majority poor. Additionally, Barkan (1979) has shown how the majority of Kenyans perceive their political representation as sources of patronage resources. These perceptions are reflected in the voting patterns in general elections, which become zero-sum games for the leaders and their ethnic groups, who lose elections, as demonstrated by Moi's 24-year rule, which excluded the majority of Kenyans from any meaningful economic or political benefits to the advantage of his Kalenjin community (Lynch, 2013). Since independence, the electoral politics, the governance style and the pattern of economic redistribution by the state have all reinforced the salience of ethnicity in politics and society.

Advocacy groups in the country have always reflected the political and ethnic politics of the Kenyan society but have managed to operate mainly within the civic sphere. However, Ngunyi (2001), has observed that during the multiple cycles of democratic transitions from the early 1990s, civil society has gradually retreated from the "civic" sphere to the traditional ethnocultural sphere, where democracy is expressed in ethno-regional terms. This ethnicization of advocacy groups has eroded the democratic gains in the "civic sphere." This study found that the regime change of 2002, accelerated this process of the movement of advocacy groups from the civic to the primordial arena, where politicized ethnicity has become a significant factor in advocacy groups' operations and relationship with the state. Divisions within NARC along ethnic lines spilled over into internal affairs of advocacy groups and influenced the groups' agenda, responses to national issues and political mobilisation strategies. Additionally, the "divisions seeped into church networks, which had long been impervious to ethnic divisions of any of the major institutions in Kenyan society" (Holmquist 2005, p. 213).

The high level of significance of politicised ethnicity within the advocacy sector has eroded the democratic gains and circumscribed the groups' ability to effectively contribute to the process of democratic consolidation. A former Executive Officer of the National Council of NGOs interviewed for this study captured this situation very eloquently when he noted that,

> "Kenya's civil society is today riddled with schisms of ethnicity, class, and religion, and risks civic death" (Kenya: Author interview, 6: 2012).

The accelerated retreat of advocacy groups from the "civic" to the "primordial" arena after 2002 can be attributed to three major factors. Firstly, most advocacy groups in Kenya supported the National Rainbow Coalition (NARC) in 2002 as an opposition political party, which went on to win the elections and formed a new democratic government. Once in power, the coalition split along the two main coalition parties-ODM and NAK over issues of unfulfilled Memorandum of Understanding (MoU). This split directly reflected ethno-regional divisions, which were replicated and manifested within the advocacy sector. The conflicts within the political society easily filtered into civil society. The President of the National Civil Society Congress interviewed for this study noted that;

> "The tones of advocacy organisations' responses and approaches to national issues are today being influenced by ethnic and political party affiliations, setting a very dangerous precedent for civil society and the country as well" (Kenya: Author interview, 8: 2012)

Another prominent advocacy group leader interviewed for this study in Nairobi noted that;

> "Advocacy groups have lost their collective voice as they have gotten mired into political patronage, ethno-regional politics and manipulation by political elites in the country" (Kenya: Author Interview, 7:2012)

The political appropriation of the National Council of Churches of Kenya (NCCK)-an umbrella organisation that led the prodemocracy movement in the 1990s directly fitted into this broader trend and was described by a prominent journalist interviewed for this study as "the tragedy of ethnicity" (Kenya: Author interview, 9: 2012). In other words, the cooperation between the NCCK and the state after 2002 was partly informed by ethnic ties and interests between its leadership and the state. NCCK top leadership thus found it difficult to be critical of the actions and policies of the government in which one of "their own" was the President. It readily became an appendage of the state with significant consequences, both on its ability and civil society to effectively contribute to the process of democratic consolidation.

Secondly, as explained earlier in this chapter, during the clamour for change, advocacy groups were united under the prodemocracy movement with the agenda of the restoration of democracy. This unity of purpose was maintained within the civil society sector from 1992 to 2002 since the incumbent retained power after the transition. Advocacy groups' agenda of comprehensive constitutional review also became the agenda of the main opposition coalition, NARC. With NARC taking over power in 2002, advocacy groups' unity of purpose collapsed, and they entered the new political dispensation with virtually no agenda of their own, thus easily got sucked into the national partisan political conflicts, interests and divisions within the political society, which were mostly narrow, parochial and ethno-regional.

Thirdly, most respondents interviewed for this study pointed out that international donors have unconsciously reinforced ethnicity within advocacy groups by basing their funding decisions on personal relationships, networks, and connections with powerful individuals within the advocacy sector, which happen to be dominated by certain ethnic groups. (Kenya: Author interviews, 2:2012; 8:2012; 12:2012; 18:2012). This network of individuals has deep connections with government officials, international donor agencies, and belong to several advocacy groups as directors, advisors or board members. This group of individuals almost act as gatekeepers for the civil society sector in the country. Most respondents interviewed for this study, therefore, claimed that international donor funding is skewed towards organizations supported by this network. They thus inject ethnicity into advocacy sector funding processes. Additionally, most respondents noted that international donor domestic employment mirrors the same ethnic influence by the said powerful network of individuals within civil society (Kenya: Author interviews, 12: 2012; 14: 2012; 18: 2012). This framework and structure of international donor funding and employment, limits cooperation, create ethnic mistrust and suspicions and fuel resource inequalities within the advocacy sector amid feelings of discrimination and bias. An advocacy executive interviewed for this study noted that:

> "In Kenya, we long stopped fundraising through international donors. What we do now is friend-raising. An advocacy group is much most likely to be funded by international donors, if its director or one of its board members has connections with the international donors. This scheme of funding has worked against those groups, which have no such connections" (Kenya: Author interview, 2:2012).

In Zambia, ethnicity is influential in the political behaviour of both the elites and the general citizenry. After independence, the country briefly practiced multi-party politics, with political parties largely perceived to represent the interests of ethnic groups or regions. The African National Congress (ANC) was widely viewed as a Tonga party, the United Party (UP), a Lozi party and both the United Progressive Party (UPP) and the United National Independence Party (UNIP) considered Bemba parties (Gertzel et al., 1984).[77] In February 1972, Zambia became a one-party system under the United National Independence Party (UNIP). President Kaunda acknowledged the potential dangers of ethnic fragmentation and attempted to contain it through two primary strategies. Firstly, he adopted the philosophy of *humanism* to enhance the image of ethnic homogeneity under the one-party system (Musonda, 2015). Secondly, Kaunda promoted the creed of "*One Zambia; One Nation*" as a deliberate attempt to forge a rallying call to enhance national unity and harmony. He implemented this strategy through "tribal balancing" which meant ethnic inclusion in government bureaucracy in his 27-year rule, while politically encouraging competition at the local and parliamentary level seats within the one-party system.

The Zambian intellectual middle class from all ethnicities were thus fairly represented within the Kaunda administration, besides genuine attempt at equal redistribution of national resources to all regions of the country. President Kaunda, therefore, not only coined slogans and philosophies to enhance national unity, but also made practical steps to "Zambianize the country." The negative effects of ethnicity were thus somehow contained by the UNIP administration. A political science University Professor interviewed for this study in Zambia noted that;

> "UNIP was fairly inclusive of the various ethnic communities of the Zambian society, both in its bureaucracy and in the redistribution of national resources. Kaunda appeared to be genuinely committed to building one country that all Zambians felt they belonged to" (Zambia: Author interview, 29: 2012).

However, since the re-introduction of multi-party politics in the country in 1991, there has been a growing pattern of ethnic politics, which has continued to define the Zambian democracy. Political parties have been formed along ethno-regional bases, and political coalitions for national elections have followed the same pattern.

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[77] Times of Zambia, 15th August 1968

Most respondents interviewed for this study expressed concerns about the growing effects of ethnicity and the regionalization of political parties on the Zambian multi-party politics (Zambia: Author interviews, 38: 2012; 32: 2012; 34: 2012). Larmer and Fraser (2007, p. 612) have emphasized this point by noting that the Zambian politics is characterised by "ethno-regional coalition building rather than a contest of alternative policies." The politicisation of ethnicity has influenced political mobilisation for electoral support. Additionally, political opponents have continued to brand other political parties as ethnic. For instance, in 2001, Levy Mwanawasa, the then-presidential candidate for the MMD continuously branded the United Party for National Development (UPND) as a tribal party, since it drew its primary support from the southern part of the country, while at the same time defining MMD as a national political party. There is also a growing intensity of ethnic feelings within the Zambian society, which have been reinforced by successive MMD administrations bureaucratic and political appointments. The Bemba ethnic community has dominated MMD administrations, despite the party receiving support from across the country (*Weekly Post*, 15-21, November 1991; *The Sun*, 25-31, October 1993)

Posner (2005) has explained the change of ethnic dynamics and politics in Zambia from one party to multi-party politics using an institutional framework. He argues that institutional structures trigger the activation of different dimensions of ethnicity. For instance, electoral rules may privilege or disable one of the several ethnic cleavages. In his study of Zambia, he found that tribal identities were more effective in campaign discourse and voter choice in single-party elections, while language identities succeeded more in multi-party elections. Additionally, the author found that political coalitions were mobilised along linguistic lines under multi-party politics, but along tribal lines under one-party rule. This difference is explained by the fact that in multi-party politics, political parties must seek votes throughout the country to win national elections; national level cleavages, therefore, become important, while in the single-party system, the level of competition is local and, therefore, tribal affiliations become critical. Moreover, in single party systems, people were less concerned about the national level as it was apparent who was going to be president.

Since Zambia is split along four large linguistic lines nationally,[78] the linguistic dimension has become important in multi-party politics but did not matter in a one-party system as local constituencies were mostly linguistically homogeneous. Posner (2005) notes that Zambians, just like Kenyans assume that having a member of their own ethnic group in a position of power will increase their access to patronage resources and are, therefore, inclined to join coalitions led by members of their own ethnic groups. Despite the dominance of ethnicity in Zambian politics and society, this study found that ethnicity is relatively less reflected within the Zambian advocacy sector compared to Kenya's advocacy sector for two primary reasons.

Firstly, unlike President Moi, who practiced the politics of exclusion for 24 years, leaving most Kenyans feeling politically alienated and excluded to the benefit of his Kalenjin community (Lynch, 2013), President Kaunda practiced "tribal balancing act" which contained ethnicity as a major factor in politics and society. The balancing act meant practicing inclusion in government appointments and equitable distribution of national resources to all parts of the country, therefore, tampering down ethnic and tribal feelings and sentiments. Additionally, Kaunda's philosophy of humanism enhanced the image of ethnic homogeneity and his slogan of "*One Zambia; One Nation*" encouraged national unity. Although, the Movement for Multiparty Democracy (MMD) that took over from the United National Independence Party (UNIP) abandoned the "tribal balancing" strategy and adopted a merit-based recruitment of government leadership, most respondents interviewed for this study felt that the strong foundation of ethnic inclusivity created by President Kaunda has played a critical role in maintaining advocacy groups' civic orientation. This orientation may change as feelings of ethnicity and exclusion continue to permeate the Zambian politics and society. Secondly, Zambia is the third most urbanised country in Sub-Saharan Africa with an estimated 40 percent of its population concentrated in a few urban areas.[79] The urbanisation process has led to intermarriages and interactions among different ethnic communities, leading to the significant moderation of adverse effects of ethnicity both within the Zambian society and within advocacy groups.

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[78] The four large linguistic lines in Zambia are Bemba, Nyanja, Tonga and Lozi. These languages were made official during colonialism for the purposes of instruction under a 1927 colonial edict, which then led to linguistic consolidation and political relevance of these languages (Posner, 2003)

[79] World Bank (2002) Zambia: Country Assessment Report: Upgrading Low Income Settlements, Washington DC.

Although ethnicity has always been linked to advocacy groups in Kenya, political transition and regime change have exacerbated and raised the significance of ethnicity as social cleavage within advocacy groups. The groups thus have gradually moved from the civic to the primordial public, which has undermined their contribution to the process of democratic consolidation. Zambian advocacy groups, on the other hand, have continued to maintain their civic orientation. Political culture in the primordial sphere permeates most advocacy groups in Kenya making them "unable to foster democratic reforms because they are not oriented towards common notions of liberty" (Ekeh, 1992). Moreover, the pursuit of ethno-national interests that have defined these groups erode democratic gains within the civic sphere. Furthermore, patrimonial networks cripple democratic politics through the alignment with ethnicity and, therefore, undermines civil society integration and mediation functions. The groups have become "disintegrative forces" (Schmitter, 1997). The groups' disintegration along ethnic cleavages have exacerbated fragmentation, therefore, complicating strategic coalition, alliance formation, coordination and consensus building on the national agenda. The pursuit of narrow interests based on ethnicity has made advocacy groups "deploy their powers in ways that infirm the conditions of a well-ordered democracy" Cohen and Roger (1992 p. 393). In other words, associational ties based on exclusive and clientelist exchanges promote narrow and parochial interests that are inimical to the process of democratic consolidation.

4.3.5. Advocacy groups relationship with International donors in Kenya and Zambia

The relationship between advocacy groups and international donor organisations is perhaps the most consequential relationship due to the chronic dependence of advocacy groups in both Kenya and Zambia on international donor funding for their very existence. Additionally, international donors contribute to advocacy groups' technical assistance and capacity building. Advocacy group leaders interviewed for this study in both countries were unanimous that without international donor funding, their groups would likely cease to exist. Several factors catalysed the significant shift by international donors towards funding civil society organizations in developing countries in the 1980s, the "decade for NGOs" (Hearn, 2007, p. 1095; Bebbington et al., 2008). Firstly, civil society organisations were expected to shore up social development sectors, which had been devastated by the deleterious effects of Structural Adjustment Programmes measures (Brouwers, 2011).

Secondly, the collapse of the Soviet Union dramatically changed the international political, social and economic architecture. There were no longer any strategic interests in supporting repressive and dictatorial regimes (Meredith, 2005, p. 387) in developing countries. International donors thus freely pursued democratisation and human rights agenda through civil society organisations, which were viewed as the prime catalysts for the process. Finally, with the new world order, neoliberalism dominated the development discourse and favoured a limited role for the state, giving civil society groups and other non-state actors space to freely operate and influence social, economic and political development (Kanyinga, 2009). Through funding advocacy groups and other types of civil society groups, international donors wield enormous power over these groups' agenda and capacity to effectively contribute to the process of democratic consolidation. The overdependence of civil society groups on international donors is, therefore, the most significant single limitation to their freedom (Shivji 2003). The groups thus exhibit dual-accountability to international donors and the beneficiaries of their programmes.

In Kenya, the relationship between advocacy groups and international donors was cordial, cooperative and collaborative in the early 1990s, when most advocacy groups were established with international donor funding, which targeted democracy and governance advocacy groups to promote democracy, human rights, and good governance as part of the dominant neoliberal agenda. NGOs were thus overfunded during this time (Andreason et al. 1996). As a result of donor funding several groups were established around this time, including the Centre for Law and Research International (CLARION), the Citizen Coalition for Constitution Change (4Cs), the Centre for Governance and Development (CGD), the Institute for Education in Democracy (IED) and the Kenya Human Rights Commission (KHRC) among others. Most of these organisations are urban-based, well-established, well-funded and elite-led advocacy organisations based in the capital city of Nairobi with some outreach to the countryside. During this time, the donor agenda was to work with these groups and opposition political parties to force the state to open up political space and institute democratic reforms. While supporting advocacy groups, international donors imposed conditionalities on the state, including, withdrawal of aid linked to the democratization process, the rule of law and respect for human rights. International donor conditionalities contributed to the reintroduction of multi-partysm through the repeal of section 2 (A) which had banned opposition political parties.

After the political transition in 1992 in which the incumbent President Moi and the Kenya African National Union (KANU) retained power in a multi-party general election, the opposition was weakened through fragmentation and co-optation into government. International donors and advocacy groups turned their attention to political reforms, which included, the strengthening governance institutions, civil society, and political parties, capacity building, voter education, rights awareness, social justice, monitoring the conduct of elections, human rights, and political governance. According to Kanyinga (2009), international donor funding increased to support these programs and made civil society groups an indispensable feature of Kenya's political life, besides transforming the groups into alternative "opposition forces." Advocacy groups assumed the role of the opposition and focused on the constitutional review process with the support of international donors. KANU again won the 1997 general elections, and advocacy groups continued to pursue constitutional reforms as the best way to reconstruct the state for democratic change, besides conducting civic education with the belief that civic education would equip citizens with skills to meaningfully and effectively participate in the political process (Kanyinga, 2009)

In the mid-1990s, international donors were concerned by the way foreign aid was delivered and utilized regarding its effectiveness, especially in poverty reduction programs. Together with developing countries, they developed the Poverty Reduction Strategy Paper (PRSP) process as an integrated framework to deliver coordinated programmes for poverty reduction. The poverty reduction strategies were expected to be country-driven, results-oriented, comprehensive and long-term in perspective and developed with extensive participation of all major stakeholders (World Bank, 1999). This process marked the return of the state's role in development, but with a focus on "good governance," what Banks et al. (2015) refer to as "governmentalisation of aid." It was a defining moment for advocacy groups-international donor as the groups became proxies for citizen engagement in the process (Murray and Overton, 2011). In Kenya, the government launched its PRSP process in November 2000 led by the Ministry of Finance and Panning. An elaborate consultative process was developed, which consisted of divisional, district, provincial and national consultation forums, thematic groups, and sector working groups. This was the first time that advocacy groups were involved in an extensive partnership with the government.

The contribution of NGOs as the most formal civil society representation was commensurate with their policy intervention capacities developed over the years through policy advocacy interactions with both multilateral and national development agencies. Several advocacy group leaders interviewed for this study, felt that advocacy groups played a critical and significant role in the process and influenced the shape and content of the final PRSP document adopted by the government. However, civil society participation, in the PRSP process both at the national and the district levels, was dominated by well-organized organisations (Owinga, 2006). Moreover, there were two parallel processes; one dealing with social issues within the context of the PRSP, which allowed the full participation of civil society groups, while the other process addressing the macro-economic issues in the context of the Poverty Reduction and Growth Facility (PRGF), excluded civil society groups from participation. The deliberations on macro-economic issues were reserved for government and international donor representatives. Most of these multilateral and bilateral donor agencies came on board the PRSP process and aligned their financial assistance portfolios against corresponding policy conditionalities. These included the World Bank, IMF, DFID, GTZ, and UNDP among others. They had a wide variety of agenda as their strategic interests in the Kenyan geo-political economics dictated. Their participation and influence in the process ranged from funding, advising and observing to capacity building. Some had their officials located at the PRSP focal points in the respective 20 ministries through which they could maximize their strategic influence, while others came on board the PRSP process through their country NGO partners. Consequently, international donor influence on the PRSP process was profound and extensive. An advocacy leader interviewed for this study and who participated in the PRSP process noted that;

> "The participatory nature of the process was cosmetic, because advocacy groups involvement appeared designed to satisfy the World Bank and the IMF conditionalities rather than providing a new way of doing development business" (Kenya: Author interview, 3:2012)

The process exposed the weaknesses of advocacy groups to organise effectively, engage and influence the government in complex and rapidly evolving policy-making processes. Despite their large numbers and diversity, advocacy groups could not effectively articulate and consolidate their efforts to provide the much-needed alternative input into the Sector Working Groups (SWGs) consultative process. The CSO community was overwhelmed by the task of

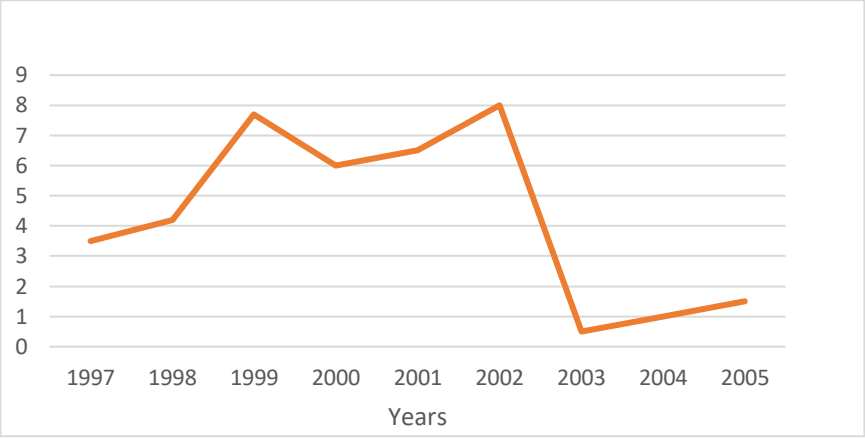
marshaling the required professional capacity for effective participation in a complex and highly technical process, which required continuous monitoring over several months. The situation was different at the district levels of consultation, where the engagement of civil society was stronger and to a substantial extent influenced the outcomes of district-level consultation processes and outcomes. The PRSP process was completed in June 2001.

The regime change in 2002 in Kenya with the National Rainbow Coalition (NARC) defeating the independence party-the Kenya African National Union (KANU) led international donors to shift the bulk of their of funding from advocacy groups to budgetary and institutional support for the new government. The international donor confidence in the new government was based on the government's resolution for proper management of the economy and the establishment of adequate measures to fight corruption (UNDP, 2006). The shifting of funding to the NARC administration was not unusual as a study by Freytag and Pehnelt (2009) found that countries that are perceived by international donors to be well-governed have a positive prediction of foreign aid through the state, while countries that are perceived to be poorly governed have a positive prediction of foreign aid through NGOs.

Additionally, it must also be noted that international donors primary goal is to ensure the diplomatic relationship with the host nation to secure their country of origin's political, economic, and strategic interests. This goal far much supersedes their relationship with advocacy groups. From interviews with various international donor agencies in both countries, the study found that international donors appear to regard the state as the most crucial player in the democratisation process and, therefore, readily support it once it shows some willingness and commitment to the institutionalisation of democracy. International donor priorities are, therefore, mainly by political calculations rather than the appreciation of the role of advocacy groups in the process of democratic consolidation. With the bulk of international donor funding going through the government, funding for advocacy groups dramatically declined by 83 percent from Kshs.3 billion (US$30 million) in 2002 to only Kshs.500 million (US$5 million)[80]in 2003, and, after that, gradually began to improve as shown in *Figure 4.5* below.

[80]Otsieno, N (2006) How the Government is Killing Civil Society in Kenya, available from http://humanrightshouse.org/Articles/649.html

Figure 4. 5 The percentage share of NGO Aid to Kenya (1997-2005)



Source: UNDP (2006) Kenya Development Cooperation Report, 2006, United Nations Development Programme

This study found that the shifting of funding by international donors from advocacy groups to the state had an enormous effect on advocacy groups' operations, activities and impact on governance, and democratic consolidation reforms. It starved these groups of the much-needed funds for meaningful participation and engagement in the constitutional review process and discussions of other institutional and administrative reforms within the political system. Most advocacy group leaders interviewed for this study expressed surprise by the sudden shift of funding to the government by international donors in 2003 and it appeared that international donors perceive advocacy groups as "*convenient partners,*" who are dispensable, whenever necessary. It also led to questions about the commitment of international donors to the process of democratisation in the country. An advocacy group leader interviewed for this study put it thus;

> "International donors have their own strategic interests and advocacy groups just happen to be the groups that can help them achieve those interests. We are convenient partners that they can drop at any time provided that they perceive the government to be committed to democratic reforms and economic growth" (Kenya: Author interview, 15:2012)

The shifting of funding to the government showed the unpredictability of international funding to advocacy groups and the limitations of advocacy groups' independence and autonomy. James and Caliguire (1996) in a study of South African civics after the transition to democracy in 1994

found the same pattern of international donors shifting of funding from the civics to the newly elected democratic government of the African National Congress (ANC).

The Paris Declaration on Aid Effectiveness[81] reached in February 2005 by more than 100 developing countries and international donor agencies impacted on the relationship between advocacy groups and international donors. The declaration led to a consensus on how to make aid effective based on five core principles; ownership, alignment, harmonization, results-oriented, and mutual accountability. Regarding ownership, developing countries committed to "take the lead in coordinating aid at all levels in conjunction with other development resources in dialogue with donors and encouraging the participation of civil society and the private sector" (PD on Aid Effectiveness, paragraph 14). International donors, therefore, pushed for partnerships between advocacy groups and governments in policy-making and development. International donor countries and developing countries also agreed to shift focus to measured development results and be accountable for such results. Finally, regarding harmonization, international donor countries committed to coordinating, simplifying procedures and sharing information to avoid duplication and adopted basket funding as a new framework for achieving this objective.

Basket fund arrangements are instruments for improving coordination among international donors and partners involved in the implementation of complex projects. International donors consider it an effective way of delivering funds to civil society groups. Most international donor representatives interviewed for this study argued that basket funding assists in providing maximum efficiency in resource use and service delivery and thus eliminates duplication of efforts (Kenya: Author interview, 14: 2012). In basket funding process, several international donors and partners sign a Memorandum of Understanding (MoU) and jointly channel funds through the government. Advocacy groups are expected to participate in the formulation, implementation, and evaluation of the programs. In Kenya, one of the best examples of basket funds was a multi-billion sector-wide program initiated by the government, jointly funded by 15 international donors, and implemented between 2003 and 2005 to strengthen Governance, Justice, Law, and Order Sectors (GJLOS). The program had

[81] The Paris Declaration on Aid Effectiveness principles were reaffirmed by the Accra Agenda for Action in 2008, which emphasized ownership, inclusive partnerships, delivering results and capacity development.

broad participation of advocacy groups from the planning, implementation, and evaluation stages.

Most advocacy group leaders interviewed for this study noted that the programme had a moderate impact on the sectors that it targeted. However, the program faced numerous challenges, including lack of meaningful participation by advocacy groups, unclear roles for various partners involved, unclear reporting procedures, lack of mutual accountability and questions about the commitment of the government to the reform programme. By 2005, the NARC administration had reneged on several political and economic promises that it had campaigned on in 2002 including the failed referendum in 2005, the disintegration of the NARC coalition, and the resurgence of corruption within the administration. International donors finally realised that the administration was not committed to real political and economic reforms and gradually began shifting funding back to advocacy groups in the country (See *Figure 4.5*). As funding improved, advocacy groups, shifted their focus on the revival and engagement on the constitutional review process and civic education in readiness for the 2007 general elections. After the 2008 Post-Election violence which killed more than 1,300 people and displaced over 600,000 people, international donors supported the political negotiation process between the Party of National Unity (PNU) and the Orange Democratic Movement (ODM), which led to the formation of the Grand Coalition government. International donors also supported advocacy groups in the process of reconciliation and the constitutional review process, which led to the promulgation of a new progressive constitution in 2010.

Since the re-introduction of multi-party politics in Zambia in the early 1990s, the country has witnessed the rapid growth of democracy and governance organisations focussing on the promotion of democracy, the rule of law, human rights, and good governance (Habasonda, 2010). These groups conduct civic and voter education, election monitoring, and campaigns on human rights, anti-corruption, fair trade, social justice, gender mainstreaming, and provide legal aid to thousands of Zambians among other responsibilities. Most of these groups were established in the early 1990s due to the availability of international donor funding, which focussed on democratisation. These groups include the Women for Change (WFC), Foundation for the Democratic Process (FODEP), Afro-net, the NGO Coordination Committee (NGOCC), the Anti-Voter Apathy Project (AVAP), Southern African Centre for the Constructive Resolution of Disputes (SACCORD), and the Civil Society for Poverty Reduction

(CSPR) among others. Most of these advocacy groups are urban-based, well-established, well-funded and elite-led organisations.

This study found that with the encouragement and support by international donors, these groups have participated in various policy-making processes such as budget formulation, execution, and monitoring. Although their impact on policy-making is varied, especially at the national level, Mumba and Mumba (2010) have argued that advocacy groups have improved policy interventions. Additionally, several advocacy group leaders interviewed for this study noted the impact that these groups have had on budget planning, implementation, monitoring, and evaluation. However, Mudenda et al. (2005) have argued that advocacy groups have played a minimal role in influencing the budget formulation process in Zambia due to the lack of any law that guarantees their participation in the policy-making process. Their participation in policy-making is haphazard since it solely depends on government goodwill. Majority of advocacy group leaders interviewed for this study were sceptical about the impact of advocacy groups' participation in the policy-making process in the country.

The study found that the relationship between advocacy groups and international donors dramatically changed from the mid-1990s as the wave of donor enthusiasm with advocacy groups started to dwindle due to the changing international donor priorities. According to Akapelwa (2006), most bilateral donors shifted their funding away from advocacy groups to the state to support the implementation of the Structural Adjustment Programs (SAPs), while others moved away from direct funding of advocacy groups to basket funding. Additionally, some international donor agencies like the National Democratic Institute (NDI) closed their operations in Zambia, citing a hostile political environment. All these factors led to the diminishing resources for advocacy groups and thus reduced their participation in critical processes such as the Constitutional Review process and campaigns for anti-corruption and public accountability, which are crucial for the process of democratic consolidation. Some advocacy groups simply folded up, while others dramatically cut back on their activities and operations. As one advocacy group leader interviewed for this study puts it;

> "We could not engage effectively in the constitutional review process without funding, and this crippled our participation and mobilisation strategies. The reduction of funding was devastating to advocacy groups at a time when the state was doing everything to consolidate power and control the constitutional review process for its own advantages" (Zambia: Author interview, 32:2012)

Similar to Kenya, Zambia also developed its PRSP process to align with the agreement between international donors and developing countries on aid delivery and its effectiveness in poverty reduction. According to Dwyer and Zeilig (2012), this change was a liberal response to decades of criticisms that top-down economic liberalisation in the form of SAPs had failed to achieve poverty reduction due to lack of popular ownership and participation of stakeholders in the policy process. Participation of civil society organisations in the national policy process was, therefore, viewed as critical to sustainable development outcomes as these groups were considered to be closer to the beneficiaries of development policies and would thus bring on board the needs, views, and aspirations of the poor and the marginalised (Matenga 2010). The PRSP process also became a condition for accessing international loans and debt relief through the Highly Indebted Poor Countries Initiative (HIPC).

The Zambian government launched its PRSP process with a broad strategy of engaging an array of stakeholders, including civil society organisations, citizens, international donors, and the private sector. International donors established the Civil Society for Poverty Reduction (CSPR) as a coalition of civil society groups to purposely coordinate participation in the PRSP process. The organisation was mandated to bring on board the people's views, and needs into the PRSP process (Dwyer and Zeilig, 2012; Brouwers, 2011) and was fully funded by International donors. There was extensive country-wide participation of civil society groups and ordinary citizens in the process that culminated in the final PRSP which was adopted by the government. Seshamani (2002) has praised advocacy groups' participation in the PRSP process in Zambia as the most exemplary in comparison with other countries in the region. Moreover, it opened up advocacy group-government collaboration in other policy areas such as budget formulation, and implementation and improved advocacy groups-international donor relations. However, advocacy groups faced numerous challenges in participation in the PRSP process. An advocacy group leader who participated in the process and interviewed for this study noted that;

> "The PRSP process was not locally owned. Government officials and international donors hijacked the process. They already knew what they wanted and were intent on selling these ideas to us. Our participation was just tokenism to fulfill international donor requirements. It was more of consultation than participation. Moreover, we were excluded from the deliberations of the macro-economic issues that were critical for funding our proposals to achieve poverty reduction" (Zambia: Author interview, 34:2012)

The exclusion of advocacy groups from the deliberations of the macro-economic parameters was thus similar to the process in Kenya, which put to question advocacy groups value addition to the whole process (Matenga, 2010) and the country ownership of the final PRSP. Other challenges included lack of access to vital information and documents from the government, limited time frames, lack of participation at the highest level of the process, no representation at the drafting committee and the technical committee that received the final PRSP. Several respondents interviewed for this study also cited several discontinuities in the consultative process with the government, which impacted on civil society groups' focus and confidence in the process. Despite all these challenges, the process improved both advocacy groups-international donor relations and advocacy group-government working relations for some time.

After 2005, basket funding became an important donor disbursement tool to improve international donor coordination and harmonisation of their funding. In Zambia, the best example of such a programme focused on good governance. According to Mzyece (2010), the good governance basket funding (2009-2012) supported the efforts of the Zambian advocacy groups to address good governance reforms, checks, and balances in the private sector, and poverty reduction processes with anti-corruption as a cross-cutting theme. Several organisations participated in this program, including the Anti-Voter Apathy Project (AVAP), CSPR, Caritas-Zambia, FODEP and the Jesuit Centre for Theological Reflection. Another important basket funding program was the Civil Society Election Coalition in 2011, which was meant to ensure effective electoral oversight by advocacy groups monitoring the September 2011 elections as a means of achieving electoral integrity and in so doing contribute to the process of democratic consolidation. The program encouraged the proactive participation of citizens against electoral malpractices such as bribery and vote buying (CS Election Coalition report, 2011). The organisations that participated in this programme included the Anti-Voter Apathy Project, Caritas-Zambia, FODEP, Operation Young Vote, the Southern African Centre for the Constructive Resolution of Disputes (SACCORD) TI-Zambia, Young Women in Action and Zambia National Women's Lobby (ZNWL).

However, most advocacy group leaders interviewed for this study did not favour the use of basket funding as a strategy for delivering funds to advocacy groups. They argued that basket funding leads to lack of meaningful participation in the process, including unclear roles and means of participation, poor reporting hierarchies and lack of mutual accountability. Additionally, advocacy group leaders noted that international donors have openly shown bias in selecting groups to participate in basket funding by favouring large, well-established, highly professionalised, elite-led, urban-based advocacy groups, which are capable of meeting donor reporting and accountability standards, while neglecting small, formal and informal grassroots advocacy groups, which in many respects are more closer to the majority poor and the marginalised groups, whose voices and interests are critical to the process of democratic consolidation.

4.3.6. Advocacy groups relationship with political parties in Kenya and Zambia

Political parties are the backbone of modern representative democracy, and therefore, their strategic alliance with advocacy groups is critical, if democratic consolidation is to be achieved in both Kenya and Zambia. The two groups do have a symbiotic relationship in the governance process. As Linz and Stepan (1996a) have argued, for civil society groups to accomplish the goals of supporting the process of democratic consolidation, they need a strong political society since political parties are indispensable to the functioning of democracy. They claim direct representation of citizens through regular universal suffrage and democratic elections and perform functions that are integral to the functioning of democracy such as interest aggregation, integration, and mediation, socialization roles, holding government accountable, influencing policy, leadership recruitment, and governing among others. Advocacy groups supplement some of these roles. Political parties' explicit objective is to capture and exercise political power. Advocacy groups, therefore, can lobby political parties for policy positions, provide them with information on various issues in exchange for support. They can also support political parties financially and technically through training of political party agents and organizing forums, where political parties can discuss public policies and respond to citizen questions (Sharma and Gupta 2006).

The alliance between advocacy groups and political parties become even more crucial in emerging democracies such as those of Kenya and Zambia, struggling with the daunting task of democratic consolidation. However, political parties in both countries are organizationally weak, elitist, lack ideologies basis, ethnicised, poorly institutionalized, lack roots in society, internally undemocratic, fragmented with high volatility and persistence of personalistic and clientelist relationships and systematically manipulated by incumbent regimes (Oloo 2007; Mozaffar and Scarritt 2005; Van de Walle 2003; Ottaway 1999). Political parties in both countries are also poorly governed and " remain very much the preserve of individual politicians, who hold sway in their parties and who stand above their parties institutional structures"(Oloo, 2007, p. 95). They are thus unable on their own to effectively play their representative roles and ensure democratic consolidation. These weaknesses have also reduced their ability to partner with advocacy groups in the democratic consolidation process.

During the liberalisation process in Africa, advocacy groups and opposition political parties became natural allies, with numerous reasons to work together to end the reign of authoritarian regimes and restore multi-partism and democracy. The two groups strategized together, shared information, organized rallies and demonstrations and joined forces to confront authoritarian regimes to bring about political change. As negotiations for transitional processes between the incumbent regimes and opposition political parties proceeded, advocacy groups maintained the momentum of political change on the streets through mass action to help push the negotiations forward and to ensure that both sides respected the outcome of such negotiations. Persistent protests and demonstrations, therefore, kept the transitions moving forward. However, in the new political and institutional dispensation, the relationship between advocacy groups and political parties has become problematic, especially in the process of democratic consolidation.

In Kenya, the long, protracted and gradual transition process ensured that advocacy organisations developed a very close working relationship with opposition political parties. The very first mass opposition political party, the Forum for the Restoration of Democracy (FORD) was formed in May 1991 by six opposition leaders as a pressure group, calling for the restoration of multi-party politics and democracy. It was officially launched in July 1991 (Throup and Hornsby 1998) and drew its membership from civil society and the political community (Kanyinga, 2009).

Most advocacy groups, including, the church represented by the National Council of Churches of Kenya (NCCK) joined the prodemocracy movement led by FORD, which finally forced the ruling party-the Kenya African National Union (KANU) to repeal section 2(A) of the Constitution via Constitutional Amendment Act No. 12 of 1991, to allow for the formation of opposition political parties for multi-party politics to work. Although the incumbent regime retained power in the first two general elections after the re-introduction of multi-party politics through various political maneuvers, including violence and manipulation of the electoral system, advocacy groups and opposition political parties continued to work together focussing on comprehensive constitutional review and other critical issues of governance and democracy. However, the two groups had fundamental differences which impacted on their relationship in the democratisation. For instance, in 1991 just after the repeal of the constitution to allow for multi-partyism, advocacy groups felt that it was crucial that comprehensive constitutional review is carried out before the first multi-party general elections to level the playing field for political parties. However, opposition political parties just needed enough reforms to defeat KANU (Mutua 2008) and, therefore, demanded multi-party elections as soon as possible. The opposition lost that election to the incumbent President Moi and KANU due to divisions within itself and manipulation of the election by the incumbent. Moreover, FORD had failed to evolve an organizing ideology to inform its agenda (Mutua 2009; Nasongo 2007).

In 1997 the Citizens Coalition for Constitutional Change (4Cs), a coalition of activist advocacy groups called for the comprehensive constitutional reform as the country was preparing for the second multi-party elections that year. The group mobilised other advocacy groups and the public and campaigned for a boycott of the elections, unless comprehensive constitutional reforms were undertaken. Political parties including the ruling party-the Kenya African National Union (KANU) again differed with this position and instead spearheaded minimum electoral reforms, through the Inter-Party Parliamentary Group (IPPG) created within parliament to negotiate the minimum constitutional reform package, which was adopted by parliament before the elections. Advocacy groups became a challenge to political parties in the democratization process, and their relationship was thus defined by suspicion, distrust and divergent political agenda. With advocacy groups taking on the lead in the constitutional review process, political parties feared that they were losing control of the reform agenda to civil society (Kanyinga, 2009).

Reflecting on the constitutional review process, Murungi (2000) who was a member of parliament then, argues that political parties distrusted secular civil society groups and felt that political parties were being overshadowed by these activists, whose campaign on the constitutional review process by this time had gained significant traction with the public. Political parties, therefore, decided to join the proposed inter-party parliamentary group with the government to negotiate for the minimum electoral reforms. Mutua (2008) has thus argued that the interest of opposition political parties was not centred on the democratization of the state but rather on minimum constitutional changes that would make its ascendancy to power possible. They were thus largely opportunistic advocates of the reform agenda and adopted self-serving strategies in the democratization process. Opposition political parties and the government left out civil society groups from the minimum constitutional reform negotiations.

After the 1997 second defeat of the opposition by the incumbent regime, advocacy groups focused on oppositional unity since they believed that ethnic divisions within the opposition had cost them victory twice. They played a guiding role in opposition unity and identified the constitutional review process as the basis for that unity (Kanyinga, 2009). With continuous negotiation with opposition political parties, they finally helped in the formation of the National Alliance for Change (NAC), which joined the National Party of Kenya (NPK). Several meetings and negotiations between advocacy groups and opposition political parties then culminated in the birth of the National Alliance Party of Kenya (NAK), which was later joined by the Liberal Democratic Party (LDP) to form the National Rainbow Coalition (NARC), which went on to win the 2002 general elections. Advocacy groups campaigned for NARC, besides mobilisation of resources and development of its political strategy and manifesto.

With NARC coming to power, the relationship between advocacy groups and political parties dramatically changed. Having played a significant role in both the formation and victory of the opposition coalition-the National Rainbow Coalition (NARC), it was evident during the interviews with advocacy group leaders that most of them felt beholden to the government in power, which they considered as “their government” that needed their full support, while a few others maintained that advocacy groups had to remain autonomous and continue playing their traditional role of a watchdog on the government.

Working with KANU, which was now the main opposition political party and which advocacy groups had fought for so many years as the ruling party of the authoritarian government became problematic. Moreover, other opposition political parties were small, fragmented and lacked a reform agenda. This scenario of a dominant ruling coalition supported by most advocacy groups with a fragmented opposition party system weakened advocacy groups' voice and actions in the process of democratic consolidation. Advocacy groups were reluctant to criticize the NARC government, which was composed of their former colleagues, allies and friends from the opposition. Additionally, Kanyinga (2009) has noted that the government itself began to speak civil society language of rights and democracy and designed programs similar to those of human rights and governance NGOs, which created a crisis of legitimacy among NGOs. He adds that civil society groups became irrelevant once the government started to address human rights, corruption, and transitional justice. Additionally, civil society was disorganized and faced a dilemma of redefining a new role and crafting new strategies for democratic consolidation in the new political and institutional dispensation.

In 2008, after the Post-Election violence, a Grand Coalition government was formed between the leading political parties-the Orange Democratic Movement (ODM) and the Party of National Unity (PNU). This further transformed and complicated the relationship between advocacy organisations and political parties. The coalition government polarised advocacy groups along party and ethnic lines at a time when there was hardly an opposition political party they could work with. Most respondents interviewed for this study noted that the appointments of civil society leaders into state bureaucracy, commissions, and several task forces, strictly followed their affiliations to either the Orange Democratic Movement or the Party of National Unity-the two coalition partners in the Grand coalition government. An advocacy group leader interviewed for this study noted that;

> "Almost everyone within civil society was in government, either directly from appointments, through parliament or indirectly as a supporter of the government. It became a civil society overload in the government" (Kenya: Author Interview: 12: 2012)

Additionally, some advocacy group leaders doubled as officials of existing political parties, which blurred the boundaries between civil society and political parties and led to a potential conflict of interest, and complicated consensus and alliances building on democratic reforms since the interests of political parties sometimes differ with those of advocacy groups.

In Zambia, the relationship between advocacy groups and political parties is tenuous and extremely weak. The Movement for Multi-Party Democracy (MMD) began in 1990 as a pressure group supported by the Zambia Congress for Trade Unions (ZCTU) to fight for the restoration of multi-partism and democracy. It was later joined by hundreds of advocacy groups, leading to the creation of the prodemocracy movement, which forced the incumbent, President Kenneth Kaunda of the United National Independence Party (UNIP) to accept multi-party politics and democracy through a series of negotiations between the two groups. MMD would later be transformed into a political party under the leadership of Fredrick Chiluba after the repeal of Article 4 of the Zambian Constitution on November 17, 1990, to allow for the formation of opposition political parties. The party was composed of former UNIP member of parliament, trade unionists, business people, academicians, students, and ordinary citizens. MMD went on to win the first multi-party elections in Zambia in 1991. Upon assuming office, MMD adopted a policy of deliberately co-opting opposition politicians into government and, therefore, further weakened and marginalized the opposition.

Apart from the deliberate actions of the MMD to weaken the opposition, the opposition political parties themselves are institutionally and ideologically weak, with most lacking functional offices around the country and thus making productive collaboration between advocacy groups and the opposition political parties quite challenging and short-lived. Advocacy groups' relationship with the ruling party, on the hand, is confrontational and adversarial since the government has continued to view advocacy groups suspiciously and marginalised them in the policy-making process (Rakner, 2003). The mistrust stems from advocacy groups' fierce opposition to the MMD Structural Adjustment programme (SAP) policies and their deleterious effects on employment and citizens' standards of living. Additionally, the appropriation of ZCTU by the MMD significantly weakened the advocacy sector of civil society, further fermented the mutual mistrust between advocacy groups and political parties and has impeded the formation of strategic alliances between the two groups to formulate policies which can support the process of democratic consolidation. Most respondents interviewed for this study also pointed out that the failure of political parties to honour their electoral promises creates mistrust with advocacy groups, who in many cases have supported such political parties and thus hinder a constructive collaboration in the process of democratic consolidation.

Most respondents also noted that the short-term interest of political parties of capturing political power hindered the long-term collaboration with advocacy groups in the democratisation process. (Zambia: Author interviews, 33: 2012; 35:2012). For instance, one advocacy leader interviewed for this study in Lusaka noted that;

> "Political parties have always abandoned us in the constitutional review process, whenever the election period nears to focus on the elections, even when we have suggested postponement of such elections for the completion of the constitutional review process" (Zambia: Author interview, 37:2012).

The study also found that political parties have a unique relationship with advocacy groups in Zambia, where both the ruling party and opposition political parties establish political NGOs (PONGOs) and government-owned NGOs (GONGOs) during the campaigns to champion their interests. These groups align themselves with those political parties and support their policy positions through press conferences besides campaigning for those political parties but fold up immediately after the elections. Such groups have no functional offices and membership and have been referred to as "popcorn" political advocacy groups in Zambia. Most respondents interviewed for this study noted that this practice creates confusion both within the advocacy sector and for voters on advocacy groups' positions on major campaign issues.

Despite the above constraints, which impede advocacy groups' relationship with political parties, most of the groups have supported various political parties during elections. In 1991, for instance, most advocacy groups supported the Movement for Multi-Party Democracy, while in 2011, several advocacy groups, including the independent newspaper-*the Post* openly supported the Patriotic Front (PF), which eventually won the general elections. The strategic alliances between advocacy groups and political parties remain critical in the process of democratic consolidation in both Kenya and Zambia. As the backbone of representative democracy, political parties are critical for the process of democratic consolidation. Advocacy groups cannot replace political parties, which directly derive their legitimacy of representation from the public through universal suffrage. Advocacy groups' efforts towards democratic consolidation will only make a difference if political parties played their proper role in the process. It is thus imperative that concerted efforts are made towards building the capacity of political parties if democratic consolidation is to be achieved in both countries.

4.4. Implications for democratic consolidation in Kenya and Zambia

The post-transitional political and institutional environment in Kenya and Zambia have created both opportunities and constraints to advocacy groups in their quest to effectively contribute to the process of democratic consolidation. The establishment of democracy is thus a double-edged sword for these groups, which they must negotiate through to remain relevant players in the democratisation process. While the relatively improved civil liberties and political rights have opened up spaces and platforms for the activities of advocacy groups geared towards the process of democratic consolidation, advocacy groups' history, strategic choices and the complex relationship with the newly democratic states and other major political actors have created significant constraints that have impacted on their ability to effectively contribute to the process of democratic consolidation.

The political transitions from authoritarian systems to more democratic systems in both countries have led to relatively improved civil liberties and political rights, the establishment of legitimate opposition parties, electoral competition and other democratic institutions, which have opened up more political space and created more platforms for the work and operations of advocacy groups geared towards democratic consolidation. The institutional and political environment has also improved advocacy groups latitude to engage with the citizens, easily register and operate as legitimate groups and, therefore, freely organise, assemble and deliberate on issues which contribute to the process of democratic consolidation. It has also improved advocacy groups' participation in the formal channels of engagement with the state in policy-making. However, there was mixed feeling about the extent to which advocacy groups have influenced policy-making and the process of democratic consolidation through such formal engagement. While some advocacy groups felt that they had had some influence in policy-making, most of the groups are skeptical about the extent to which their participation has shaped the form and content of policy in their respective countries. The relatively improved civil liberties and political rights have increased the levels of citizen participation in the democratic processes such as participation in parliamentary committee hearings, signing of petitions, participation in government public service open days and political discussions in various types of media. These forms of participation have positively impacted on policy discussions in both countries.

Further, the new political environment has created opportunities where advocacy groups have expanded the scope and depth of old issues while incorporating new social, economic and political issues such as fair trade, taxation budget transparency and accountability and devolution among others in the policy domain of democratic politics. The groups have made credible efforts to incorporate previously marginalised groups into public politics, which has improved the quality of deliberation and participation of citizens on issues that are critical to the process of democratic consolidation. The development of the internet, social media, the email, and cell phones have become tools for enhancing the operational efficiency and impact of advocacy groups in the process of democratic consolidation. The groups have taken advantage of the newly-found freedoms and rights to create their own spaces for articulating demands for the institutionalisation of democracy through their voices, political mobilisation and constructive criticism of the government while advocating for policies that would improve responsive governance. The groups have also made significant efforts at the institutionalization the civil society sphere, by pushing for laws and legislation towards the same. These new opportunities together have led to the rapid and unprecedented growth of the sector in both Kenya and Zambia regarding their numbers, diversity and issues thus broadening the discourse and the social basis for the process of democratic consolidation.

However, the new political and institutional environment has also presented advocacy groups with significant constraints which have stymied their effectiveness in the process of democratic consolidation in both countries. The groups face a three-fold dilemma that involves; re-defining their role in the new political dispensation, crafting new strategies for articulating democratic demands and re-defining their relationship with the newly democratic states and other political actors. Additionally, advocacy groups are constrained by lack of internal capacity, the legacy of authoritarianism, the movement from the civic the primordial arena and their relationship with other political actors. In the pre-transition period in both countries, advocacy groups were united under the prodemocracy movement and played the role of a countervailing force towards the authoritarian state, which they viewed as illegitimate. They were thus highly politicised and deeply consumed in opposition politics and agenda.

With the democratic transitions, advocacy groups had no agenda of their own and no concrete strategy to support the process of democratic consolidation in both countries. They were disorganised, disoriented, and fragmented. In Kenya, the debate about the role, the strategies and the relationship of advocacy groups with major actors in the new political and institutional dispensation led to the emergence of two groups within the advocacy sector. While one group composed of well-established and well-funded advocacy groups, supported cooperation with the state, the other group, composed of small, formal, and informal advocacy groups argued for an autonomous advocacy sector willing and ready to employ all tactics and strategies whenever necessary. With this kind of chasm and divisions within the advocacy sector, coupled with the collapse of the national statutory body, advocacy groups have remained weak with little influence and impact on the process of democratic consolidation.

In Zambia, the swift and smooth democratic transition in the first multi-party elections left advocacy groups unprepared and disoriented with little time to re-organize and re-strategize for the new political and institutional dispensation. Moreover, the groups have no national statutory body to coordinate their activities, nor organize a reflection and planning session on their new roles and strategies in the new political dispensation. This situation has led to fragmentation and the inability of advocacy groups to effectively contribute to the process of democratic consolidation. Additionally, the MMD administration deliberately marginalised advocacy groups from the policy-making process to implement the Structural Adjustment Program, which the groups had opposed. Political transitions, therefore, exposed various internal contradictions and dynamics within the advocacy sector of civil society in both countries defined by fragmentation, competition, rigidity, and ideological differences that have negatively impacted on the ability of these groups to effectively contribute to the process of democratic consolidation. The study also revealed that regime change in both Kenya and Zambia, has led to fragmentation of advocacy groups, while regime stability leads to unity of purpose and coherence within the sector. The effectiveness of advocacy groups' in the process of democratic consolidation is contingent upon the structure of the state and its relationship with the groups. A constructive state-advocacy groups relationship ensures progress towards the process of democratic consolidation,

However, the relationship between advocacy groups and the state in both countries has been inconsistent depending on the nature of the regime in power. In Kenya, advocacy groups' relationship with the state continued to be confrontational from 1992 to 2002 with groups unable to make any significant influence in the process of democratic consolidation despite their continued efforts at constitutional review process. The change of regime in 2002 through democratic elections, dramatically changed the relationship between advocacy groups and the state from confrontation to a more collaborative one until 2005 after the failed constitutional referendum. Despite this, the efforts of advocacy groups and other political players led to the promulgation of a new progressive constitution in 2010, which was a milestone in the process of democratic consolidation. In Zambia, the relationship between advocacy groups and the state remained confrontational due to the state's reluctance to implement comprehensive political and economic reforms and appreciate the role of advocacy groups in the national development process. The successive MMD administrations continued with a pattern of authoritarian tendencies, suspicion towards advocacy groups and marginalization of the groups in policy-making processes, thus significantly limiting their ability to influence policies towards the process of democratic consolidation.

The political and institutional reforms in the new political dispensation also demanded the engagement of advocacy groups with the state in the policy-making processes in both countries. However, advocacy groups faced several constraints in formal engagement with the government, which included lack of technical capacity, skills and knowledge about the complex policy-making processes, lack of feedback from the state, late invitations to meetings, lack of timely and reliable information, governments unilateral decisions on which organisations to invite and more critically the exclusion of advocacy groups from the macroeconomic discussions, and lack of guarantee that advocacy groups' proposals would be considered let alone included in the final policy decisions. The state and international donors also dominated the formal engagements. This pattern of engagement limited the broader representation of interests, curtailed meaningful engagement, created mistrust, and significantly circumscribed the ability of advocacy groups to influence public policies critical to the process of democratic consolidation. Moreover, the formal framework of engagement was replete with dangers of co-optation, manipulation, political appropriation and incorporation into cycles of state patronage and control.

Although a pluralistic, vibrant and robust civil society is critical to democracy (Diamond, 1989), as a channel for representing, aggregating and articulating the interests of their members and the public, the multiplicity of advocacy groups regarding their numbers, issues, roles and strategies in both Kenya and Zambia have led to a "*paradox of pluralism*" in several ways, which has implications on their ability to effectively contribute to the process of democratic consolidation. The state has taken advantage of civil society pluralism to cherry-pick "friendlier" organisations to cooperate with and marginalize groups perceived to be critical of government policies and actions. This process has crowded out critical interests, issues, and voices that represent marginalised sections of society in the process of democratic consolidation, besides leading to the representation of parochial and narrow interests in the policy-making process.

Pluralism within civil society has also made it much more challenging to create strategic alliances and coalitions in the process of democratic consolidation. With no national statutory body in Zambia and a dysfunctional national statutory body in Kenya for civil society groups, most advocacy groups have turned to thematic networks,[82] which are a significant medium for organizing collective agency to pursue democratic governance and consolidation through the exchange of resources, addressing common goals, and amplify their voices to achieve more significant influence on policy-making among others. However, networking needs skills such as consensus building, communication, and dialogue facilitation, which some advocacy groups lack. Additionally, thematic networks lack official recognition and are fraught with challenges of effective communication, "founder syndrome," loss of autonomy, conflict, competition, identity, politics, and structure. Pluralism also complicated coordination of advocacy groups activities in both countries. With so many groups, spread across the country, handling various issues at different administrative with different levels of capacity, skills, and knowledge, and different ideological leanings, coordination became extremely difficult and led to duplication of efforts, discordant voices on national issues and fierce competition for international donor funding. All these challenges undermined advocacy groups ability to effectively contribute to the process of democratic consolidation in both countries.

[82] Networks tend to be loose and flexible associations of people and groups brought together by a common concern or interest to share information and ideas.

With the expanded political space for the work of advocacy groups in the post-transitional dispensation, the study revealed that there was an unprecedented increase in the number of disreputable advocacy groups such as "briefcase NGOs" (BRINGOs)," Government-owned NGOs" (GONGOs) and political NGOs (PONGOs) among others. Most of these groups have no offices, no programs, and no staff and, are, therefore, functionally ineffective with the sole goal of attracting donor funding for personal aggrandizement. These groups have undermined the activities of genuine advocacy groups in at least three ways. Firstly, they have dented and tarnished the image and credibility of advocacy groups as representatives of the people, and therefore, reduced their legitimacy with the public and the state. Secondly, most of these groups have operated as "instruments of the state" by endorsing official positions of the state and, therefore, creating an appearance and confusion that advocacy groups have endorsed such positions. Finally, these groups and pluralism in general, have led to fierce competition for the scarce international donor resources, which deny genuine advocacy groups funding for activities, which support the process of democratic consolidation and create a risky political environment for advocacy groups co-optation by the state-a strategy which undermine advocacy groups' autonomy and independence and reduce their effectiveness in the process of democratic consolidation.

The legacy of authoritarianism has also impacted on advocacy groups' effectiveness in the process of democratic consolidation. With the state being perceived as "democratic and legitimate," the unity of purpose for the restoration of democracy that galvanized these groups against the authoritarian state during the pre-transition period dissipated in both Kenya and Zambia, leading to fragmentation and lack of consensus on a national agenda in the process of democratic consolidation. Additionally, the agenda of advocacy groups have changed from a singular focus on the restoration of democracy to a multiplicity of issues that define the new political and institutional dispensation. Moreover, advocacy groups have regained their autonomy and independence in the post-transitional dispensation as social organisations and must primarily focus on achieving the socio-economic interests of their members. This situation needs adjustment, flexibility, capacity, and focus, which most of these groups lack. The groups have also contested the language and meaning of democratic reform in the post-transitional dispensation, which has led to competing visions of transformation and, therefore, complicating the building strategic alliances to support the process of democratic consolidation.

The gradual movement of advocacy groups in Kenya from the "civic" to the "primordial" arena due to the influence of politics throughout the cycles of transitions, and more significantly after the regime change in 2002 which has influenced these groups' agenda, their relationship with the state and their responses to critical national issues. It must be noted that advocacy groups with a political culture in the primordial sphere are "unable to foster democratic reforms because they are not oriented towards the common notions of liberty" (Ekeh, 1992). Patrimonial networks have crippled democratic politics by aligning with ethnicity and thus undermined civil society integration and mediation functions. Advocacy groups' disintegration along ethnic cleavages has contributed to social fragmentation and the rise of ethno-regional interests within the sector, which has eroded the democratic gains and stifled the ability of advocacy groups to contribute to the process of democratic consolidation.

Furthermore, the movement of advocacy groups towards the primordial arena has complicated strategic coalition building, coordination, and consensus building on a national agenda, which are all critical for the process of democratic consolidation. Associational ties based on exclusive and clientelist exchanges have promoted narrow and parochial interests that are inimical to the process of democratic consolidation. The funding structure of international donors based on interpersonal relationships and networks has also limited cooperation within the sector, created mistrust and suspicions, increased competition and exacerbated resource inequalities, processes which have constrained advocacy groups' capacity and ability to effectively contribute to the process of democratic consolidation.

The study also found that advocacy groups' relationship with international donors in both Kenya and Zambia is the most critical relationship with the greatest impact on these groups' ability to effectively contribute to the process of democratic consolidation since international donor support is key to the existence, operations, and survival of these groups. In Kenya, for example, 85 percent of civil society groups funding in 2013/2014, came from international donors, while only 15 percent of the funds were resourced from within the country.[83] The chronic dependence on international donor funding has led to an imbalanced relationship of control based on the asymmetry of power between advocacy groups and international donors.

[83] NGO Sector Report 2013/2014-NGO Coordination Board, Nairobi, Kenya.

The establishment of most advocacy groups in both countries in the early 1990s was stimulated by the availability of international donor funding, which defined their priorities at the expense of domestic needs and expectations of their citizens. With the continuation of dependency on international donors, most advocacy groups' priorities have continued to reflect donor priorities**,** which have shaped their orientation, values, agenda, and focus**.** These groups, therefore, define themselves more towards the donor environment than towards those they claim to represent (Dwyer and Zeilig, 2012). The impact of advocacy groups in the process of democratic consolidation has thus been ambiguous and mixed since international donors have undermined their independence and autonomy. Most of these groups have implemented the neoliberal agenda of reform, which is limited to constraining and not transforming the state. Moreover, most advocacy group leaders interviewed for this study were less ideologically oriented and just followed the neoliberal ideology pushed by international donors, while others criticized and contested the neoliberal agenda-the very agenda that opened-up political space for them to grow and perform new roles in the development process (Bebbington. et al., 2008).

The Civil Society for Poverty Reduction (CSPR) [84]in Zambia is a classic example of a donor created and driven coalition of civil society organizations with donor defined and funded mandate (Brouwers, 2011, Dwyer and Zeilig, 2012). The network has little grassroots ownership and the GTZ, its principal donor attends all its weekly meetings, all meetings of the management team and all staff retreats (Banda 2007, p. 6), In many respects, this kind of direct control demonstrates that participation engineered by international donors is but a means to legitimize neoliberal policies by civil society organisations. Cooke and Kothari (2001) refer to this type of participation as the "new tyranny" and reject the assumption about the authenticity of motivation and behaviour in such participatory processes, where power relations prevent the meaningful participation of the marginalised, while the very process legitimises the voices of the most powerful. These types of participation, therefore, do not contribute to the process of democratic consolidation.

[84] However, by 2006, the organization had established offices in 5 out of the nine provinces in Zambia to connect with grassroots citizens in consultation and dissemination of information directly and through its many partner organizations.

Similarly, in a study of civil society, development, and democracy, Gabay (2011, p. 498) describes the Malawian civil society organisations as "disciplined and docile" in the face of a deeply politicised development agenda. The author explains that by docile, he means that the activism of these groups merely serves to legitimise donor discourses of participation. Gaynor (2011) has also shown how the Malawi Economic Justice Network (MEJN) pushed its way to join government deliberations on Malawi's PRSP process only to be "disciplined" by the parameters of donor expert knowledge relating to development.

The delivery of international donor funds through the call for proposal framework with predefined agenda and thematic focus, timeline, expected outcomes, geographic coverage, specific strategies, and funding amounts has serious implications for advocacy groups' independence and autonomy, and therefore, their ability to effectively contribute to the process of democratic consolidation. It distracts the groups from focusing on the domestic agenda and priorities of their membership and the public and essentially makes them *implementers* of donor priorities through the incorporation of donor ideas of economic orthodoxy and good governance into their practices (Dwyer and Zeilig, 2012). Advocacy groups have thus continuously reproduced the priorities, assumptions, and the practices of international donors. The framework has also prevented them from developing indigenous roots in society and the relationship with the constituencies and the people they claim to represent. Advocacy groups have therefore failed to represent their citizens because they are oriented towards upward accountability to donors rather than downward accountability to the beneficiaries of their programs. Edwards (2013) concludes that this type of orientation hinders advocacy group democratizing potential by delinking them from their domestic constituencies and making them more accountable to external donors.

The study found that the frequent changing priorities of international donors have an enormous impact on advocacy groups' activities, strategic plans, sustainability and their impact on the process of democratic consolidation. After the transition in both countries, international donors immediately shifted most of their funding away from advocacy groups to support the new democratic governments in direct budgetary support and institutional building. Advocacy groups were left in a quandary and forced to either scale back or stop some of their activities, which were meant to support the process of democratic consolidation. A financially weakened advocacy sector in both countries lost a critical window of opportunity to actively engage in the

constitutional review processes to support the consolidation of democracy. International donors, therefore, appear to view advocacy groups as *"convenient partners,"* who are valuable in helping them their strategic agenda, but who can easily be abandoned provided the host government shows some signs and commitment to the institutionalisation of democracy. This perception of advocacy groups by international donors leads to serious questions about the donor's commitment to democratization in developing countries. The frequent shifting of funding from advocacy groups to government and from one agenda to another without consultations with advocacy groups does not guarantee timely, predictable and sustainable support (Siegel, 2007) which is critical if advocacy groups are to effectively contribute to the process of democratic consolidation in both countries.

The frequency of change in international donor priorities have forced advocacy groups to stretch their agenda, mandates and functional boundaries to undertake any project that is listed in the call for proposals, thus making these groups pick multiple agenda which they have no expertise on and preventing them from developing a niche in governance and development. This random nature of program development has led to a lack of commitment and poor understanding of the programs, leading to reduced impact and success of the programs, some of which focus on the process of democratic consolidation. Additionally, the short-term funding strategy to advocacy groups by international donors hardly supports the sustainability of projects undertaken by these groups, which usually focus on political, social or attitudinal change. Specifically, the process of democratic consolidation requires building democratic institutions, citizenship, and democratic political culture, which is a long-term and challenging process, which takes time and requires long-term support and commitment. Project support without institutional support also leaves these groups institutionally weakened to implement programs which support the process of democratic consolidation effectively.

The study found that the adoption of basket funding by most international as a new strategy of delivering aid to advocacy groups to improve ownership, alignment, harmonization, and mutual accountability has constrained advocacy groups' ability to contribute to the process of democratic consolidation. The strategy has led to various challenges for advocacy groups, including the lack of meaningful participation, unclear levels of participation, unclear roles of various actors and unclear reporting procedures and mutual accountability. Additionally, there is an institutional bias, where international donors favour large, well-established, highly

professionalised, urban-based advocacy groups, which are capable of meeting donor standards of accountability, transparency and professionalism in the basket funding arrangements at the neglect of small, formal and informal grassroots advocacy groups, which in many cases represent marginalised voices and interests that are crucial to the process of democratic consolidation. Most international donors, therefore, appear to fund advocacy groups that are mirror images of themselves. For democratic consolidation to be achieved, a broad-based group of advocacy groups and most citizens need to be actively involved in the process. The overly bureaucratic approach to political and social issues within basket funding and other funding strategies by international donors kill activism and the spirit of social movements that drive advocacy groups' quest for democratic consolidation.

The study found that most international donors are reluctant to fund advocacy groups perceived to directly challenge governmental authority, thus creating tension between them and the host governments and interfering with their national and strategic interests. International donors prioritize stability above all other advocacy groups' activities towards democratic consolidation. They shun groups which are likely to engage in activities such as protests, and demonstrations, which are legally sanctioned methods of seeking redress in democratic societies and are some of the most potent strategies of ensuring public accountability and democratic reform. Most international donors, therefore, project their own caution and timidity on advocacy groups. As Jalali (2013) has noted, they transform advocacy groups from confrontational to consensus movements. For instance, Mutua (2008, p. 107) has argued that most international donors supported the IPPG initiative in 1997 in Kenya because they considered it "rational and less threatening alternative." NGOs had threatened protests and demonstration if the constitutional review was not done before the elections that year. However, in the face of government intransigence regarding the process of democratic consolidation, advocacy groups, sometimes have no option but to use protests and demonstrations, if they are to ensure the institutionalization of democracy.

International donors have also pushed for partnerships between advocacy groups and governments in both Kenya and Zambia in the policy-making processes to enhance ownership and implementation of development policies. However, this study found that the involvement of advocacy groups in these partnerships has slowed down the process of reflection and redefinition of advocacy groups' roles, agenda, and strategies for democratic consolidation.

State-advocacy group partnership has in many respects blurred advocacy groups' oversight, and public accountability roles and crowded out critical forms of associational life that are crucial in the process of democratic consolidation. Dwyer and Zeilig (2012) have argued that the tendency of international donors to encourage cooperation between government and liberal advocacy groups is a form of control that donors wield over civil society groups. Heller (2000, p.55) also notes that "If the idea of partnership tends to underestimate the complexities of engaging the state, it also presumes an alignment of interests and perspectives that leave little room for the contestation of the state power." Additionally, the insistence of international donors on political neutrality or non-partisanship for advocacy groups in the political sphere has undermined the very activist orientation that advocacy groups require to empower citizens and contribute to the process of democratic consolidation. It must be noted that advocacy work is deeply political as these groups must decide what policy options to support and what policies to oppose.

Finally, the study found that the relationship between advocacy groups and political parties in both Kenya and Zambia is weak, fluid, unpredictable and primarily defined by mutual mistrust, tension, and suspicions. Although advocacy groups closely and strategically worked with opposition political parties in both countries to end authoritarianism through the prodemocracy movements in the early 1990s, this study found that the relationship between the two groups in the post-transitional dispensation has become contentious and defined by mutual mistrust, suspicion and divergent political agenda. The mistrust emanates from political parties' suspicions that advocacy groups activities overshadow them in various political processes such as the constitutional review process in both countries. The mistrust has undermined strategic cooperation on the process of democratic consolidation. Additionally, political parties' immediate interest in capturing political power has compromised their long-term engagement with advocacy groups in the process of democratic consolidation. Political parties in both countries are also fundamentally weak, ethnicised, un-institutionalized, lack ideological basis, and functional offices. They are also characterised by elitism, factionalism and easily manipulated by incumbent regimes. The nature of these parties has thus hindered constructive and productive collaboration with advocacy groups in the process of democratic consolidation.

Finally, the failure of political parties to honour their electoral promises once in power in both countries has exacerbated mistrust between advocacy groups and political parties as advocacy groups have shared the blame from citizens for such failures for having supported, campaigned and encouraged citizens to vote for such political parties. Despite all the above constraints and challenges between advocacy groups relationship with political parties, the strategic alliances and productive cooperation between the two political actors in the post-transitional countries of Kenya and Zambia remain critical to the process of democratic consolidation.

4.5. Summary

This chapter examined the experiences of advocacy groups in the post-transitional political and institutional environment in both Kenya and Zambia and focused on opportunities and constraints confronting these groups due to the democratic transition and the character of the broader institutional and political environment, advocacy groups' strategic choices, the authoritarian legacy, and the interaction of advocacy groups with various political actors. In the first section, the chapter discussed the opportunities for advocacy groups in the new political dispensation in both countries, which included the relatively improved civil liberties and political rights, the establishment of legitimate opposition parties, relatively free, fair and regular electoral competition and other democratic institutions and processes, which have helped open up the political space and have created more platforms for the work and operations of advocacy groups geared towards the process of democratic consolidation.

The new political environment has improved advocacy groups latitude and ability to engage with the citizens and operates as legitimate political actors recognized by the state, while at the same time the level of citizen participation in the democratic and governance processes has significantly improved. The groups have thus created their own spaces for articulating demands for the deepening of democracy and expanded the depth and scope of old issues while incorporating new issues. Additionally, advocacy groups have been recognized by the state as development partners and formally incorporated into governance processes on various public policy issues. The incorporation of advocacy groups into the formal governance processes has had mixed results. While some groups feel that they have been able to influence public policy through such forums, most groups feel that their participation is more of tokenism meant to legitimize public policies and a containment strategy by the state. The development of the

internet, social media, the email, and cell phones have become essential tools, which have enhanced the operational efficiency and impact of advocacy groups in the governance processes.

The second section examined the principal constraints confronting advocacy groups in the process of democratic consolidation in the post-transitional political and institutional environment in both Kenya and Zambia. The chapter argued that democratic transitions fundamentally altered the political dynamics and institutional environments in which advocacy groups operate. The process created a "shock therapy" for advocacy groups which affected their orientation, roles, strategies, relations with other political actors. The constraints confronting these groups have emanated from this broader institutional and political environment, advocacy groups strategic choices and interests and internal contradictions and weaknesses, the legacy of authoritarianism and their interaction with other principal political actors. The post-transitional political environment thus created a three-fold dilemma for advocacy groups which involved; re-defining their role in the new political dispensation, crafting new strategies for articulating democratic demands and re-defining their relationship with the newly democratic states.

In Kenya, the political and institutional environment remained relatively the same after the political transition from 1992 to 2002 with the incumbent regime retaining power under the one-party constitution in a democratic and multi-party setting. Consequently, advocacy groups' relationship with the state remained more or else confrontational due to the regime's authoritarian tendencies and opposition to the comprehensive constitutional review which advocacy groups demanded. However, the dramatic regime change in 2002 fundamentally altered the political landscape for advocacy groups. It created a grave dilemma for these groups as they had closely worked with and supported the new administration, the National Rainbow Coalition (NARC) for many years in the opposition. Most of the groups, therefore, felt obligated to support the new regime. Additionally, the groups were highly politicized and sucked into the national liberation agenda and, therefore, were unprepared and had no agenda of their own to pursue in the post-transitional dispensation. The sector was disorganized, disoriented and faced an existential threat. Moreover, it had lost most of its experienced leaders to the government through co-optation and political appropriation and became a reactionary force with limited influence in the process of democratic consolidation.

In Zambia, the swift and smooth democratic transition in the first multi-party general elections in 1991 after the re-introduction of multi-party politics forced advocacy groups to play catch up adjustments with the fast-evolving character of the new political and institutional environment. The groups, therefore, entered the new political dispensation unprepared, disorganised and disoriented, having spent much of the pre-transition time organizing and campaigning for the Movement for Multi-party Democracy (MMD), which had won the first multi-party general elections. The new political environment was further complicated by the immediate political appropriation of the Zambia Congress of Trade Unions (ZCTU) which had led the prodemocracy movement and was the convener of advocacy groups in the process of democratization. Further, the adoption of Structural Adjustment Programs (SAPs) by MMD as the blueprint for economic recovery created tensions between the state and most advocacy groups, which fiercely opposed the policies as detrimental to the poor and the majority of Zambian. The new administration was also reluctant to support the comprehensive constitutional review, which advocacy groups had demanded as the foundation for democratic consolidation. The relationship between advocacy groups and the state was strained by successive MMD administrations, which have continued view advocacy groups suspiciously, marginalize them in the policy-making processes, and employ high-handed strategies to curtail their activities. With this kind of political environment, advocacy groups have found it extremely challenging to redefine their new roles, craft new strategies for articulating demands for democratic consolidation and redefine their relationship with the new democratic state.

The chapter also examined the effects of the rapid and unprecedented growth of advocacy groups in both Kenya and Zambia in the new political dispensation on their ability to effectively contribute to the process of democratic consolidation. It argued that the multiplicity of advocacy groups in terms of numbers, issues, roles and strategies has created a "paradox of pluralism," whereby instead of pluralizing civil society and making it more vibrant, pluralism has led to widespread fragmentation and competition of advocacy groups for international donor funding, which has undermined advocacy groups effectiveness in the process of democratic consolidation. It has led to the proliferation of hundreds of disreputable advocacy groups which have undermined genuine advocacy groups' efforts at the institutionalization of democracy by tarnishing their credibility, trust, legitimacy, and public image, thus complicating citizen mobilisation for the process of democratic consolidation.

The fragmentation of advocacy groups has given the state the opportunity to cherry-pick, which organisations to cooperate with and which ones to exclude from the policy-making process. Critical interests, issues, and voices representing the marginalised sections of society have thus been left out as policy-making is dominated by the representation of parochial and narrow interests, which have undermined the process of democratic consolidation. Additionally, fragmentation and competition for international donor funds by advocacy groups have complicated the formation of strategic alliances to support activities geared towards the process of democratic consolidation and made coordination of advocacy groups quite challenging. Pluralism has also led to multiple and sometimes discordant voices on national policy issues, which has weakened advocacy voice and efforts at the institutionalisation of democracy. Fierce competition for donor funding within the advocacy sector has created a schism within the sector, making advocacy groups vulnerable to state co-optation and political appropriation, processes that undermine their autonomy and independence and consequently reduce their effectiveness in the process of democratic consolidation.

In examining the legacy of authoritarianism and its effects on advocacy groups' ability to effectively contribute to the process of democratic consolidation in the post-transitional political environment, the chapter argued that the collapse of the unity of purpose that galvanized advocacy groups under the common agenda of the restoration of democracy has contributed to fragmentation of advocacy groups, complicated the task of building consensus on a national agenda of democratic consolidation and led to contestations over the interpretation of the meaning of democratic reform and transformation within the sector. Further, the state no longer generates the anti-authoritarian impulse, which helped unite these groups under the pro-democracy movement. Additionally, with the transition, advocacy groups now must be social organizations representing the interests of their membership and at the same time attempting to contribute to the national agenda of democratisation, a process that requires adjustment, time and flexibility, which most of these groups have not exhibited. All these factors emanating from the legacy of authoritarianism have constrained advocacy groups' ability to effectively contribute to the process of democratic consolidation in both countries.

The chapter also noted that the gradual movement of advocacy groups from the civic to the primordial arena in the post-transitional political environment in Kenya has constrained these groups' ability to effectively contribute to the process of democratic consolidation. Although advocacy groups in Kenya have always reflected the political and ethnic divisions within the country, the effect of these cleavages have been exacerbated significantly in the post-transitional dispensation which has influenced their relationship with the state, their agenda, their responses to national issues and their mobilisation strategies. The advocacy groups' movement towards the primordial arena has been attributed to the collapse of the unity of purpose, the spillover of ethnic divisions within the ruling coalition into advocacy groups, and the structure of international donor funding framework, which has mostly relied on a network of powerful and influential individuals within the advocacy sector of civil society. The movement towards the primordial arena has led to the rise of ethno-regional interests within advocacy groups, which has eroded the democratic gains and impeded advocacy groups from actively contributing to the process of democratic consolidation. It has also limited cooperation by creating mistrust and suspicions within the sector and thus complicated the formation of the strategic alliances for democratic consolidation.

The chapter also examined the relationship between advocacy groups and international donors and argued that it is perhaps the most consequential relationship to advocacy groups for their ability to contribute to the process of democratic consolidation in both Kenya and Zambia due to their chronic dependence on international donor funds for their very existence. This type of dependent, unequal, patronizing and asymmetrical relationship has created almost total control of advocacy groups by international donors, leading to advocacy groups pursuing the neoliberal agenda and priorities defined by international donors over domestic needs and priorities. This dependency has led to a lack of sustainability of programs, poor roots within society and an upward accountability process to external funders rather than downward accountability to beneficiaries of advocacy groups' programs. Most advocacy groups are, therefore, shaped by and reflect the agenda and priorities of international donors. The funding framework is also biased towards large and well-established, formal, more liberal, urban and middle class-led influential organisations, at the expense of indigenous, small, formal and informal advocacy groups, which in most cases have deeper roots within society and represent the poor and the marginalized constituencies of the population.

The chapter also argued that the dominant call for proposal framework as a strategy for funding advocacy groups with a predefined agenda, thematic focus, timelines, expected outcomes, geographic coverage, specific strategies and funding amounts has tightened international donor control over advocacy groups and further distracted them from domestic agenda and local priorities, curtailed their flexibility and innovation and prevented them from developing roots in society. Advocacy groups have become implementers of international donor agenda and a mirror reflection of their funders. The tight control of advocacy groups by international donors has undermined their independence and autonomy and the participation that they have promoted served to legitimize neoliberal policies of international donors rather than policies of transformation that would contribute to the consolidation of democracy in Kenya and Zambia. Further, the frequent changing donor priorities and funding modalities have destabilized advocacy groups' strategic plans and activities to the extent that they have lost several windows of opportunities to contribute to the process of democratic consolidation. Additionally, the frequent shifting of funding and priorities by international donors, especially after the transition in both countries to support the new democratic governments, significantly reduced funding to advocacy groups, leading these groups to scale back and stop most of their activities meant to support the institutionalisation of democracy. Moreover, without funding, several advocacy groups just folded up.

The chapter, therefore, concluded that international donors appear to view advocacy groups as "*convenient partners*," which are dispensable as long the state shows signs of commitment to the institutionalization of democracy. The frequent shifting of funding from advocacy groups to government and from one policy area to another without consultations with advocacy groups creates unpredictable, erratic and unsustainable short-term funding that can hardly support the long-term process of democratic consolidation. Additionally, such frequent changes in international donor priorities have forced advocacy groups in both countries to stretch their agenda, mandates and functional boundaries to undertake projects which they have no expertise or interest in to survive, leading to lack of commitment and consequently poor impact and success. The adoption of basket funding by international donors as a strategy to improve ownership, alignment, harmonisation, and mutual accountability has been detrimental to most advocacy groups' efforts towards democratic consolidation.

Basket funding has led to a lack of meaningful participation of advocacy groups in such projects with unclear roles, reporting procedures and mutual accountability. Moreover, the selection of advocacy groups to participate in basket finding projects has been biased towards large, well-established, highly professionalized, urban-based advocacy groups, which are capable of meeting international donor standards of accountability, transparency, and professionalism at the expense of small, formal and informal grassroots advocacy groups, which in many cases represent the majority poor and marginalised sections of society. It has meant that critical voices and interests have been left out in the process of democratic consolidation through such frameworks. Equally important is the fact that the overly bureaucratic approach of basket funding to social and political issues has led to the decline of the spirit of social movements that drive advocacy groups quest for democratic consolidation.

The chapter also discussed the reluctance of international donors to fund advocacy groups that are perceived to directly challenge governmental authority through protest and demonstrations as this creates tension between international donors and the host government and thus interfere with international donors' strategic interests in the host country. This behaviour demonstrates that international donors are first and foremost committed to their own strategic interests in both Kenya and Zambia and only support particular initiatives when there is mutual convergence of goals with advocacy groups. However, it must be noted that advocacy groups which are not ready to deploy protests and demonstrations as a strategy to push for the institutionalization of democracy in the context of reluctant governments to institutionalize democracy such as those of Kenya and Zambia may not effectively contribute to the process of democratic consolidation.

Although the push by international donors for state-advocacy group partnership in the policy-making process may improve ownership and effective implementation of public policies, in the post-transitional countries of Kenya and Zambia, the partnership between advocacy groups and the state has constrained advocacy groups ability to effectively contribute to the institutionalization of democracy. State-advocacy group partnership is fraught with many challenges. It has slowed down the advocacy sector own processes of re-adjustment to the new political environment such as redefining their own agenda, strategies, and relationship with the newly democratic states. The structure and process of state-advocacy group partnership have also crowded out critical forms of associational life in both countries, where the state

unilaterally cherry-pick which organizations to work with and which ones to ignore. The insistence of international donors on advocacy groups' political neutrality or non-partisanship has also undermined the very activist orientation of these groups, which is crucial for the empowerment of citizens in the process of democratic consolidation. The chapter noted that advocacy work is necessarily political as these groups must make choices among policy alternatives. Finally, the chapter discussed the relationship between advocacy groups and political parties in both Kenya and Zambia. Such relationship has considerably weakened in the post-transitional political environment due to the nature of political parties, which is characterised by fragmentation, ethnicity, lack of ideological basis, dependence on personalities and lack of institutional capacity. Advocacy groups-political party relationship is also characterised by suspicion and mutual mistrust emanating from divergent goals and objectives of the two groups in the democratic consolidation process. While political parties appeared to have short-term goals of capturing state power, advocacy groups have long-term goals of democratic consolidation. This situation has discouraged alliance building and collaboration between advocacy groups and political parties in the process of democratic consolidation in both Kenya and Zambia. The next chapter examines the strategies employed by the democratic states in both Kenya and Zambia to control and restrict the activities of advocacy groups in the post-transitional political and institutional environment and how such strategies have constrained advocacy groups' ability to effectively contribute to the process of democratic consolidation.

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CHAPTER 5

STATE STRATEGIES TO CONTROL AND RESTRICT ADVOCACY GROUPS' ACTIVITIES IN THE PROCESS OF DEMOCRATIC CONSOLIDATION IN KENYA AND ZAMBIA

"The amount of space allowed to NGOs in any given country is determined first and foremost by political considerations, rather than by any calculation of the contribution of NGOs to economic and social development" (Bratton 1989, p. 572-6)

5.1. Introduction

The African authoritarian state dominated much of public life in the first three decades of the post-colonial period. The state led the development process and heavily regulated the existence and activities of non-state actors, thereby, continually shrinking the political space (Kasfir, 1976). The post-colonial state was, therefore, a predator state bent on the destruction of civil society (Fatton 1992) through the reliance on several strategies, including NGO legislation, administrative co-optation, political appropriation, and extra-legal mechanisms such as intimidation, threats of deregistration, deregistration and political propaganda. It perceived civil society as a threat to its legitimacy, policies, security, and territorial hegemony. The state's attitude towards advocacy groups was, thus, characterized by suspicion and mistrust and this influenced the types of laws and regulations, it crafted to restrict the activities and operations of these groups. Most of these laws and regulations were presented under the guise of facilitating the proper functioning of advocacy groups, while in actual sense they were meant to restrict advocacy groups' entry into the civic arena, operations, and self-regulation and to extend political patronage and clientelism across the country.

The political transitions in the early 1990s in both Kenya and Zambia dramatically changed the political landscape and redefined the relationship between the state and society. It was considered the "new dawn" in Africa. For the first time in most countries, citizens gained the right and freedom to elect their own governments through relatively free and fair regular elections. The newly democratic states also implemented several administrative and constitutional reforms, which improved governance and opened the political space for the activities of advocacy groups and other non-state actors. It was, therefore, expected that the new "democratic" states would continue with this trajectory of reforms to deepen democracy and development in the continent.

However, there has been a continuation of authoritarian tendencies and mindset within the democratic settings in the continent, whereby the newly democratic states have deliberately replicated the same strategies that were used by their authoritarian predecessors to curtail the activities of advocacy groups, leading to the closing of the civic space and the dismantling of the influence of independent civil society groups to consolidate state power and undermine the process of democratic consolidation. This chapter is devoted to the examination and analysis of the primary strategies employed by the newly democratic states in both Kenya and Zambia to control and restrict the activities of advocacy groups in the new political and institutional environment. It employs a modified version of Fowler's (1991) framework of African authoritarian states to control and restrict the activities of civil society organizations as outlined and explained in Chapter 2 of this dissertation. The chapter examines the various strategies employed by the newly democratic states in both countries to control the activities of these groups including direct and quasi-co-optation, the use of NGO legislation, political appropriation, selective harassment, and political propaganda.

Following this introduction, section two examines the use of direct and quasi co-optation and NGO legislation as strategies to control the activities of advocacy groups, while section three uses the National Council of Churches of Kenya (NCCK) and the Zambia Congress of Trade Unions (ZCTU) as case studies to analyse the process of political appropriation and advocacy groups in the post-transitional political and institutional dispensation. Section four examines the use of selective harassment and political propaganda, which has disproportionately targeted advocacy groups since the newly democratic regimes perceive them to be critical of state policies and challenge their legitimacy, autonomy, and territorial hegemony. Moreover, most of their actions are targeted towards the state to reform its nature and relationship with society through the democratization process. Finally, section five is a reflection on the implications of the various state strategies on the ability of advocacy groups' to effectively contribute to the process of democratic consolidation in both countries. A summary of the chapter then follows.

5.2. Direct and Quasi-co-optation of Advocacy Groups' Leaders in Kenya and Zambia

The domination of the non-state actors by the African post-colonial state through administrative co-optation was justified because it, "ensures that NGOs priorities and endeavours conform to national development priorities" (Fowler 1991, p. 91). Although the alignment of civil society groups' priorities with those of the state is not in itself a violation of the rights of these groups, the post-colonial state not only sought to align civil society organisations' activities with the state's development priorities, but also to curtail their activities since they considered almost all activities of advocacy groups to be subversive. However, with the establishment of the new democratic regimes in the early 1990s through democratic transitions in both Kenya and Zambia, it was expected that these regimes would recognize and respect the activities of advocacy groups as part of the democratic governance and to support the process of democratic consolidation. Surprisingly, the regimes have not only continued with the use administrative co-optation to control and restrict the activities of advocacy groups but also expanded the scope and forms of co-optation in the new democratic setting in the post-authoritarian political environment. This new framework of co-optation is the focus of this section.

In Kenya, administrative co-optation has always been part of development administration since independence as a strategy for regulating and aligning the activities of civil society organisations with national development priorities. However, in the second half of President Moi's 24-year reign, after the attempted coup of 1982, the strategy was transformed into a tool for curtailing the activities of civil society groups as the administration continued to lose legitimacy and support and felt much more threatened by the activities of these groups. The administration demanded and established into law the requirement that advocacy groups' development priorities be strictly aligned with those of the state. It became a crucial part of the regime's "ideology of order" (Odhiambo, 1987, p. 91), i.e., the notion that political order was critical for the effective functioning of the state. It was an ideology of domination of society by the authoritarian state. The political transition in 1991 did not alter this practice as the incumbent regime retained power and state-society relations relatively remained unaffected. The regime also resisted any attempts at fundamental constitutional and institutional reforms that would have significantly changed the nature of the state and the governance process.

However, in 2002, the country witnessed the first peaceful regime change through free and fair multi-party elections since independence. The National Rainbow Coalition (NARC) defeated the Kenya African National Union (KANU). The political and institutional environment dramatically changed and with it came a new framework of co-optation of advocacy groups, which was much more expansive and directly targeted at advocacy groups' leadership. This new focus involved direct and quasi-co-optation of advocacy groups' leadership into state bureaucracy, including state commissions and task forces, which were established to investigate various issues such as corruption in the previous regime. The first wave of direct and quasi-co-optation of advocacy groups' leadership occurred between 2003 and 2007 and involved direct co-optations, that is the appointments of advocacy groups' leadership into state bureaucracy and quasi-co-optation which means the appointment of advocacy group leaders into various state commissions and task forces, while still serving as legitimate leaders of these groups, therefore, holding both positions simultaneously. The practice has been described as advocacy group leaders "wearing two hats," meaning serving both in government and civil society.

The second wave of direct and quasi-co-optation of advocacy group leadership in Kenya occurred after the promulgation of the new constitution on the 28th August 2010 under the Grand Coalition government. This wave was much larger than the first wave and involved filling in hundreds of positions in the constitutional offices and independent constitutional commissions established under the new constitution. It marked the peak of these new forms of co-optation in the country with the new constitution establishing more than twenty independent commissions comprising of about 150 commissioners. These commissions were mandated with the task of policy oversight for various governance issues and included the Kenya National Human Rights Commission (KNHRC), the National Land Commission (NLC), Commission on the Implementation of the Constitution (CIC), Independent Electoral and Boundaries Commission (IEBC), the National Police Service Commission (NPSC), Truth, Justice and Reconciliation Commission (TJRC), the National Gender Commission (NGC) and the National Cohesion and Integration Commission (NCIC) among others.

Although the appointments of advocacy groups' leaders into government bureaucracy are not unusual as civil society is considered a training ground for the development of a new cadre of state leadership and political society (Diamond, 1994), these waves were unusual in terms of the numbers of advocacy group leaders appointed in these positions. The study, therefore, investigated the motivations behind the involvement of both the state and civil society leadership into the process of direct and quasi-co-optation during this time. There were several competing explanations for these waves of direct and quasi co-optation from respondents interviewed for this study. The first group of respondents associated both processes to the close relationship that civil society had developed with the leaders of the National Rainbow Coalition (NARC) for a long time while in the opposition. Moreover, most of the rank and file leaders of NARC, including the President came from civil society (Kenya: Author interviews, 2: 2012; 4:2012; 10: 2012; 12:2012; 17:2012, 18:2012). Additionally, advocacy groups played a significant role during the negotiations for the formation of the coalition, which brought together the National Alliance Party of Kenya (NAK) and the Liberal Democratic Party (LDP). The groups went ahead to campaign for the coalition in the 2002 general elections. Advocacy groups and NARC became natural allies, and it was apparent that NARC would look to civil society for experienced leadership and skills to bring into its bureaucracy and the governance system. The state, therefore, viewed civil society as a "talent pool" from which to source leadership, technical knowledge, skills, and experience.

The second group of respondents interviewed for this study held the view that the 'raid' on advocacy groups' leadership was a deliberate attempt by the NARC administration to weaken civil society in order to consolidate state power (Kenya: Author interviews, 9:2012, 12:2012, 14:2012, 19:2012). To underscore this view, the Executive Director of the National Youth Agenda-one of the prominent advocacy groups in the country noted that;

> "The government strategized to ensure that civil society was crippled when NARC took over power and the donor community aided this move by shifting their support for democracy and governance funding from civil society to the government"[85]

[85] Ngetich, J (2013) "The Return of a Vibrant Civil Society in Kenya", East *African Standard,* Sunday, June 16, 2013

The third group of respondents considered direct and quasi-co-optation of advocacy group leaders into state bureaucracy as a deliberate attempt by the NARC administration to cast itself as a reformist government, mainly to please and attract international donor funding and for public relations purposes (Kenya: Author interviews, 2012; 12: 2012; and 13: 2012). The strategy seemed to have worked as there were increased donor inflows into government to support development projects, social sectors and state commissions (UNDP, 2006). Other respondents interviewed for this study cited personal reasons, lack of conviction and commitment by advocacy leaders to democratic ideals and pure ambitions to access state power as motivations for both direct and quasi-co-optation. It must also be noted that some of the leaders were driven by considerations of economic livelihoods. The latter argument is premised on the fact that government positions in Kenya at the level of presidential appointments are more lucrative with generous packages and allowances compared to advocacy group leadership positions, which are temporary and dependent on unpredictable international donor funding environment. The following two quotations from the interviews underscore this point;

> "At the end of the day, activism does not put food on the table, and the movement of advocacy group leaders into government was a real 'gold-rush' mainly to access state power and resources" (Kenya: Author interview: 4:2012).

> "Co-optation easily occurred because there was a lack of commitment and conviction on the part of advocacy leaders to the ideals that they once purported to champion while in civil society. Joining the administration was an opportunity to access and enjoy state power and all the trappings that come with it." (Kenya: Author interview, 18:2012).

Further, some respondents interviewed for this study noted that some advocacy group leaders, joined the government with the genuine belief that they were capable of bringing political and administrative changes from within the government to support the process of democratic consolidation (Kenya: Author interviews, 5:2012; 11:2012; 12:2012; 18:2012). This view was tied to the fact that the National Rainbow Coalition (NARC) had campaigned on a platform of political and economic reforms and, promised the promulgation of a new constitution within 100 days in office. Most citizens, therefore, believed that the administration was committed to social and political change. The very early years of the NARC administration gave this view, some credence as the government introduced free primary education, established the National Anti-Corruption Steering Committee, introduced the Constituency Development Fund (CDF) and undertook massive road construction all over the country.

However, Kanyinga and Okello (2010) have presented a different but compelling perspective in explaining the massive direct and quasi co-optation of advocacy group leadership witnessed in the country after the regime change in 2002. They argue that the 24 years of the one-party system of President Moi was extraordinarily exclusive and alienated a large part of the intellectual middle class which eventually found themselves in civil society, both as a space to articulate their views on governance but also for economic livelihood. This group, they contend was the power behind the vibrant civil society that pushed for political pluralism in the early 1990s. With the regime change, most members of this group moved into mainstream politics, through being elected into parliament, while others joined the state bureaucracy through political appointments. According to this view, therefore, direct and quasi-co-optation of advocacy group leadership into government was a result of a broader process of elite re-alignment than a deliberate government strategy.

From 2004 the NARC dream started to fizzle out over internal disagreements between the coalition partners on the power-sharing Memorandum of Understanding (MoU) and the constitutional review process. The failed referendum on the Draft Constitution in 2005 marked the end of the Grand coalition government when the President lost the referendum to LDP wing of the coalition. He immediately disbanded the cabinet, dismissed the coalition partners and formed the Government of National Unity (GNU), which included ministers from the Kenya African National Union (KANU) and some smaller political parties in parliament like the Ford-People (Ford-P). The focus of the new administration dramatically changed from economic development and constitutional reforms to political survival. Politics of cronyism, patron-client relationships, the resurgence of grand corruption, widespread allegations of tribalism in government appointments and increased harassment of the media and civil society characterized this period. The state reverted to operating like an authoritarian one-party system within a democratic setting, and most of the democratic gains from 2002 were lost. Several ministers also resigned over allegations of corruptions.

The second question that was crucial for this study was the process of co-optation. Most respondents interviewed for this study revealed that advocacy group leaders actively lobbied for government positions through their networks, cronies, and contacts within the government. (Kenya: Author interviews, 2:2012; 4: 2012; 10: 2012; 12:2012, 17: 2012, 18: 2012).[86] A particularly interesting take on this issue was noted by the executive director of the Centre for Governance and Development, who noted that;

> "Co-optation is not just a government strategy to control the activities of advocacy groups; it is a very attractive prospect for advocacy groups' leadership, which in this case actively lobbied for government positions in the bureaucracy, judiciary, and state commissions" (Kenya: Author interview, 14:2012)

The lobbying process for government positions by advocacy group leaders created anxiety and tension within the sector and almost paralyzed advocacy group activities meant to support the process of democratic consolidation. It distracted advocacy groups from their core mandate of holding government accountable and strengthening democratic institutions. One Advocacy group leader interviewed for this study captured this situation when she stated that;

> "Lobbying for state appointments by advocacy group leaders created a state of anxiety and paralysis within advocacy sub-sector of civil society. It distracted all of us from our work, and those who still expected to be appointed by the government retreated from criticizing the government. They were government officials in waiting" (Kenya: Author interview, 14: 2012).

Further explaining this process of state co-optation of advocacy group leadership into state bureaucracy, one advocacy group leader interviewed for this study noted that,

> "These appointments were not random. They revolved around a very a small clique and exclusive network of well-connected urban-based elite advocacy group leaders, who have built strong relationships with both the state and the international donors, through a close-knit web of cronyism, consultancy, friendship, and ethnicity. This is the group which connected the state and advocacy group leadership appointments into the government" (Author interview, 2: 2012)

This club of elite advocacy group leaders straddles civil society, government, and international donor community through power and influence. One advocacy group leader interviewed for this study described this exclusive group as being "above associational life in Kenya" (Kenya: Author interview, 1:2012).

The group significantly influence civil society discourses, activities, focus, and more importantly, the relations with both the international donors and the state. Additional factors cited by respondents as having influenced state appointments of advocacy group leaders into government bureaucracy included tribalism and political party affiliation (Kenya: Author interviews, 2: 2012; 9: 2012; 14:2012). Both wings of the coalition government were keen on bringing on board into the government advocacy group leaders who were affiliated to their parties. The study found that the performance of co-opted advocacy group leadership had not improved the process of democratic consolidation. From the interviews with several respondents, this study categorised advocacy group leaders, who were co-opted into state bureaucracy from 2003 to 2012 into three broad groups which included the idealists, the moderates, and the conformists. These groups were categorised based on observed and reported behaviour, actions and performance of these leaders while in government, regarding the constitutional and institutional reforms, which support efficient service delivery and democratic consolidation.

The idealists were fewer compared to the other two groups and were mainly appointed due to their record of integrity and performance, while in civil society.[87] This group of leaders consistently maintained the spirit of political reform and democratic consolidation within the government. They performed quite well while in government and implemented critical reforms within their dockets. However, they resigned from office barely two years after their appointments, citing frustrations with the reform agenda from the administration. Several respondents interviewed for this study described this group as being "naïve"[88]into believing that the NARC administration, which was dominated by former KANU leaders, including the President himself was fully committed to the institutionalisation of democracy and that they could easily transform government from within and foster democratic consolidation in the country (Kenya: Author interviews, 1: 2012; 2: 2012; 13: 2012; 14: 2012). However, it is essential to understand that the transformation of the state is a broader systemic process that requires the full commitment of both the political and the bureaucratic government leadership.

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[87] This group included the former Permanent Secretary for Governance in the Office of President Mwai Kibaki (2003-2005) and the former director of Kenya Ant-Corruption Commission (2010-2011)

[88] Although John Githongo, the former Ethics and Governance Permanent Secretary in the Kibaki administration admonishes this term (Wrong, 2010)

The second group of co-opted advocacy group leaders took a middle ground approach to reforms, while in government. They were less aggressive and less vocal in public but were determined in implementing critical reforms within their dockets. They seem to have learned the bureaucratic culture and procedures very quickly and found effective and innovative ways of implementing incremental changes and reforms for better service delivery to the citizens. This group of leaders performed fairly-well during their time in office. One respondent interviewed for this study described this group as "Walking a very tight rope within a government dominated by anti-reformists" (Kenya: Author interview, 6: 2012).[89] This group managed to survive the entire five years of the NARC administration.

The third and largest group of advocacy leaders co-opted into government was composed of the conformists.[90] This was the most prominent group in terms of its visibility and voice within the public sphere. Members of this group were "spontaneously socialised or deliberately absorbed into the ethos and practices of the state"[91] (Chweya, 2004). The group easily abandoned the ideals, values, and principles of democratic reform that they once championed, while in civil society and which conflicted with their immediate political interests. They became the staunchest defenders of the status quo and radically transformed themselves within a short period from defenders of human rights and democracy to defenders of the status quo and the excesses of the state. This group represented the total repudiation of everything they once stood for while in civil society. Their behaviour led to fundamental questions about the commitment and conviction of advocacy group leaders to the causes and values they claim to represent while in civil society. Most respondents interviewed for this study viewed this group of leaders as opportunistic political actors, who used the civil society platform to position themselves to access state power and resources. Respondents for this study were unanimous that the conformists, not only performed the worst regarding the push for democratic consolidation but also became the greatest stumbling block to political and economic reforms that were critical for the realization of democratic consolidation

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[89] This group included the Chief Justice, Dr. Willy Mutunga, the Permanent Secretary, Ministry of Justice and Constitutional Affairs, Dr. Gichira Kibara and the Permanent Secretary in the Ministry of Home Affairs and National Heritage Dr. Ludeki Chweya.

[90] This group included Prof. Kivutha Kibwana, the late Mirugi Kariuki, Paul Muite, Kiraitu Murungi, Cecil Mbarire, Gibson Kamau Kuria, Mukhiya Kituyi and Koigi Wa Wamwere among others

[91] It is interesting to note that Prof. Ludeki Chweya would later be appointed the Permanent Secretary in the Ministry of Culture and Social Services.

The conformists appeared to consider the opportunity to be in government as one of self-aggrandizement by any means necessary and readily joined the state's gravy-train. They gained huge political rewards in exchange for their loyalty and defense of the status quo. Additionally, their remuneration was extremely lucrative, for instance, a state commissioner earned $8,630 per month plus all other benefits that included a car, a house, and transport allowance among other perks[92] in a country, with a minimum wage of $98 per month in 2013.[93] They were essentially "trapped into the logic of eating and seemed to view their time in government as their time to eat"[94] (Kenya: Author interview, 1:2012). This logic of eating is documented in detail by Michela Wrong (2010) in her aptly titled book "*It is Our Time to Eat*." Several respondents also pointed out that such anti-reformist behaviour and actions of this group tainted the image, credibility, legitimacy of civil society with the public, created a sense of disappointment and circumscribed advocacy groups' capacity for popular mobilisation for crucial reforms that were supportive of the process of democratic consolidation (Kenya: Author interviews 1: 2012; 2: 2012; 8: 212; 9:2012; 13:2012; 14: 2012). A commentator with the national newspaper noted that:

> "Then, we knew we had a dictator as president and found ways to survive in a hostile, autocratic environment. Today our so-called liberators have proved to be no better than wolves in sheep's clothing. Our sense of betrayal today is far greater than it was even three years ago, because everyone we thought was on our side was actually looking out for himself and herself" (Warah 2004:14)[95]

Overall, the performance and impact of co-opted advocacy group leaders on democratic deepening were dismal as the majority easily transformed into conformists and anti-reformers in exchange for access to government resources and political payoffs. The conformists supported the "Wako draft Constitution" during the 2005 referendum, a document that had centralised power in the presidency and the executive-a position that they strongly opposed, while in civil society leading to questions about their commitment to the process of democratic transformation in the country and painting civil society leaders as turncoats and untrustworthy.

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[92] Abdullahi, A (2013) 'Make Commissioner's job Part-time to Cut on the Wage Bill, *Daily Nation*, Opinion piece, April 20th, 2013

[93] http://www.braeburn.com/attachments/article/182/Wages%20%20Guide%202013.pdf

[94] See Michela Wrong (2010) "It's Our Time to Eat", Fourth Estate, London

[95] Warah, R (2004) "Ngugi in Exile: Home is Where the Art is," *The EastAfrican*, 30 Aug-5th Sept. 2004

However, one could argue that the co-opted advocacy group leaders, including the conformists, joined the government as individuals and did not, therefore, form a critical mass within the administration to effectively ensure significant democratic reforms. Further, Bratton and Van de Walle (1997) have argued that co-opted advocacy group leaders were constrained by governmental norms of collective responsibility. Nevertheless, their strategic choices, actions, public pronouncements, and behaviour have been counter-productive to the process of democratic consolidation in the country. The study also found that state commissions which are dominated by former advocacy group leaders have taken over much of the work that was previously done by civil society groups and in the process crowded out and undermined the contribution of advocacy groups to the process of democratic consolidation. Additionally, the state commissions through their mandates and strategies, which are very similar to those used by advocacy groups have captured civic spaces traditionally inhabited by advocacy groups and, therefore, contributed to the closing civic space in the post-transitional political and institutional dispensation in both countries.

In Zambia, direct and quasi-co-optation as state strategies to control and restrict the activities of advocacy groups were not as popular as they were in the case of Kenya. This is surprising since most advocacy groups supported the Movement for Multi-Party Democracy (MMD), which went on to win the first multi-party general elections in 1991. However, Bartlett (2000) argues that MMD was a class compromise between business and labour after it came to power and, therefore, excluded the progressives and the intellectuals, who were the forces behind civil society in the prodemocracy movement. Further, the Chiluba administration strategically embraced the business community in order to implement the Structural Adjustment Programmes (SAPs) and, therefore, deliberately marginalised advocacy groups, which were opposed to these economic policies (Rakner, 2003). Most respondents interviewed for this study were unanimous that the Chiluba administration sidelined advocacy groups due to its adoption and implementation of SAPs for economic recovery. Advocacy groups had long opposed SAPs arguing that the policies were detrimental to the country, especially the poor and the marginalized sections of the population (Zambia: Author interviews, 28:2012; 30:2012; 35:2012).

Other respondents interviewed for this study cited lack of commitment to political reforms and the authoritarian tendencies of the Chiluba administration, as factors which pushed advocacy groups' leadership away from the administration (Zambia: Author interviews 26: 2012, 27: 2012, 32:2012). The goals, objectives and strategic interests of advocacy groups and the MMD administration, were, therefore, too far apart for the use of direct or quasi co-optation as happened in Kenya. To emphasise this point, Bartlett (2000) argues that in the case of Zambia, old political logics did not disappear with the replacement of the authoritarian regime in 1991. The Chiluba administration reproduced authoritarian tendencies under the new political dispensation, which ensured the continuation of the confrontational relationship between advocacy groups and the state. This type of relationship continued during both the Mwanawasa (2002-2008) and the Banda administrations (2008-2011). Despite President Mwanawasa's bold move to fight corruption, his economic and political policies were significantly similar to those of President Chiluba. Additionally, President Mwanawasa's attitude and approach towards advocacy groups were that of suspicion and mistrust. In the early days of his presidency, he criticized civil society organisations for their reluctance to be co-opted by his administration to help drive the constitutional review process (Burnell 2001a).

The Banda administration, which came to power in 2008 after the sudden death of President Mwanawasa the same year is considered the most confrontational administration with advocacy groups in the post-transitional period in Zambia. It was, therefore, unlikely that it would contemplate using direct or quasi co-optation as a strategy to control the activities of advocacy groups. Several respondents interviewed for this study, noted that having failed to develop a positive and constructive relationship with advocacy groups, the Banda administration turned to restrictive and oppressive legislation through the NGO Act of 2009 and the Public Order Act to silence any group perceived to be critical of its policies and actions (Zambia: Author interviews, 26: 2012; 32: 2012; 34: 2012). Overall, the relationship between advocacy groups and the state during the twenty-year reign of all the MMD administrations was characterised by suspicion, antagonism, mistrust, and conflict, making both the strategy of direct and quasi-co-optation extremely difficult to use.

Several respondents noted that the continued antagonistic relationship between advocacy groups and the MMD administrations consequently drove most advocacy groups into supporting the opposition party, the Patriotic Front, which won the 2011 multi-party general elections with Michael Sata as its candidate (Zambia: Author interviews, 30: 2012, 38: 2012, 39: 2012). At the beginning of the Patriotic Front administration, the relationship between advocacy groups and the state appeared positive, with the administration promising to review the NGO Act of 2009 and to jumpstart the Constitutional Review process. The Sata administration directly co-opted several advocacy group leaders into its central bureaucracy and other levels of government, while other advocacy group leaders joined the administration through parliament. The administration co-opted two members of the Independent Newspaper, *The Post*, an independent newspaper which was considered an anti-MMD (Zambia: Author interviews 26: 2012; 28: 2012; 32: 2012).

President Sata appointed several advocacy group leaders to the technical committee of the Constitutional Review Commission on the 16th of November 2011. Out of an 18-Member Technical Committee for the constitutional review process, at least seven members were from civil society (Zambia: Author interviews 26: 2012; 26: 2012; 29: 2012).[96]The administration also directly co-opted a significant number of key staff of the Radio Phoenix to the Lusaka City Council with serious implications of the station's independence. Radio Phoenix, an independent radio station, which has played a significant role in Zambia's democratisation process since the 1990s and presented a critical platform for the Patriotic Front (PF) as an opposition political party in the run-up to the 2011 general elections. Several respondents interviewed for this study noted that the potential effect of loyalty to the new administration was not as extreme as was expected due to the difficulty of a radio station committed to listener participation being partisan. The Lusaka City Council sponsored radio phoenix flagship show "*Let's Be Responsible*" which was initially meant to encourage citizens to follow the rule of law, but became a popular political show with call-ins from all over the country and was eventually stopped by the administration (Zambia: Author interviews, 28: 2012; 29: 2012; 32: 2012)

[96] These included Mr. Reuben Lifuka from Transparency International-Zambia, Mr. Simon Kabanda from Citizens Forum, Mr. Pualman Chungu from the Law Association of Zambia and Reverend Suzanne Mutale from the Council of Churches of Zambia among others

5.3. NGO Legislation and the "shrinking civic space" for Advocacy groups in Kenya and Zambia

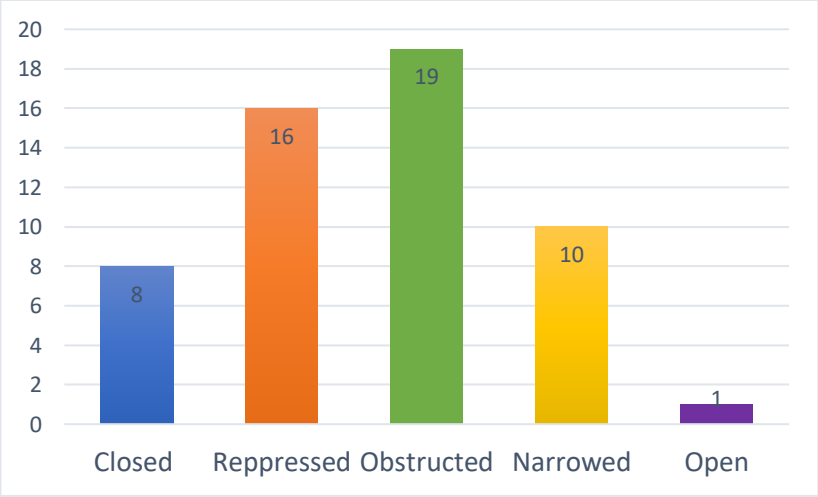
In the mid-1990s, Salamon (1994) had observed that the world was experiencing an "associational revolution," which meant an accelerated growth and expansion of civil society. This revolution was driven by several factors, including, the deleterious effects of the Structural Adjustment Program (SAPs) which had forced international donors to fund civil society groups to engage in service delivery, the collapse of the Soviet Union and the spread of neoliberal ideas around the world as explained in detail in Chapter 4 of this dissertation. The emergence of pro-democracy movements in developing countries from the late 1980s to the early 1990s was also attributed to these changes. However, two decades later, Rutzen (2015) has observed a reverse trend of a shrinking civil society around the world, beginning with the war on terror after the 9/11 attack in the United States. During this time, civil society groups were associated with terrorism[97]and governments around the world increasingly passed restrictive legislations, which curtailed civil society growth and expansion. Moreover, international donor funding, which had sustained civil society growth in the 1990s, considerably declined as international donors shifted funding to support the institutionalisation of democracy in the newly democratic regimes in the Developing World.

Additionally, international donors were also developing frameworks to ensure foreign aid effectiveness, to include "alignment of foreign aid with partner countries' priorities." This process gave the state a leading role in the use and implementation of development aid, which it used as a basis to control the activities of advocacy groups. All these factors combined led to a new trend of "*global associational counter-revolution*" (Rutzen, 2015, p. 29) resulting in the contraction of the civic space and the assault on civil society around the world. According to the International Centre for Not-for-Profit Law (ICNL) data, between 2004 and 2010 more than fifty countries considered or enacted measures restricting civil society activities based on concerns with terrorism, foreign interference in internal political affairs, transparency, accountability, and aid effectiveness.

[97] George W. Bush, "President Freezes Terrorists' Assets," Remarks on Executive Order, U.S Department of State Archive, 24 September 2001.

Although the constriction of the civic space is being experienced worldwide, it is more profound in the Sub-Saharan African countries, where ICNL data shows that 26 countries had considered or enacted such laws between 2004 and 2010. According to the CIVICUS monitor, in 2017, 43 African countries were categorised as closed, repressed and obstructed with only one country categorised as open as shown in *Figure 5.1* below. There is thus a growing and dangerous trend in the continent of governments increasingly exerting more legislative restrictions, cracking down on civil society groups and independent media and broadening the powers and reach of security services and in the process shrinking the civic space. This process is impeding citizens and civil society groups from exercising their fundamental human rights such as freedom of expression, assembly, association, peaceful demonstrations and holding governments accountable and thus contributing to the process of democratic consolidation.

Figure 5. 1 The State of Civic Space in Africa (2017)



Source: CIVICUS: State of Civil Society Report, 2017

The civic space research explains the categorizations as follows;

Closed: There is complete closure in law and practice of civic space
Repressed: The civic space is significantly constrained. Active individuals and civil society members, who criticize power holders risk surveillance, harassment, intimidation, imprisonment, injury, and death
Obstructed: The civic space is heavily contested by power holders, who impose a combination of legal and practical constraints on the full enjoyment of fundamental rights
Narrowed: The state allows individuals and civil society groups to exercise their right to freedom of association, peaceful assembly, and expression but a violation of these rights also take place
Open: The state enables and safeguards the enjoyment of civic space for all people.

In the 2017 CIVICUS data, both Kenya and Zambia were categorised as *obstructed* in the report with "framework legislations" which are meant to restrict the operations of civil society organisations. In both countries, the restriction of civil society groups was additionally motivated by a deep sense of suspicion of these groups' rising influence, their challenge to the state's legitimacy and the rapid growth and politicisation of the sector in the new political and institutional environment. In Kenya, the Moi administration had a very turbulent and confrontational relationship with civil society groups with the state employing various strategies to restrict the activities of civil society groups after the 1982 attempted coup. The government became a *de jure* and a *de facto* one-party state and outlawed several welfare associations, which were ethnically based through parliamentary legislation on the basis that this action would reduce the power of ethno-regional interests and improve national unity and cohesion (Matanga 2000, p. 25; Barkan, 1992). The outlawed groups included the Akamba Union, the Abaluhya Union, the Luo Union and the Gikuyu, Embu, Meru Association (GEMA). Also, the administration deregistered the University of Nairobi Staff Union, the Student Organisation of Nairobi University (SONU), the Matatu Vehicle Owners Association (MVOA) and the Public Service Club (Ndegwa 1996, p. 27). All these groups were perceived to be anti-government and some of the harshest critics of the Moi regime (Matanga 2000, p. 12).

The confrontational relationship between the Moi administration and civil society groups reached its peak in the early 1990s, when a constellation of civil society groups, including, the women's movement, professional associations, youth organizations, the media, and the clergy from the mainline churches began to call for the restoration of democracy and pluralism in the country. The response from the Moi administration included the introduction of one of the most intrusive NGO legislation in the history of civil society in Kenya, the NGO Coordination Act of 1990 to regulate the activities of civil society groups. The NGO Act established the NGO Coordination Board-a government-controlled board, whose functions include; monitoring the registration and activities of NGOs in the country,[98]coordination and facilitation of the work of all national and international NGOs operating in the country; the maintenance of a register of national and international NGOs operating in Kenya, with their precise sectors, affiliations and locations of their activities and the evaluation of the annual

[98] See the NGO Co-ordination Board Brochure (1990)

reports of NGOs. Additional functions of the board included the provision of policy guidelines for NGOs, for harmonizing their activities with the National Development Plans for the country and the approval of the code of conduct prepared by the NGO Council for self-regulation of NGOs and their activities among others (Matanga, 2000). The second body established by the NGO Coordination Act was the NGO Council, which was to empower NGOs to make the sector more democratic, efficient and socially aware of the provision of services to the public and to provide leadership in the creation of an enabling environment for the development and relief activities (National Council of NGOs, 1994, p. 1). To achieve these objectives, the Council defined its functions to include the provision of information and coordination around specific legal requirements arising from the NGO Act; establishing effective dialogue between NGOs and the Government, providing support on fundraising issues and establishing a base for local funding; and generally acting as the spokesperson for the NGO community (National Council of NGOs, 1994, p. 9).

Civil society actors condemned the NGO Coordination Act of 1990 for being too intrusive on the activities of NGOs and primarily meant to tightly control rather than facilitate the work of civil society groups in the country. Ndegwa's (1993) summarised the concerns of the NGOs thus; the Act bestowed enormous powers in the Minister in-charge of NGO affairs in matters relating to registration and general operations, demanded that NGOs renew their registration every five years, a matter that would negatively affect NGO stability in terms of planning and resource mobilisation, recommended that an NGO be suspended or deregistered for actions of its officers, the Act was unclear on the relations between the Board and the Council, the Act remained unclear on the previous privileges such as tax exemptions that had been enjoyed by the NGOs and that the Act was vague on the status of some organisations, such as churches and self-help groups among others. After a series of meetings, lobbying, and intense negotiations, the government eventually bowed to pressure and agreed to amend certain crucial sections of the Act. The government also waived the NGO Board powers to suspend civil society organisations, but the deregistration powers remained. The amendments granted civil society organisations the right to challenge the Board's decisions in a court of law and increased membership of NGO representation on the Board from 5 to 7 which represented one-third of the maximum members including senior government officials (Ndegwa, 1993).

Over the years, the government used the NGO board and the vague grounds provided in the Act to deny registration and to deregister several NGOs which it perceived to be critical of its policies and actions. It also used the Act to intimidate NGOs with threats of deregistration as a way of controlling their activities. For example, on February 20th, 1995, the Centre for Law and Research International was deregistered by the NGO Board for allegedly publishing materials that "damaged" the credibility of the government.[99] After the first democratic regime change in 2002, the use of NGO legislation to control the activities of civil society groups considerably reduced. Both the NARC (2002-2007) and the Grand Coalition governments (2008-2012) had a somewhat collaborative relationship with civil society organisations as these groups had closely worked with the leaders from both administrations for a very long period in the opposition. Equally important was the fact that civil society groups played a critical role in the formation of the NARC coalition and both administrations appointed a considerable number of advocacy group leaders into their bureaucracies. However, in 2013, there was a resurgence of the use of NGO legislation to curtail the activities of advocacy groups after the Jubilee administration came to power. The new administration adopted a systematic anti-civil society strategy disproportionately targeting advocacy groups, which it perceived to be anti-Jubilee administration.

Although the new Public Benefits Organisations Bill was enacted in 2013, the government is yet to operationalize the new legal regime for NGOs, while it continues to use the more intrusive NGO Coordination Act (1990) that the PBO Act of 2013 replaced. The tension between the Jubilee administration and advocacy groups in Kenya peaked when both the President and his deputy were charged with crimes against humanity at the International Criminal Court (ICC) in The Hague, following the Post-Election violence in 2007-2008 which killed over 1, 333 people and displaced over 650,000 people. Most advocacy groups gave submissions to the commission that investigated the cases and supported the court processes. The ICC eventually suspended the cases for lack of cooperation from the Kenyan state. However, the confrontational relationship between the government and advocacy groups continued having been rooted in the historical antagonism between advocacy groups and the

[99] Kaberia T (2014) "Uhuru's Threat to NGOs is reminiscent of Moi's Crackdown in 1995," the star, October 27, 2014.

KANU regime. Most of the Jubilee leaders were former Kenya African National Union (KANU) members, who served in the Moi regime, which had a profound distrust for advocacy groups. Moreover, it was not lost on the Jubilee administration that advocacy groups worked closely and supported the National Rainbow Coalition (NARC) which defeated President Uhuru Kenyatta, the current leader of the Jubilee political party in the 2002 general elections. The Jubilee administration has thus frequently used the NGO Coordination Board to target and clamp-down on advocacy groups that it perceived to have supported the ICC process. This antagonism has further strained its relationship with advocacy groups.

In 2013, several Jubilee-allied Members of Parliament introduced the Statute Law Miscellaneous (Amendment) Bill 2013 to the PBO Act 2013, which sought to regulate the finances and activities of NGOs. The Bill was presented under the guise of limiting the interference of foreign governments in the country's sovereignty and internal affairs and proposed to cap the amount of funds that NGOs receive from external sources at 15 percent of their total budget.[100] An exception was to be allowed only if an NGO proved that it required the funds because of "an extraordinary circumstance" and even if approved, the extra fund would go through the NGO federation. The 15 percent cap was proposed despite the Kenyan NGO receiving more than 90 percent of their funding from external sources. Additionally, the legislators argued that these amendments would ensure the accountability and integrity of NGOs. However, several NGOs opposed these amendments noting that they would considerably stifle the operations of civil society groups in the country and that international donors already had a framework for ensuring NGO accountability.[101] The Kenyan parliament eventually rejected the amendment Bill.[102] In December 2014 alone, the state deregistered 15 NGOs for allegedly funding terrorist activities,[103]and in 2015 another 510 charitable organisations were deregistered for failing to file their audited reports as required by law.

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[100] It is important to note that almost 90 percent of civil society organizations funding in Kenya is foreign.
[101] Daily Nation, October 27, 2014 "NGO Council Opposes the Amendment to PBO Act"
[102] Global Legal Monitor (2013) Kenya: Rejection of the Bill Capping NGO Funding and Giving Spy agency broadened surveillance Powers"
[103] Daily Nation, September 15, 2015 and IRIN "NGOs in Kenya Protest threatened deregistration of 959 organisations" October 31, 2015

Further, the NGO Coordination Board threatened 959 local organisations with deregistration for failure to account for their funding sources.[104] These threats of deregistration were finally suspended, and the affected NGOs given time to comply with the regulations of the board.[105] There were also cases where several advocacy groups were shut-down by the government without notice. Although the new PBO Act of 2013, is yet to be operationalised, most advocacy groups view it as far much better than the NGO Coordination Act of 1990. It allows PBOs to express their views on issues debated or discussed during political campaigns[106] but not directly engage in political fundraising or campaigns to support any political party or candidate for public office nor propose or register candidates for election in public office.[107] The Act establishes the National Federation of PBOs (NFPBOs), which replaces the NGO Council in the current legislation. The mandate of NFPBO is to serve as the self-regulation forum for registered PBOs (Section 21). The Federation comprises all PBOs registered under the Act, and its function is to promote higher standards of work ethic and legality by PBOs, to facilitate the building of capacity of PBOs for their effectiveness and to monitor the performance of the self-regulation forums.

The PBO Act also establishes the PBO Regulatory Authority (PBORA) with most of its members being ex-officio civil servants and its chairman appointed by the Cabinet Secretary. Its roles include the registration and deregistration of PBOs, receiving and reviewing annual reports of PBOs and instituting inquiries on the activities of PBOs to comply with the Act. The Act is also different from the NGO Coordination Act (1990), in that the registration of civil society groups under the new legislation is no longer mandatory, though necessary if the organisation wishes to claim benefits associated with being a PBO.[108] The registration procedures seem to be reasonable and straightforward, and the PBORA is given the power to request any additional information if necessary, for registration purposes.[109]

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[104] http://www.irinnews.org/report/102174/ngos-kenya-protest-threatened-deregistration-959-organisations
[105] Hussein Mohamed "Devolution CS Waiguru revoke deregistration of NGOs" Citizen TV, October 30, 2015
[106] PBO Act 2013, (section 66 (2) (a)
[107] PBO Act 2013, section 66 (3) (a)
[108] PBO is defined in the law as organizations constituted nationally, regionally or internationally to carry out activities for the public benefit in a wide variety of areas (PBO Act, 2013)
[109] PBO Act 2013, Section 8

However, the Act does not specify any grounds for denial of registration, which is a grey area, which could be abused by the state to refuse registration for certain types of civil society groups. The Act makes it mandatory for the PBORA to decide on the application within 60 days after receipt of the application.[110] If PBORA denies registration, it must notify the applicant in writing and give reasons for the denial within the number of days remaining in the original 60 days period for making a decision.[111] Applicants not satisfied with PBORA decisions may appeal within 30 days of receiving a written notice of denial to the tribunal. The Act gives the cabinet secretary on a recommendation from PBORA the power to make regulations, which can limit the rights of civil society organisations and this could be used to curtail the freedom of assembly and association enjoyed by civil society groups in the country. The PBO Act also establishes an independent PBO Dispute Tribunal to hear and determine complaints arising out of any breach of the Act and any matter or appeal made to it under the provisions of the Act.[112] The Chief Justice appoints the tribunal members upon approval by the national assembly. It comprises a chairperson, two advocates of the high court and two persons of specialized skills and knowledge necessary for the discharge of the functions of the tribunal.

In the case of Zambia, NGO legislation has prominently been used to curtail the activities of advocacy groups since the political transition in 1991. The Chiluba administration that took over power in 1991 after the re-introduction of multi-party general elections continued with authoritarian tendencies under a democratic political setting (Bartlett 2000; Ihonvbere, 1996) and aggressively used NGO legislation to silence advocacy groups that it perceived to be critical of its policies and actions. Additionally, the conflict between advocacy groups and the Chiluba administration emanated from the group's fierce opposition to the Structural Adjustment Programmes and the stalled constitutional review process, which the Chiluba administration had promised the electorate during the campaigns. The confrontation reached its peak in 2001, when advocacy groups and opposition parties publicly opposed the quest for the third term by President Chiluba, a move that was contrary to the Zambian constitution, which enshrines a two-five-year term limit for the presidency. (Zambia: Author interviews, 29: 2012; 30: 2012; 32: 2012).

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[110] PBO Act, Section 9 (1).
[111] PBO Act 2013, Section 9 (5) (b).
[112] PBO Act 2013, Section 51

Civil society groups under the Oasis Forum mounted a formidable campaign dubbed the "Anti-Third Term Campaign," and organised protests and demonstrations all over the country. President Chiluba eventually bowed to pressure and shelved the idea. Successive MMD administrations continued with the same pattern of authoritarian tendencies in a democratic political environment, which exacerbated confrontational relationship with advocacy groups. For example, in 2004, the government of President Levy Mwanawasa used the Societies Act to deregister the Southern Africa Centre for the Constructive Resolution of Disputes (SACCORD)[113]because the organisation was considered a "*danger to state security*"[114]without explaining the specific activities of the organisation, which constituted that danger.[115]The organisation appealed its deregistration, a process that went through the Zambian court system up to the highest court of the land, the Zambian Supreme Court. The Supreme Court eventually reinstated SACCORD's registration certificate. The Court found that the state had not proven their case against SACCORD as a "danger to state security." Other organizations deregistered during this time included the Citizens Committee and the Forum for Leadership Search (Zambia: Author interviews, 34: 2012, 37: 2012, 40: 2012).

Under the Banda administration that took over power after the sudden death of President Mwanawasa in 2008, the use of NGO legislation to control and curtail the activities of advocacy groups intensified. The administration made the boldest attempt in 2007 to curtail the activities of advocacy groups when it proposed an NGO legislation Bill that was considered draconian and overly intrusive in the registration and operations of civil society groups in the country. The then Minister for Information justified the necessity of the Bill when he stated;

> "It is old-fashioned to set up an NGO so that you are going to be at variance with the government…with the people, who have been elected. When you are going against the government, you are becoming a political party."[116]

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[113] SACCORD is an independent human rights, governance and conflict resolution organisation that had been critical of the government's lack of commitment to political reforms.
[114] Times of Zambia "SACCORD Looses Appeal", March 4th, 2010 from http://allafrica.com/stories/201003040558.html
[115] CAP 119 Societies Act of the laws of Zambia empowers the Minister to proscribe a registered society
[116] IRIN-Humanitarian News and Analysis found at www.irinnews.org/printreport.aspx? reportid=85860

The statement from the Minister was in sharp contrast to what NGOs laws are supposed to accomplish, that is, facilitate the functions and operations of civil society groups. The proposed NGO Bill was however suspended after it provoked widespread protests by civil society groups and opposition political parties across the country. In 2009 the Banda administration re-introduced the NGO Bill, which again provoked outrage within the civil society sector, who made the case that rather than facilitate and support the work of civil society groups, the Bill was aimed at controlling, stifling and curtailing the operations of these groups. Advocacy groups also argued that the NGO Bill undermined the autonomy, independence, and freedom of advocacy groups, and instilled fear and intimidation on its members and officials. However, the Banda administration was determined to pass the Bill as proposed and used threats and intimidation on any group that appeared to oppose the Bill. Several respondents cited the 2009 case when the Public Order Act was used to disrupt a peaceful meeting organised by the Zambia Episcopal Conference to debate and submit recommendations to the government on the NGO Bill. The leaders of the group were harassed, intimidated and arrested but later released without charges (Zambia: Author interviews, 29: 2012; 32: 2012).

Despite all the protests and opposition to the NGO Bill for two years, parliament eventually passed the Bill in 2009, and it became the official law governing NGO registration and operations in Zambia. Most advocacy groups in Zambia view the NGO Act of 2009 as a repressive law that is meant to target and silence organisations that are critical of the administration (Zambia: Author interviews, 30: 2012, 37: 2012, 38: 2012, 40: 2012). This view is backed by several clauses in the Act and the pronouncements that were made by government officials when the Bill was passed in 2009. Mandeep (2009) has identified several contentious clauses in the Act that could easily impede the registration and operations of civil society groups in Zambia. These include; the compulsory registration of all NGOs, a requirement that could be debilitating for Community-Based Organisations, which may not be able to produce annual reports and audited accounts, the lack of time limit on application processing, creating uncertainty in NGO work and unclear grounds for refusal of registration, creating conditions for prejudicial decisions against which civil society groups have no legal recourse.

The NGO Act 2009 states that the discretionary power of the Minister for denial of registration can be based on; failure to contribute to "*public interest*" which is not defined in the Act and upon recommendation by the NGO Council, a body created by the Act to oversee the registration process of NGOs. Other contentious clauses include the requirement to specify administrative districts, divisions, and locations that NGOs intend to conduct their activities as well as indicating the proposed sources of funding. This clause could impede civil society future expansion and effectiveness. All NGOs are also required to re-register every five years and supply annual reports on all their activities, accounts, funding sources and individual assets of their officials. Mandeep (2009) argues that this clause ignores the principle of continued existence for public entities. The Act also establishes a 16-member government-dominated NGO Board with broadly defined powers over NGO operations and consisting of not less than 8 government officials and a minimum of 2 representatives from civil society to "receive, discuss and approve the code of conduct for NGOs and provide policy guidelines to NGOs for harmonising their activities to the National Development Plan of Zambia."

These clauses clearly indicate that the Zambian government's interest in this Act is that of excessive and unwarranted control of the civil society sector and not statutory support and facilitation as envisaged in such NGO legislations. Civil society groups are concerned that the Act will be used to punish and disband civil society groups for publicly expressing critical views on human rights and governance issues. Most respondents interviewed for this study noted that the fear of the implementation of the NGO Act 2009 has already led some civil society groups to register as limited companies under the Companies Act. Some of the groups which have already registered as limited companies include the Legal Resources Foundation (LRF) and PANOS Institute of Southern Africa. Such organisations can only be dissolved by the process of winding down of limited companies as provided in the Companies Act. They also do not need to renew their certificates of operations every five years as required by the NGO Act.

When the Patriotic Front came to power in 2011, it was very receptive of advocacy groups concerns about the NGO Act and organised a meeting between the government and civil society groups on April 2012 in which the PF government promised to consider the civil society groups concerns with the NGO Act and bring the necessary amendments to parliament which address these concerns and would improve the Act for the benefit of civil society groups in the country. However, advocacy groups were sceptical about the new administration promises,

especially after March 2012 when the Minister for Home Affairs announced that 8 NGOs were under investigations for alleged money laundering and other illegal activities and that the Registrar of Societies was also scrutinizing other NGO mandates. Since then the relationship between advocacy groups and the government has deteriorated as the government has backtracked on its promises over the NGO Act and authorised its operationalisation. Following renewed complaints from civil society groups and boycott by some groups to register under the Act, the Lungu administration, which came to power in 2015 has suspended the implementation of the Act and committed to reviewing and amending controversial sections of the Act through consultation with civil society groups.

5.4. Dancing with the state: Advocacy groups and Political Appropriation in Kenya and Zambia

The relationship between advocacy groups and the state is complex, and the boundaries between the two actors are sometimes blurred. There are also strong incentives for both political actors to enter an alliance with each other (Forbrig, 2003; Stanslava, 1997, Throup and Hornsby, 1995). For the state, such alliances with advocacy groups help it strengthen and extend its legitimacy, hegemony, and patronage within society through advocacy groups' support, while for advocacy groups, the close alignment with the state can improve their competitiveness and preferential treatment in access to information and public resources, which are critical for their operations, sustainability and organisational survival (Forbrig, 2003). In theory, the alliance between the state and advocacy groups should, therefore, be a symbiotic relationship. However, in practice, that is not usually the case as the relationship easily become political appropriation of advocacy groups by the state due to the power imbalance between the two political actors.

Political appropriation means that advocacy groups are incorporated into the state bureaucratic control apparatus, where the groups end up functioning as quasi-governmental institutions. Most emerging democracies such as Kenya and Zambia, therefore, have used political appropriation as a major strategy to control and restrict the activities of advocacy groups to their advantage. In the post-independent Kenya, political appropriation has always been an instrument of state control of advocacy groups. The most notable examples during the authoritarian period were the appropriation of both the Central Organisation of Trade Unions (COTU) in 1988 and the national women's organisation, *Maendeleo ya Wanawake* (MYW) in 1989 by the Moi administration (Fowler 1991, p. 69). The two organisations became part of the

ruling party, the Kenya African National Union (KANU), despite continuing to exist as legitimate civil society organisations. While undermining the autonomy and independence of these organisations, KANU got the political support of their leadership and their large membership base countrywide (Fowler, 1990: 32). In Zambia, the Kaunda administration politically appropriated the cooperative movement, the Zambia Cooperative Federation (ZCF) from the 1970s, partly to neutralise the political influence of white farmers, but more importantly to extend political patronage and support base to the rural areas of the county, through ZCF networks of cooperative organisations (Chiwele et al., 1996, p. 65). In return for its support, ZCF received government agricultural subsidies.

With the democratic transitions in the early 1990s in both Kenya and Zambia, the study found that the new democratic governments which came to power through the multi-party elections have continued with a pattern of political appropriation as a strategy for controlling the activities of advocacy groups. The new administrations have employed the strategy to extend political patronage, broaden their political support base and to limit the demands for democratic deepening from advocacy groups (Chweya, 2004). Habib and Taylor (1999) have referred to politically appropriated NGOs as "Now Government Official," meaning that despite nominally remaining as civil society organisations, these NGO become appendages of the state and support the state. This section uses the National Council of Churches of Kenya (NCCK) and the Zambia Congress of Trade Unions (ZCTU) as case studies to demonstrate how the democratic states in both Kenya and Zambia have used political appropriation in the new political and institutional environment to undermine the autonomy and independence of these groups and consequently their ability to effectively contribute to the process of democratic consolidation. Surprisingly, both NCCK and ZCTU were considered the lead organisations in the prodemocracy movements, which significantly contributed to the restoration of democracy and pluralism in both countries in the early 1990s (Bratton, 1994)

5.4.1. The National Council of Churches of Kenya and the new democratic state in Kenya: From "principled opposition to principled cooperation."[117]

Religious organisations are critical components of civil society in Kenya and have continued to play a significant role in the democratisation process in the country (Mati, 2015). Bratton (1990, p. 7), claims that "religious organisations are the most important institutions in Kenya's civil society." However, their relationship with the state and involvement in politics has always been complex (Parsitau, 2011), contentious and largely influenced by their theology. Some churches, like the African Inland Church (AIC) view involvement in politics as being outside of their institutional interests and interpretation of their Christian mission (Kasomo and Naila, 2013), while others like the NCCK pursue a liberal theology based on social justice and, therefore, perceive their involvement in politics as a social calling and part of their Christian mission (Gifford, 2009). Ngunyi (1995, p.146) has also noted the "proximity between the traditional political class and the activist clergy, the political interest of ethno-regional elites have often found expression through the church."

The National Council of Churches of Kenya (NCCK) is an umbrella Christian organisation that was founded in 1913 in Thogoto, near Nairobi and has become the World's largest Council of churches.[118]It is a fellowship of Protestant churches and Christian organisations in Kenya, whose mission is to "facilitate the united missions of the Christian church in Kenya, promote fellowship, partnership, unity and ecumenism, nurture a common understanding of the Christian faith and mission, build the capacity of membership and enhance the creation of just and sustainable society."[119]By 1990, the organisation had thirty-two-member churches and associations and a total staff of 370 at its headquarters and regional offices.[120]In 2006, NCCK membership comprised 37 mainline churches and Christian associations in Kenya with a membership of about 6 million people (Parsitau, 2012) spread all over the country.

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[117] Gifford (2009) uses this phrase to describe the relationship between NCCK and the Moi regime versus NCCK relationship with the Kibaki regime.
[118] See http://globalministries.org/africa/partners/national-council-of-churches.html
[119] http://www.ncck.org/newsite2/index.php/about-ncck/who-we-are, accessed on 05/08/2016
[120] Weekly Review, January 12, 1990

NCCK has a long-standing and chequered history in the process of democratisation in Kenya. After the outlawing of opposition political parties in 1982 and a fierce crackdown on secular governance advocacy groups by the Moi administration, only the church clergy and church organisations could confront and criticise the authoritarian one-party state due to their credibility, large organised constituencies and elaborate international and foreign links (Ndegwa, 2001; Sabar-Friedman1997: 29). According to Sabar-Friedman (2002, p. 291), the church, "provided the only available public stage for protesting against the government abuse of power and discussing the need to change the rules of the political game." NCCK, therefore, played a prominent role in the clamour for the return to democracy and political pluralism in Kenya from the early 1980s. It was a progressive, national organisation with strong organisational, grassroots presence and an international support network (Klopp, 2009). A small cadre of NCCK clergy led the clamour for political change and the return to multi-party politics. They were referred to as the "famous four" (Knighton, 2008, p.ix) and, consisted of Bishop Henry Okullu, Rev. David Gitari, Rev. Timothy Njoya, and Bishop Alexander Muge.[121] (Mue 2011; Chacha 2010; Gifford 2009)

In 1986 the ruling party, Kenya African National Union (KANU) introduced the queuing system for its primaries. This method of voting required voters to physically line up behind their preferred candidate and be physically counted. The system was used to transmit the choices of the President for there was no guarantee that the candidate with the longest line would win the primaries. In practice, therefore, the process was marred by manipulations, irregularities, and rigging (Gifford, 2009; Sabar-Friedman, 1997). NCCK perceived the queuing system as dangerous and putting undue pressure on voters thus diminishing their confidence in the elections and called for the abolition of the system, besides threatening to boycott the elections (Sabar-Friedman, 1997). In response, the state accused NCCK of disloyalty and urged its member churches, which did not agree with its position on the queuing system to quit the organisation. The African Independent Pentecostal Church (AIPC) left the organisation.[122] Under pressure from advocacy groups and other stakeholders, KANU eventually abolished the queuing system in 1990.

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[121] These clergy also confronted excesses of the state and abuse of power such as corruption, state instigated violence and violation of human rights.
[122] Daily Nation, 25th March 1986.

In 1986, Rev. Timothy Njoya of the Presbyterian Church of East Africa (PCEA), a member of NCCK was one of the first leaders to call on Kenyans to reclaim their humanity, sovereignty, and freedom through the introduction of multi-partyism (Njoya, 2013). In 1989, Bishop Henry Okullu, Rev. David Gitari, and Rev. Timothy Njoya together called for the repeal of Section 2 (A) of the Constitution that had outlawed opposition political parties. Bishop Okullu further pushed for a constitutional change that would allow for a two-term limit on presidential tenure (Sabar-Friedman, 2012). Following these calls, NCCK together with other churches called for a national debate on the future of the country dubbed "*The Kenya We Want."* These pronouncements by NCCK and its affiliated individual clergy inspired the agitation for multipartyism and the struggle for democratisation from 1989 to 1991. In 1990, as the clamour for multi-party politics gathered momentum with the formation of the Forum for the Restoration of Democracy (FORD), the church in Kenya, including the NCCK gave spiritual and moral support to the opposition and became the lead organization in the pro-democracy movement.

In 1991, NCCK again called for political pluralism and an end to detention without trial, restricting presidential powers, two terms presidential limit, speeding up of political reforms and holding up a national convention to discuss the future of Kenya (Sabar 2002; NCCK, 1991). In 1992, NCCK became the convener of the pro-democracy movement and the lead organisation during the transition process (Kanyinga, 2004; Nzomo, 2003; Ngunyi, 1999; Bratton, 1994). It organized and co-ordinated the activities, and the work of the pro-democracy movements contributed financial support for the movement and provided sanctuary for opposition leaders, who were threatened by the incumbent regime. It also created a space for opposition leaders to discuss emerging political issues (Sabar, 1997). NCCK attempted to unite the opposition in 1991 but failed, (Mati, 2013; Mutua, 2008; Mutunga, 1999) and used its resources, countrywide membership, networks, and branches for outreach and political mobilisation for the opposition movement.

However, KANU and President Moi won both the 1992 and 1997 multi-party general elections against a divided opposition, besides the use of rigging, manipulation of electoral boundaries, intimidation, and violence during the electioneering period. Despite these setbacks, NCCK continued to work with other groups towards democratisation in the country. In 1997, the government established the Constitution of Kenya Review Commission (CKRC) to lead the constitutional review process. Most civil society groups in the country did not trust the

government process (Andreasen and Tostensen, 2006) and instead initiated their own process in 1999 called the Ufungamano Initiative led by NCCK. Additionally, NCCK joined the National Ecumenical Election programme (NECEP) which spearheaded massive civic education in the country before the 1997 general elections (Mutua, 2008; Mutunga, 1999). In 2000, the Ufungamano initiative formed the Peoples Commission, which drew up proposals for the new Constitution. After intense negotiations between the government and the civil society groups, the two constitutional review initiatives were merged, and a new commission formed, which led the country through the constitutional review process. In 2010 the country promulgated a new Constitution. It must be noted that from 1991 to 2002, the relationship between the Moi administration and NCCK remained confrontational as the state perceived the organisation to be subversive and anti-government (Owuoche, 2011).

However, after the 2002 general elections, which saw the National Rainbow Coalition (NARC) ascend to power through the victory of the National Rainbow Coalition led by Mwai Kibaki over the Kenya African National Union's (KANU) candidate Uhuru Kenyatta, the political landscape dramatically changed. NCCK led by Rev. Mutava Musyimi as the Secretary-General was presented with a strategic dilemma on how to relate with the new NARC-government, which it had closely worked with and supported while in the opposition. NCCK consciously made a policy decision which its then Secretary-General, Rev.Mutava Musyimi described as "principled collaboration" with the government. Its leadership at the time believed that NARC, unlike KANU, was committed to the institutionalisation of democracy. This decision to co-operate with the NARC administration marked a significant turning point for the transformation of the organization's relationship with the state and its role in the democratization process in the country. NCCK became lenient, cordial with the state and gradually retreated from the public space, adopting an unusual silence on matters of political and social justice. By 2004, NCCK had acquiesced entirely to the whims of the state and became less vocal on national issues, less political and less visible in the public space (Mue, 2011). It dropped its critical approach to the reform agenda and aligned its support with the NARC administration on major national issues.

Several reasons can be advanced to explain this fundamental change in the organization's approach to the state and the reform agenda in the post-transitional political environment. Firstly, NCCK found it difficult to criticise the same leaders it had closely worked with and supported in the opposition for many years to remove KANU from power-a regime that it considered illegitimate. Oloo (2005) for example notes that NCCK had been partners with NARC against KANU and thus perceived the NARC victory as its own victory. It, therefore, felt obligated to support and defend the NARC administration. Moreover, Kibaki-the President under the NARC administration had a very cordial relationship with NCCK and had defended the organisation against fierce attacks by Moi and the KANU regime, while in opposition (Knighton, 2009; Gifford, 2009).

Secondly, most of the respondents interviewed for this study attributed NCCK dalliance with the state to ethnicity. One prominent advocacy group leader described the appropriation of NCCK by the state as the "tragedy of ethnicity" (Kenya: Author interview, 9:2012). The Kikuyu ethnic community dominated the top leadership of NCCK in 2002 when NARC came to power, the same ethnic group as that of President Kibaki, and, therefore, most respondents interviewed for this study claimed that this relationship significantly informed the decision by the organization to support the government. The association of ethnicity and the appropriation of NCCK by the NARC administration is unsurprising since all the major mainstream churches in Kenya reflect political and ethnic divisions within the country (Gifford, 2009). NCCK, therefore, was not immune to the forces of tribalism and neopatrimonialism.[123]

Thirdly, several respondents interviewed for this study also stated that the quasi-co-optation of NCCK leadership into state bureaucracy by the NARC administration played a significant role in the organisation's decision to support the government. In May 2004, the then NCCK Secretary-General, Reverend Mutava Musyimi was appointed the chairman of the Anti-Corruption Steering Committee by President Kibaki-a position that created a serious conflict of interest and compromised his ability to comment openly on national issues (Parsitau, 2012). Additionally, the appointment of Rev. Mutava Musyimi into government weakened NCCK effectiveness as an alternative voice in the democratisation process and a watchdog for public

[123] See Wamanji, E (2008) "Ethnicity in the church comes of Age", Standard, 27th, February 2008

accountability. Reverend Musyimi found it extremely difficult to criticise the government in which he served. One advocacy group leader interviewed for this study noted that;

> "Rev. Musyimi found himself in a serious conflict of interest when he agreed to be appointed into government while serving as NCCK Secretary-General. How do you bite the hand that feeds you? How do you publicly criticise a government in which you serve?" (Kenya: Author Interview, 14:2012)

In March 2007, Rev. Musyimi resigned his position in government and contested a parliamentary seat on the President's party in the 2007 general elections and won.

Finally, the political appropriation of NCCK by the state can be attributed to its new brand of leadership, who took over from the firebrand leaders like Bishop Henry Okullu, Rev. David Gitari, Bishop Alexander Muge, and Rev. Timothy Njoya. These new leaders are less vocal, less controversial and less political than their predecessors (Oloo, 2005). Most respondents interviewed for this study noted that the political environment had fundamentally changed, and the state was no longer viewed as illegitimate and authoritarian. This new generation of leaders at NCCK may have viewed cooperation as a new way of relating to the new democratic state. Several respondents also noted that NCCK failed to craft a new strategy for contributing to the process of democratic consolidation, and, therefore, was forced to retreat from the public space.

The attitude, behaviour, and actions of NCCK during the 2005 Constitutional conference demonstrated that it had become part of the institutions of the state. Its then Secretary General Rev. Mutava Musyimi, who was a pro-government representative at the constitutional conference attempted to unseat the chair of the review commission through a motion after they disagreed on several constitutional issues. When he failed, he resigned his position as a delegate to the conference on February 2004 and NCCK abandoned the Bomas process.[124] It appeared that NCCK which had fought for the constitutional review process for many years was no longer interested in the process. The Bomas draft that came out of the Constitutional Review Conference and which was highly considered as reflecting the views of the populace was re-drafted by the then Attorney-General, Mr. Amos Wako and dubbed the "Wako draft."

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[124] "Musyimi Quits Constitutional Review Talks," Daily Nation February 8, 2004

The new draft had retained a strong presidency and watered down the devolution chapter. When the "Wako draft" was presented to the referendum and supported by the government, NCCK under Rev. Mutava Musyimi decided not to take a stand on the draft Constitution and instead asked its members and supporters to *"vote with their conscience"* (Mue, 2011; Chacha, 2010, Gifford, 2009). This decision created uncertainty and confusion among its members and supporters. The move was unprecedented given that NCCK had built its reputation, credibility, image, and legitimacy by taking strong positions on national issues, especially regarding the constitutional review process, human rights, governance, and democratisation.[125]The Wako draft constitution was defeated at the referendum in 2005.

As the 2007 general elections approached, advocacy groups and opposition political parties called for the enactment of minimum electoral reforms by parliament to ensure free, fair and a level-playing field for all political players in the general elections, pending comprehensive constitutional reforms after the elections. Majority of the mainstream advocacy groups supported the idea of minimum reforms, including the Kenya National Human Rights Commission (KNHRC), the Federation of Women Lawyers-FIDA-Kenya and the Council of Imams and Preachers in Kenya among others. However, to the surprise of most citizens, the NCCK and the Catholic Church, both of which had been ardent supporters of the constitutional reforms, opposed these critical minimum reforms, because there was not enough time to enact such electoral reforms before the elections. By this time NCCK was already compromised and was willing to support any position taken by the state (Kenya: Author interviews 2: 2012; 9: 2012; 12: 2012; 19: 2012).[126]During the 2007 election period, NCCK was mostly viewed as partisan and serving narrow parochial and ethnic interests at the expense of broader national interests. It had lost credibility and legitimacy among advocacy groups and the citizenry at large. Additionally, several respondents interviewed for this study pointed out that NCCK political partiality had alienated sections of its membership and, therefore, reduced its grassroots support and voice on national issues (Kenya: Author interviews, 9: 2012; 14: 2012; 19: 2012).

[125] The Standard, 25th October 2005 "Raila says NCCK is a state mouthpiece"
[126] It is important to note that NCCK officials refused an interview for this study

The Post-Election violence, which occurred after the bungled 2007 general elections, was, therefore, partly blamed on civil society groups such as the NCCK, which had publicly taken partisan positions on the elections. NCCK and the church, in general, were roundly criticised and condemned for failing to provide national leadership and moral direction during the campaigns.[127]The organization was no longer viewed as the champion of constitutional review and democratisation process in the country. In 2008, Retired. Arch Bishop David Gitari lamented that "the state and the church have gone to bed together. The church has been compromised…the conscience of society has been wounded."[128] In the same year, NCCK led other church groups on a repentance mission. It acknowledged its failures and apologized to Kenyans stating that;

> "We regret that we as church leaders were unable to effectively confront these issues because we were partisan. Our efforts to forestall the current crisis were not effective because as members of NCCK we did not speak with one voice. We were divided in the way we saw the management of the elections; we identified with our people based on ethnicity; and after the elections, we are divided on how to deal with the crisis."[129]

According to Mue (2011, p. 182), NCCK apologized for failing to maintain its "Christian identity" and instead elevated "ethnic identities" during the elections. In the second referendum in 2010, NCCK joined the Evangelical and Pentecostal groups in opposing the Draft Constitution, mainly on the grounds of a language that approved emergency abortion in cases where the mother's life was threatened and the inclusion of the *Kadhi* or Islamic courts in the Draft Constitution. These groups executed a well organised and funded open campaign through "prayer rallies" with other politicians that were opposed to the Draft Constitution. Despite such campaigns, the Draft Constitution passed with an overwhelming majority during the referendum. This outcome further dented the image, legitimacy, and credibility of NCCK. One respondent interviewed for this study pointed out that "the flock left behind the herdsmen" (Kenya: Author interview, 12: 2012), meaning that the members of NCCK and other church groups which belong to the organization had broken ranks with their leaders and overwhelmingly voted for the Draft Constitution.

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[127] Nation, 3rd January 2008 "Churches Blamed for Silence"
[128] Thatiah, P (2008) "Arch-Bishop David Gitari: The conscience of society is wounded, The *Standard*, July 8, 2008
[129] Daily Nation, 18th, August 2008.

From 2009, NCCK struggled to regain its lost autonomy and independence. It fully participated in the Inter-Religious Forum (IRF) which proposed a peace plan and helped in the process of reconciliation among communities affected by the post-electoral violence. However, it strategically avoided the discussion of justice for the victims of post-election violence. According to Kahura (2017), under the leadership of Rev. Peter Karanja, who is a Kikuyu as President Uhuru Kenyatta, NCCK continued with a pattern of silence on critical national issues and is mostly perceived as an apologist for a "Kikuyu state." As one of the largest, progressive, credible, well-resourced and more experienced organisation in the country, the political appropriation of NCCK by the NARC administration was quite puzzling given its history and prominent role in the process of democratization from the late 1980s. Its close cooperation with the state in the post-transitional political and institutional environment did not promote the process of democratic consolidation. On the contrary, the cooperation undermined its autonomy and independence and considerably reduced its ability to effectively contribute to the process of democratic consolidation. It was no longer the custodian of democratic values, the conscience of society and the voice of the voiceless. NCCK was sucked into narrow, parochial, partisan and tribal politics, which muted its "prophetic voice." It lost credibility, legitimacy, and support of the masses to push any reforms aimed at democratic consolidation and reflected the same politico-structural deficiencies of the broader Kenyan politics and society.

The political appropriation of NCCK had significant ramifications for the whole of civil society's contribution to the process of democratic consolidation. Firstly, NCCK had for a long time coordinated the activities of advocacy groups involved in issues of governance and democratisation and more specifically, the constitutional reform process. Its appropriation by the state, therefore, not only robbed the sector of a leader and a convener of the group but also the resources, the capacity, the experience and the countrywide network of support that the organisation commands. As pointed out by several advocacy group leaders interviewed for this study, civil society participation in the constitutional review process both in 2004 and 2009 was lackluster, disjointed and considerably disorganised due to the absence of a strong national coordination body (Kenya: Author interviews, 2:2012; 9: 2012; 12:2012; 19:2012). The constitutional review process in the country was, therefore, mostly controlled by the political class through representation by political parties.

Secondly, NCCK support for the state contributed to a lack of focus by civil society on the constitutional review process and led to social fragmentation along various cleavages such as ethnicity and religion. This fragmentation weakened the strength and influence of civil society groups in the constitutional review process. Moreover, having become ethnically partisan and serving narrow parochial interests, NCCK failed to play the integration role that it had played during the push for democratic transition in the early 1990s. Several respondents interviewed for this study also noted that the extension of state patronage to NCCK countrywide networks impeded grassroots support for the necessary reforms for democratic consolidation (Kenya: Author interviews, 1: 2012, 2: 2012, 9: 2012). Consequently, the messy electoral process in 2007 that led to the post-election violence was partly attributed to groups like NCCK, which had failed to provide moral leadership for the country but also refused to support minimum constitutional reforms before the elections, which would have levelled the electoral playing field (Kenya: Author interviews, 1:2012, 2:2012, 9:2012, 19: 2012).

The partiality of groups like NCCK and the leadership of the Catholic church through Cardinal John Njue divided the country along ethnic lines and fuelled the Post-Election violence, which was a serious dent and a setback to the process of democratic consolidation in the country. The findings of this study are consistent with other previous findings by various authors. Throup (1995) for instance found that the cordial relationship between a Faith-Based Organisation (FBO) such as the NCCK and the state is usually for the fulfillment of each other's interests and does not necessarily aim at democratization. In other words, cooperation leads to the loss of a Faith-Based Organization's political activism, which is critical for democratic reforms. Mamdani (1995) has also noted that it is only when a Faith-Based Organization exist as a "contradictory construct" to the state that one can be able to explain its contribution to the democratic struggle. Similarly, Owuoche (2015) has concluded that the contribution of a Faith-Based Organization to the democratisation process is highest when the relationship between the FBO and the state is hostile and lowest when the relationship is cordial and co-operative. The "principled collaboration" between NCCK and the state has thus constrained its ability to contribute to the process of democratic consolidation in Kenya.

5.4.2. The Zambia Congress of Trade Unions and the new democratic state in Zambia in the process of democratic consolidation

Labour movements are crucial organisations within civil society and have played significant roles in the process of democratisation in several African countries including South Africa, Senegal, Ghana, Zimbabwe and Nigeria (Kraus, 2007). The Zambia Congress of Trade Unions (ZCTU) is credited for having initiated and led the pro-democracy movement that resulted in the political transition in the country in 1991. The Movement for Multi-party Democracy (MMD) which came to power that year was formed and led by former ZCTU former leaders, including, President Fredrick Chiluba. The ZCTU was founded in 1964 under the Trade Union and Dispute Act of 1964, which was based on the principle of *"One Industry, One Union"* (Akwetey and Kraus, 2007), thereby giving the organization enormous powers and influence both within the political system and the Zambian economy. With the establishment of the one-party system under the 1973 Constitution, all opposition political parties were banned, and ZCTU became the *de facto* opposition to the ruling party UNIP (Woldering, 1984). The organization had to maintain a modicum of independence and autonomy, through a delicate balancing act between cooperation with UNIP and fighting for the interests of workers. It voiced various national concerns about political governance and socio-economic development in the country.

In 1973, the government established numerous parastatals in various sectors of the economy, which led to 80 percent growth of the trade union membership, besides the emergence of professional leadership and union autonomy (Akwetey and Kraus, 2007). These processes tremendously increased the ZCTU membership, organizational revenue, professional leadership with deep roots spread in the whole of the Zambian society. The economic crisis of the 1970s forced the Zambian government to adopt Structural Adjustment Programmes (SAPs) to access loans from the International Monetary Fund (IMF) and the World Bank. The measures included wage freezes, cuts in social spending, civil servant retrenchment and reduction in government subsidies. ZCTU publicly opposed these measures on the basis that they would lead to deleterious effects on its members, the marginalized and the poor. This position created tension with the government with ZCTU organizing countrywide strikes and protests against SAPs, which had significant effects on the political system and the economy.

Although the UNIP government responded to these strikes with intimidation, arrests, and co-optation, the strikes continued. With constant opposition from the ZCTU on its policies, the government proposed in 1988 to amend the 1971 Industrial Act to break up ZCTU rules of affiliation that had made its membership mandatory but failed to win the support from both the ZCTU and the Federation of Employers (Akwetey and Kraus, 2007). Through intense lobbying of Members of parliament, the government finally succeeded in amending the Act in 1990, marking a crucial turning point in the relationship between UNIP and ZCTU. The amendment also created opportunities for the emergence of other national federations of unions, therefore, weakening ZCTU. As the effects of SAPs continued to have devastating effects on workers, the poor and the marginalized, resulting in widespread poverty and inequality in the country, the labour unions realized that their ability to organise and push for the interests of the workers required fundamental freedoms under a democratic society.

In 1989 as the economic crisis deepened, Fredrick Chiluba became the first national leader to publicly call for a return to multiparty democracy (Larmer, 2005). This call was followed by a formal statement from ZCTU endorsing the urgent need for the restoration of democracy in the country and a declaration to campaign for the same in 1990. By this time, ZCTU had become strategic in the economy, having developed substantial independence, autonomy, enormous resources, effective organizational structure and strong links with alienated elites and other groups within civil society and the masses (Bratton and Van de Walle, 1997; Van Doepp, 1996). Additionally, the organization had a rich history of confronting the Kaunda regime with experience in campaigns. ZCTU was, therefore, "the most coherently organized and unified political force" in the country (Akwetey and Kraus, 2007, p.134). It initiated the campaigns for democratisation in Zambia through protests and demonstrations and led the pro-democracy movement. Most respondents interviewed for this study noted that ZCTU was the most credible and respected organization with high levels of legitimacy among Zambians since it represented matters that touched on the socio-economic development and livelihood of most working Zambians (Zambia: Author interviews 24: 2012; 26: 2012; 27: 2012). As one respondent interviewed for this study stated;

> "ZCTU was the face of the working man and woman in Zambia, and it articulated issues of economic livelihood and survival that were a concern for every Zambian" (Zambia: Author interview. 27:2012).

In the struggle for democratization, ZCTU squarely blamed the Kaunda administration for the gross mismanagement of the economy, the poor standards of living fuelled by SAPs policies and lack of political accountability. Equally importantly, ZCTU linked the poor governance to the one-party system in the country. These views easily found resonance within the public, which had suffered under the consequences of SAPs such as reduction in social spending on health, education and food subsidies, which created serious discontent within the population (Larmer, 2005). Majority of Zambians, therefore, readily joined the campaigns for multi-party democracy. In 1991, officials of ZCTU spearheaded the formation of the Movement for Multi-Party Democracy (MMD) as a pressure group for political pluralism. It was composed of a diverse group of leaders, which included business and church leaders, intellectuals, former UNIP Ministers and ZCTU leaders (Van Doepp, 1996). MMD was later joined by students, professional organisations, and women groups among others. Once the constitution was amended to allow multi-partysm, MMD was transformed into a political party and relied heavily on the organisational structures, networks, resources, and links with ZCTU to campaign and eventually won the October 31st, 1991 multi-party general elections, with Fredrick Chiluba, who had been the Chairman of ZCTU, as the President.

The new political and institutional environment presented ZCTU with an "acute strategic dilemma" (Alexander, 1993) on how to relate with the new MMD administration, having played a significant role in the formation of the ruling party, the crusade for political change and MMD victory in the elections. Moreover, most of the rank and file members of MMD were former ZCTU leaders, including, President Fredrick Chiluba. The situation was compounded for ZCTU given that the Chiluba administration had adopted SAPs policies as the blueprint for economic recovery, policies which ZCTU had fiercely opposed during the Kaunda regime as detrimental to the livelihood of its members, the poor and the marginalized in the country. The policies also posed an existential threat to the organization itself. Although, Chiluba had argued during the campaigns that, "economic restoration is the restoration of our salaries and wages" (Chanda, 1993, p. 24-27), the reality of SAPs was quite different. Despite all these potential dangers posed by the Structural Adjustment policies to the health and survival of ZCTU, its top leadership decided to cooperate with and support the Chiluba administration and its policies largely because they believed that, "they were the government" (Larmer, 2005).

The President of ZCTU at the time, Mr. Fackson Shamenda justified ZCTU support for the state when he stated:

> "We are not interested in partisan politics. We only have a soft spot for MMD in that we must work with the government. You cannot antagonize the man you will work with tomorrow. Many people of Zambia belong to no party, and MMD government is for all people" (*Sunday Times of Zambia,* August 15, 1993).

The Chiluba administration, on the other hand, embraced the support of ZCTU, which was crucial if the administration was to implement SAP policies. Majority of respondents interviewed for this study attributed the close relationship between ZCTU and the Chiluba administration with the realisation by the administration that there was likely to be strong opposition from the labour movement against the neo-liberal reform programmes that the administration had adopted.[130]The state, therefore, deliberately employed various strategies to appropriate the Zambia Congress for Trade Unions for its own advantages. Firstly, the state used market strategies, which involved restrictive legislation to decentralise bargaining to weaken unions (Akwetey and Kraus, 2007). MMD passed the Industrial and Labour Relations Act of 1993, which abolished mandatory unionisation of workers and compulsory dues check-off system. It also restricted workers right to strike and banned inter-sectoral solidarity strikes. As a result, more unions emerged, while some disaffiliated from ZCTU, leading to divisions in the labour movement and weakening of ZCTU through the loss of membership and revenues.

Secondly, SAPs led to state retrenchment of employees, which substantially reduced union membership and revenue and ultimately weakened their bargaining power (Kraus, 2007), support base and the ability to mobilize and effectively contribute to the process of democratic consolidation. Additionally, SAPs led to lower incomes for workers, a decline of agricultural production, and consequently lower standards of living for most citizens in the country. Privatization and implementation of civil service reform further reduced union membership from 358,000 in 1990 to less than 240,000 in 2005 (Larmer, 2005). By this time, ZCTU cooperation with MMD administration had almost paralyzed the organization, and it could not defend the interests of its members, which undermined its authority and the ability to mobilize its membership for policies in support of the process of democratic consolidation.

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[130] Author Interviews, 28: 2012, 30: 2012, 32: 2012

In September 1996, the Zambian state ratified the International Labour Organisation (ILO) convention No.87 on Freedom of Association and Protection of the Right to organise (FAPRO). The convention, in article 2 states that "workers and employers' without distinction whatsoever, shall have the right to establish and, subject only to the rules of the organisation concerned, to join organisations of their own choosing without previous authorisation."[131] Akwetey and Kraus (2007) have noted that labour union experts in Africa have argued that this article undermines the fundamental principles of trade unionism of unity and solidarity. The ratification of the convention by the Zambian state was, therefore, meant to divide further ZCTU and in the process weaken the labour movement.

Secondly, the state also used corporatist strategies by incorporating ZCTU within the regime interests and granting benefits to the union in exchange for state limitations on trade union behaviour (Akwetey and Kraus, 2007). By accepting such benefits, ZCTU conduct had become inimical to its own interests and survival. The organization could not stand the pressure of the state because it, "lacked both a coherent ideological position and institutional representation to shape its relationship with the state." (Larmer, 2007, p. 172). The post-transitional ZCTU was disorganised and had no agenda of what it wanted from its cooperation with MMD. It continued to support policies that were detrimental to its own survival as a labour union and against the interests of its own membership. For example, SAP policies such as public-sector retrenchment and privatization had devastating effects on the union regarding its membership and resource base.

Thirdly, the state used direct interference in the internal affairs of ZCTU to co-opt and select union leadership, which reduced internal union democracy (Kraus, 2007), caused divisions, internal conflicts and further weakened the union as a force in the process of democratic consolidation. The ZCTU 9th Quadrennial Congress held in Livingstone in 1994 was a turning point in its relations with the state since it worsened the organization's predicament in the country. Members of ZCTU executive board contested against each other for the position of the President and the Secretary-General, creating confusion and distrust of the election outcome. Although both the incumbent President and Secretary General retained

[131] Freedom of Association and Protection of the right to organise, No.87, available from http://www.ilo.org/dyn/normlex/en/f?p=1000:12100:0::NO::P12100_INSTRUMENT_ID,P12100_LANG_CODE:312232,fr:NO, accessed on 11/09/2014

their seats, their deputies disaffiliated after that, accusing the winners of electoral malpractices such as rigging, vote buying, and manipulation orchestrated by MMD to have friendlier officials with the state. Following the acrimonious elections, four other unions disaffiliated from ZCTU,[132] leading to a substantial drop in its membership and revenues since the Mine Workers Union (MUZ) and the Zambia National Union of Teachers (ZNUT) two of the organizations which disaffiliated from ZCTU accounted for 80 percent of ZCTU revenue (Akwetey and Kraus, 2007). The faction that disaffiliated from ZCTU registered as the Federation of Free Trade Unions of Zambia (FFTUZ) under the Societies Act, becoming an alternative labour confederation to ZCTU. These divisions damaged the unity of ZCTU and further weakened it making it unable to play any significant role in the process of democratic consolidation.

When MMD politically appropriated ZCTU, the organisation became a pliant trade union that was willing to dance to the tune of the state at all costs to the detriment of its own survival, membership interests and the role in the process of democratic consolidation. The complete capitulation of ZCTU to the state was evident throughout MMD reign from 1991 to 2002. On December 1991, when MMD removed subsidies on maize-the staple food for most Zambians, it was reported in the media that ZCTU had been informed in advance about this action and had supported the idea.[133] ZCTU had claimed that the removal of food subsidies, helped lessen the suffering of workers.[134] Most Zambians were surprised by this change of tune on the effects of the removal of food subsidies by ZCTU which had all along opposed the same policy during the Kaunda regime (Kydd 1989, p. 135) on the basis that it would have devastating effects on ordinary Zambians livelihoods. The removal of food subsidies resulted in an enormous price increase of almost 700 percent for a 25kg bag of maize, whose price increased from K225 to K1800 from October 1991 to October 1992 (Seshamani, 1996). In 1997, President Chiluba declared a state of emergency, following accusations against UNIP Members of parliament of an attempted coup (Bartlett 2000), ZCTU did not condemn the declaration, which was roundly condemned by most advocacy groups in the country.

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[132] The unions that disaffiliated included the Mine Workers Union of Zambia (MUZ), the National Union of Building, Engineering and General Workers (NUBEGW), the Zambia Union of Financial and Allied workers (ZUFAW), the Zambia National Union of Teachers (ZNUT) and the National Union of Commercial and Industrial Workers (NUCIW)

[133] Times of Zambia, December 14, 1991

[134] Times of Zambia, December 17, 1991

The dominant narrative among respondents interviewed for this study was that ZCTU had become an "appendage of the state and was willing to do anything that MMD wanted" (Zambia: Author Interview, 29:2012). A prominent advocacy group leader interviewed for this study summarised what had happened to ZCTU in the new political dispensation in Zambia:

> "President Chiluba could only liberalise the economy if ZCTU was weakened and this is exactly what he did. He deliberately introduced legislation that would divide the labour movement, imposed leaders on ZCTU through bribery and manipulation and his economic policies finally destroyed the movement. ZCTU has never fully recovered since then" (Zambia: Author interview 33: 2012).

By 2002, new leaders had emerged within ZCTU who were not beholden to MMD administration, comparatively confrontational towards the state and gradually started to revive and assert the autonomy and independence of the organisation, union interests and challenged MMD on SAPs and political accountability (Akwetey and Kraus, 2007). This was mainly in response to protests and disappointment by the rank and file members of the organisation whose interests had been neglected by ZCTU for over a decade and suffered from the massive failures of the economic recovery through SAPs. As Simon (2005) has noted, the new leadership in both ZCTU and FFTUZ[135]intensified opposition to MMD on issues such as corruption, economic failures, flawed national elections, violence against the opposition political parties and the failed constitutional review process. In 2004, ZCTU called for a one-day national strike by all public servants in opposition to the new taxes, wages and housing allowance freeze in the budget. The call was followed by demonstrations and protests outside parliament. MMD threatened to arrest the workers but later bowed to pressure and rescinded the decision.[136] In 2005, ZCTU joined other civil society groups in demanding for a constitutional assembly to approve the draft constitution. In 2006, ZCTU distanced itself from MMD and supported an opposition political party (Akwetey and Kraus, 2007).

The Zambia Congress of Trade Unions was the strongest, credible and the most vocal labour union in Zambia before the political transition in 1991. With the outlawing of opposition political parties, it became the sole opposition group to the one-party political system and built a history of resistance and credibility with the workers and the Zambian populace. It established

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[135] Leonard Hikaumba and Joyce Nonde were elected as Presidents of ZCTU and FFTUZ respectively.
[136] Times of Zambia, February 11, 2004.

and led a political party to victory in the first multi-party general elections in Zambia. However, in the post-transitional political and institutional dispensation, ZCTU was politically appropriated by MMD administrations from 1991 to 2002, which undermined its autonomy and independence and circumscribed its ability to contribute to the process of democratic consolidation during that time. Although the newly elected leaders of ZCTU have revived the organisation, it will take a long time for ZCTU to regain its previous autonomy, legitimacy, trust with the population, and resources to rebuilt and become a significant political force in the process of governance and democratic consolidation in Zambia.

5.5. Political propaganda and Selective harassment of Advocacy groups in Kenya and Zambia

Although both Kenya and Zambia can be considered as electoral democracies, the administrations that took over power after the transitions in the early 1990s have continued to employ state propaganda and selective harassment as strategies to undermine and control the activities of advocacy groups. Political propaganda directed at advocacy groups by the state is aimed at tarnishing the reputation of these groups with the public to weaken their legitimacy and credibility as representatives of public interests. Selective harassment, on the other hand, is used by the state to intimidate, threaten and silence voices from advocacy groups that are perceived to be critical of state policies, actions, and governance style. The use of these strategies by the state emanates from the fear of activists' challenge to state policies, legitimacy, and autonomy. Both countries have also employed the Public Order Acts and Sedition laws to justify their actions of harassment and intimidation of advocacy groups, while the actual objective of such actions is the curtailment of advocacy groups' activities. The use state propaganda to restrict the activities of advocacy groups take various forms, including, branding advocacy groups as "agents of foreign interests" serving "imperial agenda" since most of these groups depend on external funding for their activities. The groups have also been branded as "unpatriotic," "evil society," and in some cases referred to as "mercenaries" of foreign agents. In extreme cases, selective harassment has taken the form of police brutality in breaking up demonstrations and protests, killing of journalists and civil society activists, raids into advocacy group offices and confiscation of essential documents and equipment, besides arbitrary arrests and detention without charges.

In Kenya, the use of state propaganda and state-sanctioned harassment of advocacy groups was rampant during the authoritarian regime until 2002 when the country witnessed the first regime change through free and fair and democratic elections. However, state propaganda and the onslaught on advocacy groups peaked up and intensified from 2013 when the Jubilee administration took over power from the Grand Coalition government. The deep-seated mistrust between advocacy groups and the new Jubilee administration stem from the historical relationship between the two groups during the one-party system and the first two terms of the multiparty system when most of the Jubilee leaders were part of the Moi administration under the Kenya African National Union (KANU). Advocacy groups were opposed to the authoritarianism and economic mismanagement under the one-party system and continued to oppose the policies of the Moi administration under the multi-party system (1992-2002). This created a frosty and conflictual relationship with the regime.

Secondly, the relationship between Jubilee administration and advocacy groups was further strained over the International Criminal Court (ICC) charges against President Uhuru Kenyatta and his deputy, for their alleged role in the 2007/2008 post-election violence in which an estimated 1,333 people were killed and over 650,000 displaced. The administration accused advocacy groups of providing faulty evidence to the Commission that investigated and recommended the cases to the ICC, conspiring with the ICC over the trials through coaching of witnesses and supporting the ICC process.[137] In March 2013, the President's Director of Digital Media and Diaspora published a list of names of representatives of civil society organisations and members of opposition political parties in the social media and referred to them as "evil" backers of the ICC.[138]The list exposed these representatives of civil society and political parties to possible harassment, danger and, physical harm by supporters of the Jubilee administration and injured their credibility and reputation. Despite protests from these representatives of civil society and political parties, the Jubilee administration did not take any action against the official. In May 2013, advocacy groups organised a demonstration over Kenya's MPs demands for a 60 percent salary increase from $6,300 per month to $10,000 per month. Advocacy groups had argued that the country was unable to afford such high salaries amid rising debts, ballooning

[137] Daily Nation, October 24th, 2014 "State Targeting us over support for Hague Case, civil society protests
[138] Daily Nation, "ICC Judges warning over revealing identity of witnesses," 26th February 2015

wage bill, increasing inequality and widespread poverty in the country. The groups used pigs and blood to symbolize the greediness of the Members of parliament. The demonstrations were broken up with tear gas and sheer police brutality.[139] During this time, the government had adopted a pattern of political propaganda campaign, profiling and vilifying advocacy groups and individuals on social media and demonizing civil society as a "*web of evil society*," representing and pursuing foreign interests.[140] Advocacy groups were also accused of being agents of the Open Society Institute, local UNDP staff and the British, Finish, Dutch and German governments.[141]

The Jubilee administration, further, accused advocacy groups of using human rights campaigns to advance western interests and values. The propaganda campaign was aimed at discrediting advocacy groups' activities and legitimacy with the public, especially on issues of the ICC process and to promote a discourse that paints these groups as agents of external forces bent on compromising the country's security and sovereignty. Additionally, the government put pressure on International donors to stop funding groups which it perceived to be supporting the ICC process and critical of the Jubilee administration policies. This strategy was clearly articulated by the President on October 20th, 2014 when he addressed the nation on *Mashujaa day* (Hero's Day). The President castigated western donors for funding civil society organisations for their own economic and geopolitical interests at the expense of Kenya's domestic interests and characterized civil society groups as "unelected, and unaccountable institutions that answer to foreign powers."[142]Following the same pattern, in 2016, the President condemned NGOs working in the field of civic education, accusing them of providing civic education tailored to influence the electoral outcome in the interests of their foreign funders and threatened to stop them from receiving foreign funding[143].

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[139] BBC, 14th May 2013, Kenya: Nairobi City hit by pig protests over MP pay.
[140] Daily Nation, 18th March 2013 "Foreign interests funding civil society to compromise Kenya's Sovereignty by James Kimalel.
[141] Daily Nation, 18th March 2013 "Foreign interests funding civil society to compromise Kenya's Sovereignty by James Kimalel.
[142] President Uhuru Kenyatta Mashujaa Day Speech, October 20th, 2014 available from http://allafrica.com/stories/201410202337.html
[143] Rajab R, "Civil Society Groups ask for Uhuru Apology," the Star, October 31, 2016

The situation in Zambia is no different from that of Kenya. Successive MMD administrations have effectively used political propaganda and selective harassment of advocacy groups as a strategy to control and restrict the activities of these groups. The post-transitional Chiluba administration use of political propaganda and selective harassment of advocacy groups, the media and opposition political parties was similar to President Kaunda's one-party system years. Several examples illustrate the state propaganda and harassment campaign. In February, 1996, the Speaker of the Zambian parliament ordered for the immediate arrest of three *Post* editorial staff for contempt of parliament for failing to withdraw and apologise to the speaker about an article published by the paper, which the speaker claimed to be "inflammatory" and meant to lower the dignity of the house (HRW, 1996, p. 19-21). The editors were arrested and spent three nights in jail until the high court ordered for their release. In the same year, police raided the offices of the Zambia Independent Monitoring Team (ZIMT), the Committee for a Clean Campaign (CCC) and the Inter-Africa Network for Human Rights and Development (AFRONET) for declaring the elections "not free and fair." They seized computers, files, and financial records and later charged the directors of the organisations with "receiving funding from foreign countries" under a 30-year-old law that prohibited NGOs from receiving foreign funding without written permission from the President (Amnesty International, 1997).

In December 1996, President Chiluba accused some NGOs of working in the interest of their foreign funders to the detriment of Zambia's domestic interests. He noted that;

> "We must have regulatory systems in place to ensure that Zambia does not become a breeding ground for 'mercenaries.' We have to know who funds these NGOs to ensure our internal safety."[144]

The President was conveying a message to the country that advocacy groups were agents of foreign interests with the goal of tarnishing the reputation, legitimacy, and credibility of these groups in the eyes of the public. FODEP concluded in its report that the 1996 general elections were "neither free nor fair" and faced vicious attacks from the government including charges of tax evasion which were created to freeze its accounts (Dwyer and Zeilig, 2012). In January 1997, while opening parliament, President Chiluba accused the local election monitors, who

[144] The Post, 14 December 1996

had declared the 1996 general elections as illegitimate of being "unpatriotic" and informed parliament that a new law would be introduced for state regulation of election monitoring groups and NGOs. The same year, President Chiluba declared a state of emergency following accusations against UNIP members of parliament of an attempted coup (Bartlett 2000). The state used the emergency regulations to clamp down on opposition political parties, the media and civil society groups perceived to be anti-government and banned all public gatherings. President Levy Mwanawasa, who succeeded Chiluba on January 2002 continued with the pattern of political propaganda and selective harassment of the media, opposition political parties, and advocacy groups. He additionally, used police brutality and arbitrary arrests towards these groups (IPI, 2005, p. 12) and continuously questioned civil society accountability thus;

> "The government can be called to account for funding. These NGOs just chew the donor money and carry on with business as usual. No one asks them anything."[145]

In 2004, Mwanawasa complained that civic groups were operating like opposition political parties rather than partners in development with the government (Geloo, 2004). The same year, he banned the activities of the Oasis Forum-the coalition of advocacy groups that had spearheaded the Anti-Third Term campaign against President Chiluba in 2001.[146]President Rupiah Banda who took over the presidency after the sudden death of President Mwanawasa in 2008 is considered the worst President in the treatment of advocacy groups in Zambia. He employed high-handed strategies to control and curtail the activities of advocacy groups and is credited for introducing and passing the most restrictive and intrusive NGO legislation in the country. Additionally, he frequently relied on the use of the Public Order Act to intimidate, threaten, brutalize and arrest advocacy group activists to muzzle any voices which he perceived as critical to his government policies and actions. For example, during the debate in parliament on the controversial NGO Bill in 2009, several advocacy groups led by CARITAS organised a forum to discuss the Bill and submit their views to the government. However, the meeting was violently disrupted by the Zambian police and several advocacy group leaders arrested under

[145] Health-Zambia: NGOs in the hot seat, available at www.ipsnews.net/2004/03/health-zambia-ngos-in-the-hot-seat/
[146] Zambia: Mwanawasa needs to change Attitude towards Civil Society, *The Post, 12th July 2004.*

the Public Order Act (Zambia: Author interview, 32:2012). The leaders were later released without charges.

During Michael Sata's presidency, there was an alarming increase in the enforcement of the Public Order Act (POA) against advocacy groups, the media, and opposition political parties. Civil society groups questioned the interpretation and manipulation of the Act by the police and the violence involved in stopping public meetings, protests, and demonstrations. The administration effectively used the POA to curtail the freedom of association, expression, and assembly of political parties and advocacy groups. In 2012, the Law Association of Zambia (LAZ) filed a petition in the high court to challenge the constitutionality of certain provisions of the POA on the grounds of its susceptibility to misinterpretation and manipulation. LAZ argued that by using the Act in the manner in which the Sata administration was doing, the state was manipulating the law to prevent members of opposition parties from holding meetings and sometimes arresting and imprisoning them for several days without charges. The meetings were also violently disbanded if held without police approval. The high court dismissed the petition for lacking merit and wrongly taken to court.[147]The use of selecting harassment and state propaganda on advocacy groups has, therefore, been rampant in both Kenya and Zambia throughout the post-transitional political and institutional dispensation as a strategy by the newly democratic states to control and restrict the activities of advocacy groups and this has reduced the ability of these groups to effectively contribute to the process of democratic consolidation.

Table 5. 1: Summary of State Strategies in Kenya and Zambia

State Strategy	Co-optation	Use of NGO Legislation	Political appropriation	Selective harassment	Political Propaganda
Kenya	++	+++	++	++	++
Zambia	-+	++	++	-+	++

Source: Author created from qualitative data obtained through field research in Kenya and Zambia

[147] Lusaka Times, October 24, 2013 "LAZ Loses Pubic Order Act Petition"

5.6. Implications for democratic consolidation in Kenya and Zambia

The democratic states that emerged in Kenya and Zambia and several other African countries in the early 1990s have continued to perceive advocacy groups in purely political terms and, therefore, competitors for legitimacy, territorial hegemony, resources, and autonomy. Just like their authoritarian predecessors, the newly democratic states have deliberately employed strategies of direct and quasi-co-optation, the use of NGO legislation, political appropriation, political propaganda and selective harassment to control and restrict the activities of advocacy groups in the new political and institutional dispensation. These strategies have led to the shrinking civic space for the operations of civil society groups and constrained the ability of advocacy groups to effectively contribute to the process of democratic consolidation. The study found that the use of direct and quasi-co-optation by the state to control the activities of advocacy groups has been more popular in Kenya than Zambia. The new democratic regime in Kenya after 2002 dramatically expanded the scope of co-optation to include both direct and quasi-co-optation of advocacy groups' leadership into state bureaucracy. Both types of co-optation have constrained advocacy groups ability to effectively contribute to the process of democratic consolidation in several ways.

Firstly, direct co-optation has depleted advocacy group sector's critical human resource capacity in the form of skills, knowledge, experience, and leadership by absorbing most of its luminaries into state bureaucracy, a resource, which is crucial if the sector is to effectively contribute to the institutionalization of democracy. The new political and institutional dispensation needs advocacy groups' active involvement in policy discussions which require technical skills, knowledge, and capacity, which advocacy groups have substantially lost to the state through co-optation. The majority of those co-opted had worked in the advocacy sector since the early 1990s, created crucial networks and relationships within the political system and the international donor community and accumulated a wealth of experience from their participation in the pro-democracy movement that pushed for the restoration of democracy and political pluralism. They thus understand the issues and the strategies for achieving political change much better than the young, inexperienced generation of advocacy group leaders who have taken over after their movement into state bureaucracy. Some of the new leaders have not bothered about political activism.

Advocacy groups are thus experiencing a leadership transition from the first generation of advocacy group leaders to the second generation of new leaders who are struggling to steer these organisations at the most critical time when the country is undergoing a significant social and political transformation in its governance structures and processes. The two quotations below from advocacy group leaders interviewed for this study illustrate the feeling of enormous loss within the sector;

> "Some of the co-opted advocacy groups' leaders by the government are simply irreplaceable, regardless of what we may think of their performance while in government" (Kenya: Author interview, 20: 2012).

> "The political revolution swallowed some of its most ardent soldiers from civil society, who have all but turned their backs away from the ideals of the democratic struggle. We did not see this coming" (Kenya: Author interview, 2:2012)

Holmquist (2005) has captured this situation when he writes,

> "Civil society thus experienced the shock of victory. Organizations depended on one or two leaders were 'decapitated' when those leaders departed for government offices. Organizations were further hobbled when funding from some donors declined. Remaining civil society leaders and groups were uncertain about an appropriate role to play with the Kibaki state."

The effect of the loss of leadership by the advocacy sector was evident during the constitutional review process, which was mainly controlled by the political class. Civil society groups only acted as a reference group with a lacklustre contribution to the process. Advocacy groups were disorganized, divided and thus lacked a coherent voice on most of the issues discussed at the constitutional review conference. Secondly, for a period after the regime change in 2002, the intense lobbying for government positions by advocacy group leaders created an environment of anxiety, uncertainty, and tension within the sector, which paralyzed the focus and activities of advocacy groups towards the process of democratic consolidation. Advocacy leaders who were still expecting government appointments retreated from criticising the government and ensuring public accountability in anticipation of such appointments. Responses by advocacy groups to national issues like corruption, and impunity became muted. The process of co-optation, therefore, depleted advocacy groups' dynamism in tackling national issues and distracted their focus from their core mandates and missions.

Thirdly, the abrupt departure of most of the former advocacy group leaders into government had a disruptive and destabilising effect on advocacy groups in the country. Apart from losing experienced leaders, these groups also lost some of their funding from international donors who had built crucial goodwill and relationships with their former leaders over a long period. As Maina (1998) has noted, key international donors in Kenya consider the reputation of the leaders of civil society groups to be a critical factor in funding an organization. Organisations whose leadership left abruptly to join government included the Centre for Governance and Development (CGD), the Centre for Law Reform International (CLARION) and the NGO Council-the civil society umbrella statutory body, which all but collapsed under leadership wrangles and loss of funding. The collapse of the NGO Council had enormous ramifications for the civil society sector in the country, regarding its leadership, organisation, and coordination of NGO activities and consequently the ability of advocacy groups to effectively contribute to the process of democratic consolidation.

Additionally, so much time was lost as the new leaders struggled to find their footing in the political scene and for some time crucial issues to the process of democratic consolidation such as public transparency and accountability and strengthening democratic institutions took a backseat. Moreover, co-optation of advocacy group leadership occurred at a critical time when the country was debating the formulation of a new constitution that would be the foundation for democratic consolidation and which required the contribution of advocacy groups. Advocacy groups, therefore, lost a crucial window of opportunity to contribute to the deepening of democracy in the country. Fourthly, advocacy groups' contribution to the process of democratic consolidation was made worse since the majority of former advocacy group leaders, who were absorbed into the government abandoned the ideals, the values, and the principles they once championed while in civil society. They became conformists and the staunchest defenders of the status quo, thus slowing down the momentum for democratic reform in the country.

The behaviour, the actions, and the poor performance of this group of former advocacy leadership, broadly tainted the image, the reputation, the credibility, and the legitimacy of the advocacy sector and civil society in the country thus constraining their capacity to mobilise public support for critical issues and interests that were crucial to the process of democratic

consolidation. One advocacy group leader interviewed for this study summarised the implications of the behaviour and actions of the co-opted advocacy groups leaders thus,

> "In the eyes of the public, the whole civil society was guilty of betraying the democratisation process because of these leaders" (Kenya: Author interview, 18:2012).

Furthermore, the contribution of these former advocacy group leaders within the government was deplorable. They continuously supported retrogressive laws and policies that undermined the prospects for democratic consolidation, while some of them were implicated in cases of corruption and mismanagement of public funds. Musambayi (2004) argues that the behaviour of these former civil society leaders, while in government engendered disillusionment and loss of confidence in the democratisation process by the public. Additionally, the lack of support for the deepening of democracy by these leaders led to fundamental questions about the commitment and conviction of advocacy group leaders to the causes they claim to represent and champion. This waning influence of advocacy groups in the post-transitional dispensation was vividly captured by Mr. Cyprian Nyamwamu, the Executive Director of the New Democracy Foundation in Kenya when he wrote;

> "When NARC took over power in 2003, advocacy groups rapidly lost substantial influence and power over the constitutional review process and other governance issues in the country due to the loss of part of their leadership to government bureaucracy and the misguided belief that NARC was a civil society friendly government, turning them into mere spectators in the process of consolidating our democracy"[148]

Finally, advocacy group leaders who simultaneously held both government and civil society positions found themselves in a precarious position of conflict of interest, which undermined their independence and autonomy to criticize the government in which they served. Moreover, civil society and government exist to serve very different purposes in society and are driven by very different logics. Merging both purposes in one individual was an impossible mission. Advocacy group leaders who served simultaneously as state commissioners became irrelevant as leaders of advocacy groups. The commissions in which they served such as the Kenya National Human Rights Commission (KNCHR) were doing much of the work that was previously done by advocacy groups, using similar strategies as advocacy groups, leading to

[148] Nyamwamu Cyprian "Civil Society has to find its voice", the Star, Tuesday 29th May 2012

duplication of work, competition for scarce international donor resources and more importantly crowding out advocacy group from the civic space and, therefore, contributing to the closing civic space for civil society groups in both countries and undermining the ability of these groups to effectively contribute to the process of democratic consolidation.

The use of intrusive and restrictive NGO legislation by the newly democratic states of Kenya and Zambia to control and restrict the activities of advocacy groups had a significant effect on the ability of advocacy groups' to effectively contribute to the process of democratic consolidation. The intensity of using NGO legislation depended on each administration and the obtaining political and institutional environment. The use of intrusive NGO legislations created barriers to entry, operational activity, and self-regulation, therefore, constraining advocacy groups' ability to contribute to the process of democratic consolidation and posing an existential threat to these groups. Firstly, barriers to entry are restrictions in the NGO Acts, which discourage the formation and registration of advocacy groups. Both the NGO Coordination Act of 1990 and the NGO Act of 2009 in Kenya and Zambia respectively, provided for the establishment of government-dominated boards with broadly defined discretionary powers over civil society registration processes. These boards have made arbitrary and prejudicial decisions on registration outcomes for advocacy groups based on vague grounds of denial of registration as discussed in this chapter. Both legislations lack time limits in the application process, which creates uncertainty in the operations of advocacy groups. Besides, the Zambia legislation has increased burden to advocacy groups by requiring compulsory registration and the need to specify administrative district and locations that organisations intend to conduct their activities as well as proposed sources of funding. This type of information impedes future expansion and effectiveness of these groups. Mandeep (2009) has argued that stringent conditions for registration of civil society groups are likely to stop new advocacy groups from registering and reduce the number of existing organisations.

Secondly, barriers to operational activity are restrictions in the Acts that constraint legitimate activities of advocacy groups. In both countries, the government-dominated, and controlled boards have the powers to deregister any advocacy group based on undefined and vague grounds. For example, SACCORD was deregistered in Zambia in 2004 for posing a "*danger to state security."* A phrase that is not explicitly defined in the Act. This power was frequently used in both countries as discussed in this chapter to instill fear in advocacy groups

through intimidation, threats of deregistration and deregistration. It created an atmosphere of fear and mistrust that was not conducive to any constructive engagement between advocacy groups and the state. Additionally, the Zambian NGO Act had more restrictions on operations, including the requirement of re-registration after every five years, which affect advocacy groups' stability, planning, and resource mobilisation and ignores the principle of the continued existence of public entities (Elone, 2010).

The re-registration clause limits the number of small, locally-based advocacy groups in rural areas, which find it extremely difficult to meet the requirements for re-registration such as providing annual reports, audited accounts, funding sources and individual assets of their officials. It also makes advocacy groups vulnerable to manipulation by the government. Such interference is likely to reduce advocacy groups' effectiveness in the process of democratic consolidation by distracting them from the reform agenda and destabilising their operations and programmes. Further, the requirement in both countries that advocacy groups must harmonize their activities with those of government's national development plans, a process of administrative co-optation, forces, advocacy groups to fit into the rigid and bureaucratic governmental procedures of development administration. As explained by Fowler (1991), this process leads to the subordination of advocacy group choices by state organs, reduces advocacy groups' effectiveness by interfering with their local sensitivity and comparative advantages, such as flexibility of operations, agenda setting, innovation and capability to reach the most vulnerable and the marginalised citizens in society.

Thirdly, the barrier to self-regulation emanates from the requirement that the codes of conduct developed by civil society groups must be approved by the government-dominated NGO boards. In both countries, the code of conduct developed by advocacy groups must be discussed and approved by the government-controlled NGO board. This requirement undermines self-regulation by advocacy groups and extends control by the administrations. Due to these restrictive and intrusive provisions in the NGO legislations in both countries, some advocacy groups have re-oriented their work by shifting their programs to less sensitive areas of advocacy, while other groups such as the Legal Resources Foundation and PANOS Institute of Southern Africa in Zambia have registered as limited companies to avoid the complicated and restrictive burdensome bureaucratic procedures and control by the NGO board. These decisions and processes distract advocacy groups from their core mandates and focus, creating

a political and an institutional environment which is not conducive nor supportive of their efforts towards the process of democratic consolidation. The intrusive provisions discourage advocacy group-state engagement and partnership to promote democracy and development. The provisions also violate constitutional guarantees such as freedom of association, assembly and expression and other legal obligations under international laws, which support the work of advocacy groups. Overall, as discussed above, NGO legislation in both Kenya and Zambia are mostly aimed at controlling, restricting and curtailing the activities of advocacy groups rather than providing a facilitative and regulatory framework, which creates an enabling environment that supports the work of advocacy groups in promoting the democratization process in both countries.

The NGO legislations in both countries also undermine the autonomy, independence, and ability of advocacy groups to form coalitions and strategic partnerships that are crucial for articulating demands for democratic consolidation. The legislations repress critical voices through fear and intimidation by the powerful NGO Boards, which continually threaten advocacy groups with deregistration, besides the requirement for re-registration every five years. When advocacy groups involved in governance and democracy operate in a political environment of fear and intimidation, they cannot meaningfully hold the governments accountable, provide critical analysis of government policies nor push for crucial reforms that are necessary for democratic consolidation. Additionally, such NGO legislations cripple the enjoyment of fundamental freedoms and civil liberties by civil society groups, freedoms that are critical for democratic consolidation. Elone (2010), therefore, concludes that "increasing regulation indicates a return to autocratic practices and a backlash against democratisation."

The political appropriation of NCCK and ZCTU in Kenya and Zambia respectively, due to personal, political and institutional factors in the post-transitional political and institutional environment as discussed in this chapter was unexpected as both organisations had provided leadership for the prodemocracy movements in their countries, which significantly contributed to the restoration of democracy and pluralism. Both organizations are umbrella organisations with a large membership, countrywide networks and control substantial amounts of resources. They also have a long history of democratic reform, credentials for defending social justice and human rights and acted as the sole opposition groups during the authoritarian period.

In Kenya, the political appropriation of NCCK led the organization to retreat from the public sphere and engagements in national issues. Its voice became muted, and the organization was no longer the custodian of democratic values, the conscience of society and the voice of the voiceless. NCCK abandoned its aggressive fight for democratic reforms and became an appendage of the state. Its continued alignment with the state also alienated most of its members and supporters. Most respondents interviewed for this study stated that the political appropriation of NCCK led to disagreements with some of its affiliate members over the organization's mission and goals.[149]In the broader process of democratic consolidation, NCCK became irrelevant and insignificant by its failure to provide leadership and direction to civil society groups and the citizens in the constitutional review process and other important national issues from 2002 to 2008. The organization also got sucked into narrow, parochial, partisan and tribal politics, which muted its prophetic voice and damaged its credibility, reputation, legitimacy, and respect which it had built for many years of agitating for democratic reforms in the country. (Kenya: Author interviews, 9: 2012; 14: 2012; 15: 2012). Additionally, the appropriation of NCCK had enormous ramification for the whole of civil society in Kenya since it was the convener and coordinator of the governance and democracy civil society groups involved in the constitutional review process. These groups now lack a lead organization around which to organize to influence the process of democratic consolidation.

In Zambia, political appropriation neutralized the ZCTU as a force for democratic consolidation (Burnell, 2000) and the organization ended up supporting SAPs policies such as privatization, civil servant retrenchment, removal of food and agricultural subsidies, reduction in social spending, all of which were detrimental to its own survival and the interests of its members. Aligning itself with the government prevented it from representing its members' interests against SAP policies, which led to widespread poverty, inequality, and unemployment. ZCTU became weak, pliant and infiltrated by government operatives to the extent that it could hardly contribute to the process of democratic consolidation in the country. Chibale (2009) has noted that the effects of SAPs almost killed the labour movement in Zambia through massive job losses, which led to a reduction of its membership and with-it reduction in revenues. Additionally, several unions disaffiliated from ZCTU and further weakened it.

[149] Kenya: Author interviews, 9: 2012; 12: 2012; 19: 2012

These members established other national trade unions (Zambia: Author Interviews, 31:2012, 32: 2012), which fragmented labour union movement in Zambia and further weakened their voices and contribution to the process of democratic consolidation. It must be noted that a trade union that cannot defend the interests of its members will not defend the interests of democracy. ZCTU, therefore, played a marginal role in the process of democratic consolidation in Zambia and by 2002, a decade after the transition to democracy, it had achieved very little in terms of democratic reforms. The years after 2002 have primarily been devoted to rebuilding the organization.

The political appropriation of NCCK and ZCTU weakened and undermined these organisations' autonomy, credibility, independence, and considerably constrained their ability to effectively contribute to the process of democratic consolidation. Through appropriation, both organizations were neutralized, compromised and almost destroyed.[150]Political appropriation sacrificed advocacy groups' ability to hold the state accountable to democratic norms and procedures and compromised their ability to criticise the government and its policies. Additionally, state control of NCCK and ZCTU led to alienation of large sections of their membership from active and meaningful participation in their activities geared towards the process of democratic consolidation. The loss of such membership significantly reduced their resources and mobilization capacity. Political appropriation of both organizations had enormous and adverse effects on civil societies in both countries. It significantly affected civil society coordination, focus, and organization in both countries and therefore, their efforts towards democratic consolidation.

Finally, political appropriation of the two organizations broadened and extended political patronage throughout both countries and weakened the unity of purpose that had helped galvanize advocacy groups during the democratic transition in both Kenya and Zambia. It is also difficult to achieve democratic consolidation in emerging democracies such as Kenya and Zambia when such large, well-established, well organised, well- resourced and influential organisations are appropriated by the state. Their appropriation by the newly democratic states demonstrates that there is no guarantee that organisations, which supported the democratic transition will necessarily support the process of democratic consolidation. In other words,

[150] Author interviews, 24: 2012; 26: 2012; 29: 2012; 32: 2012

organizations that make the democratic transition possible can undermine the process of democratic consolidation.

The study found that the use of state propaganda and selective harassment have also been significant strategies employed by the newly democratic states of Kenya and Zambia to control and restrict the activities of advocacy groups in the post-transitional and institutional environment. Although both countries are electoral democracies, their governments continue to view advocacy groups on purely political terms as competitors for legitimacy, resources, territorial hegemony, security, and autonomy. State propaganda is channelled through the media and other official platforms and framed advocacy groups as "foreign agents" serving imperial agenda, "evil society," "sell-outs" and "unpatriotic" to undermine advocacy groups' reputation, legitimacy, credibility, image, and role in the process of democratic consolidation. The use of state propaganda against advocacy groups in both countries led to deep mistrust and suspicion between advocacy groups and the state and thus undermined state-advocacy engagement in the policy-making processes and eroded public trust for advocacy groups. Additionally, state propaganda undermined advocacy groups' efforts for public mobilisation and support for policies geared towards the process of democratic consolidation. It tarnished the image, reputation, and credibility of advocacy groups as representatives of the poor and the marginalized sections of society.

The newly democratic states in both countries have also employed selective harassment as a strategy to control and curtail the activities of advocacy groups in the post-transitional political and institutional environment. Selective harassment has taken various forms, including, police brutality to break up peaceful demonstrations and protests, raids into advocacy group offices, arbitrary arrests, detention without charges and in extreme cases imprisonment. Additionally, both governments have used draconian laws such as the Public Order Acts and Sedition laws to harass advocacy groups perceived to be critical of the administrations' policies and actions. While both governments have argued that the application of such laws is to maintain order and security, most respondents interviewed for this study reported that the real motivation behind the application of such laws is to control and curtail the activities and operations of advocacy groups based on suspicion and mistrust. Selective harassment has created an environment of fear and intimidation for advocacy groups and, therefore, undermine their efforts towards the process of democratic consolidation.

Selective harassment also renders any meaningful engagement with the state in the process of democratic consolidation impossible and has distracted advocacy groups focus on reforms, wasted their resources, and time and impeded their efforts at holding the state accountable. In both countries, selective harassment by the state has forced several groups to engage in self-censorship by with-holding criticism of the government for fear of reprisals. Finally, the application of selective harassment of advocacy groups in both countries has continued to violate fundamental human rights such as freedom of expression, association, and assembly and thus undermine the process of democratic consolidation.

5.7. Summary

Using a modified framework of Fowler's (1991) model on the strategies employed by the African authoritarian states to control and restrict the activities of NGOs, as explained in Chapter 2 of this dissertation, this chapter has analysed the various strategies employed by the newly democratic states in both Kenya and Zambia in the post-transitional and institutional dispensation to control and restrict the activities of advocacy groups. It has also examined and the implications of such strategies on the ability of these groups to effectively contribute to the process of democratic consolidation. The chapter has noted that the newly democratic states in both countries have continued to view advocacy groups in purely political terms as competitors for legitimacy, territorial hegemony, and autonomy. They have, therefore, replicated the same strategies that were used by their authoritarian predecessors to control and restrict the activities of these groups. The strategies include direct and quasi-co-optation, political appropriation, the use of NGO legislation, selective harassment and political propaganda.

It is evident that direct and quasi-co-optation has been more dominantly used in Kenya than Zambia. Although the authoritarian state used administration co-optation to control the activities of advocacy groups, the newly democratic regimes in Kenya have expanded the scope of co-optation to include both direct and quasi-co-optation of advocacy leaders into state bureaucracy, and the numbers of co-opted advocacy group leaders have also exponentially increased. The first wave of direct and quasi-co-optation occurred during the National Rainbow Coalition (NARC) term in office. The government, which came to power with the support of advocacy groups co-opted large numbers of advocacy group leaders into its bureaucracy and various state commissions and task forces.

The chapter analyzed several competing motivations behind this wave of co-optation of advocacy leaders. Firstly, most advocacy groups had worked closely with NARC leaders while they were in opposition for many years and created close relationships and partnerships. Moreover, most advocacy groups had supported and campaigned for NARC during the 2002 general elections. It was, therefore, apparent that NARC would look to civil society as a source of skills, knowledge, and experience in governance. Secondly, the study found evidence that direct and quasi-co-optation was a deliberate attempt by the NARC administration to weaken civil society to consolidate state power, while some respondents interviewed for this study saw it as a public relations exercise to please and attract international donor funding. Thirdly, other reasons given by respondents for direct and quasi-co-optation of advocacy group leaders into the state bureaucracy included personal ambitions of advocacy leaders to access state power, economic livelihood, genuine belief in democratic transformation and lack of commitment of advocacy leaders to democratic ideals, which they purport to represent and champion while in civil society. The chapter also discussed the view that the large scale direct and quasi-co-optation of advocacy groups after the regime change in Kenya was as a consequence of elite re-alignment after decades of exclusion from the state by the Moi administration. The chapter also noted that advocacy group leaders are not victims of co-optation but active participants in the process through lobbying for positions in the state bureaucracy.

The chapter noted that the performance of co-opted advocacy group leaders while in government had little impact on the process of democratic consolidation. The idealists within the group were frustrated with the commitment and the pace of reforms by the administration and resigned within two years in office, while the moderates achieved incremental reforms. The conformists who comprised the largest group of co-opted advocacy group leaders easily abandoned the ideals, values, and principles of democratic reforms, which they had championed while in civil society and capitulated to the whims of the state, becoming the staunchest defenders of the status quo. Their behaviour led to fundamental questions about the commitment and conviction of advocacy group leaders to the causes and values that they claim to represent while in civil society. The second wave of direct and quasi-co-optation which was much larger than the first wave occurred during the Grand Coalition government (2008-2012) tenure after the promulgation of the new constitution in 2010 which created hundreds of constitutional offices and independent constitutional commissions.

In Zambia, direct and quasi-co-optation as strategies to control the activities of advocacy groups were not as popular as was in the case of Kenya for several reasons. Firstly, the Movement for Multi-Party Democracy (MMD), which took over power in the first multi-party general elections in 1991 was dominated by business people and labour, and, therefore, excluded civil society groups. Secondly, while the Chiluba administration embraced the business community to implement SAPs, he deliberately alienated advocacy groups, since they had long opposed the SAPs. Thirdly, the lack of commitment to democratic reforms and the authoritarian tendencies of successive MMD administrations contributed to the marginalization of advocacy groups from policy-making and the governance processes. The Patriotic Front (PF) government, which took over power in 2011 showed some signs of commitment to working with advocacy groups, but soon reneged on its promises to amend the NGO Act of 2009. However, the Sata administration co-opted several advocacy group leaders into its bureaucracy and the technical committee of the constitutional review commission.

The chapter also examined the use of NGO legislation in both countries to control and restrict the activities of advocacy groups in the post-transitional and institutional political environment. It noted that both Kenya and Zambia have significantly relied on the use of NGO legislation to control the activities of these groups leading to the shrinking civic space for the operations of advocacy groups and, therefore, constraining their ability to effectively contribute to the process of democratic consolidation. The use of NGO legislation is motivated by a deep sense of suspicion, and mutual mistrust between advocacy groups and the newly democratic states due to advocacy groups challenge to the state's legitimacy, autonomy, and territorial hegemony. In Kenya, the government enacted an intrusive NGO Coordination Act in 1990 to control the growing civil society calls for the restoration of democracy and pluralism in the country. The Act established the NGO Co-ordination board, a government-controlled board with enormous discretionary powers over civil society groups' activities. The board was used to deregister any organization that was perceived to be critical of the government.

The use NGO legislation to control and restrict the activities of advocacy groups considerably reduced during the NARC administration (2002-2007) and the Grand Coalition Government (2008-2012) but peaked in 2013 when the Jubilee administration assumed power and adopted a systematic anti-civil society strategy, which disproportionately targeted advocacy groups. The anti-civil society campaign emanated from the historically frosty relationship

between advocacy groups and the Jubilee party leadership, who were part of the Moi's authoritarian regime and the support of advocacy groups for the ICC process, which had charged President Uhuru Kenyatta and his deputy for their alleged involvement in the post-election violence of 2007/2008. The administration has thus used the NGO legislation to deregister hundreds of advocacy groups and threatened others with deregistration.

In the case of Zambia, NGO legislation has prominently been used to control and restrict the activities of advocacy groups since the political transition in 1991. All the MMD administrations which ruled the country for two decades until 2011 continued with authoritarian tendencies under the democratic setting and used NGO legislation to target advocacy groups which they perceived to be critical of their policies and the governance style. However, the study found that most respondents considered the Banda administration (2008-2011) as the worst in terms of using NGO legislation to curtail the activities of advocacy groups. It made the boldest step and enacted one of the most restrictive and intrusive NGO legislation in 2009. Most advocacy groups viewed the Act as repressive and meant to undermine NGOs autonomy and independence, besides instilling fear and intimidation on its members and officials. The Act includes several contentious clauses, which could constrain the registration and operations of NGOs in the country.

The chapter also discussed the strategy of political appropriation using the case of the NCCK and ZCTU in Kenya and Zambia respectively, to illustrate the effects of political appropriation on the ability of advocacy groups to contribute to the process of democratic consolidation. Both organizations played a significant role in the process of democratic transition in their countries but were faced with a strategic dilemma when the political parties which they had closely worked with and supported in the opposition assumed power. Both were politically appropriated but for different reasons. NCCK made a policy decision to embrace "principled collaboration" with the NARC government, which its leadership believed was committed to the institutionalization of democracy. This decision marked a significant turning point for the transformation of the organization's relationship with the state and its role in the democratization process. Other factors that influenced NCCK decision to co-operate with the state included ethnicity, co-optation of its Secretary-General into state bureaucracy and its new brand of leaders who were less vocal and political than their predecessors. NCCK acquiesced to the whims of the state and retreated from the public space. It became lenient and cordial with

the state, less vocal on national issues and adopted an unusual silence on matters of democratic governance and consolidation.

The Zambia Congress of Trade Unions (ZCTU), which was behind the formation of MMD found itself in the same predicament as the NCCK in Kenya after the democratic transition. It supported the new administration as its leaders believed that they were the government. The state, on the other hand, used both market and corporatist strategies to appropriate ZCTU to consolidate power and to implement SAPs which had long been opposed by ZCTU during the Kaunda years. The state also directly interfered in the internal affairs of the union to select and co-opt union leaders who were friendly to MMD. These maneuvers weakened the ZCTU by causing splits and divisions and leading to the emergence of other national federations of unions. Market strategies used by the MMD included the passing of restrictive legislation which abolished mandatory unionization of workers and led to the proliferation of many unions, thus weakening ZCTU. Privatization and public-sector retrenchment under SAPs also significantly reduced ZCTU membership and revenue base, thus further weakened the organization. Political appropriation undermined ZCTU autonomy, independence, authority and mobilization strategies. The organization supported policies that were detrimental to its own survival and hardly contributed to the process of democratic consolidation.

Finally, the chapter analyzed the use of state propaganda and selective harassment to control and restrict the activities of advocacy groups in the post-transitional countries of Kenya and Zambia. In Kenya, the use of state propaganda and state-sanctioned harassment of advocacy groups has intensified since 2013 after the Jubilee administration took over power from the Grand Coalition government. The deep-seated mistrust between advocacy groups and the Jubilee administration stem from the historical relationship between the two groups during the one-party system when most of the Jubilee leaders were part of the Moi administration and KANU. Advocacy groups were opposed to authoritarianism and the one-party system. The relationship between advocacy groups and the administration was further strained over the International Criminal Court (ICC) charges against President Kenyatta and his deputy for alleged role in the 2007/08 post-election violence. The administration accused advocacy groups of providing evidence to the ICC, coaching witnesses and supporting the ICC process. The state, therefore, resorted to the use of selective harassment and political propaganda to control

and restrict the activities of advocacy groups. The state has also employed police brutality, arbitrary arrests, and detention and in some cases imprisonment. The government also engaged in a sustained campaign of vilification of advocacy groups. The situation in Zambia was no different from that of Kenya. Successive MMD administrations have effectively used political propaganda and selective harassment of advocacy groups as a strategy to control and restrict the activities of these groups. The state has targeted advocacy groups with arbitrary arrests and detention, police brutality in breaking up protests and demonstrations and police raids of advocacy groups offices and confiscation of equipment. Advocacy groups have also been described as "mercenaries," "unpatriotic," "foreign agents," "unaccountable" and unelectable groups, which are a danger to state security and sovereignty.

The chapter concluded by examining the implication of state strategies on advocacy groups' ability to effectively contribute to the process of democratic consolidation in Kenya and Zambia. The strategies employed by the newly democratic states in both countries have led to the shrinking political space for the operations of advocacy groups and, therefore, limited their activities meant to support the consolidation of democracy. The use of direct and quasi-co-optation of advocacy group leadership robbed the sector of critical human resource capacity, skills, experience, and leadership that is crucial if the sector is to contribute to the process of democratic consolidation. The intense lobbying of political appointments within the advocacy sector created tensions and anxiety which distracted the groups from focusing on and supporting the process of democratic consolidation. Moreover, the abrupt departure of former advocacy group leaders into government disrupted and destabilized most advocacy groups in the country at a critical time of the constitutional review process. Co-optation depleted the dynamism of advocacy groups leading to muted and discordant voices within the sector. The failure of most of the co-opted leaders to support democratic consolidation while in government has dented the image, reputation, credibility, and legitimacy of the advocacy sector, reducing its capacity to mobilize public support for issues and interests that are crucial to the process of democratic consolidation. The use of intrusive NGO legislations have created barriers to entry, barriers to operational activity and barriers to self-regulation thus constituting not just severe constraints on the ability of advocacy groups to contribute to the process of democratic consolidation but also posing an existential threat to these groups.

The NGO legislations enacted in both countries have established a government-dominated and controlled board with broadly defined discretionary powers over civil society registration processes, leading to arbitrary and prejudicial decisions on registration outcomes for advocacy groups. There are also vague grounds for denial of registration and lack of time limits on application decisions, creating uncertainty, and discouraging new advocacy groups from registering. The legislations have also created barriers to the operational activity of advocacy groups through the tight control of activities, intimidation and reporting procedures. These measures have violated fundamental rights and freedoms and created an environment of fear, mistrust, and intimidation that is not conducive to effective engagement in the process of democratic consolidation. This kind of environment has also affected advocacy groups' stability, planning, and resource mobilization. The requirement of harmonization of advocacy group activities with those of the national government's development plans has affected their choices, local sensitivity and comparative advantages such as flexibility of operations, agenda setting, innovation and reaching the poor and the marginalized. NGO legislation has also affected advocacy groups' self-regulation by insisting that the government body must approve codes developed by advocacy groups. Advocacy groups have reacted to these constraints by re-orienting their work to fewer sensitive areas, scaling back their activities and registering as limited companies, among other responses. These decisions and processes have reduced the ability of these groups to effectively contribute to the process of democratic consolidation besides discouraging advocacy group-state partnership to promote democracy and development. The legislations have undermined the autonomy, independence, and ability of advocacy groups to form coalitions that are crucial for articulating demands for democratic consolidation.

The political appropriation of NCCK and ZCTU in Kenya and Zambia respectively compromised their autonomy, independence, and credibility and, thus, undermined their freedom and efforts at contributing to democratic consolidation. In Kenya, NCCK retreated from the public sphere, and its voice on national issues became muted. It was no longer the custodian of democratic values, the conscience of society and the voice of the voiceless. In Zambia, the ZCTU was thoroughly neutralized as a force for democratic consolidation. It could not defend the interests of its members and supported SAPs policies that were detrimental to its membership interests and its own survival. The movement became extremely weak and played

a marginal role in the process of democratic consolidation in Zambia. Political appropriation of NCCK and ZCTU alienated large sections of society from active and meaningful participation in the process of democratic consolidation. The appropriation of both organisations also affected the focus and commitment of civil society to democratic consolidation as these groups were the lead organisations within civil society. The political appropriation of NCCK and ZCTU by the state demonstrates that it is not a guarantee that organisations that make the democratic transition possible will play a significant role in the process of democratic consolidation.

Finally, the use of state propaganda has eroded the credibility, image, trust, reputation, and legitimacy of advocacy groups with the public and thus undermined their efforts for public mobilization and support for the process of democratic consolidation. Selective harassment, on the other hand, has created an environment of fear, intimidation, and mutual mistrust between civil society and the state, therefore, undermining any meaningful engagement in the process of democratic consolidation. It has distracted advocacy groups focus, operations, wasted their resources, and time and thus undermined their contributions to the democratization process. It also violates fundamental rights of advocacy groups such as freedom of association, assembly, and expression which are an essential part of a democratic system, thereby weakening the prospects for democratic consolidation in both countries. The next chapter examines the process of popular disengagement from advocacy groups and their effects on the ability of advocacy groups to effectively contribute to the process of democratic consolidation in both Kenya and Zambia.

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CHAPTER 6

ADVOCACY GROUPS AND DEMOCRATIC CONSOLIDATION: FROM ENCHANTMENT TO DISILLUSIONMENT AND POPULAR DISENGAGEMENT IN KENYA AND ZAMBIA

"There is no greater threat to democracy than indifference and passivity on the part of citizens" (Bronislaw Geremek, 1992, p. 11)

"Disengagement is highly relevant to the whole democratic project. The institutions of democracy can be created by fiat, regardless of the disengagement of many, but the institutionalisation of democracy necessitates engagement" (Baker, 2001, p. 195)

6.1. Introduction

Active citizen participation sustained commitment and support for the pro-democracy movements in both Kenya and Zambia in the early 1990s were critical for the success of these movements in dislodging authoritarian systems from power. Citizens participated in these movements through various means, including attendance to political rallies, demonstrations and mass protests, which forced authoritarian regimes to accept democracy and pluralism. The people were thus at the core of Africa's "second liberation" struggle[151]or what Ranger (2008) refers to as the "second democratic revolution." The people constituted the "*pressure from below"* which helped push for the collapse of authoritarian regimes, which had entrenched economic mismanagement and poor governance in the continent. (Kraus, 1995; Bratton, 1994; Bayles and Szeftel, 1992). Mass protests, therefore, played a critical role in the political liberalization in the continent (Bratton and Van de Walle, 1997). Equally important was the fact that advocacy groups which were part of the prodemocracy movements were as strong as their active membership participation in their activities, contributing their skills, values, and experience to the prodemocracy movement. The level of participation and political efficacy of individual membership of advocacy groups, therefore, determine their relative health and strength. It is the membership in such groups which makes them become the "people's organisations" (Duthy and Duthy, 2003).

[151] Ali Mazrui, "Kenya: Between Two Liberation Struggles" West Africa, 2-8, September 1991, p.1450

Cohen and Arato (1992, p. ix) have thus concluded that ordinary people are agents of modern civil society, creating it through "forms of self-constitution and self-mobilization." Moreover, "public interest groups" (Berry, 1977) such as advocacy groups derive their legitimacy from their membership and support from ordinary citizens. [152] In Zambia, Chanda (1995, p. 127) noted that the "people were prepared for change, and all that MMD[153] had to do was to present itself as the legitimate alliance of people, who provided that alternative." Similarly, Sachikonye (1995, p. viii) has argued that the rise of MMD to power "represented a new context in which people's role was more representative and decisive, therefore, making a new level of state organisation and political consciousness." Similarly, in Kenya, it was the masses through their active participation in the pro-democracy movement, which sustained political protests and demonstrations for the restoration of democracy and pluralism amid violent and fierce police brutality, threats, intimidation and arbitrary arrests and detention by the incumbent regime.

The direct involvement of the masses in the political transition revived a sense of collective purpose (Holmquist 2005) and created a high level of "hope capital" (Mungui-Pappidi 2002), which is an essential political and social resource for the process of democratic consolidation. This situation led to the building of unrealistic expectations by the masses on the assumption that the political transition would lead to both economic development and the institutionalization of democracy. However, Havel (1985) believes that without such hope, freedom and democracy would not be possible. Two decades later, citizens have become sceptical of the very possibility of democracy in both Kenya and Zambia with increasing unemployment, inequality, corruption and poverty and they are blaming both the state and advocacy groups, a process that has led to disillusionment, discontent, disappointment, and ultimately popular disengagement from advocacy groups in both Kenya and Zambia, impacting on their ability to effectively contribute to the process of democratic consolidation.

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[152] Legitimacy refers to the "perceptions by key stakeholders that the existence, activities and impacts of civil society groups are justifiable and appropriate in terms of central social values and institutions" (Brown and Jagananda, 2007)

[153] MMD is the Movement for Multi-Party Democracy-the opposition political party that dislodged the United National Independence Party of former President Kenneth Kaunda after the re-introduction of multi-party democracy in Zambia in 1991.

This chapter, therefore, shifts our attention and focus of analysis from the constraints confronting advocacy groups emanating from state actions and the post-transitional political and institutional context as discussed in Chapters 4 and 5 to the dynamics of the interaction of advocacy groups with their own membership in the rapidly changing process of democratization in both Kenya and Zambia. The chapter employs an *experiential approach*[154] to examine the nature, the pattern, and the significance of popular disengagement on advocacy groups' ability to effectively contribute to the process of democratic consolidation. It argues that the experiences, the choices, and the reactions of individuals towards advocacy groups performance in the selected countries, provide the best way to assess, understand and explain their relationship with advocacy groups in a comparative perspective in the process of democratic consolidation.

The core assumption here is that people's experiences and how they interpret those experiences inform and shape their behaviour and reaction towards advocacy groups' performance in the process of democratic consolidation. The chapter draws from a detailed analysis of qualitative data obtained from both Kenya and Zambia through in-depth *semi-structured* personal interviews with ordinary citizens. The chapter proceeds as follows; section one discusses the nature of popular disengagement from advocacy groups focusing on macro, meso and micro-scale factors, while section two is devoted to analysing the pattern of disengagement from advocacy groups, focusing on individual and collective responses, social clustering, selectivity of the process of disengagement and forms of popular disengagement in both countries. The chapter concludes by analysing the implications of popular disengagement from advocacy groups on their ability to effectively contribute to the process of democratic consolidation. A summary of the chapter then follows.

[154] People's subjective assessment of social, political and economic changes on their lives over-time (Howard 2003)

6.2. The nature of popular disengagement from advocacy groups in Kenya and Zambia

In reference to popular disengagement from the state, Azarya (1988, p. 13) has argued that "the degree of favourable or unfavourable attitude shown to the state is not necessarily correlated with the degree of activism of response." In other words, satisfaction or frustration with government performance is not synonymous with political consciousness and action. Baker (2001) has cited an insightful and informative study by Inkeles (1969) which demonstrated this point through a comparative study of Nigeria and the then East Pakistan. The author found that those who scored highly on participant citizenship in Nigeria were more often dissatisfied with government performance than non-participants. This finding was in complete contrast to East Pakistan (Bangladesh), where the most active citizens were also the most consistently satisfied with government performance. Further, in a more recent study of South Africa's twenty years of democracy, Booysen (2013) found that dissatisfied South Africans were most likely to join protests and demonstrations than those who were satisfied with government performance.

These findings, therefore, demonstrate that the decision of citizens to engage or disengage from the institutions of governance such as the state and even advocacy groups is a complex process that is dependent on numerous contextual and individual factors. The study, therefore, proposed that popular disengagement is a responsive or adaptive strategy employed by citizens towards advocacy groups and influenced by macro, meso, and micro-scale factors, which advocacy groups work across as explained in *Figure 2.4* in Chapter 2 of this dissertation. Macro-scale factors are numerous external and uncontrollable factors that influence advocacy groups' decision making, performance, and strategies to achieve their goals. They include the availability of strategy of disengagement, political and economic conditions, cultural norms and spatial distribution of advocacy groups. Meso-scale factors are the intermediate factors between the macro and the micro scale factors which shape the framework and operations of advocacy groups. These include structural factors such as advocacy groups' level of membership and participation, legitimacy, agenda and representation. Finally, micro-scale factors are individual factors, such as the availability of resources, personal efficacy, personal norms and assessment of utility. The macro, meso and micro scale factors, all affect popular disengagement from advocacy groups.

6.2.1. Macro-Scale factors

The study considered the availability of strategy of disengagement, political and economic conditions and the spatial distribution of advocacy groups as the major macro-scale factors that influence the process of popular disengagement in both Kenya and Zambia.

6.2.1.1. Availability of Strategy of disengagement

The study found that most citizens in both countries, who were dissatisfied with advocacy groups' performance in the post-transitional political dispensation were most likely to disengage than those who were satisfied with advocacy groups' performance. Of those interviewed for this study, 64 percent in Kenya and 75 percent in Zambia stated that they were no longer members of an advocacy group. The three quotations below from in-depth personal interviews with a mechanic in Kenya, a businesswoman and a teacher both in Zambia, are representative of the various reasons given by respondents for disengagement from advocacy groups;

> "I am disappointed with many advocacy groups, which have not only failed to hold the government accountable but have also been compromised by the same government. I am no longer a member of any advocacy group" (Kenya: Author interview, 44: 2012)

> "I was an active member of several advocacy groups, but I lost interest because there were no tangible benefits both at my level and at the national level. It was a waste of time, especially in these tough economic times. I joined a *self-help* group, where I can enjoy direct economic benefits from the group" (Zambia: Author interview, 97: 2012).

> "We in Zambia continue to experience extreme levels of poverty, poor governance and inequality, despite the existence of hundreds of advocacy groups. What are they supposed to do? Moreover, what are they doing? For me, I gave up on these groups and even participation in Zambian politics" (Zambia: Author interview, 92: 2012)

These findings are consistent with Baker (2001), who in a study of several types of disengagements in Africa found that popular disengagement was the most likely choice for most citizens, who felt dissatisfied with the state. It appears that citizen dissatisfaction with social power in Africa is most likely to lead to popular disengagement than engagement. Several factors could explain these findings. Firstly, according to Baker (2001), disengagement is an easier option for most citizens because it offers relief, is within reach, low in resource demand and with minimal risk of sanctions.

Additionally, Walzer (1992, p. 89) has noted that "Civil society is the space for the un-coerced human association." In other words, the institutions of civil society have no jurisdiction over individuals that those individuals cannot avoid. Individual members of these groups can thus easily initiate and withdraw from advocacy groups without the risk of sanctions. Advocacy groups, therefore, have no powers to coerce individuals to remain their members if those individuals chose to disengage. This means that disengagement is a readily available option for individuals dissatisfied with the performance of advocacy groups in the process of democratic consolidation.

Secondly, popular disengagement is an invisible, quiet, private and passive strategy of exit, which makes it an attractive means of protest for individuals disappointed with advocacy groups' performance. The study found that disengaging individuals from advocacy groups did not discuss their decision to disengage with anyone such as friends and relatives. They quietly just dropped out of advocacy group membership. This feature of popular disengagement was, therefore, a crucial factor for most individuals disengaging from advocacy groups in both Kenya and Zambia in the post-transitional and institutional environment. Hirschman (1970) also believes that popular disengagement or "exit" is a most likely response to the failures of voluntary associations as opposed to "voice" or engagement, which is a most likely response to basic social organisations such as the family, the church and the state in which the exit outlet is less available.

Additionally, Azarya and Chazan (1988) have argued that "exit" is a residual category when voice is unavailable or ineffective. As this study demonstrates, most of the respondents who chose disengagement from advocacy groups felt that their "voices" were ineffective. For this group of respondents, there appeared to be a deep sense of collective hopelessness that "*nothing will ever change*" even if citizens actively engaged in advocacy groups' activities. Regarding the reasons for withdrawal from advocacy groups, most citizens interviewed for this study in both Kenya and Zambia cited disappointment with the performance of advocacy groups in the process of democratic consolidation as the most important reason that informed their decision to disengage. The second most important reason cited by most respondents was the lack of time in hard economic times, when citizens' most critical concern is an economic livelihood. while other reasons cited by respondents included lack of trust and loss of interest in participating in advocacy group activities.

These findings are consistent with both Animashaun (2009) and Osaghae's (1999) findings on disengagement from the state that the declining capacity of the state in Africa to provide social services creates the context in which citizens withdraw from the state. When advocacy groups are unable to fulfill citizens' needs and expectations in the process of democratic consolidation, citizens easily withdraw from such groups and seek membership in other groups such as self-help groups, which they view as providing tangible and immediate benefits to them in a time of declining economic development.

6.2.1.2. Political and Economic disappointment in Kenya and Zambia

In Kenya, the incumbent regime retained power in the first two multi-party general elections and the agenda of civil society groups, the international donors, and opposition political parties shifted to the constitutional review process. However, little success was made until 1997 when the government agreed to negotiate with the opposition political parties on minimum political reforms before the elections that year.[155] The negotiations culminated in the signing and implementation of several legal, administrative and constitutional reforms. These reforms included freedom of assembly, repeal of oppressive laws, the nomination of candidates to parliament by opposition political parties, fair and balanced coverage of all political parties by the state broadcasting corporation, provision for a coalition government and legislation establishing the Kenya Constitutional Review Commission (KCRC) that was to propose further constitutional changes (Mutunga, 1999).

In 2002 a coalition of several opposition political parties, the National Rainbow Coalition (NARC) won the elections. It was the first time that the country had experienced peaceful, free and fair elections that resulted in a regime change since independence. The NARC political mandate came with high hopes and expectations from the masses and other stakeholders for social, economic and political transformation (Wolf et al. 2004) after many years of poor governance and economic decline. The high hopes were reflected in a 2003 Gallup International Survey poll which showed that 87 percent of Kenyans believed that the rest of the year was going to be better than the previous year, making Kenyans the most optimistic people

[155] The minimum reforms were negotiations through the Inter-Party Parliamentary Group before the 1997 general elections.

in the World (Gallup International, 2003). The NARC administration introduced judicial and administrative reforms and established several state commissions with mandates to support social, economic and political development. By 2005, the government had reviewed the proposed constitutional draft that had come out of the Bomas Constitutional conference and came up with a synthesized draft dubbed the "Wako draft."[156] The Bomas draft had substantially captured the popular sentiments and views of the people of Kenya and drastically reduced the powers of the presidency. However, the Bomas draft was significantly watered down by the government in the Wako draft, which caused deep divisions within the NARC coalition. These divisions played out during the campaigns for the referendum on the draft which took place on November 21, 2005, with the Liberal Democratic Party (LDP) wing of the coalition opposing the draft while the National Alliance Party of Kenya (NAK), supporting the draft. The opposition side defeated the 'Wako draft'[157]at the referendum by 58 to 41percent of the total votes cast.[158]

The intra-party power struggles between the Liberal Democratic Party and the National Alliance Party of Kenya intensified after the defeat of the Wako draft and stagnated the NARC agenda including its development initiatives. The contention arose over the implementation of the Memorandum of Understanding (MoU) signed between the two coalition partners to pass a new constitution within 100 days in office, which was to reduce the powers of the presidency and create the position of a Prime Minister to be occupied by the Liberal Democratic Party. The power struggles were detrimental to the coalition's support and legitimacy in the country. By October 2004, only 29 percent of Kenyans thought that the future would be better, a dramatic drop from 58 percent in March 2003 opinion polls (Gallup International, 2004). On November 23, 2005, President Kibaki dismissed all Cabinet Ministers from the Liberal Democratic Party (LDP) wing of the coalition, who had campaigned against the "Wako draft." He reorganised his government by reconstituting the cabinet and appointing opposition MPs from KANU and other smaller political parties. The NARC coalition and its dream had ended, and so did its programs, popularity, support, and legitimacy, leading to political realignments in the country.

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[156] The draft was named after the then Attorney-General who had led the committee that drafted the document.
[157] The Draft Constitution was named after the then Attorney-General Amos Wako
[158] Africa Elections database found at http://africanelections.tripod.com/ke.html#2002_Presidential_Election

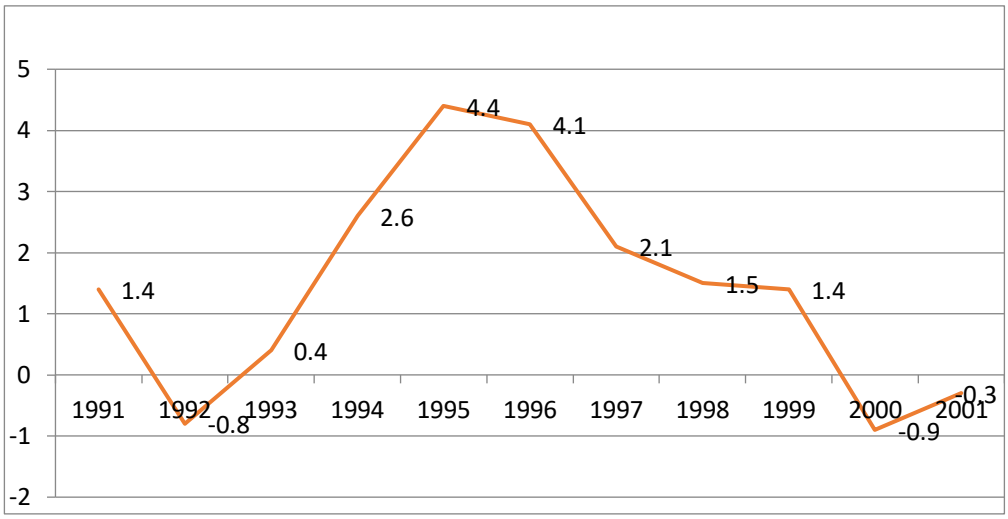
LDP MPs and others who had opposed the 'Wako draft' became the Orange Democratic Movement (ODM) and assumed the role of the opposition in parliament.

The Government of National Unity (GNU) rapidly degenerated into a "bureaucratic-executive" state and increasingly relied on a network of patron-client relationships for governance (Branch and Cheeseman, 2006). The entrenched centralised presidential powers, which had been left intact following the failed referendum in 2005 supported this system of governance, besides a well-established structure of informal networks of clientelism and neo-patrimonialism. The result was politics of the exclusion and ethnic domination which had been perfected by former Presidents Kenyatta and Moi in the post-colonial period in Kenya. Corruption scandals and extra-judicial killings increased, freedom of the press was curtailed, and ethnic tensions intensified. Despite these political changes, civil society organisations and opposition political parties pushed back relying mainly on the accumulated political reforms gained since the political transition in the early 1990s and the political culture that was gradually becoming more critical of state authority. The President refused to negotiate minimum electoral reforms before the 2007 general elections, and the country entered the election campaign highly divided and ethnicised, leading to highly charged campaigns which revolved around issues of devolution, land reforms, appointments in government and redistribution of national resources.

On 30 December 2007, the general elections were held, and soon violence broke out amid allegations of vote rigging and manipulation of vote tallying by the Electoral Commission of Kenya. The violence spread very quickly to other parts of the country and claimed 1, 133 lives, while over 650,000 people were displaced. With the intervention of the international community, including the African Union (AU), the United States and the United Nations (UN), negotiations opened-up between the Orange Democratic Movement (ODM) and the Party of National Unity (PNU). These negotiations culminated in the signing of the peace accord on the 28th of February 2008 between the two largest political parties, ODM and PNU creating the Grand Coalition Government with Mwai Kibaki of PNU as the President and Raila Odinga of ODM as the Prime Minister. The coalition government is mainly credited for restoring peace in the country and delivering a new constitution, promulgated on the 28th of August 2010-a milestone in the country's democratisation and governance process.

On the economic front, the Moi administration continued to perform dismally even after the re-introduction of multi-partyism in 1991 with the partial continuation of Structural Adjustment Programmes (SAPs) that had been introduced in 1986 as part of the International Monetary Fund (IMF) and World Bank conditionality for new concessional loans and support. SAPs were meant to restructure the country's economy through policies such as privatisation of State-Owned Enterprises (SOEs), reduction of expenditure on social services such as health and education, trade liberalisation and removal of state subsidies. The Moi administration cautiously implemented SAPs, and the country experienced consistently low and erratic economic growth as shown in Figure 6.1. below.

Figure 6 1 Kenya's Real GDP Growth rate: 1991-2001



Source: Author's construction using IMF-World Economic Outlook-October 1999 and the Government of Kenya Budget 2000-2001 data

The weak economic growth was reflected in the social indicators during this period. In line with SAPs measures, the government significantly reduced its expenditure on health, education and other social services. For instance, its share of health in the total expenditure steadily declined from a high of 6.5 percent in 1986 to 5.4 percent in 1992 and only 5.2 percent in 1997 (Owino, 1997). Real expenditure on all essential services as a percentage of the government's total budget plummeted from 20 percent in the 1980s to 12 percent in 1995 to only 10.9 percent in 1997 (GOK, 1996). These cuts deeply affected the majority poor, who had no access to essential social services such as education, healthcare, and sanitation, therefore, deepening poverty and inequality in the country.

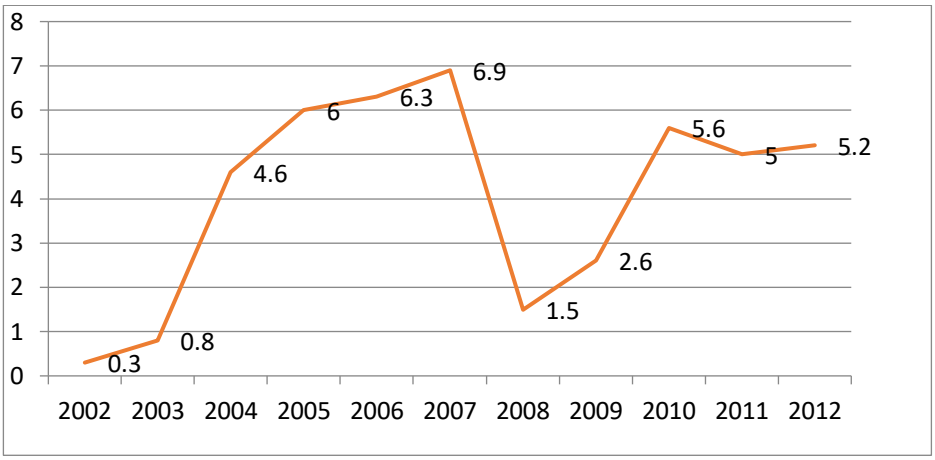
According to the 1997 Welfare Monitoring Survey (WMS), the incidence of rural and urban food poverty was 51 and 38 percent, respectively, while overall rural poverty stood at 53 percent and urban poverty at 49 percent. The national poverty was 52 percent, an increase of 6 percent from 1996 (GOK, 1996a). The total number of the absolute poor also rose from 11.5 million in 1994 (45 percent of the population) to 12.6 million in 1997 and exceeded 13 million by the end of 1998 (Kenya Human Development Report, 1999). By the time President Moi left office in 2001, absolute poverty[159]had reached about 47 percent, meaning that almost half of the population was living below the poverty line. Regarding inequality, the top 10 percent income earners, were making 36 times more than the bottom 10 percent, making the country, one of the top unequal countries and the 17th poorest in the World with a per capita income of $340 (Country Strategy Paper, 1998-2001)

When the National Rainbow Coalition (NARC) took office in 2002, economic growth was negative 0.3 percent, and 56 percent of the population were living below the poverty line (ERS, 2003). The government developed the Economic Recovery Strategy for Wealth and Employment Creation (ERSWEC) as its strategy for economic recovery and reconstruction. ERSWEC focused on job creation and expansion of economic opportunities for resource-poor farmers, informal enterprise, and economically disadvantaged communities. The strategy was also meant to create 500,000 jobs annually, reduce poverty by at least five percentage points, implement free primary education, achieve a high real GDP growth rate of 2.3 percent in 2003 and 7 percent by 2006 among others (NARC Manifesto, 2002). The government introduced free primary education, giving almost a million children the opportunity to receive basic education and developed popular programmes such as the Constituency Development Fund (CDF), besides establishing the National Economic and Social Council to guide and advise the country on economic policies and development. Legislatively, the NARC coalition passed the Public Procurement and Disposal Act 2005 among other vital legislations. It also embarked on national infrastructural development across the country and revived some collapsed industries such as the Kenya Cooperative Creameries (KCC).

[159] Absolute poverty is defined as "the cost of food expenditure necessary to attain a recommended food intake of 2250 kcal per day and an allowance according to the standard of living in the country for non-food items" (UNSD, 2004)

Despite these crucial economic successes and international donor support for ERSWEC, the resurgence of corruption during the NARC administration led international donors to withhold funding for some of the development initiatives under NARC's Economic Strategy and thus partially disrupted its implementation. The Grand Coalition government economic performance (2008-2012) was not much different from the NARC administration. Figure 6.3 below shows the country's real GDP growth rate from 2002-2012.

Figure 6 2 Kenya's Real GDP Growth rate: 2002-2012



Source: Authors own construction using IMF World Economic Outlook-April 2012 data

As shown in figure 6.3 above, which covers the economic performance of both the NARC and the Grand Coalition government, the country experienced sustained economic growth from 2002 to 2007, which sharply dropped between 2008 and 2009 likely due to the economic disruptions caused by the 2007/2008 post-election violence. By 2010, the economy had recovered and resumed over 5 percent economic growth in 2010, 2011 and 2012. In reviewing the economic performance of the NARC administration, Ndii (2014) concludes that the referendum defeat in 2005 ended both the politics of inclusion and a people-centered economic agenda. The economic strategy gradually shifted from *growth with distribution* to a free market system, which was encapsulated in a new development strategy called "Vision 2030." The hands-off governance style of the President led to the growth of crony ethnic capitalism with the benefits of economic growth accruing to a few corporate institutions and the President's inner-circle of ethnic elites. The relatively high economic growth experienced during this time, therefore, failed to reduce poverty and inequalities in the country. The majority poor did not, therefore, share in NARC's and the Grand coalition government economic growth. During NARC's tenure in office, the cost of living rose 70 percent for low-income groups

compared to 40 percent for high-income groups. Twenty percent of farmers purchasing power as measured in agricultural terms of trade was also eroded.[160] In 2006, towards the end of the NARC administration, out of an estimated population of 35.5 million, about 16.7 million were still categorised as poor (Jones et al. 2008), representing about 47 percent of the total population,

Unlike Kenya, Zambia had one of the most peaceful, free and fair elections that led to rapid political transition on October 31, 1991, that resulted in a regime change. The Movement for Multi-Party Democracy (MMD) defeated the United National Independence Party (UNIP) of former President Kenneth Kaunda in a landslide victory with President Chiluba receiving 75.8 percent of the Presidential vote and 125 out of the 150 seats in the National Assembly.[161] The country was then hailed as a trailblazer in the democratisation process in Africa (Bonnick, 1997; Joseph, 1992; Bratton, 1992) and considered one of the most successful competitive electoral democracies in the continent (Manning, 2005; Burnell, 1994). The Movement for Multi-Party Democracy was a broad-based political coalition composed of several groups with different ideological leanings. These included the labour movement, the business community, former UNIP MPs, the intellectuals, the progressives, and the students. The popularity and support for MMD were primarily due to UNIP's poor economic and political governance (Erdmann and Simutanyi, 2003). The economy was on the brink of collapse, recording negative economic growth rates in three consecutive years before the multi-party general elections in 1991.[162] Zambians, therefore, had extremely high hopes and expectations on MMD for socio-economic recovery and political development.

The first Chiluba administration came to power through a negotiated constitution between MMD and UNIP that had only repealed article 4 of the 1973 Constitution to allow for the formation of opposition political parties but left the entire one-party constitution intact with a powerful presidency and the executive. MMD had promised broad constitutional reforms that included changing the constitution from a presidential to a parliamentary system (MMD, 1991) that would guarantee democratic governance in the country. The MMD manifesto also outlined the protection of fundamental rights and freedom of the press, the rule of law, the promotion of

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[160] Ndii, David "Why you are Struggling to make Ends Meet," *Daily Nation,* January 3, 2014
[161] African Election Database found at http://africanelections.tripod.com/zm.html, [accessed on 24/10/2013]
[162] The economic growth was negative 1.1 in 1989, negative 0.4 in 1990 and negative 4.0 in 1991 (IMF, 1992)

justice and equality, establishment of checks and balances as critical components of democratic governance (MMD, 1991). However, once in power, it soon became apparent that President Chiluba had reservations about the "dual reform" process. He maintained that democratic disputes would disrupt economic development that his government was focused on (Erdmann and Simutanyi, 2003).

Despite this position, he appointed the Mwanakatwe constitutional review Commission on November 1993, which presented the draft Constitution and a report to the government in 1995. However, the government paper on the review of the report rejected almost 70 percent of the recommendations, including both the formation of a constituent assembly to spearhead the constitutional review process and the use of a referendum to ratify the Draft Constitution (Mphaisha, 1996, p. 71). It also rejected the provisions for an independent judiciary and Electoral Commission, but retained the Public Order Act, the Emergency Power Act cap 108 and the Preservation of Public Security Act cap 112, provisions which had been used by the previous regime to suppress political opposition (Erdmann and Simutanyi, 2003). The constitution that parliament passed in 1996 also abolished the absolute majority requirement for a presidential win and replaced it with a plurality system. It was, therefore mostly a replica of the one-party constitution with vast powers invested in the presidency and the executive, besides restricting political participation and competition. Corruption became a crisis in the country leading to the resignation of some reform-minded ministers from the cabinet in protest.[163]

Regarding economic reforms, the MMD had in 1991, campaigned on a platform of economic reforms based on Structural Adjustment Programmes (SAPs). It emphasised in its manifesto that the government would "restrict itself to rehabilitating and building economic infrastructure with a small public sector amid a private enterprise economy" (MMD, 1991, p. 14). Ironically, the party had opposed SAPs when President Kaunda had attempted to implement the same in the late 1980s, leading to protests and riots in the country (Erdman and Simutanyi, 2003). Once in power, MMD introduced the Economic Reform Programme (ERP), which was based on SAPs and supported by the World Bank and the International Monetary

[163] In 1993, Stanford Hlazo, MMD member of parliament from Mumbwa resigned citing corruption (Weekly Post, 12, November 1993). Mwanawasa also resigned as Chiluba's Vice President citing corruption in the government (Lewanika, 2005)

Fund (IMF). The policies included rapid liberalisation, privatisation, devaluation of the *Kwacha*, removal of food and agricultural subsidies, public sector retrenchment and reduction in social spending among others. The administration viewed the neo-liberal policies of SAPs as a way of resolving both social and economic problems in the country.[164] There was little opposition to the implementation of SAPs from the political society as UNIP had supported the same policies. Although advocacy groups and churches opposed SAPs because they were bound to exacerbate unemployment, inequality and increase poverty, the government was committed and determined in the implementation of SAPs. As part of the liberalisation process, by 1992, all consumer subsidies had been removed (Larmer, 2009). Agricultural and food subsidies were also substantially reduced. The government earmarked 275 State-Owned Enterprises for privatization within a decade. Three years later, 83 percent of the earmarked state-owned companies had been privatized (Fashoyin 2008, p. 392).

The government also embarked on Public Sector Reform and drastically reduced the size of the civil service. In 1992 alone, 15,000 employees were retrenched (Rakner et al., 2001, p. 560). The effects of SAPs were devastating to the economy and the citizens of Zambia. The removal of food subsidies resulted in an enormous price increase of almost 700 percent for a 25kg bag of maize, whose price increased from K225 to K1800 from October 1991 to October 1992 (Seshamani, 1996). A severe drought in 1992 coupled with the reduction in farm subsidies reduced agricultural production by 39.3 percent (GRZ, Budget Address, 1993, p. 3). The privatisation of State-Owned Enterprises led to substantial job losses in the country. The reduction of social services spending, especially in health and education and the introduction of user fees in those services had a devastating effect on the majority poor. In July 1993, just about two years after President Chiluba came to power, the Catholic Bishops gave a withering critique of SAPs in a Pastoral Letter titled "*Hear the Cry of the Poor*." They squarely blamed the sufferings of Zambians on the government's Structural Adjustment economic policies. They argued that these policies were leading towards "economic apartheid" by continuously widening the gap between the rich and the poor, besides rising food prices, poor health care, the high cost of transport, high levels of mortality and malnutrition, declining school enrollment and rising poverty levels. They noted that the declining social indicators were "not only a moral

[164] The Guardian, 3rd March 1991

scandal but also a dangerous threat to our democratic stability." From January to October 1995 alone, 7000 employees lost their jobs from 310 companies because of SAPs. These losses were concentrated in transport, manufacturing, wholesale, retail and financial sectors (Chibale, 2009). During the 1990s, employment in mining, manufacturing, and agriculture fell by 40 percent and total formal employment by 15 percent besides declining wages (Burger et al. 2004). In reviewing Chiluba's time in office just two years after the transition, Mwiinga (1994, p. 60) captured the mood of the country when he wrote, "Increasingly, Zambians are beginning to feel that the Chiluba establishment has short-changed them. Most are now beginning to regard Kaunda years with nostalgia." Similarly, at the end of the first Chiluba administration, Mphaisha (1996: 65) writes." the *"Hour Has Come*" slogan of the MMD has been replaced by general disillusionment."

In his second term in office from 1996-2001, the Chiluba administration slowed down the implementation of the SAPs (Rakner, 2003). However, by the end of 1997, 224 out of 275 state-owned enterprises earmarked for privatisation had been sold off (Rakner et al. 1999). Between 1991 and 1996, median wages declined by 26 percent in the public sector and 34 percent in the private sector (Nielson and Rosholm, 2001, p. 171). Industrial production dropped by 28 percent from 1990 to 1998 (Bass, 2011). Privatisation and competition from other countries due to liberalisation almost collapsed the Zambian manufacturing industry (Tangri, 1999) and the situation was made worse by the declining copper prices in the World market in the 1990s (Osei-Hwedie, 2003). SAPs dramatically increased unemployment, inequality, and poverty in the country, despite the economic growth that had been achieved since 1996**.** In 1997,[165]President Chiluba declared a state of emergency and suspended all civil liberties and political rights because of an alleged "coup," by leaders of the United National Independence Party (UNIP). During this time there were also arbitrary arrests and detention of UNIP leaders (Erdmann and Simutanyi, 2003) and harassment and intimidation of the media, opposition leaders and civil society groups (Bauer and Taylor, 2005; Gould, 2002; Burnell 2001c). In 1998, the Corruption Perception Index (CPI)[166] ranked the country at 52 out of 177 countries. On civil liberties and political rights, the country slipped from being categorised as

[165] Freedom in the World Report (1993), available from www.freedomhouse.org/[Accessed on 24/08/2015]
[166] Corruption Perception Index by Transparency International ranks countries based on how the country's public sector is perceived to be corrupt

"free" to "partly free." Due to several unfulfilled promises, the MMD administration fractured into different factions. A Caucus for National Unity (CNU) emerged within MMD and demanded a stronger commitment to democratic reforms and proper conduct of governance (Erdmann and Simutanyi 2003). Zambia's social and economic indicators drastically declined under MMD. GDP declined by an average of 0.2 p.a. between 1992 and 1998 and the number of individuals living in poverty increased from 70 percent in 1991 to 73 percent in 1998 overtime with rural poverty standing at 83 percent and urban poverty at 56 percent (GRZ, 2006). By this period the country was ranked the 10th poorest in the World (Burnell 2000). By 1999, those living below the poverty line had increased to 84.6 percent (Seshamani, 1999. The International Labour Organisation (2002, p. 1 quoted in Ngoma, 2008) summarised the effects of Chiluba's economic reforms as follows;

> "The (Zambian) economy remained virtually stagnant during Chiluba's presidency (1991-2001), copper production fell sharply. Average economic growth was negative. GDP per capita declined from US$375 in 1980 to US$305 in 1990 and then to US$257 in 1995. In 1998, the economy contracted by 2 percent, thus lowering income per capita by around 5 percent."

The evaluation of President Chiluba's ten-year term in office was remarkably harsh with a failed democratic reform and devastating economic reforms under SAPs. By the end of Chiluba's term, Zambia had slipped into "political closure," (Joseph, 1996), economic collapse and renewed authoritarianism (Larmer, 2009). For Mphaisha (1996, p. 65) Zambia had become a "mild authoritarian" system in an apparent democratic environment, while Bratton and Posner (1998) noted that Zambia had regressed due to authoritarian tendencies and coercive machinery used by Chiluba to silence opposition and civil society. The optimism that had greeted the political change in 1991 had finally faded away.

The Mwanawasa administration that took over from President Chiluba in January 2002 promised a "New Deal" that would lead to faster economic growth and social development for all Zambians. However, President Mwanawasa did not define nor give any clear explanation of the policy contents of the New Deal (Ngoma, 2008). In practice, the administration cautiously continued with the implementation of SAPs despite its rhetoric of the New Deal, which was later explained as a deal focusing on human-centered development, good governance, development of a vibrant private sector, food security and improvement of access to healthcare

and education.[167]The administration is credited for jump-starting the economy, introducing free basic education, attaining the IMF-World Bank completion point of the Highly Indebted Poor Countries (HIPC) initiative in April 2005 (Wood, 2005) which led to international donor organisations writing off Zambia's debts of US$3.8 billion and reviving the copper industry and agricultural production. However, "unemployment, which was 87 percent in 2001, only reduced to 75 percent by 2007."[168] By 2004, formal sector employment had fallen from 544,200 in 1991 to 436, 066 (Chibale, 2009), a 20 percent reduction.

Regarding political reforms, the President appointed the Mungomba Constitutional Commission in 2003 to complete the constitutional review process. After two years, the Commission presented its report to the President. However, he suspended the process. In 2006, President Mwanawasa unveiled a new roadmap to the constitutional review process that was to take five years. By the time Mwanawasa died in 2008, the constitutional review process was ongoing. The Mwanawasa administration emphasized "zero tolerance to corruption" and fared better on this front than the two Chiluba administrations before. However, a Transparency International (TI) Zambia report notes that "embezzlement of public funds continued unabated under President Mwanawasa's administration" In 2005, Zambia's ranking in the Transparency Corruption Index stood 107 out of 177 countries.[169]

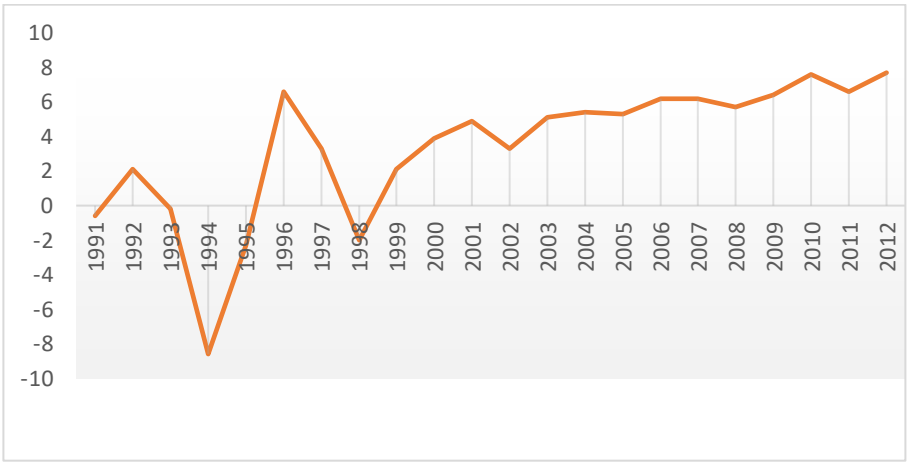
Although Mwanawasa's style of leadership was similar to that of Chiluba, repressive attitudes of the state slightly declined but intolerance to criticism and the use of police to intimidate and silence opposition political parties and civil society organisations continued. President Banda took over after Mwanawasa's death in 2008 and received the Constitutional Commission report in January 2010, but by the time elections were held in September 2011, the process had not been completed. Banda's governance style became more authoritarian in a democratic setting as MMD continued to lose political support and legitimacy. The administration curtailed civil liberties and political rights for civil society, the media and opposition political parties. It is also credited for having passed one of the most restrictive NGO laws in Africa in 2009, which NGOs in Zambia fiercely opposed.

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[167] The *Post*, March 2, 2002, Times of Zambia, March 2, 2002, *Daily Mail*, March 2, 2002
[168] The *Post*, September 3, 2007)
[169] CPI report 2005, Transparency International-www.transparency.org

During the Banda administration, corruption skyrocketed, and the country slipped from the rank of 107 in 2005 to 123 out of 177 in 2007 in the Corruption Perception Index of Transparency International. Although economic growth continued on a positive trend, the benefits of growth were not shared by all Zambians, and President Michael Sata won the 2011 general elections based on his populist appeal which found purchase among the majority poor and disillusioned Zambians. His nationalist policies fed into the popular discontent with the neoliberal policies which had been implemented by successive MMD administrations for two decades and which had failed to reduce poverty and improve the standards of living of most Zambians. The Sata administration jump-started the constitutional review process in November 2011 by appointing a new technical committee, which presented its final Draft Constitution to the President on 31 October 2013. However, entrenched interests and disagreements among political players delayed the process once again. The stagnation in the process of constitutional review left the country with a one-party constitution in a democratic setting.

Figure 6 3 Zambia's Real GDP Growth rate: 1991-2012



Source: Authors construction using the Central Statistics Office and World Economic Outlook, 2012 data

As shown in figure 6.3 above, economic growth in Zambia was erratic from 1991 to 1996 and declined from 1996 to 1998. However, the country experienced impressive growth from 1998 onwards. Although, SAPs improved economic growth, the policies failed to promote broad-based development that benefitted all Zambians. By the late 1990s, the widespread hopes of ordinary Zambians of economic recovery and improved standards of living were largely dashed (Bartlett, 2000). Cheelo and Zulu (2007, p. 5), noted that the impressive growth witnessed between 1998 and 2005 was concentrated in mining, trade, and construction, all

capital-intensive urban-based sectors that failed to create sufficient jobs due to their weak linkages with the rest of the economy.

In the United Nations Human Development Index (HDI) Report 2010, Zambia remained one of the least developed countries in the World and was ranked 150 out of 169 countries. It was also one of the two nations that regressed on HDI since 1990. In 2011, Zambia was ranked 164 out of 187 countries in the HDI with a score of 0.43, which was lower than the Sub-Saharan Africa average HDI of 0.46 (HDI Report, 2011). Most Zambians continued to live in poverty. The 2010 Living Condition Monitoring Survey (LCM) showed that poverty levels remained high with 60.5 percent living below the poverty line and those living in extreme poverty stood at 42.3 percent. Poverty in Zambia is a rural phenomenon with the level of poverty in rural areas being three times that of urban areas. In 2010 rural poverty was estimated at 77.9 percent compared to the urban level of 27.5 percent (Zambia Census, 2010)

It is clear from the detailed analysis above that both Kenya, and Zambia have experienced considerable levels of economic growth since the political transition period, yet these levels of economic growth have not improved the standard of living of the majority of the citizens. The study found that there are widespread disappointment and disillusionment with both the political and economic performance of the newly democratic states and surprisingly the citizens are blaming both the government and advocacy groups for their predicament. Most citizens, therefore, perceive advocacy groups as ineffective in meeting their needs and expectations. They view these groups as having convinced them to support the current regimes during the transition process, regimes which have not only failed them politically and economically but also compromised advocacy groups in the process. This is unsurprising given that most advocacy groups in both countries had aligned with opposition political parties which defeated the authoritarian regimes during the democratic transitions.

The disappointment and disillusionment by most citizens with political and economic performance in both countries have led to popular disengagement from advocacy groups. These findings fit into the marginalization theory of disengagement in Africa, which posits that individuals and groups, who feel excluded from economic development and unable to influence state policies are most likely to withdraw into parallel systems (Osaghae, 1999). In this case, individuals who feel politically and economically disappointed by advocacy groups in the post-transitional political and institutional dispensation in Kenya and Zambia and have chosen

disengagement from these groups. The findings are consistent with the previous findings by Howard (2003) who in a study of the weaknesses of civil society in Post-Communist Europe, found that the widespread disappointment and disillusionment of most citizens with the political and economic systems that replaced the communist system led to unusually low levels of public participation in civil society groups. Moreover, the demand for democratic change in Africa was primarily driven by the high levels of poverty, inequality and poor standards of living (Adejumobi, 2002, Abrahamsen 2000, Widner 1994) and, therefore, the new democratic governments were expected foremost by citizens to address economic growth and redistribution of development dividends. The failure to do so has resulted in disappointment, discontent, and disillusionment, leading to popular disengagement from advocacy groups.

The post-transitional economic reforms implemented by both countries had devastating effects on the majority poor, while political reforms were slow, arduous and stagnated due to lack of political will and disagreements among the political elites. The Afro-barometer surveys from 2003 to 2011 have shown a trend of steady increase in the number of people who believe that their living conditions are "*very bad*." This negative perception of the economy affects the levels of participation in the political processes and increases the propensity to disengage from advocacy groups. This study found that political disappointment appeared to be relatively higher in Zambia than Kenya for at least two factors. Firstly, in Zambia, the smooth and swift transition in 1991, heightened citizens' expectations for faster economic recovery and development compared to Kenya, where the transition stagnated and thus tempered expectations. Secondly, Zambia's transition occurred at the backdrop of a relatively profound economic crisis compared to Kenya. Both factors created overly high hopes and expectations from the masses, which have remained unfulfilled.

There are several possible explanations for the failures of economic reforms undertaken by democratic administrations in both Kenya and Zambia. Acemoglu and Robinson (2006), have noted that most African countries such as Kenya and Zambia experienced relatively high levels of exclusive economic growth and poor redistribution of the benefits of growth. For example, Zambia is considered one of Africa's fastest growers with the worst performance at turning economic growth into economic development. The country "has improved only half as much as it should have, given its growth in GDP per capita" (Beal at al., 2013). Secondly, most African countries such as Kenya and Zambia, have relied on narrow "commodity-driven

growth" which produce "limited" social benefits. The African Progress Panel Report (2011) has concluded that,

> "Little of the continents high GDP growth translates into social development and tangible improvements in people's lives. Driven by capital-intensive sectors…growth has a little positive impact on employment and income levels and virtually no effect on employment-intensive sectors such as agriculture. Although Africa has experienced a decade of strong economic growth, poverty remains pervasive throughout the continent."[170]

Thirdly, Crawford and Abdulai (2012) noted that excessive or sustained elite control within many democracies in Africa negate the theoretical assumption of the pro-majority outcome. These democracies serve elite interests at the expense of majority needs and expectations. There is a high degree of insensitivity to the suffering of the masses, leading to a culture of hopelessness, and cynicism, and eventual withdrawal from the political system. Acemoglu and Robinson (2006) contend that political and economic elites acceded to demands for democratic reforms from social movements as a way of preventing the potential loss of wealth and status. This point is echoed by Ake (2005) when he writes, "for the elite, support for democratization is highly instrumental. It is merely a means to access power, privilege, and status." The elites in Africa, Kenya, and Zambia included have thus continued to control democratic institutions for their own benefits using private wealth to influence electoral outcomes, patron-client relationships (Lockwood, 2005), the concentration of media ownership in a small number of private hands and exploitation of ethno-regional identities to win elections.

Fourthly, the type and degree of democracy account for the lack of positive impact of democracy on poverty and inequality. Both Kenya and Zambia are "hybrid regimes," combining both formal democratic procedures with authoritarian tendencies (Diamond, 1996; Collier and Levitsky, 1997). This means that democratic procedures are only applied in choosing leaders, but policy contents remain an open question (Crawford and Abdulai, 2012). When these kinds of processes are combined with elite control, the political and economic policies that are implemented are unlikely to benefit the majority poor. Finally, the influence of international financial institutions through economic strategies such as Structural Adjustment

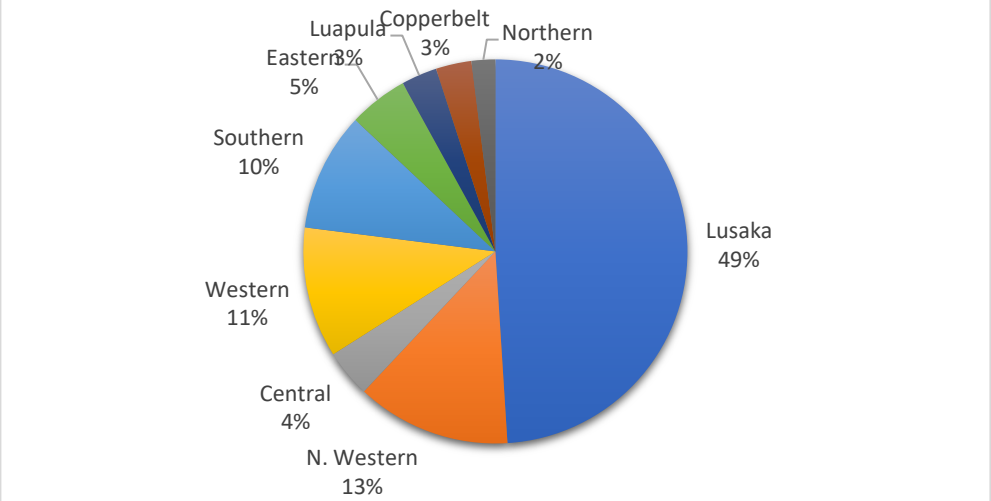
[170] This type of growth is what Samir (2002) referred to as "growth without development."

Programmes in Zambia, have taken over economic sovereignty from these supposedly democratic governments and prevents them from implementing economic policies geared towards the reduction of poverty and inequality (Crawford and Abdulai, 2012). IFIs extensively determine economic policies for such countries as a conditionality for concessional loans and support. Similarly, Mkandawire (2004, p. 143) has noted that "the first victim of globalization has been the state's power to intervene in the economy to ensure certain social outcomes such as equity and poverty alleviation." The continued failure of political and economic reforms in the post-transitional Kenya and Zambia have left most citizens deeply disappointed, disillusioned and cynical, leading to a decline in civic participation in the political processes.

6.2.1.3. Spatial distribution of Advocacy Groups

Regarding the spatial distribution of advocacy groups and popular disengagement, the study found that most advocacy groups in both Kenya and Zambia are located in urban centres, specifically the capital cities of Nairobi and Lusaka, despite 74.8 percent of Kenyans (KPHC, 2009) and 60.5 percent (ZPC, 2010) of Zambians living in rural areas. In Kenya, the capital city of Nairobi has the highest number of NGOs compared to other regions of the country (NGO Sector Report, 2014), while in Zambia, 49 percent of civil society organisations are located in the capital city of Lusaka compared to other regions in the country as shown in *Figure 6.4* below. Advocacy groups find it convenient to be located in capital cities in both countries, where they can easily lobby governments and access international donor organisations.

Figure 6 4 Regional distribution of CSOs in Zambia (2010)



Source: *ZCSD: Sectoral and Regional Distribution of Civil Society Organisations in Zambia: Case Study Report, 2010*

The study provides evidence showing that popular disengagement from advocacy groups is much more experienced in rural than urban areas in both Kenya and Zambia, although the process is much more profound in rural Zambia than rural Kenya. The variation is partly due to the higher levels of poverty experienced in rural Zambia standing at 77.9 percent (Zambia Population Census, 2010) compared to rural Kenya's 51 percent (Kenya Population Census. 2009). The spatial divide between urban and rural areas regarding advocacy group presence has created both a physical and ideological disconnection between advocacy groups and rural residents, who, therefore, find it easier to withdraw from such groups, when they perceive them as being incapable of meeting their needs and expectations. The weak ties that rural residents have with advocacy groups in both countries have made it easier for them to disengage more than urban residents in the face of disappointment with the poor performance of advocacy groups in the process of democratic consolidation. These findings are consistent with several other findings from previous studies, which found that the physical presence of civic groups in a region is fundamental to participatory democracy (Albers, 1998; Font and Galais, 2011; Canel, 2010; Goldfrank, 2010). Font and Galais (2011) have argued that the proximity of civic groups to the people is critical because it creates a partnership effect, enhances the degree of cooperation and gives civic organisations the desired legitimacy for their programmes.

Secondly, given the disconnection between advocacy groups and rural population in both countries caused by the distance and sporadic contact with rural populations, rural residents express feelings of exploitation by these groups for funding opportunities from international donors. Consequently, rural residents have higher levels of mistrust for advocacy groups which appeared to have contributed to higher levels of disengagement, compared to the urban population. Finally, as mentioned earlier, poverty levels in both Kenya and Zambia take a spatial dimension with rural residents experiencing higher levels of poverty and economic hardship compared to urban dwellers. Rural residents, therefore, have reprioritized the use of their time and other resources, allocating more time on subsistence activities for economic survival than participating in advocacy groups' activities compared to the urban population. However, these findings differ substantially from a study of civil society in Kenya by Kerr (2008) who found that participation in the voluntary association was much higher in rural areas than urban areas. The difference could have come from the fact that the author studied civil society as a sector in Kenya, which is broader and composed of various organisations, including

service delivery organisation, which are dominant in rural areas where there are higher levels of poverty compared to urban areas. Moreover, advocacy groups constitute a small percentage of civil society organizations in the country and are even fewer in rural areas. Service delivery organisations are likely to attract greater participation of the rural population because they provide immediate social and economic needs such as healthcare and education compared to advocacy groups' long-term goals and objectives of human rights, civic education, citizen participation in governance and policy-making and the broader process of democratic consolidation. Finally, the study found that those disengaging from advocacy groups for their poor performance in the process of democratic consolidation have mainly joined self-help organizations and kinship groups, which the author may have included in his study, and therefore, found a higher level of participation.

6.2.2. Meso-Scale factors

This study proposed that several meso-scale factors influence popular disengagement from advocacy groups. These include advocacy groups' structural weaknesses regarding the level of their membership, the intensity of citizen participation in their activities, legitimacy, agenda, and representation. The study found that institutional weaknesses of advocacy groups in both Kenya and Zambia have contributed to popular disengagement from these groups in the post-transitional political and institutional environment.

6.2.2.1. Advocacy group Membership and Citizen participation

Membership in civil society groups is crucial since it is the people, who manage, work and participate in civil society, thus making these groups more than a structure (Anheier, 2004). It makes advocacy groups a system of consciously coordinated activities. Participation in civil society organizations also offers citizens information and ideas on public policy issues and leads to public support for planning decisions, avoidance of protracted conflicts, a reservoir of goodwill and the spirit of cooperation and trust between the organisations and the public (Cogan and Sharpe, 1986, p. 284). Additionally, membership makes civil society groups viable and functional players in the political sphere, through financial and attitudinal support, allocation of time for participation in organisational activities, agenda setting and implementation and organisational leadership (Smith 2000). It must be noted that civil society groups are not elected by the people, and, therefore, derive their legitimacy from their membership or support from the public. It is the basis of their claim of representation of their constituencies or the public

interest. The extent of advocacy group membership, therefore, strengthens their legitimacy, functions and representative claims.

Regarding advocacy groups' membership, the study found that only 36 percent and 25 percent of those interviewed in Kenya and Zambia, respectively stated that they were members of an advocacy group. On the other hand, 58 percent and 62 percent of those interviewed in Kenya and Zambia respectively, stated that they were no longer members of an advocacy group. These respondents cited frustrations and disappointment with the performance of advocacy in the process of democratization as the primary cause of their non-membership. Surprisingly, the lower levels of membership in advocacy groups in Kenya and Zambia were in sharp contrast with the unprecedented growth of civil society organisations in both countries in the post-transitional period. This finding is consistent with the finding by Callaghy (1994) that the proliferation of associational life indicates only the potential not the realization of a strengthened civil society. Additionally, the finding suggests that most of the newly established civil society groups in both countries in the post-transitional dispensation are most likely to be non-membership NGOs and professional groups. Moreover, a considerable number of registered civil society groups are functionally inactive, for example in Kenya, out of 9,728 registered civil society organizations in 2013, only 7, 258 were active, representing 74 percent of all registered groups in the country.[171] This means that although thousands of civil society groups are formally registered with the governments, not all of them are functional on the ground.

Regarding citizen participation in advocacy groups' activities, the study found that in both Kenya and Zambia about 68 percent of those interviewed indicated that they had not attended a community meeting in the last one year, while 72 percent and 79 percent indicated that they had not attended a protest or a demonstration in the last one year in Kenya and Zambia respectively. Some of the reasons for non-attendance to community meetings, protests, and demonstrations reported by respondents are illustrated by the selected direct quotations below;

> "Attending community meeting is a waste of time. We just talk, and at the end of the day, nothing changes. Things just remain the same" (Kenya; Author interview 46: 2012)

> "Protests and demonstration do not yield any positive development. You go there, make noise, get harassed and beaten by the police, but nothing changes" (Kenya: Author interview 24:2012)

[171] NGO Sector Report, 2013/14, NGO Coordination Bureau, Nairobi, Kenya.

> "The same advocacy groups that are now calling for protests and demonstrations are the same ones, which convinced us to support MMD, a party which has failed us politically and economically for 20 years. I cannot attend a demonstration" (Zambia: Author interview 95: 2012)

The majority of those interviewed for this study have shunned demonstrations and protests and participation in community meetings in both countries due to lack of interest, time, and information. The most dominant reason for non-attendance to such meetings given by respondents was the frustration and disappointment with the utility of such meetings. Citizens appeared to be more critical about the utility of community meetings, protests and demonstrations and, therefore, view these activities as a waste of time. Additionally, some respondents interviewed for this study said that they were unable to afford the costs of protests such as transport to protest venues, while others were discouraged from protests by police violence and brutality in breaking up protests and demonstrations. The study also revealed that there were cases where citizens were demanding allowances to attend advocacy group meetings. These findings were surprising given the expanded democratic space, widespread implementation of civic education and improvement in civil liberties and political rights in both countries, since the political transitions in the early 1990s. These are conditions that should be enabling the growth and vibrancy of civil society groups and improved citizen participation in civil society activities and other political processes.

The findings of unusually low levels of membership in advocacy groups in both countries are consistent with the reported trends of the steady decline of membership in voluntary associations over the last decade in both Kenya and Zambia by the Afro-barometer surveys from 2003 to 2011 and other available studies. By 2011 the Afro-barometer surveys showed that about half of the citizens of Kenya were non-members of a voluntary association, while 7 out of 10 Zambians reported being non-members of voluntary associations. In a recent study of devolved governance in Kenya, Mitullah (2016) found that only 31 percent of citizens were active members of voluntary associations. Similarly, Otieno (2013) in a study of democracy at the grassroots in Kenya, found that only 17 percent of citizens reported having attended public fora in the past one year. Similarly, a recent Pew Research study in 2017 found that only 10 percent of Kenyans stated that they have participated in a protest or a demonstration.

However, these findings are in sharp contrast to studies that have found a strong correlation between the number of civic organisations and the level of membership in such groups. For instance, Nie, Powell, and Prewitt (1969) found that as the density and complexity of economic and secondary organisations increases, political participation in such organisations also increases. Several scholars have argued that the decline in membership and participation in civil society groups is due to the establishment of more channels of democratic participation with the re-introduction of pluralism in most African countries (Pickvance 1992; Canel 1992; O'Donnell and Schmitter, 1986). These channels include the return of political parties, which have pulled political interests and participation away from civil society groups. However, this explanation is problematic in at least two ways. Firstly, most African countries have weak political parties characterised by fragmentation, ethnicity, tenuous roots in society, low ideological basis, high volatility and a lack of organisational infrastructure (Mozaffar and Scarritt, 2005; Van de Walle. 2003; Ottaway 1999), thus creating room for civil society groups' role in interest aggregation, articulation, and representation in the political system. Secondly, democratic transitions in most African countries were partial transitions, leading to "hybrid regimes" which exhibit authoritarian tendencies and thus call for the active role of civil society in the process of democratic consolidation. Popular disengagement, is, therefore, a critical process that has contributed to the decline of advocacy groups' membership in the post-transitional political and institutional environment in both Kenya and Zambia.

The low levels of membership and citizen participation in advocacy groups' activities can also be explained by the decline of euphoria of change after the political transitions. A study by the Zambia Council for Social Development found that citizen participation declined from its peak in the early 1990s when there was a massive mobilisation in support of multi-party democracy (ZCSD, 2012). Similarly, this study found that citizen participation in advocacy groups activities has consistently declined over the years in both countries. However, Booysen's (2013) study of twenty years of South Africa's democracy found that there was a growing and widespread trend of citizen involvement in "service delivery protests." The author argues that citizens in South Africa endorsed protests and demonstrations because they believed that it attracted the attention of public authorities more effectively than lobbying elected representatives. Moreover, South Africa has a long history and culture of protests and demonstrations compared to both Kenya and Zambia.

Despite these findings, almost two decades of declining membership and citizen participation in advocacy groups' activities in both Kenya and Zambia need an additional explanation, which this study, suggests being popular disengagement from advocacy groups as a result of disillusionment with their performance in the process of democratic consolidation.

6.2.2.2. Advocacy groups' Legitimacy, Representation, and Agenda

Legitimacy is the most critical justification for the existence and operations of advocacy groups in the public sphere and influence their effectiveness in the process of democratic consolidation. Advocacy groups claim performance legitimacy based on tangible deliverables that they provide to various stakeholders (Edwards, 2000). Such deliverables include specific outputs or creating conditions that meet their members' interests, needs, and expectations. The groups also claim normative legitimacy based on widely held social values, norms, and standards (Edwards, 2000). In principle, advocacy groups are supposed to pursue norms and values which promote democratic governance such as the promotion of tolerance, democratic inclusion, diversity, trust, social justice, accountability, and human rights. Democratic stability requires that the citizenry embrace and practice these kinds of norms and values (Putnam 1993; Inglehart 1977; Almond and Verba 1963). Civil society groups are, therefore, tasked with the institutionalization of essential social values, norms, and attitudes which promote democratic consolidation (Parsons 1951).

As unelected representatives of the people, civil society groups owe their legitimacy to the standards and values that they represent and champion (Brown and Jagananda 2007). Participation of citizens in civil society groups has positive consequences for democracy as it helps individuals develop positive civic virtues, norms, values, skills, and attitudes, which promote democratic citizenship. This study, therefore, assessed both performance and normative legitimacy of advocacy groups in Kenya and Zambia and their relationship to the process of popular disengagement. The performance of advocacy groups means the efficiency and effectiveness by which these groups can solve perceived problems for their membership or the public. Effectiveness depends on advocacy groups' capacity and commitment to their goals and objectives (Brown and Jagananda, 2007). Effective performance of advocacy groups helps them mobilise both the people and the resources for the causes they represent and champion. The notion of performance, therefore, applies to both membership and non-membership advocacy organisations.

Regarding the performance of advocacy groups in the process of democratic consolidation, the study found that 60 percent and 74 percent of those interviewed for this study in Kenya and Zambia respectively, stated that advocacy groups have not performed to the level of their expectations in the process of democratic consolidation. This finding demonstrates that support for advocacy groups' in both countries has a strong instrumental perspective. In other words, without clear and direct benefits, citizens are unlikely to invest their time and energy into advocacy groups. Citizens, therefore, extend their support to advocacy groups in large part based on the level of their satisfaction with their performance in the delivery of desired goods and in this case, an effective contribution to the process of democratic consolidation. When citizens feel that advocacy groups are not performing to their expectations, they are most likely to withdraw from such groups than engage with them. The instrumental view of advocacy groups' performance by citizens in both countries demonstrates conditional allegiance to these groups. This finding is consistent with the finding of a study by the Zambia Council for Social Development on the performance of advocacy groups, which showed that only 54 percent of civil society organisations reported taking part in advocacy for policy change, and only 20 percent of those groups recorded being successful in their attempts at policy change (ZCSD, 2012).

Regarding the normative legitimacy, this study found that most citizens have a problematic relationship with the values and norms pursued and practiced by advocacy groups in both Kenya and Zambia in the post-transitional political and institutional environment. The study found that in Kenya, 48 percent of respondents did not agree with the values and norms represented by advocacy groups, while only 28 percent fully agreed with such values and norms. In Zambia, 66 percent of respondents did not agree with the values and norms represented by advocacy groups, and only 24 percent fully agreed with such values and norms. Citizens in both countries believe that advocacy groups' leadership lives a life of privilege and comfort, which is distant from a lifestyle of struggle by most of their members and supporters. This class difference alienates them from their members and supporters and limits their reach to the poor and the marginalized in society. Odinkalu (2000, p. 4) has emphasized this point when he argued that, "far from being a badge of honor, human rights activism is increasingly a certificate of privilege." The following selected quotations from respondents further illustrate these sentiments;

> "Nairobi-based advocacy group leaders do not share our norms and values. They earn high salaries, drive high-end cars, live in palatial homes and attend international meetings and conferences in expensive hotels. The truth is that they are middle-class elitists representing elitist values and norms" (Kenya: Author interview, 46:2012)

> "Most of these advocacy groups are led by individuals from the middle-class and largely serve elite interests with little connection to the common man" (Zambia: Author interview, 86:2012)

The study also analyzed institutional trust, which is an integral part of the norms and values that advocacy groups are supposed to promote and the basis from which they derive their moral authority to challenge the state. Citizens' trust also improves advocacy groups' legitimacy and credibility within the political sphere. The study found that citizen trust in advocacy groups is strikingly low in both countries. Only 18 and 14 percent of those interviewed for this study in Kenya and Zambia respectively, stated that they fully trusted advocacy groups. The deep distrust for advocacy groups was attributed to their poor performance in the democratization process, lack of internal democracy, lack of transparency and accountability, and lack of consultation with their members and supporters on decision-making and agenda setting. The declining trust in advocacy groups has contributed to disillusionment and ultimately disengagement from these groups.

It thus appeared that most citizen's norms, and values, especially those living in rural areas in both countries, hardly resonate with the norms and values represented and pursued by advocacy groups in the post-transitional political and institutional environment. Most respondents in this study view advocacy groups in both countries as elite-dominated and professionalized groups with weak or tenuous grassroots connections. The social character of most advocacy groups in both countries is mainly middle class, giving them a class interest, which has shaped the nature of their engagement with the political process (Ngunyi 1999). Fatton (1995) refers to these types of civil society groups as quasi-bourgeoisie civil society, representing and pursuing interests of the middle-class as opposed to the poor and the marginalized majority, whom they claim to represent. In the same vein, Saul and Ley (1999) have argued that the achievements of advocacy groups' activism in Africa, have benefitted the middle class rather than popular interests.

Most advocacy groups in both Kenya and Zambia are, therefore, professionalized, non-membership groups, lacking internal democracy with a tendency for "founder syndrome," which has led most citizens to view them as not representing their interests, norms, and values.

Skocpol (1999) has referred to such groups as *"advocates without members*." The groups, therefore, have a normative disconnection with most citizens and this disconnection has significantly contributed to the process of popular disengagement from the groups. It must be noted that advocacy groups, whose norms and values are at variance with the citizens they claim to represent cannot meaningfully aggregate and articulate demands of those citizens, and, therefore, cannot effectively influence the process of democratic consolidation. Regarding representation, the study found that 64 percent and 72 percent of those interviewed in Kenya and Zambia respectively, stated that they did not feel represented by advocacy groups. The statements below illustrate some of the views on representation.

> "I do not believe that advocacy groups represent me. They formulate their agenda without consulting us and later present that agenda for us to endorse. They hardly listen to us" (Zambia: Author Interview, 25:2012)

> "Advocacy groups in this country are not accountable to their members, citizens, and supporters, so how can we feel represented by them? In some cases, they may pursue policies that benefit us, but it does not come from us. In most cases, they pursue whatever they want." (Kenya: Author Interview, 98:2012)

Most respondents interviewed for this study in both Kenya and Zambia did not believe that advocacy groups represented them in the pursuit of their agenda. The reasons for this position included the lack of consultation by advocacy groups, lack of internal democracy in most advocacy groups and lack of accountability to their members and supporters. Advocacy groups are, therefore, unable to effectively channel the discontents of the poor and the marginalized to the political system. Their efforts to speak on behalf of the "masses" are thus limited, and most of them operate as intermediaries between the people and the government rather than representatives of the people. These findings are consistent with Fioramonti (2005) who found that lack of internal democracy affects advocacy groups' role in promoting democratic culture and social capital formation. However, Schmitter (1997) disagrees with this position and argues that lack of internal democracy within advocacy groups does not inhibit these groups from advancing democracy provided there is pluralism, and democratic space for the organisation of various interests. Mutua (2009) agrees with this position and argues that advocacy groups must be accountable and transparent but not necessarily democratic since democracy is slow, cumbersome and prone to gridlock. However, these arguments apply to professionalized non-membership advocacy groups. Membership advocacy groups, on the

other hand, need to practice internal democracy to allow active participation of their members in the agenda-setting and other activities of the organization.

Regarding the advocacy groups' agenda, it must be noted that these groups aggregate and articulate the demands of their members or the public to influence public policy. Their agenda is, therefore, crucial to the process of democratic consolidation. In principle, this agenda should reflect the agenda of their members or in the case of public interest advocacy groups, the agenda supported by the general citizenry. Citizen agreement with advocacy groups' agenda is, therefore, vital because it shows that advocacy groups are meeting their claim to pursue the public good or the interests of their membership. It also indicates interest, support, and participation in the activities of these groups. The study found that 65 percent and 70 percent of respondents in Kenya and Zambia respectively stated that they did not agree with the agenda pursued by advocacy groups in their countries.

Most respondents who disagreed with the agenda of advocacy groups cited lack of consultation of members and supporters on agenda setting and control of the advocacy groups agenda by international donors, who fund their programs as the main reasons for their position. The selected quotations below illustrate some of their views;

> "Advocacy groups have their own agenda from Nairobi and just want us to embrace and support that agenda. They do not know what we want neither do they care to ask us what we want" (Kenya: Author Interview, 34:2012)

> "These groups keep on talking about civil and political rights, while all that we need are jobs, affordable education for our children, better housing and better healthcare facilities. We cannot eat human rights" (Zambia: Author interview, 22: 2012)

> "Advocacy groups' agenda in this country (Zambia) is defined by the agenda of international donors, who fund the programs that they implement. It is thus neither their agenda nor our agenda" (Zambia: Author Interview, 82:2012)

Regarding the agenda of advocacy groups, this study made three crucial findings. Firstly, the study found that most advocacy groups have continued to pursue the discourse of the liberal version of human rights focused on civil liberties and political rights which dominated the global development agenda in the 1990s. Although this agenda was instrumental in framing the democratic transition politics in terms of rights in both countries, this study found that citizens in both countries appear to have moved onto an agenda of socio-economic

emancipation, based on tangible improvements in their livelihoods in the post-transitional dispensation. Advocacy groups' agenda, therefore, does not resonate with the agenda that most citizens would want them to pursue. Most respondents interviewed for this study contested the language and practice of human rights by advocacy groups. This group of respondents views the liberal version of human rights as advocated by most advocacy groups as abstract and secondary to their immediate material needs, which are more pressing concerns than civil liberties and political rights. The human rights agenda as currently pursued by most advocacy groups, has, therefore, failed to resonate with most citizens in both countries in the face of poor governance and failure of economic reforms by the new democratic regimes, leading to widespread poverty, manifested by lack of food, healthcare, and poor housing. The citizens appear to prioritize social and economic rights in the post-transitional dispensation in both countries.

Secondly, the study found that most respondents felt that advocacy groups' agenda was largely shaped by the agenda of international donors than the needs, and expectations of grassroots communities, whom they claim to represent, a situation that this study describes as "advocacy group grassroots gap." This gap is due to the chronic dependency of advocacy groups on international donor funding in both Kenya and Zambia. The international donor *"calls for proposals*" mechanism of funding advocacy groups has ensured that advocacy groups' agenda mirror international donor priorities. Most advocacy groups, therefore, prioritize donor accountability rather than grassroots accountability, a form of "extroversion," that is, mobilisation of resources through the unequal relationship with the external environment" (Bayart and Ellis, 1999, p. 21-22). Advocacy groups draw on their external connections using the internal domestic environment as a justification for such resources. These groups, end up pursuing an agenda that does not represent the needs and expectations of those whom they claim to represent, leading to disillusionment and popular disengagement. Mutua (2009) has argued that the neglect of social, economic and cultural rights by advocacy groups is based on the fear of the redistributive logic in such rights, which is at odds with liberalism and free market culture.

Thirdly, the study found that most respondents in both countries appeared to have moved away from the politics of liberation, which was tied to the liberal version of human rights agenda pursued by advocacy groups from the late 1980s. The liberation politics appeared to have been replaced with "*politics of bread and butter*" in both urban and rural areas. Citizens are more concerned with economic livelihood and survival than civil and political rights. Advocacy groups, are, therefore, finding it difficult to implement the liberal version of human rights in the face of declining social, political and economic conditions in both countries. Despite this discordance between the advocacy groups agenda of civil and political rights and the citizens' agenda of social and economic development, most advocacy group leaders interviewed for this study, stated that they have continued to pursue the liberal version of the human rights agenda to align their programmes with the priorities of international donor organizations to access donor funding needed to sustain the operations of their organizations. One advocacy group leader interviewed for this study in Nairobi, Kenya, noted that;

> "Our projects usually follow what most international donors propose in their call for proposals and most international donors have prioritized the liberal version of human rights as their agenda. We have no choice as international donors hardly consult us on their agenda setting. We do not have much flexibility on that" (Kenya: Author interview, 12:2012)

Although the liberal version of human rights was equated to the fight against despotism with the support of international donors and led to the rapid growth of human rights groups in the developing countries and democratic transition in the 1990s, the study found that it is losing currency with the public in both Kenya and Zambia in the post-transitional political and institutional environment. These findings are consistent with Englund's (2006) ethnographic study of civil society organisations in Malawi in which he found that the dominance of a liberal definition of rights focused on civil liberties and individual political rights rather than collective socio-economic rights impeded the capacity of these organisations to represent the concerns of the country's poor adequately. Further, the author argues that the human rights discourse of freedom and democracy pursued by most advocacy groups in Malawi disempowered the impoverished people whom they are supposed to empower. Englund observes in his study that Africans are getting impatient with abstractions of "human rights and freedoms" and instead want an agenda focused on material and economic needs.

Similarly, Gabay (2011) has demonstrated the extroverted nature of Malawian civil society organisations. He argues that while civil society in Malawi claims to promote the interests of Malawians, they are driven by an external agenda that influence the working of the Malawian state and its governing elite. He concludes that the structural relationship between civil society and international donors impede them from working for the majority poor and the marginalized in Malawi. Newburry (1994) has captured a similar discordance when she writes about liberal democracy in Africa. She argues that there is a clear disconnect of democracy of content versus democracy of procedure in the continent since the redistribution in the economic sphere and responses to the needs of social classes have not been part of liberal democracy as implemented in Africa. This situation contrasts with the goals of the democratic struggles of the African people.

Booysen (2013) in a study of democracy in South Africa found that post-apartheid South Africans are continuously taking their human rights for granted and instead emphasizing more tangible socio-economic needs manifested through their active participation in service delivery protests and demonstrations. Additionally, it is a paradox to expand civil liberties and political rights in a context of declining social and economic rights. In Maslow's (1943) hierarchy of needs, civil liberties and political rights are higher needs that can only be fully enjoyed once basic needs have been met. It is, therefore, contradictory to pursue civil liberties and political rights in an environment of widespread poverty, inequality and poor standards of living such as Kenya and Zambia. Once democratic transitions were achieved through the liberal framework of human rights in both Kenya and Zambia, citizens have turned their focus and attention to basic needs. The extent to which advocacy groups reflect the popular agenda supported by most citizens and domestic interests is thus limited and reduce their ability to effectively contribute to the process of democratic consolidation.

6.2.3. Micro-Scale Factors

The micro-scale factors that influence the process of popular disengagement from advocacy groups in Kenya and Zambia are numerous and complex. They include the availability of resources, cynicism, normlessness, and psychological factors. This study focused on the availability of resources and cynicism as these could easily be captured through personal in-depth qualitative interviews.

6.2.3.1. Availability of Resources

The resource perspective or theory of popular disengagement emphasizes the level of education and income as variables that significantly influence political participation. In other words, the level of participation in civil society activities depends on socio-economic status. This study, therefore, defined resources broadly given that some resources such as civic and organizational skills can be learned in associations, irrespective of one's socio-economic status (Brady et al., 1995). Moreover, political activities require specific resources to be effective, and such resources vary from one type of association to another and from one socio-economic status to another. In this study, resources, therefore, included time, money, civic, and organisational skills. The study found that lack of resources due to pervasive and widespread poverty in both Kenya and Zambia had significant influence in the process of popular disengagement from advocacy groups. The increasing levels of poverty limit the ability of most Kenyans and Zambians to meet the functional costs of participation and have forced individuals, who were once members of advocacy groups to disengage. The increasingly poor economic conditions in both countries have left most citizens without employment, money and time for involvement in activities of advocacy groups.[172] Most citizens, therefore, spend most of their time in activities of economic survival and livelihood. These findings are consistent with Simon's (2002) study of the effects of poverty on Zambia political participation in the first five years of the country's democracy. Relying on the analysis of district-level data and individual-level survey data of 1996 Living Conditions Monitoring Survey (LCMS) of Zambia, the author found that microeconomic improvements promote political participation, while poverty depressed participation in at least two ways.

Firstly, poverty affects the functional costs of participation like transportation and forgone income for a missed day at work. Secondly, economic frustration leads to disillusionment and finally withdrawal from political participation. Poverty, therefore, has a disproportionate effect on participation in advocacy groups' activities. Similarly, a study by the Zambia Council for Social Development found that poverty erodes the time for voluntary activities (ZCSD, 2012) and, therefore, depress participation in activities of such groups. This

[172] Most respondents reported that some advocacy groups in both Kenya and Zambia were forced to pay individual citizens to participate in their activities such as meetings, workshops and seminars.

study also found that most poor citizens found it difficult to participate in activities of advocacy groups due to lack of time because they use most of their time in economic activities. This finding is consistent with Carothers (2005) finding that political participation declines in a context of poverty, inequality, and corruption, characteristics exhibited by both Kenya and Zambia in the post-transitional dispensation. In such a context, citizens become increasingly distrustful of democratic institutions, and, therefore, shun participation in their activities. Broadly, studies of political attitudes and alienation have emphasised the subjective evaluation of political interests, political ideals, personal trust, system performance and cynicism among others (Verba, 1972; Easton 1975; Kaase, 1988) as crucial factors in political participation. Such studies claim that a negative evaluation of the political system is associated with low levels of political participation. With most respondents evaluating the performance of advocacy groups in the process of democratic consolidation negatively, they are most likely to disengage from such groups.

6.2.3.2. Cynicism and personal efficacy

This study found that there is a growing sense of cynicism among the citizens of both Kenya and Zambia expressed as "*nothing will change*," whether they participate in advocacy groups' activities or not based on their past lived experiences and subjective interpretation of those experiences. This conclusion is based on their past lived experiences and subjective evaluation of advocacy groups' performance in the process of democratic consolidation. There appeared to be a deep sense of collective hopelessness within a section of the population, which significantly contributed to the process of popular disengagement from advocacy groups in both Kenya and Zambia in the post-transitional political environment. Ibalema (2008. p. 45) has referred to this sense of hopelessness as civic cynicism in Africa and argued that it, "bears negatively on the viability and consolidation of democracy." This study found that cynical individuals were most likely to disengage from advocacy groups than those who were hopeful that things would one day change for the better. Cynical citizens believe that they have received no rewards for participation in advocacy group activities in the past and, therefore, have no expectations of any rewards for doing so in the future (Baker, 2001). This study found that individuals in this group had extremely low levels of trust for advocacy groups, which they perceive as self-interested, exploitative and serving the interests of the middle class and the state. They thus have low personal efficacy, which is the feeling that an individual can and does

influence political decisions and that their involvement, individually or collectively does make a difference (Baker 2001). Cynicism combined with low personal efficacy, therefore, has played a significant role in the process of popular disengagement from advocacy groups in both Kenya and Zambia and some cases led to anti-politics.

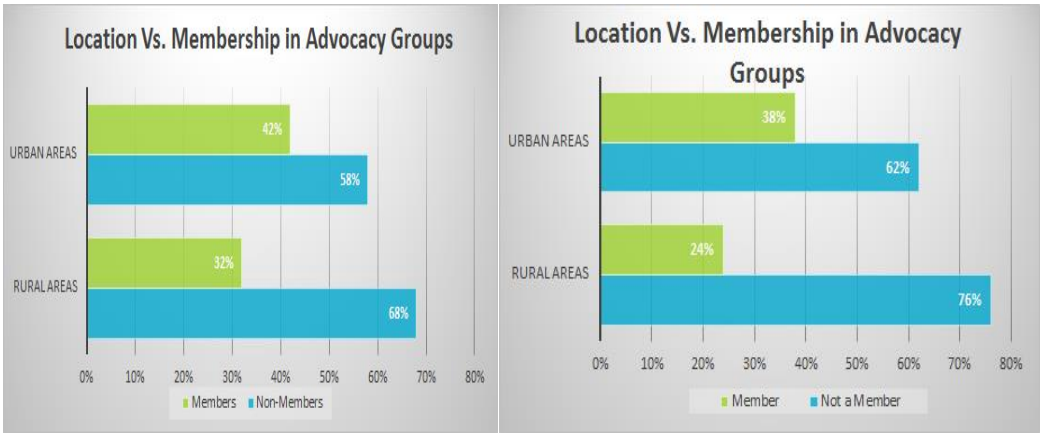
6.3. Patterns of popular disengagement from Advocacy groups in Kenya and Zambia

Regarding the patterns of disengagement, the study proposed that popular disengagement from advocacy groups is both an individual and a collective response to the failure of advocacy groups to meet the needs and expectations of its members and supporters in the process of democratic consolidation. The study suggested that popular disengagement from advocacy groups' cuts across social categories and spatial divides (Rural/urban divides) and lead to spillover effects on other types of voluntary associations. From the analysis of in-depth personal interviews with ordinary citizens from both Kenya and Zambia, the study found that popular disengagement from advocacy groups is much more an individual response, rather than a collective response to the poor performance of advocacy groups in the process of democratic consolidation. It is an individual deliberate choice and action based on an individual's lived experiences and subjective interpretation of those experiences. Additionally, the process of disengagement from advocacy groups is a means of adapting to or protesting the perceived failures of advocacy groups in the process of democratic consolidation in the post-transitional political and institutional environment. This finding is consistent with Baker's (2001) study of various types of disengagement from the state in Africa, which found that disengagement from the state was an individual response to perceived failures of the state to meet their needs and expectations.

6.3.1. Social Clustering

Regarding social clustering, the study found that citizens in rural areas were most likely to pursue a strategy of disengagement from advocacy groups than those living in urban areas in both countries as shown in *Figure 6.6.* below. Moreover, the poor and the marginalised population in the rural areas were most likely to disengage from advocacy groups than those living in urban areas in both countries, although the general level of withdrawal of these groups from advocacy groups was much higher in Zambia than in Kenya for several reasons which are discussed in this section.

Figure 6 5 Location and Membership in Advocacy groups in Kenya and Zambia

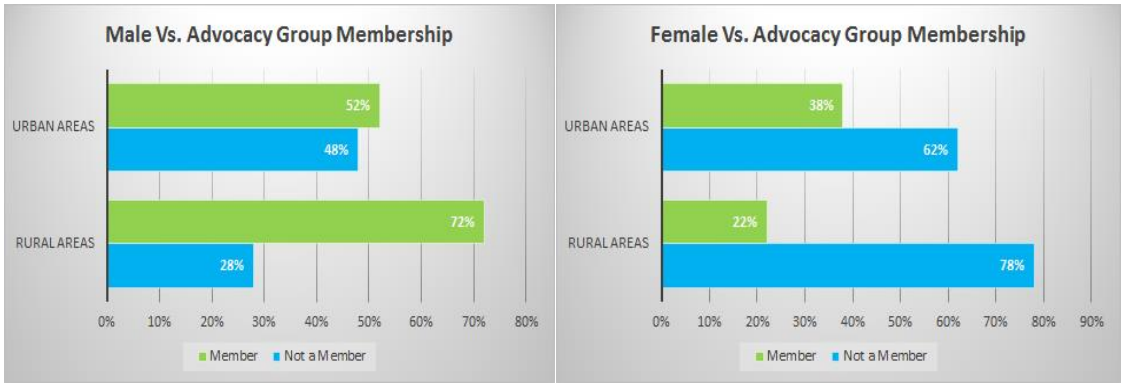


Source: Author created from qualitative interview data

The pattern of the rural-urban divide in terms of popular disengagement from advocacy groups depicted in *Figure 6.5* above is influenced by higher levels of poverty in rural areas in both countries compared to urban areas. It means that in the face of declining economic conditions in Kenya and Zambia, the rural citizens are disproportionately affected and, therefore, prioritize participation in activities of economic livelihood more than the urban citizens. Rural citizens are, therefore, most likely to withdraw their participation and membership from advocacy groups. Additionally, the study found that most advocacy groups are located in urban areas, and, therefore, have tenuous ties and links with the rural population. It is thus much easier for rural citizens to disengage from such groups in the face of their poor performance in the process of democratic consolidation.

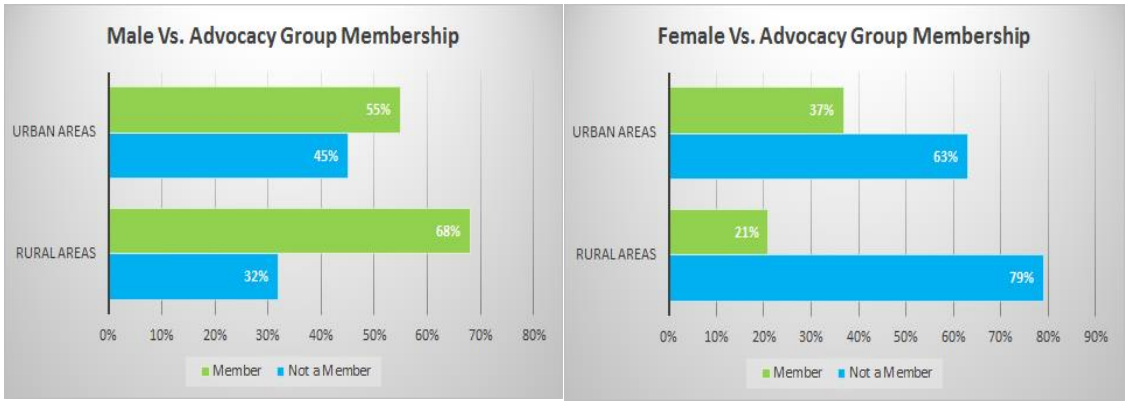
Finally, the differences between the values, and norms of rural residents with the values and norms represented and pursued by most advocacy groups in both countries have contributed to the disproportionate disengagement from advocacy groups in the rural areas than urban areas. These findings are consistent with Booysen's (2013) finding in a study of South Africa's democracy that people of lower economic status are disproportionately affected by poor economic performance, leading to low levels of participation in democratic institutions. Regarding gender, the study found that women were most likely to disengage from advocacy groups than men in both countries. The pattern was replicated in urban and rural areas as shown below in Figure 6.7 and Figure 6.8 for Kenya and Zambia results respectively. There seems to be a tendency of more dissatisfied women withdrawing from advocacy groups than men in the post-transitional political and institutional environment in both countries.

Figure 6 6 Male and Female Membership in Advocacy groups in Kenya



Source: Author created from qualitative interview data

Figure 6 7 Male and Female Membership in Advocacy groups in Zambia



Source: Author created from qualitative interview data

These findings are consistent with several studies that have reported a general "gender gap" regarding various forms of political participation in both developed and developing countries. In established western democracies, several studies have found that men are most likely to engage in politics than women (Inglehart and Norris 2003; Fraser and Macdonald 2003; Burns et al., 2001; Schlotsman et al. 1994; Barnes and Kaase, 1979; Verba, Nie, and Kim, 1978). Recent studies on political participation have confirmed these findings (Merian et al., 2010; Vecchione and Caprara, 2009; Stolle and Hooghe, 2009; Burns 2007; Conway, 2001). There have also been a growing number of studies on gender and participation specific to developing countries, which have found similar results (Bawa and Sanyare, 2013; Bratton et al., 2010; Anderson, 2010; Isaksson 2010; Beck, 2003; Fraser and Macdonald, 2003). Similarly, Bratton's (1999) study of political participation in Zambia found that gender was one of the most consistent determinants of unequal political participation.

Additionally, Logan and Bratton (2006) analysed political gender gap in Africa, based on the 2005 Afro-barometer survey results and concluded that women were less active than men at least in relation to formal categories of political participation. In terms of membership in civil society groups, a study commissioned by the Zambia Council for Social Development found a gender divide in politically oriented civil society organisations, where 60 percent of members were men, while only 40 percent of members were women (ZCSD, 2012). In Latin America, Anderson (2010) in a comparative study of Nicaragua and Argentina found that men were most likely to join organisations than women. Other studies have found that men are most likely to engage in collective forms of participation than women (Coffe and Bolzendahl 2010; Burns, 2007).

There are several possible explanations for the gendered nature of popular disengagement from advocacy groups in both Kenya and Zambia in the post-transitional political and institutional environment. Inglehart and Norris (2003) identify cultural, structural and agency perspectives as predominant explanations for the gender disparities in political participation. Cultural explanations of the gender gap in political participation emphasise the level of motivation and interest in politics, which are mainly shaped by the dominant culture, social norms, beliefs, and values in society. In Africa, the substantial gender gap in political participation can be explained by the traditional patriarchal perception of women as inferior to men, leading to unequal power status between men and women and the rigid gender roles that assign women domestic work with the consequence of subordination and a weak sense of political efficacy among women. The patriarchal system that is dominant in both Kenya and Zambia also prescribes the private domestic sphere as the female domain and the public sphere as the male domain. These norms and values are mediated through the socialization process (Burns 2007, Verba et al. 1997). Inglehart and Norris (2003) have emphasised that the critical importance of culture is that women and men adopt these traditional attitudes, values, and norms as appropriate within society. Similarly, Adhiambo-Oduol (2003) has also identified socio-cultural beliefs, attitudes, and stereotypes as significant barriers to women's political participation in Kenya. Men, therefore, dominate social, political and economic spheres in society (Geisler 2004; Beck, 2003; Bratton, 1999).

Secondly, structural explanations focus on how gender is closely related to the unequal distribution of civic resources in society such as time, education, money, political knowledge, and skills. These resources facilitate political participation. In both Kenya and Zambia, there is a considerable gap between men and women, regarding access to socio-economic resources such as income and education with men most likely to access these resources than women. Additionally, women are most likely to be burdened with domestic work that places more demands on their time and resources, leaving them less available for political participation (Burns et al. 1997). Furthermore, gender is a significant determinant of poverty in Africa, where women make a significant portion of the poor and the marginalised population in social, political and economic spheres (IMF, 2005).

Thirdly, agency explanations focus on the mobilising roles of social networks and organisations to which men typically have greater access than women. These include the role of news media and informal social networks. Here again, men dominate women in such spheres in society in both Kenya and Zambia. The above explanations for the disproportionate levels of political participation of women compared to men mean that if the few women who have overcome these social, political and economic barriers and joined advocacy groups perceive these groups as incapable of meeting their needs and expectations, then they would much more easily disengage from such groups compared to men. This study found that most women who disengaged from advocacy groups in both countries joined the more traditionally accepted informal social organisations in society such as self-help groups, while others who were already members of such groups maintained their membership in the groups.

6.3.2. Levels of Education

The study found that the level of education measured on a scale of years of education of respondents had a strong positive relationship with membership in advocacy groups. In Kenya, only 2 percent of respondents with no education in both urban and rural areas indicated that they were members of an advocacy group, while 28 percent and 35 percent of respondents in urban and rural areas respectively with a primary level of education stated that they were members of an advocacy group. For respondents with secondary education and above, 30 percent in urban areas and 38 percent in rural areas stated that they were members of an advocacy group. Similarly, in Zambia, only 2 percent of respondents with no education in both urban and rural areas stated that they were members of an advocacy group, while 24 percent

and 32 percent of respondents with primary education in urban and rural areas respectively stated that they were members of an advocacy group. For respondents with secondary education and above, 26 percent in urban areas and 36 percent in rural areas said they were members of an advocacy group. This means that most of those who disengaged from advocacy groups in both countries in the post-transitional political dispensation had low levels of education. Education appears to be a strong proxy for socio-economic status in both Kenya and Zambia since it is correlated with income. The results of this study showed that citizens with no education or low socio-economic status were most likely to disengage from advocacy groups than those with primary, secondary, or higher levels of education. In other words, those who were most likely to disengage from advocacy groups had low socio-economic status, and were, therefore, disproportionately affected by the poor economic performance in both countries.

A vast literature of contemporary scholarship has long credibly established education as a significant predictor of civic engagement in political studies in both developed and developing countries (Henderson and Chatfield, 2011; Persson, 2011; Sondheimer and Green, 2010; Stolle and Hooghe, 2009; Putnam, 1996; Verba et al 1995; Almond and Verba 1963; Lipset, 1959). The relationship between education and political participation is so strong to the extent that there is almost a widespread consensus on the universal, robust and positive relationship between education and multiple forms of civic engagement. La Due Lake and Huckfeldt (1998, p. 567), for example, argue that the positive correlation between education and political participation is "one of the most reliable results in empirical social sciences."

Similarly, Hillygus (2005, p. 25) has noted that the idea that education is a primary driver of increased political participation is "largely uncontested," while Putnam (1993, p. 68) posits that education "is the best individual-level predictor of participation." In his analysis of trends in social capital in the United States in his book, *Bowling Alone*, Putnam (2000) reiterates the striking link between education and participation and concludes that education is a highly powerful predictor of many forms of social participation of both men and women, including participation in associational groups. In their seminal book, the *Civic Culture* (1963, p. 315-316) Almond and Verba noted that the level of education "appears to have the most important effect on political attitudes...of all the demographic variables, none compared to educational variables in the extent to which it seems to determine political attitudes." March and Kaase (1979) have also noted the strong empirical linkage between education and civic engagement.

Similarly, Smith and Shen (2002, p. 101) have concluded that "higher average levels of formal education in a nation tend to make people in that nation more ready and able to participate in associations as individuals on average, leading to a greater associational prevalence in the aggregate." Studies more specific to developing countries have also made the same conclusions. In a comparative study of Nicaragua and Argentina, Anderson (2010) found that the more one was educated, the most likely that they belonged to a civic organisation. Similarly, Vecchione and Caprara (2009) found that education significantly affects political participation levels. Specifically, they found that people who were more educated were most likely to engage in political activities compared to those who were less educated.

However, critics have questioned the precise nature of the causal mechanisms between education and political participation. The debate has partly taken the form of education as a cause versus education as a proxy for participation. Campbell (2009) for example, has attempted to explain the linkage by developing different models. In his absolute education model, he notes that the individual-level of education is the driving mechanism for participation, while in the sorting model; the author views education as a determinant of social status, which then leads to increased levels of participation. However, Spence (1973) argues that isolating the effects of education on participation from the innate ability is extremely hard. Jennings and Niemi (1968) support this position and submit that it is hard to isolate education from socio-economic status, while Nie, Junn, and Stehlik-Barry (1996) recognize the same difficulty with family background. Still, others have provided evidence to show that not all types of schooling increase participation (Berisnsky and Lenz 2011; Kam and Palmer 2008). Wattenberg (2002) study of the industrialised World, for example, has demonstrated the puzzling falling levels of participation, despite rising levels of education, a notable example of what Brody (1978) referred to as the "paradox of participation."

Although the explicit nature of the linkage between education and participation remain contested, there are several ways in which education can influence participation. Firstly, formal education increases critical capacities of an individual, such as civic and cognitive skills, political knowledge, opportunities to discuss social and political issues, habits of associational involvement such as trust and tolerance, political awareness and support for democracy (Delli, Carpini and Keeter 1996; Milner, 2002). Secondly, Inglehart and Welzel (2005) have argued that education may lead to value-change with more educated people expressing democratic

values such as tolerance much more than uneducated people. These values facilitate political participation. Thirdly, education also increases political motivation and interest, and politically interested citizens can accurately assess government performance and are, therefore, most likely to believe that their participation can affect political change. This means that highly educated citizens have high political efficacy than those who are less educated.

6.3.3. Selective disengagement and Incorporation

This study found that popular disengagement from advocacy groups is a selective process with disengaging citizens either maintaining membership in self-help groups and kinship associations or joining such groups as they withdraw from advocacy groups. Popular disengagement from advocacy groups, therefore, has a spill-over effect on other types of civil society groups, especially self-help groups, and kinship associations. Citizens appear sophisticated and deliberate in their decisions to withdraw from advocacy groups in both countries in the new political and institutional environment and join other groups that they feel are crucial in the prevailing social and economic environment. They mainly join these new groups to cope with new and unfamiliar social and political realities. The study also found that most citizens who disengaged from advocacy groups were most likely to join service delivery organisations and self-help associations. The movement towards these groups was due to the declining economic conditions experienced in both Kenya and Zambia in the post-transitional political and institutional dispensation.

This movement signified a dual process of *disengagement* from advocacy groups and *re-incorporation* into other types of civil society organisations. Popular disengagement from advocacy groups, therefore, involved, the break-up of old attachments to advocacy groups and establishment of new solidarities with self-help associations and kinship groups. In other words, the construction of new forms of solidarities as a result of disillusionment with old forms of attachments, which have redefined the landscape of social formations in both countries. This process is being witnessed in both urban and rural areas. These findings are consistent with a study commissioned by the Zambia Council for Social Development which found that about 80 percent of Zambians were members of a socially oriented civil society organisation with over 50 percent of people stating that they have no participation in a politically oriented civil society organisations (ZCSD, 2012).

6.4. Forms of popular disengagement from Advocacy groups

Regarding the forms of popular disengagement, the study found that popular disengagement from advocacy groups in the post-transitional political and institutional environment manifests in two significant forms; *suffer-manage* and *self-enclosure strategies*. In their study of state-civil society disengagement, Azarya and Chazan (1987, p. 116) identified these forms of disengagement from the state. They noted that the suffer-manage strategy of disengagement, "encompasses an array of activities aimed at reconciliation to a declining standard of living and learning to manage in these circumstances." In the case of the state, it involves finding ways of coping with economic problems or means of economic survival. Similarly, this study found that individuals who disengaged from advocacy groups are adjusting to an environment, where they perceive advocacy groups to have failed to effectively meet their needs and expectations. Most of those disengaging from advocacy groups are, therefore, reprioritizing their time and other resources by engaging in activities that support their basic socio-economic needs and survival, instead of participating in advocacy group activities. In other words, in the face of increasing economic hardship, disengaging individuals are being pragmatic by managing the new reality where advocacy groups have become irrelevant through joining self-help organisations such as community-based organizations, hawkers' associations, street traders' groups, women micro-finance groups, credit unions, and farmers associations to meet their socio-economic needs. The suffer-manage form of disengagement is both a rural and urban phenomenon in both countries.

The second form of popular disengagement from advocacy groups in both countries is the *self-enclosure strategy* of disengagement, which is an attempt to "insulate oneself from the state, thereby gaining protection from its uncertainties." (Azarya and Chazan, 1987, p. 126). This strategy involves the reduced use of states channels, moving back from export to subsistence crops, urban-rural migration, and retreat to traditional forms of solidarity. This study found that individuals who have disengaged from advocacy groups are also attempting to insulate themselves from the inefficiencies and ineffectiveness of these groups from meeting their expectations by withdrawing into kinship associations that provide them with norms of solidarity and mutual support (Osaghae, 1999). The incorporation into kinship organisations has been manifested by the proliferation of ethnic and kinship associations in both Kenya and

Zambia in the post-transitional political and institutional period. This movement into kinship associations fit into the theory of indigenousness, which attributes popular disengagement with the "resilience of African norms of social organisation" (Osaghae, 1999). These indigenous groups have become a fall-back position for the failures of advocacy groups to meet citizen expectations, norms, values, and needs, therefore, reinforcing the need for kinship-based self-help structures.

6.5. Implications of Popular disengagement to democratic consolidation

Regarding the implications of popular disengagement from advocacy groups, the study proposed that the nature and scale of disengagement affect legitimacy, credibility, and capacity of advocacy groups to effectively influence the process of democratic consolidation. The findings of this study confirmed the above propositions. Although popular disengagement from advocacy groups is an invisible, passive and adaptive response, resulting from macro, meso, and micro-scale factors related to advocacy groups, it significantly undermines advocacy groups' capacity to effectively contribute to the process of democratic consolidation in several ways. The mutually reinforcing relationship between the levels of participation in civic and political activities and membership in voluntary organisations is well established in political research (Baker 2001, Bratton 1997; Bratton, Alderfer and Simutanyi 1997; Putnam 1996; Bratton and Katundu 1994). Further, Almond and Verba (1963) have examined survey data of five nations and concluded that a member of an organisation was most likely to consider himself competent as a citizen to be a more active participant in politics than a non-member.

The authors have noted that any membership passive or active in a voluntary association has an impact on political competence. Additionally, Inglehart (1997) has found that organisational membership does show a statistically significant linkage with changes in levels of democracy. Popular disengagement from advocacy groups in both Kenya and Zambia, therefore, not only reduce advocacy groups' capacity to contribute to the process of democratic consolidation, but also impede the overall participation of citizens in the formal political processes such as voting and involvement in civic activities between elections, which some scholars consider more crucial in the process of democratic consolidation than one-off processes such as voting. The low level of both formal and informal political participation created by popular disengagement from advocacy groups is, therefore, extremely detrimental to the overall process of democratic consolidation in both countries. It must also be noted that

democratic consolidation requires meaningful and active citizen participation in the formal political processes to ensure democratic legitimacy (Bratton et al., 2005) choice and public accountability of leadership in government (Simon, 2005). Moreover, active participation increases the influence that citizens have on public policy decisions, besides improving civic skills and virtues, which ultimately maintain the vitality, stability, and quality of democracy (Osaghae, 1999).

Advocacy groups derive their legitimacy from their membership and from public support for the causes, the values and the norms they represent and champion. Popular disengagement leads to the withdrawal of support and resources, which are critical to the performance of these groups in the process of democratic consolidation. It thus erodes their legitimacy and credibility, which are critical if they are to engage the state and be taken seriously by other political actors. In other words, popular disengagement from advocacy groups undermines the legitimacy, the moral authority and the ability and capacity of advocacy groups to effectively mobilize support, engage and influence state policies on issues which support the process of democratic consolidation. Additionally, popular disengagement significantly reduces the ability of advocacy groups to influence democratic values, citizenship, and attitudes in the public sphere that contribute to the institutionalization of democracy. Popular disengagement from advocacy groups weaken these groups and make them vulnerable to state criticism on their representative capacity to aggregate and articulate demands from their constituencies and the public at large. It makes it easier for the state to use political propaganda to label these groups as "unelected" and "agents of foreign interests," which lack domestic constituencies and support and only accountable to international donors. Such propaganda has dented advocacy groups' image, legitimacy, and credibility with the public.

As Baker (2001, p. 182) has noted: "Loss of legitimacy is an effect, as well as a cause of disengagement." It undermines the very foundation of the existence of advocacy groups in the political sphere in both Kenya and Zambia. The promotion of popular participation is a critical purpose of advocacy groups in the political process as it ensures democratic citizenship, which is a key cornerstone of democratic consolidation. Popular participation requires active and informed citizenry with the skills and desire to express themselves and hold public officials accountable (Warren, 2009). The level and quality of participation of citizens in the democratic process, is, therefore, an essential barometer for democratic consolidation and a crucial goal for

democratizing countries such as Kenya and Zambia. Popular disengagement from advocacy groups erodes the level and quality of citizen participation in the democratization process, and therefore, significantly reduce the ability of advocacy groups to ensure such quality of participation to support the process of democratic consolidation.

Moreover, scholars associated with the concept of social capital hold that voluntary and active participation of citizens in civil society groups, including, advocacy groups have positive consequences for democracy (Putnam 2001; 2000; 1993; Tocqueville 1835). It promotes democratic values, norms, and attitudes of tolerance, moderation and a willingness to compromise and respect opposing views (Diamond 1999). Participation in civil society groups also helps citizens develop political interest, efficacy, and skills of democratic citizenship that ensure responsive, democratic institutions that can address societal concerns and their interests. These processes are critical to the institutionalization of democracy. Popular disengagement has lowered the propensity of citizens to participate in advocacy groups' activities actively and, therefore, develop such positive civic skills, norms, values and attitudes that are critical to the process of democratic consolidation. As Linz and Stepan (1996a) have argued, participation in civil society ensures attitudinal support of most citizens for the democratic procedures and values.

It must be noted that advocacy groups provide "the basis for the limitation of state power, hence for the control of the state by society, and hence for democratic political institutions as the most effective means of exercising that control" (Huntington 1984:204). This function of advocacy groups is critical for hybrid regimes such as those of Kenya and Zambia, which are struggling with the process of democratic consolidation. Advocacy groups are supposed to check, monitor and restrain the exercise of state power by holding governments transparent, accountable and strengthening state institutions to be responsive to the needs of the citizens (Diamond 1999, Bratton 1994). However, popular disengagement from advocacy groups undermines the capacity of advocacy groups to effectively conduct these functions in both countries without the commitment and support of their citizens and the public to ensure transparency and accountability and to act as a bulwark against perceived abuses of state authority and violations of democratic principles and practices. Moreover, without members, advocacy groups cannot effectively mobilize support for policies which help guard against excesses of the state and the process of democratic consolidation.

Advocacy groups in both Kenya and Zambia are also supposed to structure various channels for interest aggregation, articulation, representation, and mediation in the process of democratic consolidation. This role of advocacy groups is critical for democratic consolidation given the weakness of political parties and democratic institutions that were established after the political transitions in the early 1990s. Without membership and support, advocacy groups cannot effectively perform this function. Additionally, advocacy groups aggregate and mediate competing and sometimes conflicting interests, values and beliefs, and provide platforms for democratic deliberations of national issues and interests of various social groups (Forbrig 2002, Diamond 1999). These functions improve political and social equality, ensure responsive governments, legitimacy, and democracy (Waylen 1994). Popular disengagement from advocacy groups in both Kenya and Zambia, make it extremely difficult for these groups to aggregate and articulate demands or speak on behalf of the masses, bridge social and political cleavages or mediate competing and conflicting interests. This situation undermines advocacy groups' role in the process of democratic consolidation in both countries as they are unable to channel citizen discontents about social, economic and political problems into a coherent political agenda.

Advocacy groups in both Kenya and Zambia also engage in the recruitment and training of new political leaders to help drive the process of democratic governance in the new political and institutional dispensation. The groups conduct training for parliamentarians and other elected leaders on issues of democratic principles, civil liberties and political rights, public transparency and accountability, checks and balances, leadership and even technical skills. Additionally, Diamond (1999) has noted that advocacy group leaders acquire organisational, leadership and advocacy skills in the process of leading these groups, skills which help them qualify for both state bureaucratic roles and participation in party politics. A considerable number of advocacy group leaders have been co-opted into state bureaucracy in both countries with the democratic transition process, while others have joined the government through elective politics. However, popular disengagement from advocacy groups diminishes this role by making the recruitment of advocacy groups membership difficult, and, therefore, creating groups with no members to train as future political leaders in the democratization process. It also erodes the legitimacy, trust and even credibility of advocacy groups with public officials whom they intend to train as new political leaders.

Since the political transitions in both Kenya and Zambia, advocacy groups have developed various programs targeted at building governance and democratic institutions that support the process of democratic consolidation. Such programs have targeted civic education, electoral reforms, election monitoring, democratising political parties, strengthening various democratic institutions such as the legislature and the judiciary and improving budget participation and monitoring among others. However, for these programs to be effective, they need public support and commitment. Popular disengagement impedes the capacity of advocacy groups to mobilise public support for critical programs, which support the process of democratic consolidation in both countries.

6.6. Summary

This chapter has analysed the dynamics of the interaction of advocacy groups with their membership in the process of democratic consolidation. It has presented the findings from the in-depth personal qualitative interviews with ordinary citizens and comparatively analysed popular disengagement from advocacy groups in Kenya and Zambia regarding its nature, pattern and its effects on advocacy groups' ability to effectively contribute to the process of democratic consolidation. The chapter suggests that people's experiences and their subjective interpretation of those experiences inform and shape their behaviour and actions towards advocacy groups. The membership of citizens in advocacy groups and their active participation sustained the momentum of the pro-democracy movements in both countries and led to democratic transitions in the early 1990s. Citizens were, therefore, at the core of the transition process and this created unrealistically high expectations built around the assumption that the transitions would lead to economic development and the institutionalization of democracy.

However, these hopes and expectations have remained unfulfilled in the post-transitional political and institutional dispensation, leading to disappointment, disillusionment and significantly contributing to popular disengagement from advocacy groups in both Kenya and Zambia. Regarding the nature of popular disengagement in both countries, the chapter argued that satisfaction or frustration with government performance is not synonymous with political consciousness and action. The chapter, therefore, provided evidence which demonstrated that the decision of citizens to engage or disengage from the institutions of governance such as the state and advocacy groups is a complicated process that is dependent on numerous contextual factors, which include macro, meso, and micro-scale factors.

Regarding the macro-scale factors, the chapter provided evidence demonstrating that most of those dissatisfied individuals with the performance of advocacy groups in the process of democratic consolidation were most likely to choose popular disengagement than engagement as a means of protest and adaptation because the strategy offers them immediate relief, is within reach to most citizens, low in resource demand and has minimal risks of sanctions from advocacy groups. Additionally, disengagement is an invisible, quiet, private and a passive strategy of exit, which makes it more attractive and readily available means of protest to individuals. It is also a crucial residual category when citizens feel that their voices are ineffective, which apply to the cases in this study, where most citizens felt that their voices were ineffective with the refrain that "nothing will ever change," signifying a deep sense of collective hopelessness within the populace.

The chapter analysed the political and economic reforms in both Kenya and Zambia since the transitions in the early 1990s and concluded that most citizens in both countries were disappointed and disillusioned with both political and economic performance of the newly democratic regime in both countries and blame both their governments and advocacy groups. The disillusionment with the failures of political and economic reforms have significantly contributed to the process of popular disengagement from advocacy groups. The chapter provided evidence showing that popular disengagement appears to be relatively higher in Zambia than Kenya due to extremely high hopes and expectations for economic development in the country during the swift transition in 1991 at the backdrop of a relatively deeper economic crisis compared to Kenya.

The chapter noted that these findings fit into the marginalization theory of disengagement in Africa, which is premised on the fact that individuals and groups who feel excluded and unable to influence the formal institutions of governance are most likely to withdraw into parallel systems. In this case, individuals who are disappointed with the performance of advocacy groups in the process of democratic consolidation are most likely to withdraw from these groups and join other types of civil society groups. Regarding the spatial distribution of advocacy groups, the chapter showed that most advocacy groups are located in the capital cities of both countries for convenience in accessing government offices and international donor agencies. This has created both a physical and an ideological disconnection between advocacy groups and rural residents, who, therefore, find it much easier to withdraw

from such groups, when they perceive them to be ineffective in meeting their needs and expectations. Regarding the reasons for withdrawal from advocacy groups, most citizens interviewed in both Kenya and Zambia cited disappointment with the performance of advocacy groups in the process of democratic consolidation, lack of time, lack of trust and loss of interest in the activities of advocacy groups. Higher levels of poverty and economic hardship in rural areas than urban areas in both countries also contributed to higher levels of popular disengagement from advocacy groups in rural areas than urban areas.

The second section of the chapter analysed the meso-scale factors related to advocacy groups and focused on the institutional weaknesses of advocacy groups which influence the process of popular disengagement in Kenya and Zambia. These included advocacy groups' levels of membership, citizen participation, legitimacy, representation, and agenda. The chapter noted that advocacy group membership is the foundation that makes these groups more than a structure besides being the source of their legitimacy and support as political actors within the political system. Citizen participation in advocacy groups also offers citizens information, inculcates democratic values and norms and the ability to influence government policies and ensure public accountability. The chapter provided evidence that showed that there is an unusually low level of advocacy group membership in both countries in the post-transitional political environment and most respondents indicated having disengaged from advocacy groups due to their disillusionment with the performance of these groups in the process of democratic consolidation.

Additionally, the chapter provided evidence demonstrating that there are low levels of citizen participation in advocacy groups activities due to lack of interest, time and information. Citizens appear to be more critical about the utility of their participation and believe that participation in advocacy groups hardly impact their lives or the process of democratic consolidation. This finding is in sharp contrast to the expanded democratic space and the rapid growth of civil society groups in the post-transitional dispensation in both countries. The low levels of citizen participation in advocacy groups could be explained by the decline of euphoria of change and the establishment of more channels and institutions of democratic participation in the post-transitional political environment. However, two decades of continuous declining levels of citizen participation call for a different explanation, which this chapter suggests being

the process of popular disengagement due to disillusionment with advocacy groups' performance in the process of democratic consolidation.

Legitimacy is the most important justification for the existence of advocacy groups within the public sphere and significantly influence their effectiveness in the process of democratic consolidation. Regarding performance legitimacy which is based on advocacy groups'deliveries of tangible desirables to their members and supporters, the chapter provided evidence that showed that most respondents indicated that advocacy groups have not performed to the level of their expectations in the process of democratic consolidation in the post-transitional political and institutional environment. This finding means that support for advocacy groups in both countries has a strong instrumental perspective. Without any clear and direct benefits, citizens are unlikely to invest their time and energy in advocacy groups. In other words, citizens extend their support to advocacy groups in large part based on the level of their satisfaction with their performance in the delivery of desired goods.

Regarding the normative legitimacy, which focuses on the norms and values pursued by advocacy groups, the chapter provided evidence which showed that most respondents had a problematic relationship with the norms and values represented and pursued by advocacy groups in both countries. The citizens also have an unusually low level of institutional trust of these groups due to their poor performance in the process of democratic consolidation, lack of internal democracy, transparency and accountability. Most respondent view advocacy groups as elite dominated, professionalized groups with a weak and tenuous relationship with their members and supporters, creating a normative disconnection between advocacy groups and their membership and contributing to the process of popular disengagement. The chapter also provided evidence that showed that most respondents did not feel that advocacy groups represented them, due to lack of consultation, downward accountability, and internal democracy. Advocacy groups are, therefore, unable to channel the discontents of their membership to the political system significantly contributing to the process of popular disengagement.

The chapter noted that advocacy groups' agenda was critical to the process of democratic consolidation and the fact that such an agenda should reflect the agenda of their members and supporters, which shows that these groups are meeting the claim that they are pursuing the interests of their members. However, the chapter presented evidence which

showed that most respondents did not agree with the agenda pursued by most advocacy groups in the post-transitional political and institutional environment in both Kenya and Zambia due to lack of consultation and control of the advocacy groups agenda and priorities by international donors. This gap between advocacy groups agenda and the citizens significantly contributed to the process of popular disengagement from these groups. The chapter noted that most advocacy groups have continued to pursue the liberal version of human rights agenda based on civil liberties and political rights, which no longer resonates with most citizens who appear to have moved on an agenda of economic, social and cultural rights based on tangible improvements in their livelihoods. The discourse of liberation politics has been replaced by "*politics of bread and butter*" in both urban and rural areas. Further, most respondents felt that the advocacy group agenda was primarily shaped by the agenda of international donors than the needs and expectations of the grassroots communities, which they claim to represent.

Regarding micro-scale factors of popular disengagement, the chapter focussed on the availability of resources and cynicism, which could easily be captured by personal in-depth qualitative interviews. The resources were broadly defined to include time, money, civic and organizational skills. The chapter presented evidence which showed that lack of resources due to widespread poverty in both countries has significantly influenced the process of popular disengagement from advocacy groups. Poverty has limited the ability of most Kenyans and Zambians to meet the functional costs of participation forcing them to disengage. A section of the population has become cynical about their participation in advocacy groups activities contributing to disengagement from advocacy groups and anti-politics.

Regarding the pattern of popular disengagement in both Kenya and Zambia, the chapter provided evidence that showed that popular disengagement from advocacy groups was much more an individual than a collective response to perceived failures of advocacy groups in the process of democratic consolidation. Individuals deliberately choose to disengage based on their lived experiences and their subjective interpretation of those experiences. The chapter demonstrated that popular disengagement from advocacy groups has a higher incidence among women than men, the poor and the marginalized in rural areas than urban areas in both countries. Most respondents attributed the gendered pattern of popular disengagement to poverty, cultural and structural explanations. Most women who have disengaged from advocacy groups have joined self-help groups. The chapter also provided evidence that showed that the

level of education measured on a scale of years of education of respondents has a strong positive relationship with membership in advocacy groups and, therefore, most of those who have disengaged from advocacy groups in both countries have a lower level of education and lower socio-economic status in both countries.

The chapter demonstrated that popular disengagement from advocacy groups in both Kenya and Zambia is a selective and deliberate process with spill over to other types of civil society organizations. Most citizens who have disengaged from advocacy groups have either maintained membership in self-help associations and kinship groups or joined such groups, signifying a process of disengagement from advocacy groups and re-incorporation into other forms of associational life. Popular disengagement thus involves the break-up of old attachments to advocacy groups and the establishment of new solidarities in self-help and kinship groups, which has redefined the landscape of social formations in both Kenya and Zambia. The selective process of popular disengagement has taken two significant forms of disengagement; suffer-manage syndrome and self-enclosure. The suffer-manage strategy involve disengaging individuals from advocacy groups finding ways of coping with the declining capacity of advocacy groups to meet their needs in the process of democratic consolidation, while self-enclosure involve attempts by disengaging individuals to insulate themselves from the ineffectiveness of advocacy groups by withdrawing and joining other groups such as kinship associations which provide them with norms of solidarity and mutual support.

Finally, the chapter discussed the implications of popular disengagement from advocacy groups on the ability of these groups to effectively contribute to the process of democratic consolidation in both countries. Although disengagement from advocacy groups is almost an invisible and passive response resulting from macro, meso, and micro-scale factors related to advocacy groups, it significantly undermines advocacy groups' capacity to effectively contribute to the process of democratic consolidation in several ways in both Kenya and Zambia. Popular disengagement from advocacy groups affects the overall participation of citizens in the formal political processes such as voting and involvement in political processes between elections. The low level of both formal and informal political participation is detrimental to the overall process of democratic consolidation.

Popular disengagement also means the withdrawal of expressed consent of a significant part of both the public and advocacy group membership, which undermines the moral authority, acceptability, credibility and the ability and capacity of advocacy groups to effectively engage and influence state policies on issues concerning democratic consolidation. It also undermines the capacity of advocacy groups to mobilize support and influence values and attitudes which are supportive of democracy in the public sphere. Popular disengagement from advocacy groups lowers the propensity of citizens to develop positive civic skills, norms, values, and, attitudes that are critical to the process of democratic consolidation in both Kenya and Zambia. It also undermines public confidence, and, therefore, the capacity of advocacy groups to mobilize citizens' support and commitment against the perceived abuse of state authority and violations of democratic principles and practices such as the rule of law, civil liberties, and political rights.

Finally, popular disengagement makes it extremely difficult for advocacy groups to bridge social and political cleavages, mediate competing and conflicting interests and aggregate and articulate the interests of various social groups thus undermining their role of representation in the process of democratic consolidation. The next chapter summarises the most pertinent results that have emerged from the study's two-fold aim of investigating and critically examining the constraints confronting advocacy groups in the post-transitional countries of Kenya and Zambia and their effects on the ability of these groups to effectively contribute to the process of democratic consolidation. It concludes with suggestions for further research on advocacy groups and the process of democratic consolidation in Africa and other developing countries

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CHAPTER 7: CONCLUSION

The primary purpose of this study was to conduct a comparative investigation and critical examination of the constraints confronting advocacy groups in the post-transitional states of Kenya and Zambia. It also examined the effects of such constraints on the ability of advocacy groups to effectively contribute to the process of democratic consolidation. The study employed a domestic politico-institutional approach, which posits that institutions, whether formal or informal, interests and strategic behavior of political actors such as advocacy groups, shape political outcomes within specific contexts. The study proposed that the principal constraints confronting advocacy groups in the new political environment in both countries emanate from the uncertain post-transitional political and institutional environment, deliberate state strategies meant to limit the activities of advocacy groups and the process of popular disengagement from advocacy groups.

The study has shown that political transitions in Africa are a double-edged sword for advocacy groups, creating both opportunities and significant constraints which circumscribe the groups' ability to effectively contribute to the process of democratic consolidation. The establishment of democratic systems in both Kenya and Zambia from the early 1990s presented advocacy groups with new sets of opportunities and constraints that are critical for the process of democratic consolidation. The new political environment has relatively improved civil liberties and political rights, thus, opening up more spaces and platforms for advocacy work and making organizing much easier due to respect for freedom of expression, assembly, and association. It has also broadened and deepened the levels of citizen participation in the democratic process and helped advocacy groups create their own spaces beside significantly increasing the groups' latitude for participation and engagement with the state in formal policy-making processes, which can influence the process of democratic consolidation.

However, the study has also shown that the new political and institutional environment has led to significant constraints to advocacy groups' operations, which have left them in a quandary and near paralysis, leading to mounting doubts about their ability to effectively contribute to the process of democratic consolidation. Advocacy groups have found it extremely difficult to adapt to the new political and institutional environment and are facing a three-fold dilemma, which includes, re-defining their roles, crafting new strategies for articulating

demands for democratic consolidation and developing a constructive relationship with the newly democratic states and other political actors. These findings suggest that advocacy groups were unprepared for the post-transitional political environment as they were highly consumed in the national politics of the struggle for the restoration of democracy in the pre-transition period and had no agenda of their own to pursue in the post-transitional dispensation.

The relationship between advocacy groups and the state in both countries has continued to be inconsistent and depends on the nature of the regime in power. The relationship between the two groups in the pre-transitional period was defined by deep suspicion, mutual mistrust, antagonism, and conflict. This type of relationship continued in Kenya from 1992 to 2002, when it dramatically transformed to a more collaborative relationship but became confrontational again from 2013. In Zambia, the conflictual relationship between advocacy groups and the state has defined the post-transitional dispensation due to authoritarian tendencies by the successive regimes and the implementation of the Structural Adjustment policies.

Advocacy groups in both countries have abandoned the "extra-institutional tactics" which helped them dislodge the authoritarian regimes and embraced the "in-system tactics" which have had little impact on the process of democratic consolidation since there has been no framework for such engagement. The state and international donors have entirely controlled both the agenda and the process. This has led to the exclusion of advocacy groups considered to be anti-government and informal grassroots groups, the reproduction of the neoliberal agenda of international donors in the policy-making process and the exclusion of these groups from macro-economic discussions. The pattern of formal engagement between advocacy groups and the state has, therefore, limited representation of interests, meaningful engagement, and compromised advocacy groups' autonomy and independence with the groups merely legitimizing government-international donor agenda. Additionally, it has led to bureaucratization and a decline of activism. The study found that while democratic transition has engendered pluralism within advocacy sector in both countries, it has given the state the latitude to cherry-pick, which groups to engage in the policy-making process and which ones to ignore, thus alienating and marginalising the groups the state perceives to be critical of its policies and actions and leading to the representation of parochial and narrow interests in the policy-making process, and thus undermining the ability of advocacy groups to effectively contribute to the process of democratic consolidation.

Moreover, pluralism has created discordant voices within the sector, competing visions of democratic reforms and proliferation of disreputable advocacy groups. All these have led to fragmentation, which has complicated consensus on national issues, coordination, strategic alliance building for the process of democratic consolidation. The legacy of authoritarianism has also impacted advocacy groups' effectiveness in the process of democratic consolidation. The unity of purpose for the restoration of democracy, which galvanized advocacy groups against the authoritarian state has collapsed, leading to fragmentation and lack of consensus on a national agenda in the process of democratic consolidation. Moreover, the advocacy groups now must deal with multiple issues besides regaining their autonomy as social organizations, which must primarily focus on achieving the socio-economic interests of their members. This transformation has complicated national efforts by advocacy groups at democratic consolidation. The study has also shown that advocacy groups in Kenya have gradually moved from the "civic" to the "primordial" arena due to the influence of national politics; thus crippling democratic politics, leading to ethno-regional interests within the sector and undermining their integration and mediation functions.

The study has also established that the chronic dependency of advocacy groups on international donor funding has shaped advocacy groups agenda, and values and led to the reproduction of donor priorities, assumptions, practices, and ideas at the expense of domestic needs and expectations. This neoliberal orientation has limited advocacy groups focus on the control of state power rather than the transformation of the state, which is critical to the process of democratic consolidation. The relationship has also undermined advocacy groups autonomy and independence as the groups have become implementors of donor priorities through donor frameworks which have prevented them from developing indigenous roots in society and the relationship with the constituencies and the people whom they claim to represent. The study has also shown that international donors' frequent shifting of funding from advocacy groups to government and from one agenda to another without consultations with the groups hardly lead to timely, predictable and sustainable support to advocacy groups causing instability, and unpredictability of funding thus forcing these groups to miss critical windows of opportunities, stretch their agenda and mandates to undertake available projects leading to lack of commitment and influence in the process of democratic consolidation. The study has also shown that international donors in both countries do not fund advocacy groups which directly challenge

governmental authority, as they believe that such an approach creates tension between them and the host governments and interfere with their national, diplomatic and strategic interests. Their insistence on political neutrality for advocacy groups undermine the very activist orientation that advocacy groups require to empower citizens and influence the process of democratic consolidation. The study has shown that although advocacy groups worked with opposition political parties to dislodge authoritarian regimes in both Kenya and Zambia, their relationship in the post-transitional dispensation is contentious, weak and defined by mutual mistrust, suspicion, and divergent political agenda. Most political parties believe that advocacy groups activities overshadow them in the political process, thus undermining strategic cooperation on the process of democratic consolidation. Moreover, political parties' immediate interests in capturing political power have compromised their long-term engagement with advocacy groups in the process of democratic consolidation. Finally, the nature of political parties in both countries characterized by elitism, fragmentation, un-institutionalization, ethnicity, and lack of ideological basis has hindered constructive collaboration with advocacy groups in the process of democratic consolidation.

The study has also shown that the newly democratic states in both Kenya and Zambia have continued to perceive advocacy groups in purely political terms and, therefore, competitors for legitimacy, territorial hegemony, resources, and autonomy. The states have thus deliberately employed strategies of co-optation, the use of NGO legislation, political appropriation, political propaganda and selective harassment to control and restrict the activities of advocacy groups in the new political and institutional dispensation. These strategies have led to the shrinking of the civic space for the operations of civil society groups and thus constrained the ability of advocacy groups to effectively contribute to the process of democratic consolidation. The use of direct and quasi-co-optation has been more prominent in Kenya than Zambia, where the successive regimes have continued with the confrontational relationship with advocacy groups. The NARC administration which took over power in 2002 in Kenya dramatically expanded the scope of co-optation by directing absorbing several advocacy group leaders into state bureaucracy and appointing others into government service while still serving as advocacy groups leaders. These types of co-optation have undermined advocacy groups autonomy and depleted their human resource capacity and thus reduced their ability to effectively participate in policy-making and contribute to democratic consolidation.

The lobbying process for government positions and the abrupt departure of advocacy group leaders created an environment of anxiety, uncertainty, instability, loss of funding and distracted advocacy groups' focus from activities which support the process of democratic consolidation. Moreover, most of the co-opted advocacy group leaders abandoned the ideals, the values, and the principles they once championed while in civil society and became the staunchest defenders of the status quo, thus slowing down the momentum for democratic reform, tarnishing the credibility, and the legitimacy of civil society, and thus constraining their ability to effectively contribute to the process of democratic consolidation.

The new democratic states in both countries have also used NGO legislation to control and restrict the activities of advocacy groups, which has created barriers to entry, operational activity, and self-regulation and therefore significantly undermine the ability of advocacy groups' to effectively contribute to the process of democratic consolidation. The establishment of the government dominated boards with excessive discretionary powers over advocacy groups operations has led to arbitrary and prejudicial decisions on registration outcomes and created uncertainty in the operations of advocacy groups besides instilling fear on advocacy groups through intimidation, threats of deregistration and deregistration. This atmosphere of fear and mistrust has not supported constructive engagement between advocacy groups and the state in the process of democratic consolidation, while the requirement of administrative co-optation has forced advocacy groups to fit into the rigid and bureaucratic governmental procedures of development administration, leading to subordination of advocacy group choices by state organs, local sensitivity and comparative advantages, such innovation and capability to reach the most vulnerable and the marginalised citizens in society. Some of the provisions in both NGO legislations have violated advocacy groups' freedom of association, assembly, and expression and other legal obligations under international laws, which support the work of advocacy groups.

The study has also shown how the newly democratic states in both countries appropriated the lead organizations and considerably reduced their ability to contribute to the process of democratic consolidation. In Kenya, NCCK was appropriated by the state due to its close working relations with the NARC leaders while in the opposition, ethnicity, and co-optation of the organizations Secretary-general. The organization thus retreated from the public sphere, and its voice became muted on democratic reforms, and social justice issues.

It got sucked into narrow, parochial, partisan and tribal politics, which alienated most of its members, robbed civil society of its leadership and damaged its credibility, reputation, legitimacy, and respect. In Zambia, the state used market and corporatist strategies to appropriate the ZCTU besides direct interference into its internal affairs. Moreover, ZCTU leadership believed that they were "the government." Political appropriation neutralized the organization as a force for democratic consolidation, and it almost ended its existence through SAPs policies. The study has also shown that the use of state propaganda and selective harassment of advocacy groups in both countries to control and restrict the activities of advocacy groups has undermined advocacy groups' reputation, legitimacy, credibility, image, and created an atmosphere of mistrust, self-censorship, fear, and intimidation. All these have reduced advocacy groups ability to effectively contribute to the process of democratic consolidation.

The study has shown that although the masses in both Kenya and Zambia were at the core of the "second liberation" with high hopes of economic prosperity and the institutionalization of democracy, they have been disappointed and disillusioned in the post-transitional political dispensation with their social and economic conditions worsening and leading to popular disengagement from advocacy groups in both countries. The study has shown that most of those dissatisfied with the performance of advocacy groups in the process of democratic consolidation have chosen disengagement since the strategy offers them immediate relief, is within reach to most citizens, invisible, quiet, private, passive, low in resource demand and has minimal risks of sanctions from advocacy groups. Secondly, the spatial distribution of advocacy groups with most of them being located in urban areas in both countries has created a physical and an ideological disconnection with rural residents, who, therefore, find it much easier to withdraw from such groups, when they perceive them as ineffective in meeting their needs and expectations. The study has also demonstrated that institutional weaknesses of advocacy groups such as low levels of membership and participation in their activities, lack of legitimacy, poor representation and agenda setting have significantly contributed to the process of popular disengagement from advocacy groups.

The study has established that advocacy groups have continued to pursue the liberal version of human rights agenda, which does not resonate with most citizens who emphasize collective economic, social and cultural rights focused on substantive and tangible improvements in their livelihoods. Widespread poverty has also limited the ability of most citizens to meet the functional costs of participation, forcing them to disengage from advocacy groups. The study has also shown that the pattern of popular disengagement in both countries is individual, gendered, disproportionately affect the poor, influenced by the level of education, selective, deliberate, and more prominent in rural than urban areas in both countries. It is also specific and targeted at advocacy groups with spill-overs to other types of civil society organizations. Most citizens who have disengaged from advocacy groups have either maintained membership in self-help groups or joined other associations, signifying a process of disengagement and incorporation into other forms of associational life, leading to the break-up of old attachments to the creation of new forms of solidarities, which have redefined the landscape of social formations in both countries. The new groups have addressed disengaging Individuals' pressing needs of economic survival, social support and a sense of belonging.

Popular disengagement in both countries has taken two significant forms of disengagement; suffer-manage syndrome, which involve disengaging individuals from advocacy groups, finding ways of coping with the declining capacity of advocacy groups to meet their needs in the process of democratic consolidation, and self-enclosure which involve attempts by disengaging individuals to insulate themselves from the ineffectiveness of advocacy groups. The study has shown that popular disengagement has significantly impeded advocacy groups' ability to effectively contribute to the process of democratic consolidation by reducing the level of citizen participation in their activities and the formal political processes, which has affected their legitimacy and undermined their moral authority, acceptability, credibility, capacity and the ability to effectively engage the state on policy issues concerning democratic consolidation. It has also reduced their capacity to mobilize the public and influence democratic norms, values, and attitudes in the public sphere that support democratic citizenship. Finally, popular disengagement undermines public confidence and, support for retraining the state from violation of democratic principles and practices.

The following major conclusions can be drawn from the study's findings. Firstly, the new political and institutional environment in both Kenya and Zambia has posed significant constraints to advocacy groups, which have led to the gradual decline of their influence in the process of democratic consolidation. The experiences of advocacy groups in both Kenya and Zambia, as documented in this study, therefore, best fit in the trajectory of the political process model of social movements' experiences in the process of democratization the African context as opposed to the civil society model. Advocacy groups'activism in both countries was low during the authoritarian period due to repression but rose to their highest peak during the liberalization phase when the groups mobilized the citizens to force the authoritarian regimes for further democratization. This study found evidence that advocacy groups' influence has declined as democratization has progressed due to the establishment of other democratic institutions, co-optation, success, repression, fatigue, internal conflicts, the disillusionment of the masses and institutionalization. This conclusion is unsurprising since advocacy groups fall into the nexus between social movements and civil society and act as social movements when they mobilize the masses for social and political change. Social movement theory, therefore, provides a convincing and robust explanation on the trajectory of advocacy groups in the democratization process in both Kenya and Zambia.

Secondly, the evidence presented by this study has shown that advocacy groups have found it extremely difficult to redefine their new roles, craft new strategies and develop a new constructive relationship with the newly democratic states in both Kenya and Zambia to effectively influence the process of democratic consolidation, demonstrating that advocacy groups are not always as flexible and adaptable in the process of democratization as previously portrayed in the literature of civil society and democratization. Democratization is a rapidly changing process that requires flexibility and adaptation. The inability of advocacy groups to adapt to the new political environment is due to the uncertainty of the new political dispensation, the effect of state strategies to control and restrict their activities, popular disengagement, their internal contradictions which is defined by power, inequality, competition, struggle, cooperation and their strategic interests, choices and interaction with other political actors.

Thirdly, this study has established that advocacy groups are not immune to the venality of politics, neopatrimonialism, patronage and the capture by narrow and parochial ethno-regional interests, which have further constrained their ability to effectively contribute to the process of democratic consolidation. Advocacy groups have thus gradually moved from the civic space to the primordial arena, a process which has eroded the democratic gains in the civic sphere and circumscribed their capacity to perform both the integrative and representational roles in the process of democratic consolidation. The evidence from this study shows that advocacy groups in Kenya are increasingly reflecting the pathologies of ethnicity, class, religion, and power, which have permeated their agenda and operations and left them deeply politicized, highly polarised, ethnicized, parochial and fragmented. Associational life in the country has, therefore, reinforced and exacerbated social and political cleavages within the socio-political context and thus impeded the process of democratic consolidation. The groups are, therefore, a microcosm of society, which at times reflect the same structural deficiencies associated with the practice of politics and thus fail to provide an alternative platform, to support the realization of democratic consolidation.

Fourthly, the study has found that the enabling conditions for the success of advocacy groups in the process of democratic transitions through the pro-democracy movements have become the confining conditions in the process of democratic consolidation in both Kenya and Zambia. For instance, the authoritarian mobilising ideology, which galvanized the pro-democracy movements under the unity of purpose for the restoration of democracy has dissipated in the post-transitional dispensation, leading to divisions and fragmentation within advocacy groups, which have impeded efforts at strategic coalition building and consensus on the national agenda to support the process of democratic consolidation. Moreover, as authoritarianism ended with the political transitions, the impetus to mobilize declined as advocacy groups turned to more institutionalized forms of engagement with the state. Advocacy groups in both Kenya and Zambia have, therefore, been weakened by the transition process in which they played a significant role to bring about. Fifthly, the study has established that the rapid and the unprecedented growth of advocacy groups witnessed in both Kenya and Zambia since the political transitions in the early 1990s has not translated into advocacy groups' strength and vibrancy capable of effectively contributing to the process of democratic consolidation.

Most of the new advocacy groups have been established due to the availability of international donor funding and priorities rather than the domestic needs and priorities of the citizens. Additionally, there has been the proliferation of hundreds of disreputable advocacy groups, which have tarnished advocacy groups credibility, trust, legitimacy, and public image, thus complicating citizen mobilization for the process of democratic consolidation. Finally, most of the new advocacy groups are functionally inactive. The results of these study, therefore, suggest that the effectiveness of advocacy groups in the process of democratic consolidation is not necessarily a function of their numbers but a function of their content, capacity, character, agenda and the strategies. The number of advocacy groups is, therefore, a poor indicator of their strength and effectiveness in the process of democratic consolidation.

Sixthly, the study has shown that despite the domination of African politics and development by the neoliberal political discourse since the early 1990s, which emphasized the reduction of the role of the state in the development process, the state remains an indispensable agent of social, political and economic transformation and perhaps the most crucial player in the process of democratic consolidation in both Kenya and Zambia. The state retains enormous control and leverage over advocacy groups by shaping and guaranteeing the institutional framework for their operations, which has significantly influenced their character, nature, and effectiveness in the process of democratic consolidation. The state and civil society are, therefore, intricately linked in the process of democratization and the strength, performance, and latitude of these groups significantly depend on the nature of the state and the practice of politics. Conversely, the activities of advocacy groups shape the practice of politics and their relationship with the state. This study, therefore, supports studies which have emphasized the need for a capable, responsible and functional state for advocacy groups to achieve their democratic goals.

Seventhly, this study has demonstrated that state-advocacy groups' partnership in policy-making processes within the neoliberal framework in the post-transitional and political environment has had little impact on the process of democratic consolidation due to the pattern of the incorporation of advocacy groups into the governance processes, which has limited representation of interests, effective engagement,and led to bureaucratisation and decline of advocacy groups' activism. Moreover, the state-advocacy groups' engagement has compromised advocacy groups autonomy and independence with the groups merely

legitimizing government-international donor agenda. The process and the agenda of engagement are entirely controlled by the government and international donors. Advocacy groups are also excluded from macro-economic discussions, and most of them lack the capacity and technical knowledge to effectively engage in the process. The process has, therefore, led to the reproduction of the neoliberal agenda of international donors in the policy-making process, which is limited to restraining the state than transforming the state. There is thus the need to anchor the process in law and develop institutional mechanisms to assist in an effective partnership which should be pragmatic and complementary with shared terms of engagement and common set of desired goals.

Eighthly, international donor support for advocacy groups in both countries has had little impact on the process of democratic consolidation for several reasons. Firstly, the study has established that international donors view advocacy groups as "convenient partners," which they can use to implement their neoliberal agenda and abandon at any time provided that the governments show signs of commitment to the institutionalization of democracy. Secondly, the frequent shifting of funding and agenda of international donors without consultation with advocacy groups provides unpredictable and sometimes contradictory support, which hamstrung long-term commitment to an arduous process of democratic consolidation. Thirdly, international donors' neoliberal agenda of reform is limited to restraining the exercise of state power rather than the transformation of the state in the process of democratic consolidation.

Additionally, international donors are afraid to fund activities which confront governmental authority for fear of jeopardizing their relationship with the host government and causing instability, while in both Kenya and Zambia protests and demonstrations have proved potent strategies which have contributed to the democratic gains in the countries. Moreover, the discourse and influence of the liberal version of the human rights agenda supported by international donors are waning in Africa. It does not resonate with most citizens who now emphasize collective economic, social and cultural rights focused on substantive and tangible improvements in their livelihoods. The study established that citizens in both countries have moved on from the liberation politics, which was framed in terms of human rights and freedom during the political transition to "*politics of bread and butter*." Finally, international donors' insistence on political neutrality and non-partisanship for advocacy groups distance the groups from politics and limits their ability to advance citizen interests. It must be noted that advocacy

groups work is necessarily political, since policy-making, which they strive to influence is a political process involving interests, preferences, and negotiations.

International donors, therefore, play an ambiguous role in the process of democratic consolidation, where they support the process when their interests converge with those of advocacy groups and undermine the process when their strategic, diplomatic and geopolitical interests are threatened. The study also provided evidence which has shown that the support for advocacy groups in both countries has a strong instrumental perspective. In other words, citizens extend their support to advocacy groups in large part based on the level of their satisfaction with their performance in the process of democratic consolidation and the improvement in their standards of living. Advocacy groups derive their legitimacy from citizen support and their membership, and therefore, popular disengagement as explained in this study poses one of the most significant challenges from below to these groups in the process of democratic consolidation. Moreover, the disillusionment experienced in both Kenya and Zambia is not just because citizens hopes, and expectations of the democratic transition have not been met but also because citizens conditions have worsened since the political transitions.

Ninthly, the study has shown that institutions matter, whether formal or informal, present or past in understanding the constraints confronting advocacy groups in the process of democratic consolidation in both Kenya and Zambia. They generate sets of opportunities and constraints for political actors in the process of democratic consolidation and at the same time shape and are reshaped by the strategic choices, interests, and interaction of political actors within the political system. This study, therefore, challenges the notion that African states lack effective political institutions and are solely governed through patronage, clientelism, and neo-patrimonialism. The study has demonstrated that for Kenya and Zambia, it is impossible to understand the socio-economic and political processes such as democratic consolidation without taking into consideration the role of formal institutions.

Tenthly, the study has established that the newly democratic states in both Kenya and Zambia continue to view advocacy groups in purely political terms as competitors for legitimacy, territorial hegemony, and autonomy. They have, therefore, reproduced the same strategies that were employed by their authoritarian predecessors to control and restrict the activities of advocacy groups, which has led to the "closing civic space" in both countries. The closing civic space, is, therefore, a deliberate process by the newly democratic states to

consolidate power, continue with the domination of society and avoid the transformation of the state through the democratization process. There appears to be a resurgence of authoritarian tendencies in the democratic settings in both Kenya and Zambia, which are constraining the ability of advocacy groups to effectively contribute to the process of democratic consolidation. Additionally, the study provided evidence showing that the state is gradually reclaiming the political space through the establishment of state commissions, which are doing much of the work that was previously done by advocacy groups using the same strategies, and, leading to duplication of work and competition for international donor funding with advocacy groups. This process, has, therefore, undermined the work and ability of advocacy groups to effectively contribute to the process of democratic consolidation.

Eleventhly, the study has shown that the appropriation of NCCK and ZCTU-two large, well-established, umbrella organizations which led the pro-democracy movements in their respective countries by the newly democratic states in both Kenya and Zambia demonstrates that there is no guarantee that organizations which supported the democratic transition will necessarily support the process of democratic consolidation and vice-versa. In other words, organizations that make the democratic transition possible can undermine the process of democratic consolidation. The support or lack of support for the process of democratic consolidation by advocacy groups largely depends on their strategic choices, interests, capacity, the institutional context and their interaction with other political actors within the rapidly changing political environment. Moreover, the mere fact that there is a window of political opportunity does not mean that advocacy groups will take up that opportunity to advance democratization. Additionally, advocacy groups are not victims of state co-optation and political appropriation but active participants with strong incentives to improve their competitiveness and access to information and public resources, for their operations, sustainability and organizational survival.

Twelfthly, the study has established that a dominant party system (KANU 1992-2002, MMD 1992-2011) is more likely to lead to the employment of NGO legislation, selective harassment, and political propaganda to control and restrict the activities of advocacy groups, while the transfer of power (Kenya 2002, Zambia 2011) is more likely to lead to the employment of co-optation and political appropriation. Dominant political parties in government tend to claim popular mandate and legitimacy from the people and, therefore,

question and in some cases dismiss the representative role of advocacy groups. They, therefore, tend to rely on heavy-handed strategies to control the activities of advocacy groups, while the transfer of power through elections lead to co-optation of advocacy group leadership into government bureaucracy due to advocacy groups close re-alignment with opposition political parties. However, the transfer of power in Zambia in 1992 did not result in co-optation of advocacy groups' leadership, since the pro-democracy movement was dominated by business people and former UNIP members of parliament, who side-lined advocacy groups in the transition process. Once in power, MMD continued to marginalize advocacy groups in the policy-making process to implement Structural Adjustment programs, which had long been opposed by most of these groups.

Finally, the contribution of advocacy groups to the process of democratic consolidation is ambiguous. There are times when the groups support the democratization process, and times when they pursue contradictory goals which undermine the process. The enormous constraints confronting advocacy groups in the new political dispensation in both Kenya and Zambia demonstrates that the prognosis of their potential and effectiveness in the process of democratization in the early 1990s was overly exaggerated. This study, therefore, suggests that we must be cautious in volarization or idealization of the potential and positive contributions of advocacy groups in the process of democratic consolidation. However, advocacy groups remain critical players in the governance and the democratization process in both Kenya and Zambia with the potential to transform the state. They have continued to exert some influence in restraining the exercise of state power, extending and protecting civil liberties and political rights, promoting political participation, broadening and democratizing public policy-making, demanding transparency and public accountability and providing spaces for democratic deliberation, among other functions To be effective in the process of democratic consolidation and remain relevant in the new political and institutional environment in both Kenya and Zambia, advocacy groups will have to take fundamental institutional and strategic transformation by evolving new relevant objectives, developing new visions and strategies of political engagement, broadening their constituencies, developing professional competence and cultivating constructive and productive relationships with the state and other principal political actors, thus, becoming autonomous sphere of social power.

As this study has shown, advocacy groups alone have limited effects on the process of democratic consolidation due to their lack of social roots, chronic dependency on external funding, lack of technical capacity among others. Democratic consolidation is a broader societal process, which needs the effective participation of all social forces including citizens, social movements, political parties, and other stakeholders' reminiscence of the prodemocracy movement. Advocacy groups, will, therefore, need to build this broader strategic coalition to advance the process of democratic consolidation.

The findings from this study make several noteworthy contributions to the current literature on advocacy groups and democratic consolidation. Firstly, the findings from this study add substantially to a growing body of literature on comparative democratization in Africa and the broader research agenda on the relationship between civil society and democratic consolidation. The findings significantly advance our knowledge of the dynamics of political change, and their effects on the role of political actors in the process of democratic consolidation and provide a more in-depth understanding and insights into the contingent connections between constraints confronting advocacy groups and the political and institutional environment in which they operate. The findings of this study, are, thus relevant to most democratizing countries in Africa, which share historical, cultural, socio-economic and political conditions and could inform experiences of advocacy groups in other democratising countries, around the world, while offering useful functional guides to students of comparative democratization, scholars, policymakers, local and international stakeholders, who are keen on gaining a deeper understanding of advocacy groups and the process of democratic consolidation in post-transitional Africa.

Secondly, the findings of this study fundamentally shift the focus of political analysis from issues of civil society and democratic transition, which have dominated political and academic discourse in the last two decades in Africa, to problems of democratic consolidation, which many democratizing African countries are struggling with and which are still less studied and understood. They, thus, broadly contributes to the growing comparative literature on democratic consolidation studies in Africa and significantly advances our knowledge of civil society in the post-transitional political and institutional environment by providing a systematic and excellent in-depth understanding of the challenges and dilemmas confronting advocacy groups after the re-introduction of democracy in Africa.

The findings thus enhance our understanding of an area of research that has not received much attention in democratization studies, and, therefore, could serve as a basis for future studies on advocacy groups and democratic consolidation.

Thirdly, the findings from this study extend our knowledge of advocacy groups, and democratic consolidation to a non-western context since the literature of civil society and democratization has been dominated by studies on Eastern and Central Europe and Latin America. Although the findings are about the experiences of advocacy groups in Kenya and Zambia, they have a broader relevance to developing countries experiencing democratic transformation, and thus, help us gain a better and more insightful understanding of the constraints that popular organizations face in the post-transitional political and institutional environment in developing countries and the effects of such constraints on advocacy groups' ability to effectively contribute to the institutionalization of democracy. This broader and a more comprehensive understanding of the relationship between advocacy groups and democratic consolidation has significant benefits to advocacy groups, activists, scholars and development agencies involved in the democracy promotion in Africa and other developing countries.

Fourthly, the findings from this study complement and support earlier studies which established that while economic development is not necessary for political transition, it appears to be critical in the process of democratic consolidation. This study establishes that democratic consolidation in Africa requires not just economic growth per se but the redistribution of the benefits of growth to most citizens. If democracy fails to deliver tangible opportunities and improvement in people's lives, they become disillusioned and discouraged from political participation, and ultimately disengage from such participation, which is detrimental to the advancement of democracy. The study, therefore, suggests that a minimum level of economic development is a necessary, though not sufficient condition for democratic consolidation. As demonstrated by evidence from this study Africans want freedom, but more importantly, they want concrete political, social and economic rights. They want a democracy that invests in economic development to improve their standards of living in line with their demands for democratic change in the early 1990s.

Fifthly the findings from study advance our understanding and insights into one of the political players which has been considered as the vanguard of change and an agent of democratization. Having played a significant role in the process of democratic transition in Africa, advocacy groups have attracted much attention and political interests to perform several functions that would sustain democracy in the continent. The groups are, therefore, indispensable in understanding political change and democratic development in the continent. The findings, therefore, give us a rare insight on how the groups are performing in the post-transitional political and institutional environment in the process of democratic consolidation in Africa

Sixthly, the findings from this study will serve as a basis for future studies on *horizontal dimension* of popular disengagement within society, which this study systematically employs to understand the constraints confronting advocacy groups in the process of democratic consolidation in both Kenya and Zambia in the post-transitional political and institutional environment. Most studies on democratization employing the concept of popular disengagement have solely focused on state-civil society relations and ignored the fact that civil society itself, as a component of society, has its own internal dynamics and relations with other components of society resulting in a variety of cross-cutting authorities within society. The findings from this pioneering study on the *horizontal dimension* of popular disengagement, therefore, offers fresh insights into the dynamics of the relationship between citizens and their own organizations in the transformation process.

The findings thus significantly contribute to an area of research that is far less studied and understood through the expansion of the breadth of the social and political expression of popular disengagement. Moreover, the findings broaden our understanding of how social processes beyond the state in African societies affect popular organizations in the process of democratic consolidation and how individuals exercise agency in social and political processes pointing away from the more visible political processes and towards invisible dynamics of popular disengagement that otherwise may have a more significant impact on the capacity of advocacy groups to influence the process of democratic consolidation. Seventhly, the findings from this study improve our understanding of the interactions of advocacy groups, their behavior, and institutions, in shaping political outcomes within the African contexts, through the employment of domestic politico-institutional approach.

The approach demonstrates that institutions, whether formal or informal matter for advocacy groups contribution to the process of democratic consolidation. The findings also help us understand structured contingency in terms of how inherited rules and institutions both formal and informal impose limits on what is possible for advocacy groups in the process of democratic consolidation. The constraints confronting these groups thus primarily emanate from the domestic politico-institutional environment and historical legacies, strategic choices, behavior, and interests of advocacy groups and their relationships with principal political actors within the political system. The findings thus contribute to both comparative theory building, testing, and literature on civil society and democratization in Africa as they emphasize the role of institutions and allows for a comprehensive understanding of domestic considerations for democratic consolidation. The findings are thus about political actors, who fundamentally and ultimately shape, the pace, and the direction of democratic progress. The findings from this study also advance our knowledge by shifting the focus of analysis from concerns with preconditions and agents only driven explanations in studying the dynamics of civil society and democratization to the incorporation of the structure into the analysis of agency, which has gained much attention in the recent past. The findings from this study thus offer us a better chance of an in-depth understanding of the constraints confronting one of the major political actors in the process of democratic consolidation and how such constraints have impacted on their ability to effectively contribute to the process of democratic consolidation.

Eighthly, the findings from this study are based on an empirical-analytical approach which focuses on the purpose of activity of advocacy groups rather than their form of organization. They, therefore, helps understand "real civil society organizations," and, offer significant insights into how advocacy groups perform their functions in the real world. The study views civil society as a societal sphere and focuses on the *purpose of the activity* of advocacy groups rather than *their form of organization*, which is mostly influenced by cultural and historical processes. The findings from this study are therefore much more realistic and practical as they focus on, "what existing civil societies are doing" as opposed to "what civil society ought to do. The findings from this study thus contribute both to the current literature on civil society and offer an insight into conducting comparative case studies of civil society groups by employing an empirical-analytical approach besides improving our knowledge and understanding of 'real civil societies' in Africa in the process of democratic consolidation.

They point to the fact that the prospects for democratic consolidation are best explained by the strategic behavior, choices, interests and the interaction of domestic actors and factors. Finally, the findings from this study are also significant in that they based on a realistic conceptualization of democracy in Africa and thus helps understand how Africans conceive democratic consolidation. The study employs Ake (1996a) conceptualization of democracy, which provides a better basis for comparative analysis in Africa since it closely reflects the understanding of democracy by most Africans. It is a social democracy, which emphasizes the concrete political, social and economic rights of the African people as opposed to a liberal democracy, that emphasizes abstract political rights. It is a democracy that invests heavily in the improvement of people's health, education and capacity for democratic citizenship. It is also a democracy where people must have real decision-making power, beyond the formal consent through regular elections. Finally, it is a kind of democracy that must emphasize both individual and collective rights and engenders an inclusive level of political participation, equitable access to state resources and ensures special representation in the legislatures of mass organizations and marginal groups.

Further research needs to be done to establish the relationship between the modes of transition and advocacy groups' effectiveness in promoting democratic consolidation. During the third wave of democratization in Africa, different countries took different paths in the process of transition from authoritarian and dictatorial regimes. These modes of transition mainly influenced the post-transitional political and institutional environment in which advocacy groups operate. It is, therefore, important to find out the effect of these various modes of transition on the effectiveness of advocacy groups in the process of democratic consolidation. Secondly, a further study could assess the strategies that advocacy groups are developing in response to the identified constraints in this research, including the strategies for countering the "closing civic space" as the newly democratic states continue to deliberately employ various strategies which restrict the activities of advocacy groups, particularly in Africa. It is critical that advocacy groups find effective means and methods of creating a social, political and economic environment in which they can effectively contribute to the process of democratic consolidation. Finally, future research could extend these types of questions to other democratizing countries around the world and possibly employ various research methodologies, including mixed method approaches.

APPENDIX A: THE CASE STUDY PROTOCOL

Introduction: The primary purpose of this study was to conduct a comparative investigation and critical examination of the constraints confronting advocacy groups in the post-transitional states of Kenya and Zambia. The researcher examined the effects of such constraints on the ability of advocacy groups to effectively contribute to the process of democratic consolidation.

I) INTERVIEW GUIDE FOR KEY EXPERT RESPONDENTS

I would like to start by asking you some general questions about yourself.
Name (Optional)……
Position/Occupation……
Organization……
Level of education……
Age……
Gender……
City……

General Questions

Q1. In your opinion, what are the opportunities for advocacy groups in the new political and institutional environment in Kenya/Zambia? Explain.

Q2. In your opinion, what are the major constraints confronting advocacy groups in the new political and institutional environment in Kenya and Zambia?

Q3. What are the implications of these constraints on the ability of advocacy groups to effectively contribute to the process of democratic consolidation?

Specific Questions.

Q4. How have advocacy groups adjusted to the new political environment in terms of their role and strategies for democratic consolidation in Kenya/Zambia?

Q5. After the transition, several advocacy group leaders were appointed into government bureaucracy, while others joined parliament.
i)What do you think motivates advocacy group leaders to join state bureaucracy?

ii) What are the effects of these appointments into government on advocacy groups?

ii) In your own assessment, how have these leaders performed while in government?

Q6. How has the relationship between advocacy groups and the state evolved overtime from the pre-transition to the post-transitional dispensation?

Q7. International donors have encouraged state-advocacy groups' partnership in policymaking.

i)What is your opinion of such partnerships?

ii) What challenges do advocacy groups face in such state-advocacy group partnerships?

iii) In your own opinion, to what extent do advocacy groups influence public policy making through such formal partnerships or participation in formal state forums?

Q7. Are there any attempts by the state to control advocacy groups in Kenya/Zambia? Explain.

Q8. What effect do these attempts by the state to control advocacy groups have on advocacy groups' ability to contribute to the process of democratic consolidation?

Q.9. Are there any effects of authoritarian legacy on advocacy groups role in the process of democratic consolidation? Explain.

Q10. Since the transition, there has been the rapid growth of advocacy groups in terms of numbers and issues. What are the effects of this growth on advocacy groups' role in the process of democratic consolidation?

Q11. Have the dynamics of social cleavages like ethnicity and class, affected advocacy groups role in the democratization process? Explain.

Q12. How has the relationship between advocacy groups and international donors evolved from the pre-transition period to the post-transitional dispensation?

Q13. In 2005, most international donors adopted basket funding as a new framework for delivering aid to advocacy groups. What are the effects of basket funding on advocacy groups' role in the process of democratic consolidation?

Q14. After the transition, international donors shifted most of their funding to the state. What effects did this change have on advocacy groups?

Q15. In your opinion, what are the challenges of international donors funding to advocacy groups?

Q16. How has advocacy groups relationship with political parties evolved overtime from the pre-transition to the post-transitional period?

Q17. Do you any other comments on advocacy groups and democratic consolidation in Kenya/Zambia?

II) INTERVIEW GUIDE FOR INTERNATIONAL DONORS

Name:……..
Position:……..
Organization:…….

QUESTIONS

General Questions

Q1. In your opinion, what are the opportunities for advocacy groups in the new political and institutional environment in Kenya/Zambia? Explain.

Q2. In your opinion, what are the significant constraints confronting advocacy groups in the new political and institutional environment in Kenya and Zambia?

Q3. What are the implications of these constraints on the ability of advocacy groups to effectively contribute to the process of democratic consolidation?

Specific Questions.

Q4. How have International donors adjusted to the new political environment in terms of their role and strategies in the process of democratic consolidation in Kenya/Zambia?

Q5. After the transition, most international donors shifted their funding to the new democratic state of Kenya/Zambia.

i) What motivated this change of strategy on funding?

ii) What are the effects of this change of funding strategy on advocacy groups?

Q6. How has the relationship between international donors and advocacy groups evolved overtime from the pre-transition to the post-transitional dispensation?

Q7. Are there any attempts by the state to control advocacy groups in Kenya/Zambia? Explain.

Q8. Most international donors emphasized and encouraged the partnership between the state and advocacy groups.

i) What is the rationale for partnership between the state and advocacy groups?

ii) In your view, have these partnerships worked?

iii) What is the role of international donors in such partnerships?

iv) What are the challenges of such partnerships?

Q.9. International donor funding modalities have changed over time and more so with the Paris Declaration on Aid Effectiveness in 2005 to include ownership, harmonization, alignment, and coordination through basket funding.

i) In your opinion what are the advantages of basket funding to international donors and to advocacy groups?

ii) What are the challenges associated with basket funding for international donors and advocacy groups?

iii) What do international donors consider when deciding on which organizations to be included in basket funding?

iv) Has basket funding improved donor-advocacy relations? State-advocacy group relations?

Q10. In your opinion, has the dynamics of social cleavages like ethnicity and class, affected advocacy groups role in the democratization process? Explain.

Q12. How has the relationship between advocacy groups and international donors evolved from the pre-transition period to the post-transitional dispensation?

Q13. In 2005, most international donors adopted basket funding as a new framework for delivering aid to advocacy groups. What are the effects of basket funding on advocacy groups' role in the process of democratic consolidation?

Q14. Are there any other comments you have on advocacy groups and democratic consolidation in Kenya/Zambia?

III) INTERVIEW GUIDE FOR CITIZENS

Name: .....
Gender: .....
Country……
Location: .....
Age……
Level of education……...

Questions

Q1. Are you a member of an advocacy group? Explain.

Yes

No

Q2. In your own assessment, to what extent have advocacy groups contributed to the process of democratic consolidation in Kenya/Zambia? Explain

A lot

Somewhat

Not at all

Q3. In your own opinion, to what extent do you agree with the values and norms represented by advocacy groups? Explain.
A lot
Somewhat
Not at all

Q4. In your own opinion, to what extent do you trust advocacy groups? Explain.
A lot
Somewhat
Not at all

Q5. In your own opinion, to what extent do you generally, agree with the advocacy groups agenda? Explain
A lot
Somewhat
Not at all

Q6. In your opinion, to what extent do you feel that advocacy groups in Kenya/Zambia represent you? Explain
Yes
No

Q7. Have you attended any community meeting for the last one year? Explain
Yes
No

Q8. Have you attended any demonstration or protest in the last one year? Explain
Yes
No

Q.9. In your assessment, how do advocacy groups get affected when members leave the groups in terms of their contributing to the process of democratic consolidation?

Q10. What did you expect with the establishment of democracy in Kenya/Zambia? Would say that your expectations for the new democratic system have been fulfilled? If no whom do you blame?

IV) INFORMATION AND CONSENT FORM

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Chief Investigator's Name: **Bonfas Owinga**
Supervisors Names: **Dr. Sara Silvestri** and **Dr. Tom Davies**

The principal constraints confronting Advocacy Groups in the process of democratic consolidation in post-transitional Africa: A Comparative Study of Kenya and Zambia

The purpose of this study is to comparatively investigate and examine the major constraints confronting advocacy groups in post-transitional states of Kenya and Zambia and how such constraints have impacted on these groups' ability to effectively contribute to the process of democratic consolidation. The study is being conducted by Mr. Bonfas Owinga to meet the requirements of Doctor of Philosophy under the supervision of **Dr. Sara Silvestri** and **Dr. Tom Davies**- Department of International Politics-City University of London.

Please read this form carefully and sign it, if you decide to participate in the research study. Your participation is entirely voluntary. You may withdraw from the study at any time even if you choose to participate without having to give a reason and without any consequences. The study involves asking you questions related to the topic for approximately one hour. Your permission to audio-record the interview is also sought with this form, and the tape recordings will only be listened to by the Researcher. Any information gathered in the course of this study are confidential, and you will not be identified in any publication of the results. The results of this research will be published in my dissertation and possibly in subsequent journals or books. A summary of the results of the data can be made available to you on request by email. If you have any questions about any aspect of this study, please speak to **Bonfas Owinga** before signing this form. Two copies of this informed consent form have been provided. If you choose to participate in this study, please sign both, indicating you have read, understood and agreed to participate in this research.

I, ... have read and understood the information above and any questions I have asked have been answered to my satisfaction. I agree to participate in this research, knowing that I can withdraw from further participation at any time without consequence. I have been given a copy of this form to keep.

Participant's Name:_____
Participant's Signature: _____ Date:_____
Investigator's Name:_____
Investigator's Signature: _____ Date:_____

The ethical aspects of this study have been approved by the Department of International Politics, Research and Ethics Committee at City, University of London. If you have any complaints or reservations about any ethical aspect of your participation in this research, you may contact the Committee through the Chair, Research Ethics (tel. Number: +44 (0) 20-7040-8500). Any complaint you make will be treated in confidence and investigated, and you will be informed of the outcome.

V) THE INTERVIEW PROCESS

Staging of the Semi-Structured Interviews

The interview process was systematic and thorough and was guided by a case study interview protocol. **Step 1: Arrival and introduction of the Research Agenda**

The first few minutes were used for introduction, exchange of contacts and brief general conversation about the interviewee organization or general news. The Researcher presented himself in an objective and neutral way, displaying independence, confidence, and integrity in the process but also sensitivity to non-agenda opportunities to expand interaction to develop a rapport with the respondent. The Researcher thanked the respondent for taking the time to do the interview, introduced the research agenda and explained the nature and purpose of the research interview. He also explained why the interviewee was selected for the interview (*Expertise/Experience/knowledge*), suggested some ways that the research outcome could be of use or interest to the interviewee or their organization and informed the interviewee that the interview would take approximately one hour. This positive interaction, engagement, and openness created rapport through a relaxed atmosphere of trust, credibility and greater degree of confidence between the researcher and the interviewee.

The Researcher then requested the respondent for permission to tape-record the interview, which provided accurate and verbatim recording of the interview, presented and explained to the respondent the information and consent form {*Conditions of anonymity of respondent and Privacy and confidentiality of the information collected, No potential Risk or Harm associated with participation in the study and the voluntary nature of the interview*}. The respondent was then given time to read, understand and sign the information and consent form. Once both the respondents and the Researcher signed the form, the Researcher handed the respondent a copy of the form and informed him/her that there were no right or wrong answers to the questions and encouraged them to freely express and share their views, perceptions, and insights on the issues under study.

Step 2: The Interview Process

The Researcher used the interview protocol developed in the planning phase of data collection to guide the interview process and closely followed the sequence and phraseology of the questions. The interview started with the general/contextual information (background information-*age, location, employment*), which were straightforward and easy to answer specific questions about the study agenda. This sequence helped ease the respondents into the research topics but also ensured that interviews were approached in a standardized way for comparative purposes. The process involved asking questions, listening patiently and taking field notes to make sure that all the interviewee responses were adequately captured. The Researcher used eye contact and a confident manner to set the tone of the interview, express interest and attention. Each question was explored *in-depth,* and in cases where the answers were too brief or vague, the Researcher used a series of follow-up questions, approving nods, probes, encouraging responses or directly asking for clarifications and repetitions to get more details about the question. The Researcher also provided transitions between major topics and avoided asking leading questions. He occasionally checked the audiotape to ensure that it was recording the interviews.

The interview combined structure with flexibility to allow all topics to be covered sufficiently, allow responses to be fully probed and the researcher to respond to issues raised by the respondent. The Researcher maintained "a stance of unconditional positive regard" throughout the interview towards all respondents regardless of whether or not the researcher agreed with their statements or ideological positions. He made every effort to manage his subjectivity for it not to become a burden through data collection, analysis, and interpretation. The interviews captured the respondents' views, actions, opinions, lived experiences, perspectives and ideas about the constraints confronting advocacy groups in the post-transitional countries of Kenya and Zambia and how such enfeeblement had impacted on the groups' ability to effectively contribute to the process of democratic consolidation.

Step 3: Ending the interview

The researcher reviewed key points and confirmed accuracy with the respondents and ended the interview on a positive note by asking the respondents about their views and suggestions on the future of advocacy groups and democratic consolidation. They were also given an opportunity to add anything that they felt was relevant to the study agenda.

Step 4; After the Interview

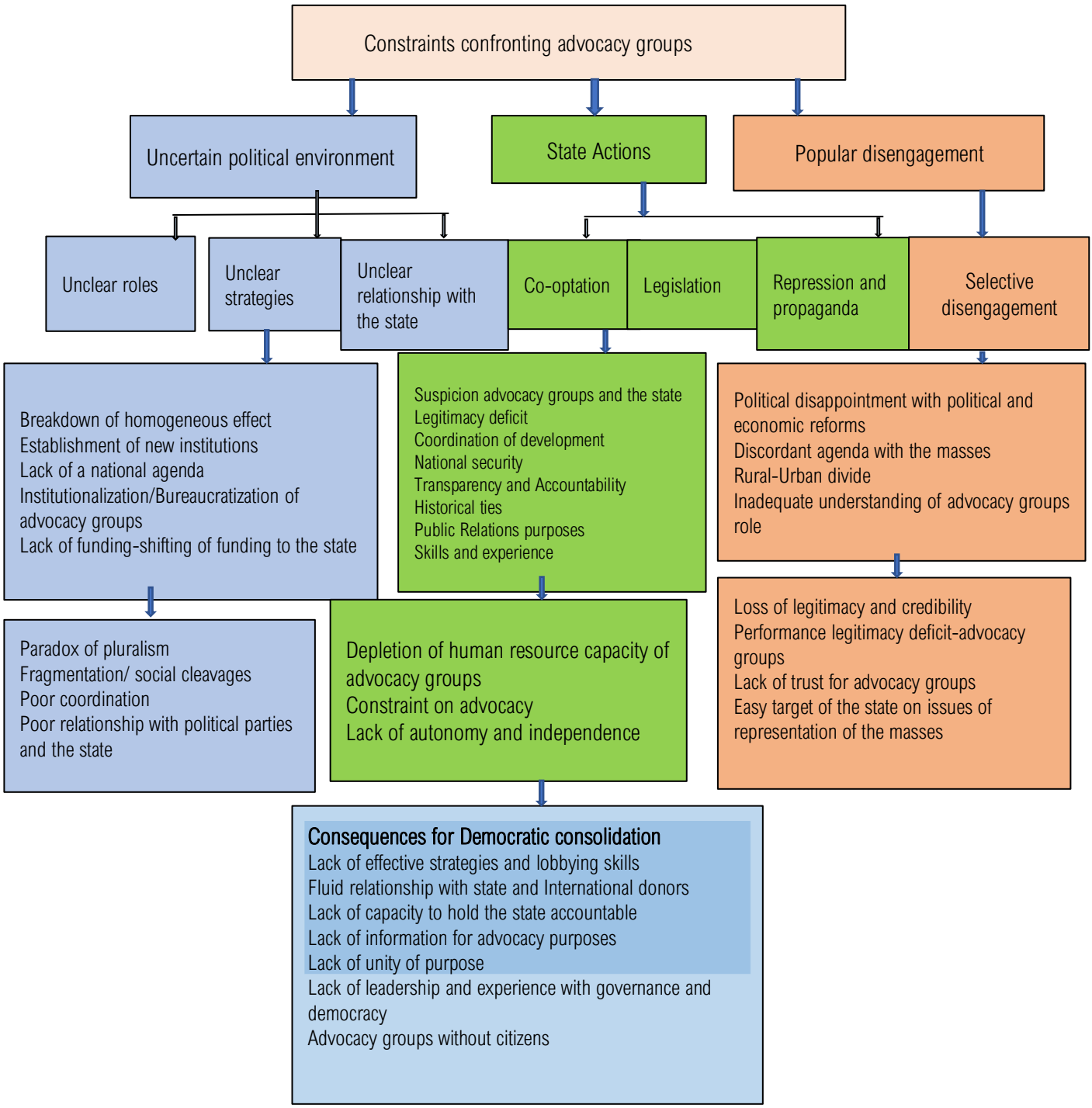
The Researcher thanked the interviewee for his/her time for the interview and explained how his/her contribution was valuable to the study, besides seeking permission for any future contact. He further reassured the Interviewee of the confidentiality of the data and answered questions raised by the interviewee during the interview. A thank you note was sent to each interviewee, and after going through the audiotapes of the interviews, electronic follow-up through email were sent where necessary to secure additional information or clarification.

APPENDIX B: NAMES AND LOCATION OF KEY EXPERT INTERVIEWEE ORGANIZATIONS IN KENYA AND ZAMBIA (MAY TO OCTOBER 2012)

COUNTRY	LOCATION	GENDER	ORGANIZATION
Kenya	Nairobi	M	SUNY Parliamentary Support Program
Kenya	Nairobi	F	Kenya Debt Relief Network
Kenya	Nairobi	M	Centre for Governance and Development
Kenya	Nairobi	M	Centre for Law and Research International
Kenya	Nairobi	F	Africa Research and Resource Forum
Kenya	Nairobi	M	International Centre for Policy and Conflict
Kenya	Nairobi	F	Kituo Cha Sheria
Kenya	Kisumu	F	Kenya Female Advisory Organization
Kenya	Nairobi	M	Media Council of Kenya
Kenya	Nairobi	M	National Council of Churches of Kenya
Kenya	Nairobi	M	USAID
Kenya	Nairobi	F	Human Needs Project
Kenya	Nairobi	M	Kenya Parliament
Kenya	Nairobi	M	Centre for Social Sector Reform
Kenya	Kisumu	M	Community Initiative Action Group-Kenya
Kenya	Mombasa	M	Ujamaa Centre-Mombasa
Kenya	Kisumu	F	Gender and Reproductive Health Solutions
Kenya	Nairobi	M	National Convention Executive Council
Kenya	Nairobi	M	United Nations Development Program
Kenya	Nairobi	M	Kenyans for Peace and Justice
Kenya	Nairobi	M	Kikuyu Change Advocates
Kenya	Nairobi	M	Bunge La Mwananchi
Kenya	Nairobi	M	Netherlands Embassy
Kenya	Kisumu	M	Nyanza Youth Coalition
Kenya	Nairobi	M	Ufadhili Kenya
Kenya	Nairobi	M	University of Nairobi
Zambia	Lusaka	M	Centre for Policy Dialogue
Zambia	Lusaka	F	Zambia Civic Education Association
Zambia	Lusaka	M	Anti-Voter Apathy Project
Zambia	Lusaka	M	University of Zambia
Zambia	Lusaka	F	Zambia Institute for Policy Analysis/Research
Zambia	Lusaka	F	Zambia Media Women Association
Zambia	Lusaka	M	NGOCC
Zambia	Lusaka	M	University of Zambia
Zambia	Lusaka	M	USAID
Zambia	Lusaka	F	Legal Resources Foundation

Zambia	Lusaka	F	Civil Society for Poverty Reduction
Zambia	Lusaka	M	SACCORD
Zambia	Lusaka	F	DFID
Zambia	Lusaka	M	Caritas-Zambia
Zambia	Lusaka	M	Foundation for Democratic Process (FODEP)
Zambia	Lusaka	M	PANOS Institute of Southern Africa
Zambia	Lusaka	F	Zambia Council of Trade Unions (ZCTU)
Zambia	Lusaka	M	Zambia Community Media Forum
Zambia	Lusaka	F	The Post Newspaper
Zambia	Lusaka	F	Times of Zambia
Zambia	Lusaka	M	Yatsani Radio

APPENDIX C: Thematic Map: Data Analysis: the principal constraints confronting advocacy groups in the process of democratic consolidation in Kenya and Zambia



Source: Author created from the thematic analysis process

APPENDIX D: ANALYSIS OF INTERVIEW DATA WITH ORDINARY CITIZENS IN KENYA AND ZAMBIA

A.THE NATURE OF POPULAR DISENGAGEMENT FROM ADVOCACY GROUPS IN KENYA

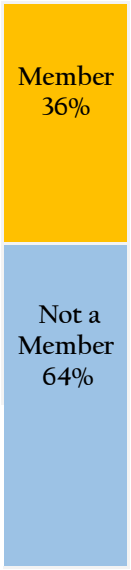
The first group of questions in the interview protocol for ordinary citizens focused on the nature of popular disengagement from advocacy groups in Kenya.

1. Organizational Membership in Advocacy groups in Kenya

The study sought to find out if respondents were members of an advocacy group and explanations for such membership or non-membership. The selected representative quotations from respondents below illustrate different perspectives on advocacy group membership.

Q1. Are you a member of an advocacy group/organization? Explain

Figure 1: Membership in advocacy groups in Kenya



"I am a member of an advocacy group because I believe that these groups have a significant role to play in holding the government accountable to the people" (Author interview 38: 2012)

"Advocacy groups are the only channels, where we can freely express our views and try to influence public policy through participation" (Author interview 26:2012)

"I am disappointed with many advocacy groups, which have not only failed to hold the government accountable but have also been compromised by the same government, I am no longer a member of any advocacy group" (Author interview 44:2012)

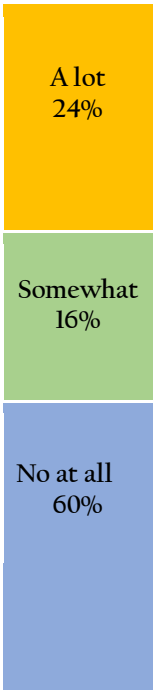
"I was an active member of several advocacy groups, but I lost interest. There was no gain. It was almost a waste of time, especially in these tough economic times. I now belong to a *self-help* group where I can see direct economic benefits from the group" (Author interview 54: 2012)

2. Assessment of Advocacy Groups Performance

The study sought to find out citizens' assessment of advocacy groups broad impact or performance in the process of democratic consolidation regarding policy influence, public awareness, voice, transparency, and public accountability. A positive assessment would indicate that respondents view advocacy groups as contributing to the process of democratic consolidation, while a negative assessment would suggest that respondents see these groups as having less impact or influence on the process of democratic consolidation in the country.

Q2. In your assessment, to what extent have advocacy groups contributed to the process of democratic consolidation in Kenya? Explain

Figure 2: The impact of advocacy Group activities on Democratic Consolidation in Kenya



"Advocacy groups have contributed a lot to the process of democratic consolidation in this country. They helped push for the new constitution, contributed to the peace process in 2008 and have continuously acted as a watchdog on governance and development issues" (Author interview 60:2012)

"Advocacy groups have performed moderately. While they contributed to the establishment of the new and progressive constitution, they have not done the same regarding public accountability and the implementation of the new constitution" (Author interview 24:2012)

"Advocacy groups are so divided on different cleavages, have no national agenda and paralyzed by the transition to the extent that they have not contributed much to the process of democratic consolidation. We do not see any tangible benefits from them" (Author interview 41:2012)

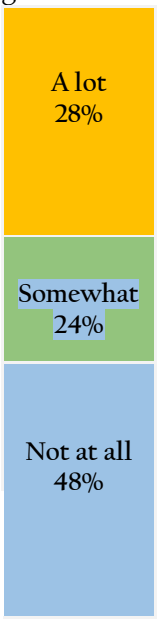
"Advocacy groups have lost the people and therefore unable to mobilize the people, to influence policy-making process including the process of democratic consolidation" (Author interview 29:2012)

3. Norms and Values

The present study also sought to find out if the values and norms championed by advocacy groups resonated with the citizens of Kenya

Q3. In your opinion, to what extent do you agree with the values and norms represented by advocacy groups in Kenya? Explain.

Figure 3: Advocacy Group Norms and Values in Kenya



"Advocacy groups do represent norms and values that I agree with such as tolerance, diversity, freedom, equity, social justice and democracy" (Author interview 48:2012)
"In a country where public norms and values do not matter, advocacy groups have done well in trying to institutionalize integrity, transparency, and accountability in public institutions" (Author interview 30:2012)

"To some extent, they do represent my norms and values, though there are cases where they champion Western values that have nothing to do with our African norms and values" (Author interview 24:2012)

"Nairobi-based advocacy group leaders do not share our norms and values. They drive big cars, live in palatial homes and attend international meetings in expensive hotels" (Author interview 46:2012)

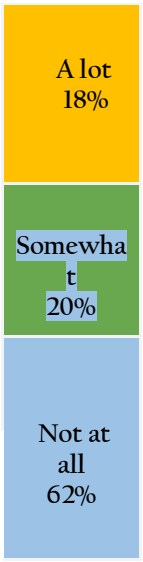
"Advocacy groups have become extremely ethnicized, politicized and divided. This was partly the cause of the post-election violence in 2007. They do not represent my norms and values" (Author interview 35:2012)

4. Institutional trust

The study also sought to find out to what extent citizens trusted advocacy groups. Trust is an essential basis for citizen membership support, commitment, and participation in advocacy groups' activities. In this study, institutional trust is measured as perceived trustworthiness of advocacy groups as experienced by individual citizens.

Q4. In your opinion, how much do you trust advocacy groups? Explain

Figure 4: Advocacy Groups and Citizen Trust in Kenya



"I do trust advocacy groups. Government and political parties have failed to honor their promises repeatedly" (Author interview 56:2012)
"These groups speak on behalf of millions of Kenyans who have no voice on governance issues" (Author interview 42:2012)

"I cannot say that I fully trust them, but they have done some good things for this country, especially pushing for a new constitution and trying to hold the government accountable" (Author interview 36:2012)

"I do not trust them because they use the masses to get rich and hardly consult us on any agenda. They are also not accountable to us" (Author interview 58:2012)

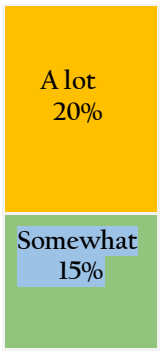
"After the transition, most of these groups are now quiet and have forgotten about the poor. Some have joined the government and now enjoying huge salaries and packages" (Author interview 27:2012)

5. Advocacy Group Agenda

The study also sought to find out whether citizens agreed with the broad agenda being pursued by advocacy groups in the post-transitional dispensation in Kenya.

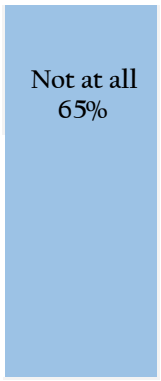
Q5. In your opinion, to what extent do you agree with the advocacy groups agenda? Explain

Figure 5: Advocacy group Agenda vs. Citizens Agenda in Kenya



"Advocacy groups do speak for me on issues of transparency, accountability, and human rights" (Author interview 22:2012)
"Advocacy groups are the only groups that have honestly attempted to hold the government accountable on issues of corruption and governance" (Author interview 50:2012)

"Advocacy groups do represent some of my values including tolerance, civil and political rights but not when they push for the rights to abortion" (Author interview 27:2012)



"The groups {Advocacy groups} come with their own agenda from Nairobi and just want us to embrace and support that agenda. They do not know what we want. (Author interview 34: 2012)

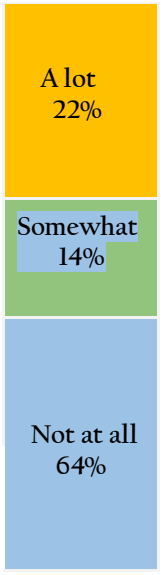
"They (Advocacy groups) talk about freedom and human rights, while all we need are jobs, affordable education for our children, better housing and better health care facilities" (Author interview 22: 2012)
"Advocacy groups do not have any representatives here (rural areas). They only call us for workshops and seminars and then we do not hear from them again" (Author interview 39:2012)

6. Representation

The study also sought to find out to what extent respondents felt that advocacy groups represented them in the pursuit of their roles in the process of democratic consolidation.

Q6. In your opinion, to what extent do you feel that advocacy groups in this country represent you? Explain

Figure 6: Advocacy groups and Representation in Kenya



"I fully feel that advocacy groups represent me given that they bring to debate issues that are concerning to me in this country" (Interview 33:2012)
"As a member of an advocacy group, I feel fully represented by the organization given I participate in its deliberations" (Author interview 46:2012)

"In some cases, they do, especially if they pursue issues that I hold important such as public accountability" (Author interview 37:2012)

"I do not believe that advocacy groups represent me. They make their agenda and do what they feel they want to do. They do not consult any of us in the formulation of their agenda" (Author interview 25:2012)

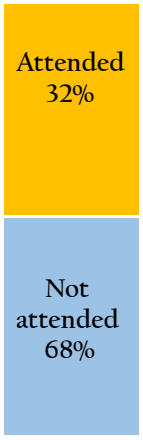
"Advocacy groups in this country are guided by donor priorities. They do not represent us per se, and we have no say on their leadership. If our needs coincide with donor needs, then we benefit" (Author interview 48:2012)

7. Community Meeting Attendance

The study sought to find out the level of citizen civic action by focusing on attendance to community meetings in Kenya in the last one year.

Q7. Have you attended any community meeting in the last one year? Explain

Figure 13: Community Meeting Attendance in Kenya



"With the establishment of devolution through the new constitution, I believe that we as a community can have some influence on policies that directly affect us" (Author interview 32:2012)

"It is the only space that we have as a community to plan, share our views and push for our common interests" (Author interview 23:2012)

"No one listens to what we plan and do. Everything is done at the county level without our input and consultation" (Author interview 54:2012)

"Attending community meetings is a waste of time. We just talk, and at the end of the day, nothing changes. Things just remain the same" (Author interview 46: 2012)

8. Attending demonstrations and Protests

The study also sought to find out if respondents have attended any demonstrations or protests in the last one year. Attendance would indicate how active respondents are in participating in advocacy groups activities.

Q8. Have you attended a demonstration or protest in the last one year? Explain

Figure 8: Protest and Demonstration Attendance in the last one year in Kenya



"Demonstrations and protests are the only languages that this government understands" (Author interview 32:2012)

"Citizens have a right to protest when they feel aggrieved by the authorities. It is entrenched in the Constitution and helped in bringing about democracy that we enjoy today in Kenya" (Author interview 28:2012)

"I do not have time to attend protests and demonstrations. Most of my time is consumed working to feed my family. I do not have interest in demonstrations" (Author interview 57:2012)

"Protests and demonstration do not yield anything. You go there, make noise, get harassed and beaten by the police, but nothing changes" (Author interview 28:2012)

B.THE PATTERNS OF POPULAR DISENGAGEMENT FROM ADVOCACY GROUPS IN KENYA

The second set of questions focused on the pattern of popular disengagement for a comprehensive understanding of the dynamics of popular disengagement in the new political dispensation. The study specifically focused on the influence of location and trust, location and membership and location and educational levels, which is also an excellent proxy for the socioeconomic status of the respondents in this study.

1. Location, Membership, and Institutional Trust

Figure 5: Location vs. Trust

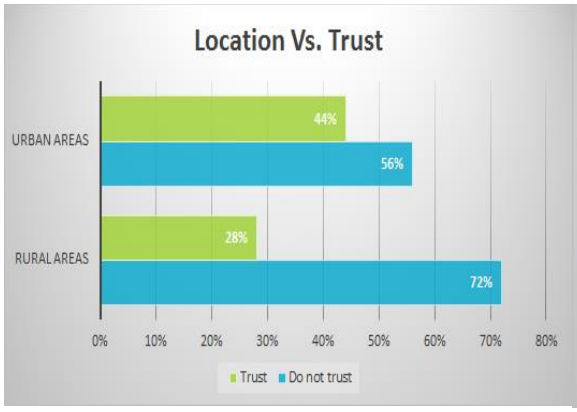
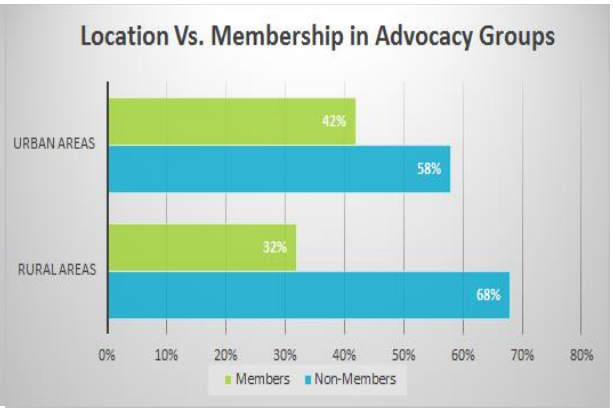


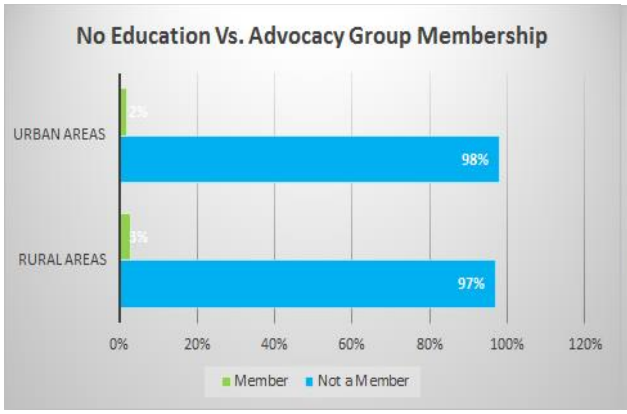
Figure 6: Location vs. Membership



2. Location, Level of Education and Membership in Advocacy Groups

The study also analyzed the relationship between Location, the level of education and membership in advocacy groups.

Figure 7: *No Education and Membership in advocacy groups* ***Figure 8:*** *Primary education and Membership in advocacy groups*



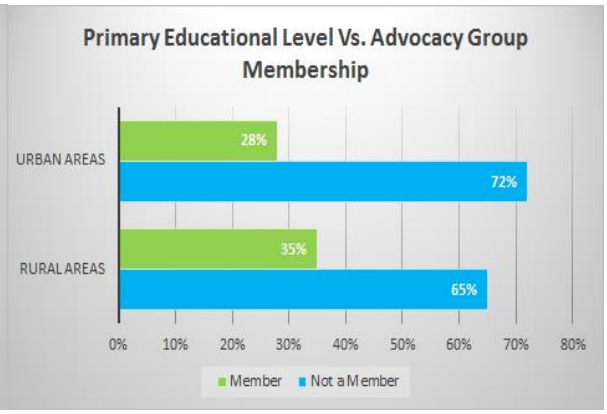
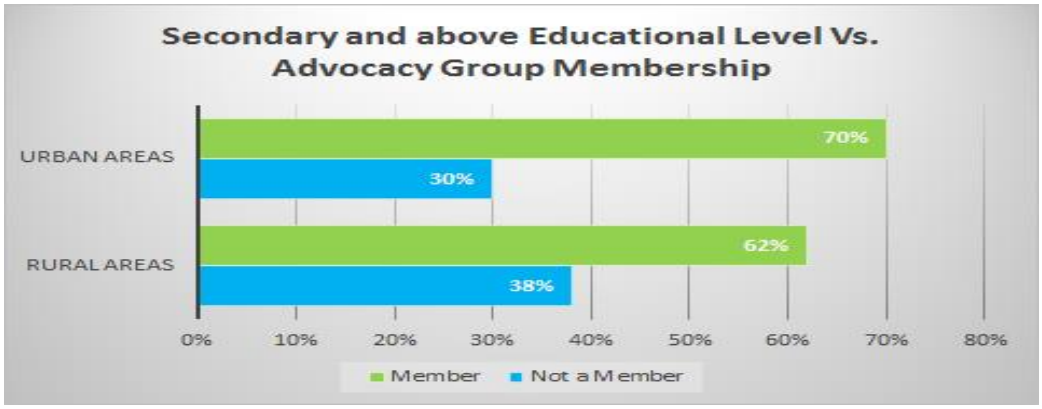


Figure 9: Secondary and above Educational Level and Advocacy Group Membership in Kenya



3. Gender and Membership in Advocacy Groups in Kenya

Figure 10: Male Respondents Membership in advocacy groups *Figure 11: Female Respondents Membership in Advocacy groups*



C.THE SIGNIFICANCE OF POPULAR DISENGAGEMENT FROM ADVOCACY GROUPS

The study sought to find out citizen views on the importance of popular disengagement from advocacy groups to the process of democratic consolidation. This result would indicate whether citizens feel that disengagement affect the role of advocacy groups in the process of democratic consolidation or not and explain their responses.

1. In your assessment, is popular disengagement from advocacy groups significant to the process of democratic consolidation? Explain

Figure 15: Significance of popular disengagement to democratic consolidation



"It is the people who make these organizations what they are. Without the people, which issues of democratic consolidation are they going to present to the government?" (Author interview 36:2012)
"Advocacy groups derive their legitimacy and credibility from the people whom they represent. Without this, the government will not take them seriously on policy issues that concern democratic consolidation (Author interview 26:2012)
"Democratic Consolidation requires democratic citizenship, which is exercised through participation in advocacy groups and other democratic channels" (Author interview 31:2012)

"Most of these groups just claim to represent us, which they do not and still get donor funding to champion issues that donors want them to champion" (Author interview 56: 2012)

"We participate in advocacy groups or not; things just keep on getting worse. It is the political parties that need to lead the change process" (Author interview 48:2012)

A.THE NATURE OF POPULAR DISENGAGEMENT IN ZAMBIA

The first set of questions in the interview protocol for ordinary citizens focused on the nature of popular disengagement in Zambia.

1. Organizational Membership in advocacy groups in Zambia

The study sought to find out if respondents were members of an advocacy group and explanations for both membership and non-membership to such groups. The selected statements below represent different perspectives on advocacy group membership in Zambia.

Q1. Are you a member of an advocacy organization? Explain

Figure 16: Membership in Advocacy groups in Zambia.



"Advocacy groups do excellent work in civic education by reminding all of us of our role as citizens in the governance and democratic process" (Author interview 86:2012)
"With weak institutions and poor governance in this country, advocacy groups are the only institutions that give us hope that things can change for the better" (Author interview 112:2012)

"I used to be a member of an advocacy group, but now I do not have much time as I am busy trying to find ways and means of feeding my family" (Author interview 97: 2012)



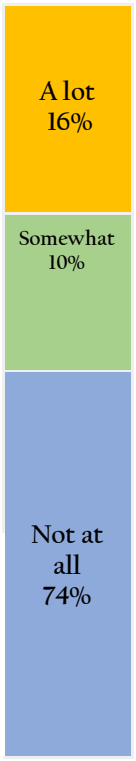
"We in Zambia continue to experience high levels of poverty, poor governance and inequality, despite all efforts by advocacy groups. For me, I have given up on politics and participation" (Author interview, 92:2012)

2. Assessment of Advocacy Group Performance

The study also sought to find out respondents' assessment of advocacy groups performance in the process of democratic consolidation in the post-transitional period regarding policy influence, public awareness, voice, and public accountability.

Q2. In your assessment, to what extent have advocacy groups contributed to democratic consolidation in Zambia? Explain

Figure 17: Assessment of Advocacy Groups and Democratic Consolidation in Zambia



"Without advocacy groups, President Chiluba could have gone for a third term and rolled back the gains of democracy we had achieved" (Author interview 120:2012)
"Opposition parties are weak and divided, advocacy groups have stepped in to fill this gap and hold the government accountable" (Author interview 84:2012)

"I think that advocacy groups' performance is mixed. They have kept the constitutional review process alive but failed to hold the PF government accountable to its lofty promises of 2011" (Author interview 103:2012)

"Advocacy groups in this country are extremely reactionary and have not done much regarding consolidating the gains of democracy. Ad-hoc means of handling national issues during crises have not worked for the long-term" (Author interview 85:2012)

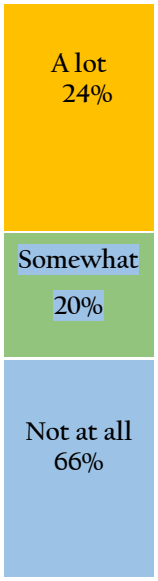
"Advocacy groups worked tirelessly to bring down the authoritarian regime. However, now it seems they are just there for donor money" (Author interview 81:2012)
"The most powerful advocacy group in this country-ZCTU has become part of the system. It has done almost nothing regarding democratic consolidation" (Author interview 98:2012)

3. Norms and Values

The study sought to find out if advocacy groups represented values and norms that resonated with citizens of Zambia. This connection is necessary because advocacy groups in principle either represent a section of the population or champion some issues of public interest. A strong connection between citizens' norms and values and those represented by advocacy groups is likely to be an essential basis for membership, support, and commitment of citizens to the agenda of advocacy groups.

Q3. In your opinion, to what extent do you agree with the values and norms represented by advocacy groups in Zambia? Explain

Figure 18: Citizen Values vs. Advocacy Group Values in Zambia



"They (advocacy groups) do represent values that I support and believe in such as democracy, equality, human rights, transparency and accountability" (Author interview 106: 2012)

"All they want is a better society, where people live with dignity and respect. I believe in that too" (Author interview 94:2012)

"I am divided on this. Advocacy groups represent some values that I agree with like the rights of citizens and some values that I do not agree with" (Author interview 83:2012)

"Most of these advocacy groups are elite organizations serving elite interests with little connection to the common man" (Author interview 86:2012)

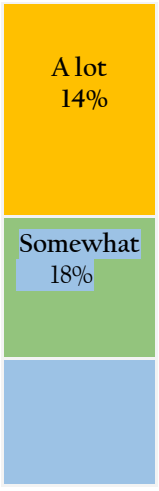
"These groups are based in Lusaka and led by people who live in Lusaka. They do not understand how we live down here in Kabwe" (Author interview 102:2012)

4. Institutional Trust

Citizens' trust of advocacy groups is critical for the legitimacy of advocacy groups but also improves citizens' commitment, support, and participation in advocacy group activities. The study, therefore, sought to find out to what extent citizens trusted advocacy groups in the post-transitional period in Zambia.

Q4. In your opinion, how much do you trust advocacy groups? Explain

Figure 20: Citizen Trust vs. Advocacy Groups in Zambia



"I do trust advocacy groups, especially the church, which has stayed honest in trying to ensure democracy and public accountability in this country" (Author interview 96:2012)
"Advocacy groups always side with the people. They fight for our interests, and that is why I trust them" (Author interview 109:2012)

"I somehow trust them because there are some things that they have gotten right but, on some issues, they have been way off, for example, many of them did not condemn the state of emergency" (Author interview 84: 2012)

"I do not trust them. They (advocacy groups) use us for their own selfish gains. They are not transparent, not consistent, and we do not see any changes in our lives despite their work" (Author interview 88: 2012)

Not at all 68%

"I do not trust them. They mislead us in supporting opposition parties, which get to power do not deliver on their promises. They have not done much to stop the removal of food subsidies" (Author interview 105:2012)

"I do not trust them because they take rural people for granted. They only work with people in Lusaka." (Author interview 96: 2012)

5. Advocacy Groups Agenda

The study also sought to find out whether advocacy groups agenda resonated with what citizens felt should be the agenda of these groups in the post-transitional dispensation. Citizens are likely to support advocacy groups if they agree with the group's agenda.

Q5. In your opinion, to what extent do you agree with advocacy groups broad agenda? Explain

Figure 19: Advocacy group agenda Vs. Citizens Agenda in Zambia

A lot 18%

"Advocacy groups do focus on issues that directly affect people like us such as land reform, taxation, poverty and democracy" (Author interview 116:2012)
"Advocacy groups put on the agenda critical issues neglected by the government and thus speaks for me" (Author interview 97:2012)

Somewhat 13%

"Most advocacy groups agenda resonate with me, but sometimes they push for issues that I do not agree with like gay marriage and my dress-my choice campaign" (Author interview 90:2012)

Not at all 70%

"Advocacy groups' agenda in this country is defined by international donors who fund the projects that they implement. It is thus neither their agenda nor our agenda" (Author interview 82:2012)

"Advocacy groups in Zambia do not care about what we want. They care about what donors want and facilitate our participation in such an agenda. They need to start focusing on economic rights" (Author interview 88: 2012)

"Some advocacy groups have even started championing lesbian and gay rights. These are issues that our society do not support at all. It is not our agenda" (Author interview 108:2012)

6. Representation

The study also sought to find out how much respondents felt that advocacy groups represented them in the pursuit of their roles in the process of democratic consolidation.

Q6. In your opinion, to what extent do you feel that advocacy groups in this country represent you? Explain

Figure 20: Advocacy groups and Representation in Zambia



"Advocacy groups represent me because they pursue issues that I feel need to be championed in this country for better governance and democracy" (Author interview 116:2012)
"As an active member of an advocacy group, I feel fully represented because I can express my views within the organization" (Author interview97:2012)

"There are quite some issues that they raise that I feel are important though in some cases they (advocacy groups) are just being used by other actors like the state, donors, and political parties" (Author interview 88:2012)

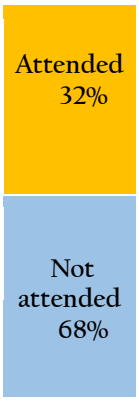
"Advocacy groups in this country are very self-interested and only tackle issues that donors support leaving out crucial issues" (Author interview 110:2012)
"I do not feel represented by advocacy groups in this country because they do not select their leaders through elections" (Author interview 82:2012)
"Advocacy groups are not accountable to us so how can we feel represented by them? "(Author interview 98:2012)

7. Community Meetings attendance

The study sought to find out the level of citizen civic action by focusing on attendance to community meetings in Zambia in the last one year.

Q7. Have you attended any community meeting in the last one year? Explain

Figure 21: Attendance to Community Meetings in Zambia in the last one year



"Attendance to community meetings gives me an opportunity to share my views on our development issues" (Author interview 83:2012)
"They are important because we get information about development issues from the government" (Author interview 110:2012)

"Community meetings are ineffective because they are dominated by traditional chiefs and local elites, who have their own agenda" (Author interview 87:2012)

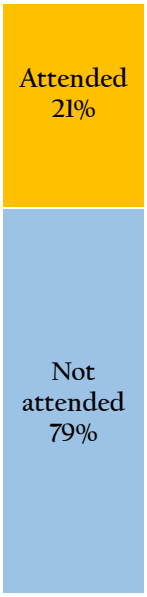
"What is the point of attending community meetings? They do not affect policies that are implemented by the government" (Author interview 84:2012)

8. Attendance to protests and demonstrations

Attendance to protests and demonstrations by members of advocacy groups demonstrate commitment and support.

Q8. Have you attended a demonstration or protest in the last one year?

Figure 22: Attendance to demonstration and protests in the last one year in Zambia



"We must continue pushing the government to do the right thing, and demonstrations and protests are ways of doing that" (Author interview 92:2012)
"Demonstrations are the only method that has worked in this country. We stopped Chiluba's quest for a third term through demonstrations" (Author interview 114:2012)

"The same advocacy groups that are now calling for protests and demonstrations are the same ones, which convinced us to support MMD, a party which miserably failed us politically and economically for 20 years. I cannot thus attend a demonstration" (Author interview 95: 2012)
"How do you attend a demonstration, when you have nothing to eat at home, and you do not know how you will pay for your kids' school fees?" (Author interview 94:2012)

"What has protests, and demonstrations changed in this country? We are still living in poverty with poor health facilities, poor roads, and dilapidated schools. Most of us are just disappointed and disillusioned" (Author interview 87:2012)

B. PATTERNS OF POPULAR DISENGAGEMENT FROM ADVOCACY GROUPS IN ZAMBIA

1. Location, Membership and Institutional Trust in Advocacy groups in Zambia

Figure 23: Location vs. Trust

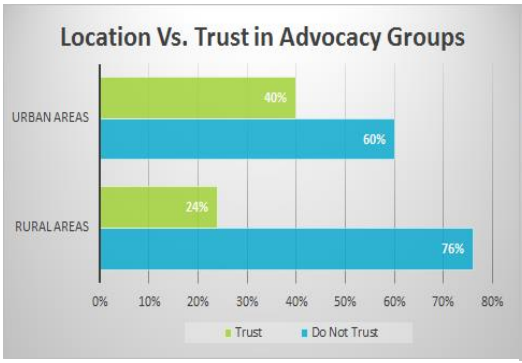
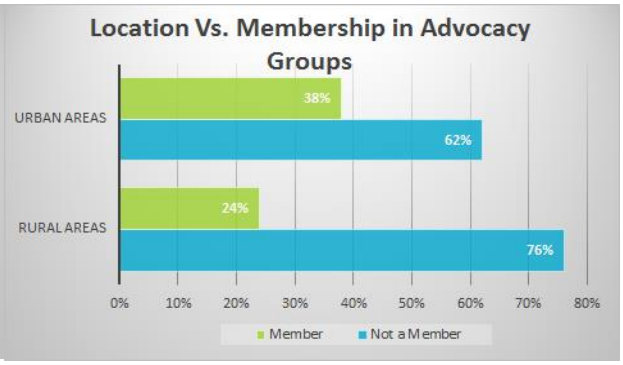


Figure 24: Location vs. Membership



2. Levels of Education and Membership in Advocacy Groups

Figure 25: No Education and Membership

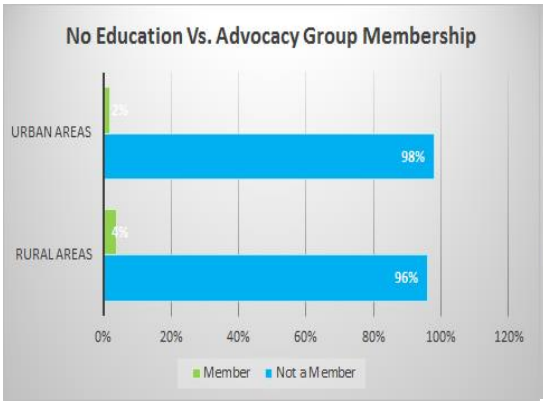


Figure 26: Primary Education and Membership

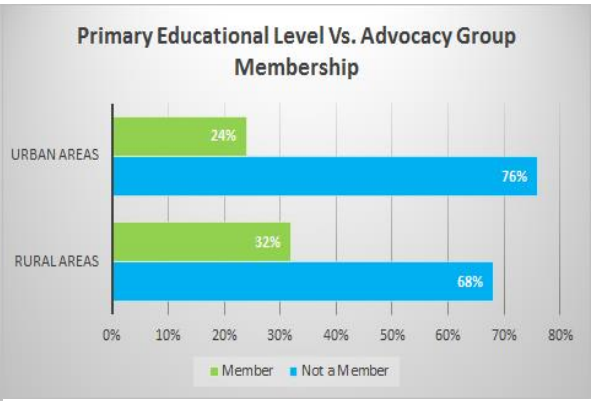
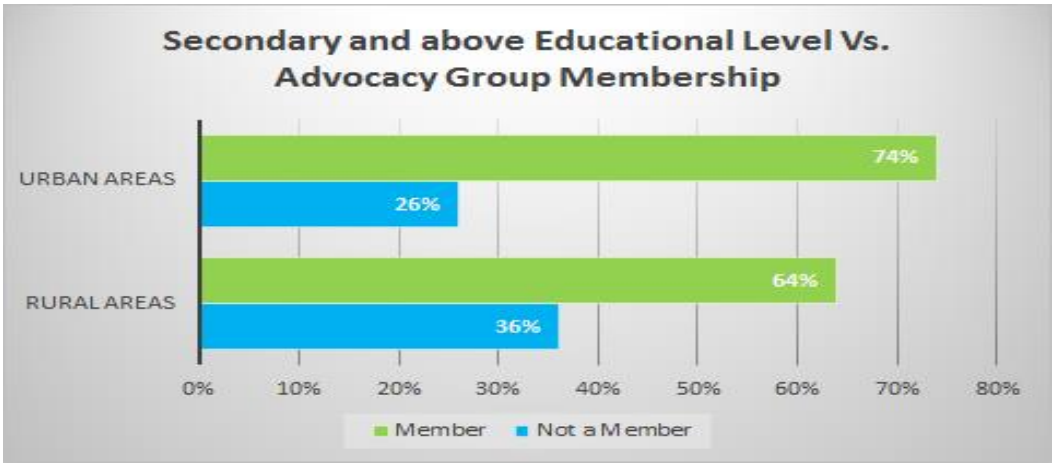


Figure 27: Secondary and above educational level Vs. Advocacy group Membership in Zambia



3. Gender and Membership in Advocacy Groups in Zambia

Figure 28: Male Membership

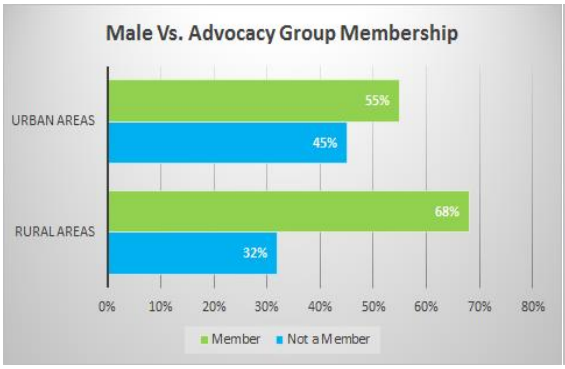
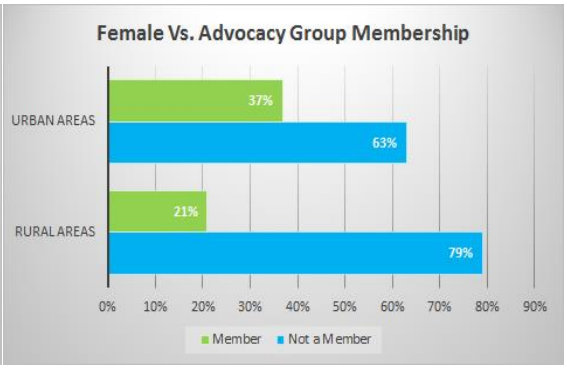


Figure 29: Female Membership



C. THE SIGNIFICANCE OF POPULAR DISENGAGEMENT FROM ADVOCACY GROUPS IN ZAMBIA

The study also sought to find out citizen views on the significance of popular disengagement from advocacy groups to the process of democratic consolidation. The results would indicate whether citizens feel that popular disengagement affect the role of advocacy groups in the process of democratic consolidation and how it does so.

1. In your assessment, is popular disengagement from advocacy groups significant to the process of democratic consolidation? Explain

Figure 30: Significance of Popular disengagement to democratic consolidation

Significant 92%	"Advocacy groups can only be effective if we support the causes that they champion. That is how their efforts helped to stop the third term that Chiluba wanted." (Author interview 36:2012) "If the people do not support advocacy groups, they will not be able to influence the process of democratic consolidation because the government believe that they are unpatriotic and championing foreign interests" (Author interview 26:2012) "Withdrawal of support and resources from advocacy groups, impair their capacity to influence policies that deepen democracy" (Author interview 31:2012)
Not significant 8%	"Advocacy groups have not done much even with our support, especially after the transition. Most of them have become too close to the regime to act autonomously" (Author interview 56: 2012) "I just feel that this country needs more than advocacy groups to deepen democracy. The state and its institutions like parliament needs to do more" (Author interview 48:2012)