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Conflict Prevention in Kenya: Combating Corruption through Nonviolent Action

By Hussein Khalid and Tabatha Pilgrim Thompson



Suspects accused of corruption appear in the Mililani Law Courts in Nairobi on May 29, 2018. (Photo by Khalil Senosi/AP)

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Summary

- A growing body of research is identifying linkages between corruption and violent conflict. As a result, the international community should support efforts to combat corruption as a conflict prevention measure.
- To combat pervasive levels of corruption, Kenyan activists operate outside and parallel to government institutions to hold public officials accountable when government mechanisms fall short.
- Most professional anti-corruption organizations have a national focus in their change efforts and relatively little two-way engagement with the grass roots. When this engagement does occur, it is often one-way or top-down in the form of

information-sharing and civic education initiatives.

- Kenyan civil society organizations working on anti-corruption issues often operate with little strategic coordination and partnership between the national and county levels, resulting in little or no cohesive movement building around corruption.
- Although many Kenyans are critical of corruption, most are apathetic and skeptical of efforts to engage them. To "awaken" the populace, organizers must work to better link corruption to people's everyday challenges and lives.
- Foreign donors, particularly bilateral and multilateral organizations, send mixed signals about whether fighting corruption in Kenya is a priority.

As a result, some Kenyan organizations and individuals active in the transparency, accountability, and good governance sphere remain wary of taking a stronger stand against corruption.

 Donors should foster an enabling environment for organizations working on transparency, accountability, and good governance, including those that mobilize citizens in organized nonviolent action. Beyond funding, this could include providing convening opportunities to support coordination and sharing lessons learned among anti-corruption organizations working at the national and grassroots levels, as well as speaking out in support of their work in the face of crackdowns.

SPECIAL REPORT

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ABOUT THE REPORT

This report examines the efforts of collective civic action to combat corruption and advance transparency, accountability, and good governance in Kenya. Based on a co-design workshop, desk research, and interviews with Kenyan activists and civil society organization leaders, government officials, journalists, and academics, the report was supported by the Program on Nonviolent Action at the United States Institute of Peace and by USAID's Center of Excellence on Democracy, Human Rights, and Governance.

ABOUT THE AUTHORS

Hussein Khalid is the executive director of HAKI Africa, an organization that works to ensure the promotion and protection of human rights. Tabatha Pilgrim Thompson is a program officer with USIP's Program on Nonviolent Action, where she works on applied research, training, and education.

The views expressed in this report are those of the authors alone. They do not necessarily reflect the views of the United States Institute of Peace. An online edition of this and related reports can be found on our website (www.usip.org), together with additional information on the subject.

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United States Institute of Peace 2301 Constitution Avenue, NW Washington, DC 20037

Phone: 202.457.1700 Fax: 202.429.6063 E-mail: usip_requests@usip.org Web: www.usip.org

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Protesters take part in an anti-corruption demonstration in front of the gates of the parliament building in Nairobi on May 31, 2018. (Photo by Ben Curtis/AP)

Background

A growing body of research explores the complex relationship between corruption and violent conflict. Corruption—defined as "the abuse of power for private gain, including bribery, extortion, fraud, nepotism, embezzlement, falsification of records, kickbacks, and influence peddling"— affects citizens' access to basic services, contributes to resource scarcity, and fuels organized crime.¹ It is included on a European Commission checklist for the root causes of conflict that links the prevalence of corruption to the decreased legitimacy of the state.² The final report of the US Congress—mandated Task Force on Extremism in Fragile States reinforces this argument, citing corruption as a contributing factor to fragile regimes and perpetuating a sense of injustice among the populace, a condition for violent extremism.³

Framework documents including the United Nations and World Bank's *Pathways for Peace* report, UN resolutions on sustaining peace, and the aforementioned Task Force report underscore the need for the peacebuilding field to reorient its efforts toward conflict prevention over response. As a result, the international community should prioritize efforts to combat corruption as key to conflict prevention and mitigation.

Focusing on civil society campaigns and emerging movements, this report examines efforts to combat corruption in Kenya. The country in recent years has struggled to manage intercommunal violence and violent extremism. Corruption remains rampant in the country, which has been stuck in the bottom quintile of states in the World Bank's control of corruption index for a

Activists cite the slow pace of bureaucracy, a lack of political will, and a passive citizenry as significant obstacles to eliminating corruption and instilling integrity in the foundations of the Kenyan government.

decade. This combination makes it imperative to explore how independent, bottom-up efforts can and cannot confront an important conflict risk factor. Lessons from Kenya can also inform approaches to support for civil society and movements in other contexts.

In Kenya, the government's Ethics and Anti-Corruption Commission (EACC) reports that 79.3 percent of Kenvans

believed corruption was high in 2016, a steady increase from 73.9 percent in 2015 and 67.9 percent in 2012.⁴ The country is near the bottom of Transparency International's 2018 corruption perceptions index rankings (144 of 180), and a PricewaterhouseCoopers study ranked Kenya as the third most corrupt country in the world.⁵ The EACC claims that the country is losing one-third of its state budget (approximately \$3 billion) to corruption each year.⁶ President Uhuru Kenyatta has described the extent of corruption in Kenya as a threat to national security.⁷ Anti-corruption activists report that high levels of corruption undermine Kenyans' trust in their government, denying them access to basic services and resulting in a growing frustration with the status quo.

The Kenyan government has enacted several initiatives to confront this challenge. In 2004, then president Mwai Kibaki launched the National Anti-Corruption Campaign Steering Committee (NACCSC) to "create public awareness on all aspects of corruption so as to affect fundamental changes in the attitudes of Kenyans towards corruption."8 As of February 2018, the NACCSC was active in twenty-six of Kenya's forty-seven counties through County Anti-Corruption Civilian Oversight Committees, established to disseminate information on government-led anti-corruption efforts at the local level.9

The fight against corruption was codified in 2010, when civil society groups succeeded in lobbying to include chapter 6—on leadership and integrity—in the Kenyan constitution. Chapter 6 lays out the standard operating guidelines for state officers, detailing the moral principles and responsibilities that public officials should uphold to honor the trust citizens place in them.¹⁰ However, implementing chapter 6 has proved challenging. Activists cite the slow pace of bureaucracy, a lack of political will, and a passive citizenry as significant obstacles to eliminating corruption and instilling integrity in the foundations of the Kenyan government.¹¹

To help implement chapter 6 and advance the anti-corruption fight from transparency to accountability, the Kenyan Parliament passed the Ethics and Anti-Corruption Commission Act in 2011. The intent of the measure was to prevent and investigate corruption, yet it was not until 2016 that President Kenyatta announced the creation of the Anti-Corruption and Economic Crimes Division of the High Court to aid in the prosecution of EACC cases.¹² Only two judges have been appointed to the division so far. As of June 2018, the division had more than three hundred criminal cases pending, thirty-four of which had concluded, and thirty of which had resulted in convictions.¹³

Responding to public pressure, some Kenyan leaders have called on citizens to push for change. In a December 2018 speech, President Kenyatta urged the public to become "active participants" in the anti-corruption fight, saying "it is time for you to say enough is enough."¹⁴ Journalist, whistle-blower, and current CEO of Inuka Kenya Trust John Githongo has also stressed the importance of bottom-up movements: "Corruption cannot be tackled from the top, it has to be confronted from the grassroots."¹⁵ In other words, for anti-corruption programs and reforms to truly take hold in Kenya, people must take action and organize outside formal institutional processes to create pressure and demand accountability and transparency from their elected and public officials.

Kenya has a legacy of citizen mobilization—from the movement against colonial rule in the mid-1900s to the movement for multiple political parties in the early 2000s to the campaign to support the constitutional referendum in 2010. These movements addressed issues with significant political and technical components, but they had clear, tangible goals: independence in 1964, multiparty democracy, and a new constitution with a chapter on leadership and integrity. The movement to combat corruption in Kenya today requires continuous pressure and oversight in pursuit of goals that are more technical in nature and not conducive to quick fixes or reforms. Some anti-corruption activists and experts hoped that the devolution of government services as part of the 2010 constitution would decrease corruption and increase transparency and accountability. Several, however, assert that devolution has simply decentralized corruption to the community level.¹⁶ Thus, clear milestones in the anti-corruption fight are moving targets, which makes translating their impact and relevance to the populace difficult.

Civil Society Mobilization to Fight Corruption

Several civil society organizations (CSOs) have emerged as prominent anti-corruption watchdogs in Kenya, including Transparency International (TI)-Kenya, the Africa Centre for Open Government, PAWA 254, the Institute of Social Accountability (TISA), the Centre for Development and Good Governance (CEDGG), and HAKI Africa. A few of these organizations have attempted to mobilize the public to advance transparency and accountability reforms.

Four recent examples demonstrate how the trajectory of change in this space is complex, nonlinear, and built on incremental outcomes.¹⁷ Civil resistance literature underscores the importance of unity and strength in numbers, strategic planning, and nonviolent discipline for any successful nonviolent campaign.¹⁸ Notably, these campaigns made positive gains attributable to their adopting diverse and nonviolent tactics, employing strategic messaging and communications, engaging reformist public figures, and involving the grass roots. These efforts also reveal several challenges, however, including translating the technical nature of corruption into terms that matter to the general populace, the impact of politicization on efforts to mobilize support and maintain credibility, and the lack of coordination and partnership across national and county levels.

ORGANIZING FOR CONSTITUENCY DEVELOPMENT FUND ACCOUNTABILITY

In 2003, the Kenyan Parliament introduced the Constituency Development Fund (CDF) Act. Part of a larger devolution effort to decentralize national governance, the act mandated that at least 2.5 percent of government revenue be set aside for "infrastructural and socio-economic development at the grassroot[s] level."¹⁹ Members of Parliament (MPs) managed the funds for their constituencies. Shortly after the program was rolled out, reports of corruption emerged,

Box 1 Six-Step Social Audit Process

A social audit is a form of citizendriven monitoring involving multiple steps:

- Gathering information: obtaining public records from local Constituency Development Fund offices
- Training local people: deciphering documents and budgets, monitoring expenditures, and physically inspecting public works
- Educating and mobilizing fellow citizens: making people aware of their right to

information and accountability and encouraging them to attend a "public hearing," where information about CDF misuse and graft is shared and people's reactions and input are gathered

- Inspecting the CDF project site: conducting systematic, meticulous documentation, comparing records to the reality on the ground
- Holding the public hearing: sharing the results of the social audit done by local

residents with the community, local CDF officials, CDF committee members, the MP, district administrators, and the media; questioning of CDF officials by both activists and attendees, and demanding accountability through an "accountability charter"

 Following up with officials: documenting the community's findings and recommendations to members of the local CDF committee and checking on implementation

Source: Adapted from Shaazka Beyerle, Curtailing Corruption: People Power for Accountability and Justice (Boulder, CO: Lynne Rienner, 2014).

including some MPs appointing relatives and friends to management positions on CDF committees.²⁰ In other instances, MPs funded ghost projects, such as 2.9 million shillings slated for a market dispensary in Kisumu West and 1.8 million to renovate a nursery school in Westlands neither of which ever materialized.²¹ Experts and media outlets reported that billions of taxpayer shillings were lost each year to these CDF-funded ghost projects.²²

By early 2005, CSOs close to the grassroots level began mobilizing to combat CDF corruption and embezzlement. Muslims for Human Rights (MUHURI) and the National Taxpayers Association launched investigations of MPs' use of the funds. At the national level, researchers examined fund management practices to determine when and how CDF allocations were being diverted. Several organizations, including TISA and MUHURI, took the MPs and their CDF committees to court. At the local level, TISA coordinated with grassroots groups, such as the CEDGG and the Centre for Human Rights and Civic Education, to investigate CDF projects. They, along with MUHURI, carried out social audits, a citizen-led monitoring initiative whereby citizens used data they collected on CDF-funded projects to hold officials accountable for incomplete work. The six-step social audit process, first piloted by MUHURI, is outlined in box 1. Watchdog CSOs also produced reports based on the information they collected exposing CDF officials implicated in the abuse of CDF funds.²³ As a result, Kenyans were more informed of ongoing CDF corruption issues and demanded accountability during the 2007 elections, leading many MPs accused of CDF embezzlement to lose their seats.²⁴ Further, parliamentarians who released CDF information benefited politically. For example, the Changamwe constituency MP, who was one of the first to make his CDF books transparent, highlighted this fact during the run-up to the elections. He won. A CDF official told MUHURI that at least 40 percent of the votes were directly attributable to the MPs having cooperated on the social audit.²⁵

Another example of social auditing success is a 2010 initiative in Kisauni, under which citizens discovered that a dispensary for HIV patients had been closed. The local CDF committee said it was going to be renovated. Activists, however, found that no money had been allotted for this renovation and that the land on which the dispensary stood had been illegally sold. As a result of the audit, local officials canceled the illegal land transaction, funds were budgeted for the clinic, improvements were made, and the dispensary was reopened.²⁶

Civil society groups Katiba Institute and TISA also gained ground in the courts, where, in late 2017, they successfully advocated based on the principle of separation of powers to separate MPs from CDF management.²⁷ Unfortunately, because legislators are trying to amend the CDF Act to create the National Government Constituency Development Fund (NGCDF) Act (which would restore MP control), watchdog organizations and Kenyan citizens must remain vigilant. TISA and CEDGG have already filed a case against the NGCDF to declare it unconstitutional on similar grounds.²⁸ In addition, TISA continues to compile and consolidate the social audit information it receives from grassroots groups for national advocacy work.²⁹

Much of the early organizing and social auditing for CDF accountability occurred before Kenya's Freedom of Information Act was passed in 2016. The CDF campaign emphasizes the power of linking national and grassroots nonviolent action efforts to impact corruption and promote transparency and accountability throughout the devolution process. Many Kenyan activists observe that the CDF campaign's mobilization and engagement of citizens at the community level (including marches, encouraging town hall participation, and social auditing), partnered with lobbying and advocacy in the capital, was critical to achieving greater accountability within CDF management. Social auditing in particular succeeded in translating the impact of corruption and mismanagement at the community level while providing an outlet for citizen action. However, whether all civil society efforts at the national and county levels were strategically linked or emerged separately with organic complementarity remains unclear. Despite this, campaign efforts have not gone unnoticed in the region, where civil society leaders and parliamentarians from neighboring countries, such as Tanzania, have visited Kenya to learn more from civil society about its anti-corruption movement and the tactics and strategies used.³⁰

THE #KNOCKOUTCORRUPTION CAMPAIGN

In 2015, Boniface Mwangi and PAWA 254, a youth artist-activist group in Nairobi, launched the #KnockOutCorruption campaign with the help of organizations such as Bunge la Mwananchi and HAKI Africa. The campaign sought to mobilize the Kenyan populace to pressure public officials to fight corruption and declare their wealth to increase transparency. Mwangi, the son of a street hawker, and the campaign gained significant grassroots support across the country.

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Protesters take part in a #KnockOutCorruption demonstration in downtown Nairobi in December 2015. (Photo by Ben Curtis/AP)

Kenyans from all socioeconomic levels participated in protests and posted on social media in support of the movement's objectives.

Organizers focused their initial efforts on targeting reformists within government to support the initiative. They planned and executed a variety of nonviolent tactics, including street protests, puppet shows, and a petition to the president to demonstrate citizen frustration with corruption in government and demands for action. The petition called for comprehensive policy reforms and implementation measures, including the formation of an independent team of anti-corruption investigators and prosecutors, specialist courts for corruption and economic crime, protection for judges and magistrates undertaking corruption cases, and a detailing of stolen asset recovery in President Kenyatta's forthcoming 2016 State of the Nation address. It included positive messaging and support for President Kenyatta's announced "war on corruption" by declaring that "this is one issue where members of all ethnic communities and supporters from across the political divide, should come together and demand zero tolerance of corruption."31 Organizers also put boxing gloves on senior government officials as a symbol of "empowering" them to fight corruption in government. One major mobilization in December 2015 included protesters marching to the Supreme Court in Nairobi to place gloves on anti-corruption champion Chief Justice Willy Mutunga so that he could "knock out corruption" in the judiciary. He met with organizers and promised to disclose his wealth.³²

The #KnockOutCorruption campaign notched several gains. On March 31, 2016, President Kenyatta dedicated several passages of his State of the Nation address to unveiling new asset recovery initiatives and the retrieval of hundreds of millions of shillings. He also announced the formation of the new Anti-Corruption and Economic Crimes Division of the High Court to take on EACC cases.³³ In April, keeping his word, Chief Justice Mutunga declared his wealth.³⁴ Several public officials from the coast and Nairobi followed suit. President Kenyatta also dismissed six cabinet ministers for graft.³⁵

The campaign stalled later that year, however. In part, this may have been due—paradoxically—to the public perception of a lack of significant progress. Another factor complicating sustained mobilization may have been the increased risk associated with demonstrations. The December 2015 peaceful march mentioned earlier ended with beatings and thirty-three arrests.³⁶ Finally, some activists speculate that Mwangi's entry into politics with the founding of the Ukweli Party reinforced negative public perceptions about civil society, namely, that some people use it as a platform for public office.

Taken together, #KnockOutCorruption tapped into citizen wrath over corruption and constructively harnessed it through nonviolent action and support of integrity champions. That it did not originate from elite-led, Nairobi-based organizations—but rather from a network of community-focused artists and activists—meant that campaigners more easily connected with the grass roots. Over the course of just a few months, the campaign used imaginative tactics to rouse Kenyans across the country and successfully pressure the government to begin addressing their concerns.

THE RED THURSDAY MOVEMENT AGAINST CORRUPTION

Since 2016, HAKI Africa has organized weekly anti-graft demonstrations in Mombasa as part of its Red Thursday Movement Against Corruption.³⁷ The movement's goals are to increase citizen awareness of how corruption affects their daily lives and to galvanize Mombasans to address malfeasance within their communities. Every Thursday, Red Thursday organizers call on followers to wear red to raise awareness of local corruption and amplify public demand for accountability. Every other Thursday, activists also visit county government offices in Mombasa to persuade public officials to wear Red Thursday T-shirts and sign on to the movement's goals. Activists coordinate with local media to cover the visits and encourage more public involvement. This tactic combines social pressure for integrity with constructive dialogue. The movement has been able to gain the support of key grassroots constituencies in Mombasa as well as some senior local officials. For example, Red Thursday activists met with Mombasa Governor Hassan Ali Joho after patients and families detailed poor services, a lack of medicine and supplies, and even patient deaths at Coast Provincial General Hospital (the second-largest state facility in the country). They also presented specific cases of extortion of patients by staff at the hospital. As a result, the local government took steps to address the complaints, and Mombasa County has seen improvements in health services and the availability of medicine.

Red Thursday is now supporting participatory budget-making at the county level to ensure that communities are fully involved in determining priority projects for county budgets and County Integrated Development Plans. The movement also is involved in training and organizing community members to conduct social audits of government-funded projects to ensure funds dedicated to these projects are being spent appropriately.³⁸ For example, the movement helped Usawa na Uhaki (Equality and Justice), a community-based organization engaged in social auditing, report the refusal of the Changamwe CDF office to share information about publicly funded projects to their local ombudsman. The ombudsman wrote to the CDF office, demanded the information to be released—and the office complied.

The Red Thursday initiative has recently begun to link with groups in other counties across the country, including Nairobi and Kisumu. However, coalescing into a larger movement has proven difficult. Anti-corruption organizations and activists note that it is a challenge for their collective efforts, in part because they have no opportunities to convene to discuss strategy and because most of their current resources and capacity go toward operations. In addition, anti-corruption groups such as HAKI Africa have been targeted by the government for the political implications of their work, leading to any additional resources being spent on legal fees battling for their right to exist.³⁹

THE RED CARD CAMPAIGN

At the commencement of the 2017 election cycle, TI-Kenya, the Society for International Development/ Chapter One Kenya, Mzalendo Trust, and Ni Sisi Trust formed the National Integrity Alliance (NIA) to launch the ninety-day Red Card Campaign. The goal was to spotlight electoral candidates who had unsettled ethical infractions. It strategically mapped out actions that targeted key institutions, such as political party leadership, the EACC, and the Independent Electoral and Boundaries Commission (IEBC). The campaign called on political parties not to allow candidates with unresolved integrity issues to participate in the nomination process.⁴⁰ Based on reports from constitutionally mandated oversight bodies, NIA "red carded" twenty individuals (known as the #RedCard20) who did not meet the leadership and integrity standards indicated in chapter 6 of the constitution. They met with the EACC to ensure that these names were included on the commission's list of candidates unfit for public office. The NIA also engaged Christian, Muslim, and Hindu religious leaders of key constituencies to explain the campaign's goals and objectives and applied private pressure to the IEBC to deny nomination certificates to the #RedCard20. It executed a media effort featuring radio, television, social media, and print opinion pieces calling on people to take action, hold their candidates accountable to higher standards, and not vote for those deemed unfit to hold public office.

The campaign achieved several unprecedented outcomes. The NIA stimulated national debate. Despite intimidation tactics for covering elite corruption, political violence, and security force abuses, bloggers, journalists, religious leaders, trade union leaders, and even some politicians urged citizens to elect legislators fit to hold public office.⁴¹ One political party turned down two aspiring nominees based on integrity problems. The EACC published a report on 106 candidates with unresolved integrity issues, including eleven on the #RedCard20 list.⁴² For the first time, the IEBC prohibited a gubernatorial candidate from running, and eight of the #RedCard20 were not elected.⁴³ Further, citizens in Bungoma, Vihiga, and Murang'a Counties formed copycat campaigns via social vetting forums to pressure local officials who refused to step down.⁴⁴ In recognition of this landmark effort, the Red Card Campaign received two prestigious Gold SABRE public relations awards.⁴⁵



A police officer swings a baton at a protester during a December 2015 anti-corruption demonstration in Nairobi. (Photo by Brian Inganga/AP)

Campaign organizers continue to follow up and push for action against the red-carded officials who did win their elections. These include current Kirinyaga Governor and former Cabinet Secretary Anne Waiguru, who has been implicated in the National Youth Service corruption scandal, in which \$7.8 million reportedly was lost.⁴⁶ The campaign was also able to successfully navigate a particularly tense political environment, in which the government conducted raids of similar anti-corruption organizations for registration and tax issues after they highlighted transparency issues in the preparations for the 2017 elections.⁴⁷ Although the Red Card Campaign did not achieve all of its goals, it demonstrated the power anti-corruption organizations can have when they work together, leverage collective resources and comparative advantages, and engage citizens in the effort. However, as some activists point out, the campaign's advocacy-centric tactics were not complemented by any significant grassroots mobilization. Although it did inspire Kenyans from counties outside Nairobi-such as Bungoma, Vihiga, and Murang'a-to fight for accountability in their communities, the campaign provided citizens with only a few ways other than digital activism to get involved. Red Card Campaign organizers may not have identified citizen mobilization as a priority tactic. However, this grassroots engagement is critical to maintaining pressure outside of the capital and in between election cycles if the campaign wants to continue to achieve its goals.

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FIGURE 1

Tactics and Approaches Used by Kenya's Nonviolent Campaigns

Several key tactics have been employed by Kenya's most successful nonviolent campaigns—in some cases intentionally and in some cases not.



Figure 1 summarizes the use of several key tactics indicative of successful nonviolent campaigns across the above case studies. These approaches include grassroots mobilization, national-level advocacy (that is, engaging with key public officials with decision-making power), and intentional coordination between national-level advocacy and grassroots mobilization efforts. As the figure makes clear, larger-scale organizing tactics such as national–local level coordination and grassroots mobilization were more difficult than advocacy efforts to win over support from high-level officials. For example, the Red Card Campaign received a lot of social media attention and press for its capital-based efforts, giving organizers enough leverage to gain support from the IEBC, EACC, and political party leaders. However, campaign leaders did not make a concerted effort to intentionally mobilize or coordinate with the grass roots via strategic planning or communications, missing an opportunity that could have generated a larger impact. On the other hand, the Red Thursday Movement and CDF accountability organizing efforts were very intentional about sustained grassroots mobilization. Yet coordinating this mobilization intentionally with capital-level efforts proved elusive.

Mobilization Challenges

Why are grassroots mobilization and national-to-local level coordination so difficult in Kenya? To answer this question, field-based research focused on how foreign support might affect national and local efforts to organize for transparency and accountability. Using a variety of approaches, tactics, and strategies, these campaigns had notable outcomes. They also, however, revealed overlapping challenges that complicate activists' efforts to galvanize the populace in fighting corruption and promoting transparency and accountability. These challenges include connecting seemingly abstract transparency and accountability goals to people's daily lives and corruption grievances, the politicization of transparency and accountability issues, a disillusioned citizenry, and minimal intentional coordination between national and local grassroots efforts.

THE COMPLEXITY OF ORGANIZING FOR TRANSPARENCY AND ACCOUNTABILITY

In Kenya, the most common theme for civil society organizing on transparency and accountability issues is fighting corruption. Kenyans acknowledge that corruption exists at all levels of government, and most agree that it is important for citizens to be able to hold their government accountable.⁴⁸ They also agree that ordinary citizens can be effective in the fight against corruption.⁴⁹ However, when it comes to organizing and taking action, most Kenyans are unsure of what to do and where to start, stating that they have never taken action to show their dissatisfaction with government—though some said they would do so if they had the chance.⁵⁰ Most individuals also reported that it is difficult to participate in public forums in their county and access information about county budgets and plans.⁵¹

Yet anti-corruption activists and organizations see the value in engaging communities on these issues. As one community organizer recounted,

Public participation . . . has actually helped us. . . . Previously, most of the public [was] not involved in [the] budgetary process, so most of the things within the community they did not know. It was like the government was just coming up with a project that is supposed to go to the community, whereas [the] community didn't need that project. So through public involvement, they [citizens] are now aware that they are the people who are supposed to come up with their priority projects, that 'we actually need this.'

Still, many activists point out that organizations leading anti-corruption efforts in Kenya struggle to connect with the grass roots. One activist noted that the challenge is in "channel[ing] these [issues] in an understandable way [for the public] that then create[s] the action." Information is not disseminated in a manner that fully demonstrates the impact corruption can have on people's everyday lives. Kenyans understand that corruption exists, but when it is framed in abstract terms or numbers, they do not see it as an issue in which they can directly engage but instead as something to be addressed by political and academic elites. Figures in the millions or billions of dollars are not as digestible when one's average salary is approximately \$500 a month.⁵²

Activists note that their organizations could think more creatively about how to communicate corruption as theft and put large numbers into terms people can relate to, such as the cost of



Kenya's Chief Justice Willy Mutunga (right), pictured here in 2015 with activist Boniface Mwangi at a memorial concert for students killed at Garissa University, has been the most prominent public official to support the #KnockOutCorruption campaign. (Photo by Thomas Mukoya/Reuters)

individual health care or school tuition. As one civic actor asserted, "If you tell the woman who is selling tomatoes by the roadside 'corruption,' she will not understand what that is. But tell her 'theft' . . . tell her the reason your child is going to a public school, and they have seventy to eighty children in that class, is because they are stealing the money meant to educate your child."

Civil society leaders also highlight that it is hard to energize and inspire people with lofty, long-term transparency and accountability goals, compared to humanitarian or development issues. Put simply, people do not prioritize or link issues such as budgeting, taxation, and auditing with the everyday challenges they face in their communities. As another activist emphasized, "The community, they are saying, 'I don't have water today,' [while] we as an institution have spent sleepless nights and now we have an 'Act [of Parliament],' but that hasn't brought water.... So the big challenge of transparency and accountability is that it doesn't deliver services immediately."

The CDF campaign exemplifies how organizations were able to better communicate impact at the grassroots level, largely because the funds were implemented at the community level, and positive outcomes were visible.

THE POLITICIZATION OF TRANSPARENCY AND ACCOUNTABILITY ISSUES

CSO leaders acknowledge that they can now blow the whistle on transparency, accountability, and corruption issues without fearing for their lives, but these issues are often politicized, especially during election years. Incumbent politicians and candidates adopt strong anti-corruption platforms while accusing their opponents of flagrant corruption. Or, as was the case with Boniface Mwangi, anti-corruption activists themselves enter into the political arena.

This politicization has led to additional scrutiny of anti-corruption CSOs. In 2017, the Kenya Revenue Authority raided the Kenyan Human Rights Commission and the Africa Centre for Open Governance after they challenged the lack of transparency during the election cycle—even though national and international human rights organizations had concluded the elections were flawed by irregularities and violence.⁵³ The Revenue Authority and Kenya's NGO Coordination Board alleged that the organizations were improperly registered and engaged in tax evasion. Ultimately, the government backed down in the face of pressure from the international community and Kenyan anti-corruption CSOs.⁵⁴ But actions like these make it difficult for ordinary Kenyans to distinguish fact from fiction as corruption accusations targeting government agencies and officials are branded as opposition propaganda. One activist noted, "In the end it is a politicization of the ideas of accountability and transparency that has actually harmed that agenda."

To further exacerbate the issue, CSO leaders cite concerning attempts by the government to limit freedom of expression and label anti-corruption CSOs as foreign agents, discrediting them in the eyes of the public. These include ongoing attempts to amend the 2013 Public Benefits Organizations Act—legislation meant to help open space for civil society following the adoption of the new constitution (but which has not yet been implemented). Members of Parliament have proposed adding to the bill a limit on foreign funding as well as a requirement for organizations receiving such funding to register as "foreign agents."⁵⁵

CITIZEN APATHY

Although Kenyan civil society is well organized and engaged, civil society leaders report significant impediments to mobilizing citizens. The constitution institutionalizes public participation at all levels of government as part of the devolution process, but only 22 percent of the population have reported attending a public meeting, and an overwhelming majority have never contacted an elected or public official at any level.⁵⁶ Even in one of the more successful recent campaigns, #KnockOutCorruption, only approximately two hundred participated in its largest demonstration.⁵⁷

Some CSO leaders attribute this apparent apathy to a lack of understanding of how citizen engagement can affect government services and policy. Others cite a general fatigue among Kenyan citizens who have become disillusioned with lofty goals that seem to have little or no impact on the actual problem.⁵⁸ In general, Kenyans believe that the inclusion of chapter 6 (on leadership and integrity) in the constitution was a big win for combating corruption. However, corruption has continued to increase, and implementation and enforcement has proven much more challenging with the devolution of more governance and services to the county level.

Even when officials are charged with graft, few are prosecuted and fewer still are convicted.⁵⁹ As one activist said, "Until I see some of those people in jail . . . I'm still skeptical." Thus, rather than

Sustained citizen mobilization targeting corruption is more likely when there are both shared awareness of the concerns about graft, abuse, and malfeasance, and multiple options for participation. continuing to actively support efforts to fight it, Kenyans now appear more resigned and willing to accept corruption as a part of everyday life. They also appear willing to perpetuate corruption at the local level for short-term, individual gains. For example, citizens cite police officers as the most corrupt public officials they encounter, yet a majority have admitted to paying bribes or kitu kidogo at least once in their lifetime.⁶⁰

Other activists highlight a more practical barrier-time and money. Most Kenyans live on daily wages and are thus unable to leave their jobs to engage in a demonstration or attend a public meeting. Recent research supports this assertion: in a survey of more than 1,600 ordinary Kenyans, 70 percent said that a lack of time prevents them from public participation.⁶¹ In some cases, candidates will fund political demonstrations where they offer transportation and small, under-the-table financial compensation for participation.

A fear of retaliation may be another barrier to citizen mobilization against corruption. Seventyseven percent of Kenyans reported that they risked retaliation if they were to report or speak out about cases of corruption.⁶² The underlying causes behind this fear can be attributed to a variety of factors, including memories of the postelection violence of 2007 and 2008 as well as individual experiences and media coverage of violent repression at protests.⁶³ Several activists also remarked on this fear and highlighted specific examples of when they themselves had been beaten for exposing corruption or protesting in the streets.

On a more positive note, Kenyans report that they would be willing to speak out as part of a group of citizens if given the chance-indicating that collective action may help mitigate the fear of retaliation.⁶⁴ This was evidenced by the Red Thursday movement in Mombasa, where citizens (particularly those using health facilities) joined activists to push for better medical services. Although it may seem paradoxical, this finding is supported by corruption movement research: sustained citizen mobilization targeting corruption is more likely when there are both shared awareness of the concerns about graft, abuse, and malfeasance, and multiple options for participation, including lower-risk, mass-action tactics.65

Kenya does have many robust civic education initiatives such as those led by the Uraia and Ni Sisi Trusts to disseminate information and promote civic participation among average Kenyans. Activists and other civil society leaders cite these programs as a good first step to communicating about topics such as corruption and supporting an engaged citizenry. Unfortunately, they also note a disconnect between education and engagement initiatives and collective civic action. The CDF campaign again provides a good example of how citizens can move from obtaining information to taking action via social auditing. Organizations have also developed apps for reporting corruption, such as TI-Kenya's Action for Transparency, and have engaged people via digital activism and social media campaigns.⁶⁶ The effectiveness of the latter efforts requires further study, however.

Although the underlying causes of citizen apathy and disengagement in Kenya needs more thorough investigation, CSO leaders and activists agree that they can find better ways to connect national and local transparency, accountability, and corruption issues in a way that demonstrates their impact on the daily lives of average Kenyans. They must lay out manageable steps and achievable goals that communities can take together. One activist noted that community organizing would be the most effective tactic anti-corruption groups can use to advance transparency and accountability "because it's the one that people respond to most and the one we have seen [produce the most] tangible results."

LINKING NATIONAL AND GRASSROOTS EFFORTS TO COMBAT CORRUPTION

Two central tenets of nonviolent action are the unity of people and goals and the power of numbers. Thus far, groups in Kenya have not been able to coalesce into a cohesive, sustained anti-corruption movement with a broad vision and strategy that build on incremental demands and outcomes. Instead, CSOs form one-off partnerships, which rarely cross the national-subnational divide. As a result, many organizations implement their own projects, failing to coordinate with one another and capitalize on potential synergies across their work at the county and national levels. This can make it easier for corrupt officials to pick off individual anti-corruption groups and brand them as agents of the opposition and make galvanizing an already jaded populace more challenging. Nonetheless, the potential to build unity exists. The Red Card Campaign is proof that civil society can come together, animate citizens, wield the power of numbers, and achieve positive outcomes.

CSOs at the national and subnational level have no official mechanisms in place to strategically coordinate their anti-corruption work. Although coalitions and alliances link various Nairobibased organizations, such as the National Integrity Alliance and Kenyans for Peace with Truth and Justice, no formal alliances or convening opportunities exist that link capital- to county- to grassroots-based groups. Further, many activists at the county and grassroots level see Nairobibased organizations as career activists who are not connected to average citizens. One activist noted a "Kilimani versus Mashinani" divide, alluding to the affluent Kilimani area in Nairobi where many of the highly resourced national anti-corruption nongovernmental organizations are based as opposed to poorly resourced or unfunded actors at the grassroots level.

Kilimani versus Mashinani also alludes to a sentiment among grassroots-based groups who feel that they do not get credit for the work they do on behalf of larger implementing partners who receive donor funding. Several activists note that most of the impact in the fight against corruption has occurred at the community level as a result of the work of local groups, some of which are not formally registered organizations. Yet these groups are unable to access donor funding or support because of capacity and organizational constraints. Consequently, some grassroots-level activists have gone as far as labeling their relationship with larger, national anti-corruption NGOs as exploitative, asserting that these organizations are not "walking the walk" in terms of transparency and accountability to their donors or to the citizens they claim to represent.

To address these concerns and challenges, transparency and accountability groups need to further explore and establish formal ways to work together, share information, and coordinate effective messaging. At the national level, CSOs should consult with grassroots groups to find more relatable ways to explain how and why money is lost—and what the public loses as a result. Nairobi-based NGOs should also work to highlight and connect effective grassroots-based groups with one another, as well as to donors who may be willing to directly support their work. Grassroots and county-based organizations should aim to form cross-county coalitions and alliances to cultivate collective resources and best practices. In addition, they should continue to disseminate

documentation they collect on local corruption to national organizations that can use it to generate and provide shared resources for countrywide advocacy and messaging. Platforms like the Open Government Partnership, a multicountry initiative meant to facilitate joint planning and action between governments and civil society to improve transparency and accountability, could provide a model for how Kenyan civil society and grassroots organizations coordinate internally.⁶⁷

Impact of Foreign Support

Kenya receives considerable foreign assistance, averaging \$2.4 billion per year from 2015 to 2017.⁶⁸ This funding supports programs across various sectors, including humanitarian aid and development. According to the NGO Coordination Board, more than 90 percent of NGO funding comes from foreign sources.⁶⁹ As shown in figure 2, however, only some \$4.9 million of that amount is targeted toward anti-corruption initiatives annually.⁷⁰

Notably, many CSO leaders agree that without foreign funding civil society efforts to fight corruption in Kenya would be substantially weaker and the state of corruption in Kenya



would be worse. Given the World Bank's reclassification of Kenya as a lower-middle income country (from a low-income country) in 2015 and a steady reduction in overseas assistance in recent years, this hypothesis could be tested.

Donorssupporting civil society efforts to curtail corruption include the US Agency for International Development (USAID), Open Society Initiative for Eastern Africa, Ford Foundation, UK Aid Direct, Norwegian Embassy, Danish Embassy, and the Swedish International Development Cooperation Agency, among others. The targeted funding these organizations provide is channeled to programs focusing on issues ranging from youth empowerment to civic education to asset recovery. Other funding goes to "core support" to help NGOs and CSOs build their infrastructure and develop programming.⁷¹ Evidence of foreign funding to specific nonviolent civic action activities is more difficult to ascertain. Several donors interviewed for this research noted that the lack of financial support to specific direct action is purposeful to avoid being seen as promoting government-undermining activities or risk damaging the credibility of their Kenyan partners.

This lack of financial support could contribute to civil society's prioritization of donor-funded activities such as advocacy, asset recovery, and civic education over civic mobilization and action. The first set of activities is critical to the anti-corruption fight, but advocacy and asset recovery efforts are often centered in Nairobi, Mombasa, and larger cities—not at the grass roots—contributing to the national-grassroots divide. In addition, although civic education can help break down the complex nature of corruption, there is a gap between citizen education and citizens taking direct nonviolent action to fight corruption.

Still, some donor programs have attempted to address some of the challenges in mobilizing popular support, including citizen apathy and weak national-grassroots linkages. For example, foreign-funded Kenyan NGOs have tried to strengthen smaller community-based organizations in less urbanized counties. These organizations include the Uraia Trust and Act Change Transform (ACT!), which focus their work on capacity-building in communities around the country. Likewise, several Kenyan NGOs have conducted social audits and social audit training to stimulate more direct local involvement in governance and public spending decisions.

The impact of these programs may be limited, however. According to a nationally representative survey of more than 1,600 Kenyans conducted in August 2018, nearly half of the respondents expressed dissatisfaction with the level of effort by CSOs to include grassroots participation. When asked how easy it was to engage with local CSOs to address issues in their counties, about two-thirds reported that it was difficult. Respondents also reported that international NGOs were more likely to solicit their support than Kenyan CSOs or activists. Further, the acceptance of foreign resources does not seem to impede Kenyan civil society's ability to mobilize citizens in their work. More than 60 percent of those surveyed said that if a Kenyan CSO accepted funding from an overseas donor, it would not influence their perception of the organization; some 25 percent said that it would improve their view of the CSO.⁷² The precise effect of donor support for the efforts of Kenyan CSOs to overcome obstacles such as politicization, citizen apathy, and national-grassroots linkages would benefit from more in-depth research, but indications are that activists and citizens alike see ample room for improvement.

Other international donors provide support to local civil society groups fighting corruption through training, primarily with a technical and operational capacity-building focus. For example, International Budget Partnership has partnered with MUHURI to provide budgetfocused, capacity-building training to civil society groups, community associations, and individuals conducting social audits and budget monitoring.⁷³ Pact, which runs USAID's Strengthening Civil Society program in Kenya through its Yetu Initiative, conducts similar capacity-building training and provides one-on-one support to local partner organizations.⁷⁴ Activists generally cite trainings as helpful in their work, but one 2017 study (which included Kenya) notes that individuals specifically request training that emphasizes strategic planning and cross-organizational networking.⁷⁵ In fact, the same 2017 study highlights that the most positive experiences of external support come from training that focuses on community organizing, nonviolent action, peer learning, and mentoring.⁷⁶

Unfortunately, foreign assistance overall is not immune to corruption, and corrupt officials have largely managed to evade foreign demands for accountability. Foreign or outside institutions will threaten officials with sanctions periodically, as the regional Intergovernmental Authority on Development did during the 2017 elections and the United States has done when

corruption reaches "crisis" levels.⁷⁷ However, only on rare occasions do international actors actually take action in Kenya. For example, in May 2017, the United States suspended \$21 million to the Ministry of Health because of concerns over corruption and weak accounting procedures.⁷⁸

In other cases, international partners will take a carrot-based approach, increasing funding for the EACC and praising Kenyan officials seen as tough on graft.⁷⁹ The US Africa Growth and Opportunities Act also encourages fiscal integrity and good governance practices in exchange for enhanced access to the US market.⁸⁰

Conclusion and Recommendations

Although Kenyan civil society has made marked achievements in combating corruption and promoting transparency and accountability, more work is to be done. The technical and political nature of the issues, general apathy among the populace, and a lack of formal CSO coordination mechanisms from the capital to county levels pose significant challenges—yet they are not insurmountable. To begin to address these challenges, anti-corruption groups can organize creative, nonpartisan ways for citizens to engage with the issues of transparency, accountability, and corruption. For example, art exhibitions and concerts that speak to the impact of corruption or positive alternatives can provide unique spaces to sensitize ordinary Kenyans to these topics. They can provide a less politicized frame for discussion and instead give citizens the opportunity to construct a shared vision for a future without corruption. Supporting state integrity champions and reformers working within the system is also essential. Like-minded actors can amplify and provide domestic support to nonviolent movements working to combat corruption.

Bottom-up campaigns and movements have the potential to unite Kenyans to break the cycle of corruption and hold public officials accountable to higher standards of integrity both during and outside of election years. National and locally focused groups need to jointly develop better linkages to facilitate cohesive messaging and planning, and foster a greater sense of accountability between Nairobi-based organizations and the constituencies they are championing. In doing so, the anti-corruption community will be able to better galvanize the grass roots to apply strong, collective, ongoing pressure in the fight for a culture of greater transparency and accountability in Kenya.

In addition to such Kenyan-led efforts, international donors can continue to support transparency and accountability in Kenya in several ways:

Prioritize flexible, long-term support for organizations working on issues related to corruption, transparency, accountability, and good governance. Fighting corruption will take both strong, independent government institutions and a strong, independent civil society to hold government accountable. Yet shifting donor priorities and inflexible grant-making processes make long-term planning difficult and grant applications and reporting cumbersome, hampering incremental progress and sustained mobilization. As one activist noted, "The biggest challenge with foreign assistance . . . is when donor priorities change. And then we are unable to support our strategic objectives to replace that support." Flexible funding, including small grants with oral reporting requirements directly to grassroots groups mobilizing citizens, can contribute to building an anti-corruption culture and collective responsibility in communities. The technical and political nature of the issues, general apathy among the populace, and a lack of formal CSO coordination mechanisms from the capital to county levels pose significant challenges yet they are not insurmountable. Further, longer-term grants to more established CSOs can enable them to plan and respond more strategically to the changing environment for transparency, accountability, and good governance issues.

Support opportunities for national and local CSOs and community-based groups to convene and coordinate their efforts to fight corruption and promote transparency and accountability. Kenyan activists across the

board cited a need for dedicated space for joint reflection and strategic planning to coordinate advocacy and mobilization activities, as well as effective information-sharing and communications at multiple levels. They emphasized that the planning, goals, and priorities for this effort should be Kenyan-driven. This will enable groups to form a national network against corruption in which knowledge and experience-sharing within and across all levels is cultivated and both messaging and tactics are clear and coordinated toward collective goals.

Foster more collaboration between CSOs and community-based groups with state officials working to combat corruption. The strength of any movement is measured by its ability to recognize and work with allies within and outside state institutions. Foreign donors can use their good offices to facilitate open communications between CSOs, community-based groups, and public bodies and officials fighting corruption—including the Ethics and Anti-Corruption Commission, National Anti-Corruption Campaign Steering Committee, and Members of Parliament—to ensure that information is shared and strategic planning can occur (where it makes sense) to achieve sustainable results. The Open Government Partnership is one example of how international cooperation can support this type of coordination between the Kenyan government and nongovernmental actors working on transparency and accountability issues.

Support Kenyan-driven efforts that encourage citizen participation, nonviolent action, and integrity norms. Public participation has been a key piece in the devolution process. County governments advertise public forums in the local media, and these forums provide an important outlet for citizens to safeguard interests, flag potential corruption, and ask questions for government follow-up. However, participation at these forums is low, potentially due to apathy and skepticism from the Kenyan public about how much impact individual citizens can have on corruption. Donors should support national and local CSO-driven efforts to raise awareness and train citizens on how they can take action, from skills in community organizing and nonviolent action to anti-corruption education in public schools, where Kenyans' first exposure to corruption occurs.

Use diplomatic channels and media platforms to amplify the movement's message on accountability. Foreign donors should back anti-corruption statements with action and meet with national and local CSOs, coalition leaders, and social movement actors to identify where diplomatic leverage and messaging could be most useful. Kenya has one of the best anti-corruption legal frameworks, anchored in chapter 6 of the constitution. Further, the Public Officer Ethics Act and the Anti-Corruption and Economic Crimes Act are strong laws that, if fully implemented, can effectively address corruption and hold corrupt officials accountable. Unless this legal framework is fully implemented and enforced, however, corruption will remain a key issue.

Suspend funding when projects are flagged for corruption. International donors should use transparency and accountability data provided by CSOs to ensure good governance and stewardship in all government projects they fund, thereby contributing to improved fiscal governance. If government projects are flagged for corruption or a lack of transparency, donors should suspend funding until the concerns have been addressed. Further, the international community should more openly publish what government projects they financially support to help Kenyans better track that the funding is going to the right place.

The 2018 Global Peace Index acknowledged a growing link between corruption and deteriorating peace, highlighting that countries that saw increasing levels of corruption also saw decreasing levels of peace from 2005 to 2016.⁸¹ Relatedly, the UN's Sustainable Development Goal 16 has a dedicated target (16.5) to "substantially reduce corruption and bribery in all their forms" in order to build effective, accountable and inclusive institutions to support peaceful and inclusive societies.⁸² As the international community seeks to enhance peacebuilding efforts in Kenya, donors need to prioritize efforts to combat corruption.

Many of these recommendations are not easy to enact. Several have been codified in the "movement mindset" literature for years. Operationalizing them, however, has proven difficult.⁸³ Overall, these recommendations will require a significant shift in the culture and processes of international donors and hard conversations about the risks of international support to anti-corruption initiatives in an increasingly politicized environment in Kenya. Yet, through their operationalization, donors can reinforce traditional and nontraditional civil society efforts to combat corruption by backing space for strategic coordination and collaboration and reinforcing internal Kenyan-led efforts with external solidarity and diplomatic support.

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