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THE INSTITUTE OF DIPLOMACY & INTERNATIONAL STUDIES

THE ROLE OF NON-STATE ACTORS IN BUILDING DEMOCRACY IN AFRICA: A CASE STUDY OF KENYA 1978-2016

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DECLARATION

This research project is my original work and has not been presented for a degree in any other University.

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ABBREVIATIONS

IR	International Relations
KNHRC	Kenya National Human Rights Commission
NSA	Non-State Actors
NGOs	Non-Governmental Organizations
MNCs	Multi-National Corporations
INGOs	International Non-Governmental Organizations
AIC	African Initiated Churches
OAIC	Organization of African Instituted Churches
ISPs	Internet Service Providers
OECD	Organization for Economic Co-operation and Development
DAC	Development Assistance Committee
CSOs	Civil Society Organizations
UNIP	United National Independence Party
PCK	Peoples Commission of Kenya
CKRC	Constitution of Kenya Review Commission
IPPG	Inter-Parliamentary Parties Group
KANU	Kenya African National Union
AJI	Alliance of Independent Journalists
RFPI	Radio for Peace International
DFID	Department for International Development
NMFA	Netherlands Ministry of Foreign Affairs
NRM	National Resistance Movement
ACFODE	Action for Development
ZCTU	Zambian Congress of Trade Unions
CPA	Comprehensive Peace Agreement
NP	Non-violent Peace-force
UN	United Nations
UGTT	Union Générale Tunisienne du Travail
UTICA	Union Tunisienne de l'Industrie, du Commerce et de l'Artisanat
LTDH	La Ligue Tunisienne pour la Défense des Droits de l'Homme
ONAT	Ordre National des Avocats de Tunisie
IEBC	Interim Electoral and Boundaries Commission
EACC	Ethics and Anti-Corruption Commission
NDI	National Democratic Institute Survey
COTU	Central organization of Trade Unions
PBO	Public Benefit Organizations
ECEP	Ecumenical Civic Engagement Programme
KCCB	Kenya Conference of Catholic Bishops
NCIC	National Cohesion and Integration Commission
EAK	Evangelical Alliance of Kenya
SUPKEM	Supreme Council of Kenya Muslims
NAMLEF	National Muslim Leaders Forum
CORD	Coalition for Reforms and Democracy

KIEP	Kenya Inter-Faith Elections Program
EVID	Electronic Voter Identification Devices
ERTS	Electronic Results Transmission System
BVR	Biometric Voter registration
OMR	Optical Mark Readers

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ABSTRACT

Democracy can be traced to the colonial period in Kenya and is presumed to have come with the white man, together with his other practices like religion, capitalism and education. After the exit of the colonialists and as democracy developed, their ideologies had to be developed through formal or informal institutions that were deemed important at the time in the name of Non State Actors (NSAs). They took the mantle from the colonialists and carried the aspirations of a nascent Nation-State. This research seeks to assess the Role of NSAs in the building of Democracy in Kenya. The research study was guided by the constructivist theoretical framework which defines NSAs through the lenses of identities, norms and interest as opposed to the main paradigms of International Relations which are based on the state as the main body of interaction in world politics. Descriptive data was obtained from secondary sources and is interpreted in debate form. The data was analyzed vis-à-vis the constructivist theory. The main causes of failing Democracy in Africa include; impunity and failure to respect the rule of Law i.e. the constitution, failure of government institutions to perform their constitutional duties and responsibilities, deep ethnic divisions among African nations. After interpretation and discussion of the data, conclusions were drawn and recommendations given.

1.0 CHAPTER ONE: INTRODUCTION

1.1 Introduction

Democracy is a word that has varied meanings and cannot be tied to a single most appropriate definition as has been evidenced by many scholars. However, to get a picture of what it entails, according to the English wordnet dictionary is the doctrine that the numerical majority of an organized group can make decisions binding on the whole group. Another definition posits democracy to be a political system in which the supreme power lies in a body of citizens who can elect people to represent them; we shall work with this definition. Government refers to the body that is elected by people to manage the affairs of its people through popular vote in most democracies.

There are many forms of government depending on the constitutions and norms of any given nation for example; royalties/monarchies, aristocracies, oligarchies, tyrannies/dictatorships, democracies. These governments vary even further in form depending on their legitimacies, for example, some are military regimes that ascend to power from coup d'états, coalition governments mostly resulting from contested elections and normal democracies that ascend to power legitimately by popular vote and without contestation of the results. In democracies, most of the time, the majority of the people who have the numbers in any nation form the resulting government by voting as blocks whether ethnic, or social or even just as political parties in any given nation. According to Mutahi Ngunyi, the majority voting block normally has their way as witnessed in 2013 Kenyan election giving rise to a popular political referencing term, 'tyranny of numbers[1]. The "Tyranny of Numbers" makes a plausible but trivial claim, that is, that Kenya's voting is historically influenced by ethnicity. This claim is plausible because identity is central to our national life- as it is in Belgium, Lebanon and any other multicultural country you may care to name. It is trivial because no one has ever won an election in Kenya through exclusive ethnic

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[1] https://softkenya.com/kenyans/mutahi-ngunyi/

votes without mobilizing at least three ethnic groups and so undercutting the argument that people vote ethnicity.

Institutions that are tasked with various responsibilities of implementing the policies and objectives that are set by the government of the day depending on its political manifesto normally run governments. These institutions also include government agencies and normally they interact with other institutions whether governmental, for profit organizations or otherwise in the course of daily operations since they cannot operate exclusively as government agencies effectively. The other organizations that are involved in the day to day operations of governments include; political parties, local companies, multi-national companies, civil societies and the media. It is clear that government has its own agencies tasked with specific duties in all ministries some come as parastatals, regulatory bodies and even independent institutions that compete in free markets for profits.

Most governments are composed of the executive, legislature, judiciary and law enforcement bodies. The executive and legislature are branches of government that are appointed by the people through general election and are representative of the people's choice in democracies. However, these electoral bodies of government need assistance from competent professionals who normally work together with the government to meet the goals and objectives of the government. The choice of the people who run these non-electoral bodies is mainly a reserve of the government in place, and sometimes subject to legislative procedures and the president, depending on each country's constitution normally does approval. Non-State Actors (NSAs) refers to those organizations that operate without any directive from the government and are free from any influences of the government. They are normally concerned with providing services that the government would ideally give its citizens but for one reason or the other they are either unable to provide or neglect their duty to provide. For example, protection from violent attacks, provision of food, affordable education and healthcare.

1.2 Background of Research Problem

Democracy is underpinned by political competition that is free and fair, and is normally assumed to thrive when the civil society is free and operates without suppression, when the media is free

to air all the important issues that touch on the citizenry without reprisals from the government of the day. Scholars have linked good democracies to economical parity and minimal disparities of gaps between the rich and poor[2].The civil societies and the media are normally very important in democracies since they act as direct representatives of the common man that is not elected by the people. They are normally responsible for championing the interest of the citizens by reporting on any injustices (extra-judicial killings) that they experience, they are also mandated to check on the government's excesses in vices like corruption and mismanagement, and are liable to expose any such vice on inappropriate and ineffective running of government.

A vibrant civil society and media are good indicators of a good democracy. In the international community, there are many nations which can be considered democratic due to their ability to carry out credible and free elections of government without any contestation. These are normally signs of good democracies and can be exemplified by the USA, United Kingdom, France, Canada, Sweden, Norway, and other developed nations. These nations have existed as democracies for a longer time and might not experience democracy challenges since their political space is well developed as evidenced by their thriving civil societies, recognition and acceptance of the basic human rights of citizens, freely operating media etc. In Africa, some nations can be considered to be democratic from the same measures used to rate these other nations for example Botswana, Benin, Ghana, Mauritius, and Senegal. While trying to observe democratic states, we also look at states that are considered undemocratic from their key operations of government and its functions.

Democracy cannot grow in regions that experience violence and political instability. The practice of democracy should provide a platform for groups that are embroiled in conflict to voice their concerns in the conflict and resolve their differences amicably and find lasting solutions to the said differences. Nations can be classified into various categories in this study based on their operational levels of governments. Those nations that have perennial civil unrest, hunger and war can be considered as failed states for example, Syria, Yemen and Iraq internationally, and

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[2]Howard, M.W. (2004) 'Theories of Democracy: A Critical Introduction Cunningham Frank Routledge Contemporary Political Philosophy New York: Routledge, 2002, 248 pp.', *Dialogue*, 43(4), pp. 6-11. doi: 10.1017/S0012217300004133.

Somalia, South Sudan and Libya locally[3]. This is the lowest operational level of governments that are faced by legitimacy and accountability challenges, since the government is usually challenged by rebels and militia some who are used by the governments or some who are separate from the government. Such nations are characterized by perennial conflicts that are mostly internal but also partly external mostly in the Arabian nations where regional state leaders tend to be waging supremacy battles through these unstable nations by directly supporting the government in place or the rebels in a bid to topple the governments. Locally, the failed states and the ones that can easily slip into that status are mainly influenced by the internal conflicts within the specific nations.

The other classification of states are the ones where leaders with authoritarian inclinations are attempting to hold out against increasingly confident and popular opposition parties for example Burundi, Democratic Republic of Congo (DRC), Uganda, Kenya, and Zimbabwe. In these nations, an authoritarian government normally represses the opposition and there exists underlying tensions that can easily erupt when triggered. Another classification is where authoritarian governments have established a strong control over their political system and have little fear over holding elections for example; Cameroon, Chad and Rwanda. Democracy is still nascent in Africa and a review of its progress shows that the continent is moving slowly towards attaining that objective. When the colonial masters left their colonies in the mid-20th centuries, most African Nations were in a slightly stable economic state and only needed proper governance to sustain the growth and development.

According to Nic Cheeseman, some of the main aspects of democracy that make it easier to establish and consolidate democracy are a coherent national identity, strong and autonomous political institutions, a developed and vibrant civil society, the effective rule of law and a well-performing economy[4]. Adam Przewoski has famously shown that countries that that enjoyed a GDP per capita of more than $6,000 when they introduced democracy almost always succeed, while those with a GDP per capita of less than $1000 almost always fail as illustrated in

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[3]O. Olatunji, "Popular Struggles for Democracy and Crises of Transition in Africa," in *Review of History and Political Science1* (1); June 2013pp. (50-62:57)
[4]Cheeseman N.,(2015) *DEMOCRACY IN AFRICA Successes, Failures, and the Struggle for Political Reform*, p3, New York, NY: (Cambridge University Press: 32 avenue of The Americas 10013-2473,USA)

Table 1.1[5]. Both in the 1960s and in the 1990s, few African countries fulfilled these democracy features. We can deduce from the table that, in actual sense democracy easily thrives when countries' economies are performing well. Looking at some of the South Eastern nations like Singapore, they have not practiced ideal democracy as states but they focused first on economic development while applying authoritarianism in the politics. This allowed the citizens to attain high standards of living and they have since embarked on democratizing their politics.

COUNTRY	1965	1995
Botswana	77	2988
Burkina Faso	82	236
DRC	233	134
Ivory Coast	206	774
Kenya	105	270
Liberia	183	65
Malawi	58	140
Nigeria	176	205
Rwanda	46	228
South Africa	555	3863
Zimbabwe	297	611
Latin America	452	3778
OECD	1806	22292

Table 1.1 GDP per capita of selected African countries (1965 and 1995), current USD Source: World Bank

However, the colonialists in their type of rule on their subjects happened to bundle people of

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[5]Przewoski, Adam et al (1996) "What makes Democracy Endure?" *Journal of Democracy 7*(I), pp. 39-55

different cultures and ethnicities together whether knowingly or otherwise and which proved to be the bane of the colonies' growth and development. The ethnicities happened to develop distrust amongst themselves each for themselves and their own, seeds sawn by the colonialists and tolerated by the immediate leadership that took over power in most colonies. Exceptional nations that were capable of steering off this retrogressive culture are Tanzania and Ghana who had leaders who sought development for all and encouraged the use of local languages like Swahili to hold people together while ensuring that the unity of the people was more important than anything else. To date, these nations bare the least conflict related to ethnicities.

The other nations like Kenya, were left with a multi-party system by the colonialists but somehow the incumbent had a way of encouraging the single party statehood through political machinations and constitutional amendments that saw the country become a single party state, all the while increasing the powers of the president and cutting on the basic human rights, freedom of expression and association, to levels where meeting as groups was impossible. That is when the clamor for multi-party democracy arose and this made a previously oppressed nation to rise against the excesses of the government of the day. It was such a period of distress and turmoil that the church took it upon itself to fight for the common person along the civil society that had almost been banished through police brutality and extrajudicial killings, some political detentions without trial and political assassinations were the order of that era. With all the pressure on the government, the incumbent yielded to pressure and for the first time since independence, the signs of democracy were encountered though there is still a long way to go.

1.3 Statement of the Research Problem

The lack of democracy leads to conflict since the affected people are unhappy with their economic condition justifiably. In the past decade, the world has experienced instability in most regions due to failing democracies. Much has happened to nations that were initially not experiencing civil war or strife and those nations were not considered failed states.

However, a trend is emerging where nations hitherto seen as stable in all respects and which were performing reasonably well economically for example Kenya which was the first amongst such nations in Africa, had civil unrest due to mangled elections seen as an explicit sign of a lack

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of democracy while in others like the Arab nations, it has been seen as being due to underlying economic difficulties for example high inflation rates, high unemployment rates and high costs of living besides state oppression of the people evidenced by extrajudicial killings, arrests without trial, restriction of media and access to social media. The fact that these nations were seen as stable does not mean that there was no underlying discontentment of the people. It is these civil unrests and discontentment of the people that makes the states to fail in exercising their mandate to the people of the nations. Throughout the world, countries have been seen trying to establish themselves as democracies over time after colonization by the colonial powers. In Africa, majority of the countries have had attempts at democracy while others have never known democracy based on the working definition of democracy from the English Wordnet dictionary) since the exiting of the colonial masters. The founding fathers tend to hold on to power for their own benefit and would do anything to remain in power for example Uganda, Burkina Faso, Mali, Congo Brazzaville, Zimbabwe, Democratic Republic of Congo, Burundi, Cameroon, and Angola. The leaders of these nations have altered their constitutions to allow them more time in power while in other nations; coupes have characterized national politics, a sign that the leadership of their nations dissatisfies people.

Democracy is an idea that is associated with Western civilization as can be seen from many scholars definition of the word. It is linked more to Christianity since most of the countries that practice democracy have a majority population of Christianity. Scholars have attempted to come up with reasons for failing democracies around the world, some have intimated that it is a Western culture that is alien to other civilizations and can hardly be practiced by those civilizations since it is not their culture. In every nation, there exists a variety of NSAs, which can be generally divided into violent and normal NSAs. The NSAs at the center of this study will be normal NSAs.

In nascent democracies, the media has strengthened its position as the most trusted institution in matters of building democracy. Through investigative reporting, the fourth estate has kept governments in check by exposing vices, and excesses of governments through those who abuse offices instead of using them for positive initiatives like good offices for conflicting groups and

to build cohesion amongst divergent cultures. Through trainings and workshops, journalists have acquired requisite skills, and beyond skills they are motivated to win awards for exemplary performances in varied news segments like culture and lifestyles, business news, and investigative reporting.

Democracy requires a holistic participation of citizens which is achievable through both print and broadcast media depending on the one that has the most ramified effect to the masses. Through opening thee editorial comments to the public for discussing pertinent public issues that directly affect people and also conducting live radio interviews with random respondents on their understanding of prevailing issues each time clarifying areas where the public is unable to comprehend the impact of the public policies. Through diverse native radio stations, no group should claim exclusion from information as broadcast media is easily accessible.

The media can also help build peace and social consensus, without which democracy is threatened. The media can provide warring groups mechanisms for mediation, representation and voice so they can settle their differences peacefully. Unfortunately, the media have sometimes fanned the flames of discord by taking sides, reinforcing prejudices, muddling the facts and peddling half-truths. The media should also be accessible to as wide a segment of society as possible.

1.4 Objectives of the Research
The general objective is to examine the role of Non-State Actors (NSAs) in building democracies in Africa. The specific objectives are:
   I. To assess the extent to which NSAs have contributed to building democracy.
   II. To examine in what ways NSAs have contributed to building democracy.
   III. To assess in what ways the role of NSAs in building democracy can be strengthened.

1.5 Justification of the Research
The states that are considered democratic in the world normally operate in an almost similar way regarding their treatment of accountability of individuals and institutions that run government.

They have a certain way of operation and a regular pattern of holding elections, adherence to the rule of law and have upheld their constitutions always.

1.6 Literature Review

The study analyzes literature in international relations from Scholars such as Anthony Giddens, Justin Rosenberg, and Michael Mann. The literature will be gathered around the following areas; the role of NSAs in building democracy, Capitalism and liberal democracy, and the state. The state is the single smallest unit of interaction in international relations, and according to realists, States operate on balance of power basis where the strongest state is the one that runs the most powerful military and has the strongest economy all this running behind the interest of these states as the main determining cause in international relations. However, what happens within the borders of these states? This is also important in the existence of the states.

1.6.1 The State

The state is the single smallest unit of interaction in the international community; many scholars have defined the state differently depending on their lenses of view. The realists group of scholars tends to contrast the domestic and the international in oppositional terms (order versus anarchy, peace versus war), according to historians and sociologists arguably more emphatic in asserting the dominance of power politics at both international and local level analysis. The state is 'Janus-faced'. Its ability to generate loyalty and resources in order to wage war with other states is closely connected with its dominance over other actors in civil society[6].

Realists view the world as it is rather than as it should be working with the assumptions; people by nature: are sinful and wicked, have instinctive lust for power and desire to dominate others, there is no possibility of eradicating the instinct for power, the state is the key actor in International Relations (IR), the primary objective of every state is to promote national interest-which is defined by acquisition of power based on prudence, expediency and survival, anarchical nature of the international system necessitates the acquisition of military capabilities sufficient to

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[6]xa.yimg.com/kq/groups/23106968/639078494/name/0415162270.pdf

deter attack by political enemies[7].

According to Anthony Giddens, an adequate analysis of the modern state must embrace 'domestic' and 'international' levels of analysis, although his own theory of the state is developed via an extended critique of Marxism in social theory rather than as a direct result of empirical analysis in historical and comparative sociology. Giddens explicitly attempts to avoid reifying structures in accounting for social and political change. Anthony Giddens has focused on some aspects of IR from his sociological research these are: his theory of 'structuration' as an overarching methodological approach in social analysis; the key elements of his theory of the modern state; and his more recent contributions to the debate over the nature and trajectory of 'modernity' and 'globalization'. In Giddens' comprehensive, introductory textbook on sociology, the term 'structuration' is defined by:

'Social systems are made up of human actions and relationships: what gives these their patterning is their repetition across periods of time and distances of space . . . we should understand human societies to be like buildings that are at every moment being reconstructed by the very bricks that compose them. The actions of all of us are influenced by the structural characteristics of the societies in which we are brought up and live; at the same time, we recreate (and also to some extent alter) those structural characteristics in our actions.[8]

According to Giddens, the 'domestic' and 'international' dimensions of modes of structuration are inter-linked in the modern era. Giddens argues that the development of capitalism, industrialism and the nation-state cannot be adequately understood in any simple 'base-super structural' manner since each has its own independent logic and cannot be reduced to the other. 'Capitalism must be priced free from the general framework of historical materialism, and integrated in a different approach to previous history and to the analysis of modern institutions.' He claims that the accumulation of administrative, and particularly state, power is the dominant force driving distanciation. The rising administrative power of the state derives from its

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[7]Prof Maria Nzomo, Theoretical approaches in IR (unpublished) pg1 2013
[8]xa.yimg.com/kq/groups/23106968/639078494/name/0415162270.pdf

capacities to code information and supervise activity. As a result, the state can increasingly control the timing and spacing of human activity. It is not just the commoditization of labor power that makes the development of productive forces possible. Surveillance in the workplace is equally important.

Drawing heavily on the work of Michel Foucault, Giddens argues that the concentration of locative resources depends upon authoritative resources, so that productivity does not develop from within capitalism alone, of pacifying the population and enforcing a calculable law, subject to neither the whim of kings nor lordly exemption. As in the work of Charles Tilly, Giddens claims that this task was accomplished through the expanding administrative power of absolutist states in the sixteenth and seventeenth centuries, driven in part by the exigencies of changing modes of warfare. The demand for resource extraction led the state to monetize the economy and stimulate its growth, and to secure mass conscription. The reduction of overt violence within the state, combined with the growing surveillance of its population by the state, was a necessary precondition for the expansion of industrialism and capitalism. Thus, the latter is a novel type of class system, one in which the class struggle is rife but also in which the dominant class does not have or require direct access to the means of violence to sustain its rule[9]. Industrial capitalism is internally 'pacific', but only because military power 'points outwards towards other states in the nation-state system'.[10]

According to Giddens, 'modernity' is characterized by the complex relationship among four 'institutional clustering': heightened surveillance; capitalism; industrialization; and the centralized control of the means of violence. Justin Rosenberg spells out the implications as follows: The emergence of the nation-state system is understood from the outset as part of the same process of internal consolidation. The (outward) political sovereignty, which becomes the central organizing principle of the state system, is the expression of an (internal) administrative and coercive unity established at the expense of other, transnational and local, forms of political power.[11]

[9]Ibid
[10]Ibid
[11]xa.yimg.com/kq/groups/23106968/639078494/name/0415162270.pdf

The development of capitalism depended upon the emergence of a centralized state capable. Giddens' analysis of this process indicates that he is interested in the way in which actors, and particularly state elites, instantiate the structural constraints confronting them. He argues that a body of discursive knowledge- first balance of power and later sovereignty- that states use to regulate the relationship between them also shapes the organizational structure of the modern state. The sovereignty of the nation-state, the formal principle that states are equal in the eyes of international law, is derived not only from internal processes but also from a widening external interaction of several states around this 'discourse'. The latter constitutes the emerging state; it does not simply describe it. Absolutist France was the first state to play a central role in Europe without becoming an empire and the first to develop a diplomatic corps. That diplomacy, which Giddens calls the 'reflexive monitoring' of the conditions of state reproduction, contributed to the instantiation of the legal and political structures of the international system. The 'domestic' and the 'international' are interconnected, not separate, political realms.

On the other hand, Michael Mann in his magnum opus on the state has described the development of the nation state by integrating the views of Max Weber, Theda Skocpol and Charles Tilly. Mann combines institutional and functional elements in defining the state as: A differentiated set of institutions and personnel embodying; Centrality in the sense that political relations radiate outwards from a center to cover, A territorially demarcated area, over which it exercises; A monopoly of authoritative, binding rule making, backed up by a monopoly of the means of physical violence.[12] He makes an important distinction between despotic and infrastructural power. Despotic power refers to 'the range of actions which the elite is empowered to undertake without routine, institutionalized negotiation with civil society groups'. While infrastructural power refers to 'the capacity of the state to actually penetrate civil society and to implement logistically political decisions throughout the realm'.[13] It makes no sense to distinguish between strong and weak states without specifying their relative power along both dimensions, despotic and infrastructural. Mann himself distinguishes four ideal-types of state.

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[12]Ibid
[13]Ibid

Feudal states are weak along both dimensions of power. Imperial states enjoy high levels of despotic power, but the degree of infrastructural coordination is low. Bureaucratic states (a term that covers capitalist democracies) are powerful in an infrastructural sense, but weak in a despotic sense. Authoritarian states (such as Nazi Germany and the former Soviet Union) have high levels of despotic and infrastructural power, although one might argue that the Soviet Union belongs in the imperial category rather than the authoritarian one.

Mann argues that there has occurred a long-term historical growth in the infrastructural power of the modern state, as the range of 'logistical techniques' for the effective penetration of social life by the state have multiplied. These include a division of labor between the state's main activities, which are coordinated centrally, the expansion of literacy enabling messages to be transmitted through state territory, the development of coinage, which allows commodities to be exchanged under an ultimate guarantee of value by the state, and the increasing rapidity of communications infrastructure. However, he also makes the point that such logistical techniques, while their historical growth has facilitated the expansion of the state's infrastructural power, are also available for use by other groups in civil society. In the whole history of the development of the infrastructure of power, there is virtually no technique, which belongs necessarily to the state, or conversely to civil society.

The obvious question is: if infrastructural powers are a general feature of society, in what circumstances are they appropriated by the state? What are the origins of the autonomous power of the state?[14] Mann's answer to these questions identifies three features of the state, which account for its endurance as a form of political rule since the late medieval period. First, the state is necessary in the sense that all societies require rules. Whilst there are alternatives to the state as the provider and enforcer of rules to maintain social order (such as force, exchange and custom), 'societies with states have had superior survival value to those without them'.[15] Second, in addition to maintaining internal order, the state performs a variety of functions that enable it to transcend particular group interests within the state. Chief among these are the provision of military defense against other states, maintaining communications infrastructure and economic

[14]Ibid
[15]Ibid Mann, p. 12

redistribution and regulation.

Whilst these two features are usually singled out as the most important in justifying a view of the state as 'Janus-faced', Mann adds a third feature, which is spatial and organizational. Only the state is inherently centralized over a delimited territory over which it claims authoritative power. No other 'power groupings' drawing on different combinations of the sources of social power share this particular feature of the state. Therefore, it follows that 'autonomous state power is the product of the usefulness of enhanced territorial centralization to social life in general'.[16]

1.6.2 Democracy and Liberalism

According to Boundless Sociology, Democracy, or rule by the people, is an egalitarian form of government in which all the citizens of a nation determine public policy, the laws, and the actions of their state together. Democracy requires that all citizens have an equal opportunity to express their opinion. In practice, democracy is the extent to which a given system approximates this ideal, and a given political system is referred to as a democracy if it allows a certain approximation to ideal democracy. Although no country has ever granted all its citizens the right to vote, most countries today hold regular elections based on egalitarian principles, at least in theory[17].

The most common system that is deemed democratic in the modern world is parliamentary democracy, in which the voting public takes part in elections and chooses politicians to represent them in a legislative assembly. The members of the assembly then make decisions with a majority vote. A purer form is direct democracy in which the voting public makes direct decisions or participates directly in the political process. Elements of direct democracy exist on a local level and, in exceptions, on the national level in many countries, though these systems coexist with representative assemblies.

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[16]Ibid, p. 29
[17] Source: Boundless. "Theories of Democracy." Boundless Sociology. Boundless, 21 Jul. 2015. Retrieved 09 Oct. 2015 from https://www.boundless.com/sociology/textbooks/boundless-sociology-textbook/government-15democracy-115/theories-of-democracy-642-10474/

Theoretically, Aristotle contrasted rule by the many (democracy/polity) with rule by the few (oligarchy/aristocracy) and with rule by a single person (tyranny or autocracy/monarchy). He also thought that there was a good and a bad variant of each system (he considered democracy to be the degenerate counterpart to polity). For Aristotle, the underlying principle of democracy is freedom, since only in a democracy can the citizens have a share in freedom. There are two main aspects of freedom: being ruled and ruling in turn, since everyone is equal according to number, not merit, and; to be able to live as one pleases. Among political theorists, there are many contending conceptions of democracy. These include;

Minimalist Democracy is a system of government in which citizens give teams of political leaders the right to rule in periodic elections. According to this minimalist conception, citizens cannot and should not rule because, for example, on most issues, most of the time, they have no clear views or their views are not well founded. Direct democracy, on the other hand, holds that citizens should participate directly in making laws and policies, and not do so through their representatives. Proponents of direct democracy offer varied reasons to support this view, declaring that political activity can be valuable in itself, since it socializes and educates citizens, and popular participation can check powerful elites. Most importantly, according to this theory, citizens do not really rule themselves unless they directly decide laws and policies for themselves.

Deliberative democracy is based on the notion that democracy is government by discussion. Deliberative democrats contend that laws and policies should be based upon reasons that all citizens can accept. The political arena should be one in which leaders and citizens make arguments, listen, and change their minds. Radical democracy is based on the idea that there are hierarchical and oppressive power relations that exist in society. Democracy's role is to make visible and challenge those relations by allowing for difference, dissent, and antagonisms in the decision-making processes.[18] The minimal definition of democracy according to Morlino suggests that such a regime has at least: universal adult suffrage; recurring, free, competitive and

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[18]Ibid

fair elections; more than one political party; and more than one source of information[19].

After defining the state and how it is made up the study then looks at democracy, which is a phenomenon that is linked to the West as a political form of a nation state. Thus, the analysis of a good democracy should set aside electoral democracies,[20] that is, hybrid regimes whose failure to ensure a minimum level of civil rights keeps them below the minimum threshold requirements for classification as democratic. Likewise, the defective democracies includes 'exclusive' democracies, which offer only limited guaranties for political rights; 'dominated' democracies, in which powerful groups use their influence to condition and limit the autonomy of elected leaders; and 'illiberal' democracies, which offer only partial guarantees on civil rights.

In contrast, delegate democracies, sometimes referred to as populist democracies, are usually based on a majority system, they host 'clean elections', 'parties, parliament, and the press are usually free to express their criticisms', and 'the courts block unconstitutional policies'. In practice, however, citizens in these democracies 'delegate others to make decisions on their behalf' at the moment that they vote, but then they no longer have the opportunity to check and evaluate the performance of their officials once they are elected.   Other organs of government, even those meant for this purpose, also neglect or fail to carry out their watchdog function and, consequently, the so-called rule of law is only partially or minimally respected.[21] Those who analyze populist democracies cite similar problems, evaluating many current democracies as regimes in which the principle of representation, and thus the delegation of powers and accountability, is not supported in reality. These principles are instead overcome by a supposed 'direct' democracy in which largely symbolic, irrational ties connect a powerful leader, often a particularly strong president or prime minister, to a relatively undifferentiated civil society.

Certain countries in Eastern Europe and Latin America, and some suggest even Italy, come close

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[19]Morlino, L. (1998), *What is a good Democracy?*ies.berkeley.edu/research/files/cpo2/cpo2-what-is-a-good-democracy.doc
[20]Asher Horowitz, AS/POLS 2900.6A,Perspectives On Politics,Liberalism Democracy and John Sturat Mill http://www.yorku.ca/horowitz/courses/lectures/39_mill_liberalism_democracy.html
[21]Ibid

to this model, presenting clear flaws in providing a full and comprehensive guarantee of civil rights, and of political rights as well. Much in the history of liberalism since the time of Hobbes was a set of important challenges to his special theory– to Hobbes's emphasis on the necessity of an absolute sovereign. For Locke, at least some of the people are the true repository of sovereignty, and their consent is the final court before which governments are brought. Locke also argued that the power of the sovereign is inherently limited because individuals in the state of nature were sufficiently rational to recognize only a limited right against others. It was only this limited right that they transferred to the sovereign majority and its trustees in a social contract. The government's existence was conditional upon its staying true to its role of protecting the rights of individuals to "Life, Liberty and Estate".

Other liberals, such as Montesquieu, Madison and Hamilton were, during the eighteenth century, constructing arguments that further challenged Hobbes's idea of the state. They were emphasizing the need for a separation of the powers of government and a system of checks and balances that would serve as a protection of the rights of individuals and of property and would constitute a prevention of abuses of power and tyranny[22].

Liberalism has, then, been a changing and evolving doctrine, in which certain strains have always been quite critical of other strains. However, one of the major cleavages in liberalism has been related to the evolution of liberalism into liberal democracy. Up through the end of the nineteenth century and beyond, there have been many liberal thinkers who have opposed democratic ideas and institutions. Moreover, although most liberal thinkers have come to accept democracy as inevitable and even beneficial, there is still a suspicion of democracy that is common to liberals, even inherent in liberalism. Now, the evolution of liberal theory can be seen to be a result of the fact that liberalism has had two quite different meanings or tendencies.

Liberalism places a great deal of significance in the ability to choose and replace governments or legislature. Liberalism has historically been committed to the legal power to elect legislative representatives. Liberalism puts a heavy emphasis on the protection of important civil liberties,

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[22] Asher Horowitz, AS/POLS 2900.6A,Perspectives On Politics,Liberalism Democracy and John Sturat Mill http://www.yorku.ca/horowitz/courses/lectures/39_mill_liberalism_democracy.html

for example: liberties of conscience, speech, association, privacy, mobility; liberties from arbitrary arrest and detention. These are seen as, among other things, being important to making the right to choose governments an effective right. Liberalism insists upon formal equality before the law. It may and often has insisted on the legal protection of various sorts of minorities. It has a strong and broad commitment to constitutionalism in one form or another. At a theoretical level, liberalism puts at its center some principle of maximum individual freedom consistent with the freedom of others; these days this principle is often expressed as "the priority of the right over the good". Liberalism has a view of government as something necessarily separate from society, and which therefore has its own interests and which develops its own tendency towards power. Liberalism believes that government should therefore inherently be limited. In liberalism, both society and government are seen as a means for independent and instrumentally rational individuals to realize their private purposes. Both society and government are therefore seen as something formed because of an association of individuals.

Democracy is the equal ability of all individuals in a society to form and make the decisions that affect their lives. Democracy and liberalism are most of the time thought to mean the same thing. Historically, virtually all liberals have insisted that things like the protection of minorities, limited government and maximization of individual freedom mean promoting a system of property compatible with capitalism. Medieval Democrats, especially before the nineteenth century, insisted not only on a formal equality in politics (such as electoral politics) but on a substantial economic and social equality as well. Democrats have therefore often been seen as anti-capitalist. So, both liberalism and liberal-democracy have come to mean two things: a belief in a capitalist or capitalist-market society and it also means the striving for a society where each is equally free to realize their individual capacities. For a long time, nearly all liberals thought that democracy was an extremely dangerous threat to growing capitalist economies, and in spite of their own ideas about the fundamental equality of all individuals, most liberals fought tooth and nail for the rule of what John Stuart Mill would call "the leisured, civilized, propertied classes" over, yet on behalf of, the "poor, ignorant and incompetent"[23].

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[23] Asher Horowitz, AS/POLS 2900.6A,Perspectives On Politics,Liberalism Democracy and John Sturat Mill http://www.yorku.ca/horowitz/courses/lectures/39_mill_liberalism_democracy.html

So, before the nineteenth century, democrats and liberals alike always considered democracy – to be impossible in a society divided into economic classes. That is, both liberals and democrats thought that political democracy would mean the end of liberal economic inequality. While liberals struggle with the problem of how to protect the right to the unlimited accumulation of private property, how to keep the great unwashed, and basing their claims to liberty on the fundamental equality of all individuals, democrats, on the other hand, struggle with the problem of how to realize the right of all individuals to determine their lives in the face of a situation where all possibilities of material well-being and progress seems to require private property of at least some type and degree.

Liberal-democracy attempts to resolve this problem by theorizing the compatibility, by attempting to synthesize the class-divided society accepted (or embraced) by liberalism with some version of political equality; in other words, by marrying capitalist economic inequality with democratic political equality. The great achievement, and great problem, that liberal democracy according to John Stuart Mill reached, was to somehow show that liberalism needs democracy above all. For Mill, liberalism needed democracy for ethical reasons thus for a society to be truly liberal, i.e. for it to truly maximize the freedom of all individuals, meant, among other things, that at least the lower classes could not be denied political equality . But secondly, and somewhat more hidden, liberalism needed democracy in a pragmatic sense: it needed to avoid the total disaffection of the lower classes, i.e. of the vast majority. It was necessary, for the sake of survival, to grant them access to at least the vestibule of the corridors of power. Moreover, this would be a powerful way of enlisting their energies and, not least, of drawing them away from anti-capitalist, anti-liberal conservatives who were at that time at least as dangerous as democrats and socialists[24].

Mill argued, to and against conservatives, that democracy was not only inherently a good thing, but was not essentially dangerous to social order and the rule of the better sort of individual – the

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[24] Asher Horowitz, AS/POLS 2900.6A,Perspectives On Politics,Liberalism Democracy and John Sturat Mill http://www.yorku.ca/horowitz/courses/lectures/39_mill_liberalism_democracy.html

morally excellent member of the wealthier and leisured classes, He also argued against anti-democratic or simply frightened liberals that democracy was necessary to the progress of liberalism, to the maximization of individual freedom, and was not dangerous to the basic conditions of capitalist development and finally against radicals and socialists he had to vie for the allegiance of the lower classes, not only by arguing that liberalism recognized the necessity for political reform in the direction of greater equality, but also by arguing for economic reforms that would substantially alleviate the misery and increase the dignity of those without or with little property[25].

1.6.3 Non-State Actors

Non-state actors (NSA) are entities that participate or act in international relations. They are organizations with sufficient power to influence and cause a change even though they do not belong to any established institution of a state[26]. The admission of non-state actors into international relations theory conflicts with the assumptions of realism and other black box theories of international relations, which argue that interactions between states are the main relationships of interest in studying international events.[27] Non-governmental organizations (NGOs) which are considered a part of civil society, Multi-national corporations (MNCs) for-profit organizations that operate in multiple sovereign states, the International Media, Violent non-state actors armed groups, including groups such as ISIS or criminal organizations, for example drug cartels.

Religious Groups Quakers and other religious sects are quite active in their international advocacy efforts[28]. Non-state actors include all actors in the public domain, including, for example, local non-governmental organizations (NGOs); religious and faith-based organizations; tribal, traditional and other structures and networks of authority; workers' organizations; women's and youth networks; private sector organizations; media; academia; local community-

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[25] Ibid

[26]Dictionary of the Social Sciences (1 January 2002). "Non-state actors". Dictionary of the Social Sciences. Cengage Learning. Retrieved 11 June 2012.
[27]https://en.m.wikipedia.org/wiki/Non-state_actor
[28]Rochester, Martin J. (2002) *Between Two Epochs: What's Ahead for America, the World, and Global Politics in the Twenty-First Century.* Upper Saddle River, NJ: Prentice Hall.

based groups; and even influential individuals. Together, these actors are often referred to as 'civil society'. However, they should be regarded as informal systems of authority that co-exist or compete with each other and sometimes with the state. Socio-political settlements govern their behavior and their attitudes towards and relations with state institutions, external actors and donors. Non-state actors are relevant to any transitional process, be it as constructive partner or potential spoiler. International non-governmental organizations (INGOs) are a mechanism used to reach local actor level[29]. Due to the authoritarianism exhibited by Africa's big men, during the second liberation, NSAs started championing for the rights of the civilians through strikes and protests.

In Zambia, the trade unions were majorly involved in protests against the government of Kenneth Kaunda, led by their leader Fredrick Chiluba, who managed to unseat a sitting president in a first ever occurrence in Africa. The role of the churches was very important during the three stages of transition since it was very different in all stages: the anti-colonial struggle; the struggle against one-party regimes; and today, the struggle against presidential ''third-terms.'' Once the need had been to challenge dictatorship and to demand democratic forms; now the need is often to move beyond democratic forms to democratic practice. Some churches were better at the first and others better at the second[30].

1.6.3.1 The Church

In Kenya for example, the National Council of Churches of Kenya (NCCK), played a major role when the leaders of the church, joined hands with the civil society to push for change from authoritarianism and single party status of the nation to multi-party status. According to Ranger, it is conventional and useful to divide Africa's democratic history into three ''revolutionary'' phases. The ''first democratic revolution'' was the anti-colonial struggle that brought independence and ''majority rule.'' During the 1960s, this effort was completed in most of

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[29]Rosan Smits & Deborah Wright, (2012) *Engagement with Non-State Actors in Fragile States,* pg 5 Clingendael, The Hague.
[30]Terence Ranger, Evangelical Christianity and Democracy in Africa, http://www.thedivineconspiracy.org/Z5263J.pdf

Africa though it was of course significantly delayed in three of our case studies: South Africa, Zimbabwe, and Mozambique. It is clear that this first revolution was democratic in intention. It is equally clear that it was not democratic in result.

From the beginning the new independent states were ''dictatorial,'' espousing a theory of ''general will'' democracy in which the state was held to represent the interests of the population as a whole. In all too many places this authoritarian ''modernizing'' state gave way to mere autocracy. The ''second democratic revolution'' of the late 1980s was the challenge to one-party states and to military rule, both of which had arisen in many parts of Africa. In many countries, this challenge led to the collapse of one-party regimes and the introduction of a competitive electoral system. But if the principle of ''majority rule'' did not ensure democracy in the 1970s and 1980s, neither did the concept of multi-party politics in the 1990s. Movements originally committed to pluralism themselves became in effect one-party regimes; democratically elected presidents (and their clients) had too much to lose from yielding power.

In many countries networks of corruption replaced outright military repression, but popular democracy seemed as far away as ever. Hence, what is being attempted at the beginning of the twenty-first century is a ''third democratic revolution'': the struggle against presidential third terms; the struggle for incorrupt ''transparency''; the struggle not only to develop electoral institutions but also to achieve a democratic culture and practice[31]. The churches have played a different role in each of the three stages.

During the first anti-colonial revolution, the churches played an ambiguous part. Most of the white missionary clergy were implicated in one way or another in the colonial order and feared that a successful nationalism would usher in either a revived ''paganism'' or communism or both. These fears were more strongly felt by churches of the evangelical tradition. African Initiated Churches (AICs), though co-opted into the narrative of anti-colonial ''resistance history,'' were usually aloof from, and sometimes actively at odds with, the secular nationalist

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[31]Ibid

movements[32].

Isabel Mukonyora describes the paradoxes of Rhodesian colonialism by noting that it encouraged the growth of a Christianity that taught Africans to be submissive but that also taught ''love for one another, justice and self-respect as equals before God[33]. Teresa Cruz e Silva shows that in Mozambique, evangelical missionary Christianity, even while proclaiming an apolitical theology, inevitably took on more and more the role of an opposition to the colonial state. The Protestant churches ''Africanized'' their leadership; these African clergy ''used the Bible as the foundation for their public statements, demanding independence, justice and freedom"[34] John Karanja argues that the ''mainline Protestant churches'' in contemporary Kenya which are the main advocates of political democracy, 'see themselves as the heirs to an evangelical tradition founded by the early Protestant missionaries'.[35]'

South Africa, as always, is different. In some ways South Africa combined both the first and the second revolutions, that is, the tropical African fight against ''colonialism'' taking in South Africa the form of a fight against settler authoritarianism. With the striking exception of Beyers Naude, Afrikaner theologians who had developed an anti-imperial theology found it impossibly difficult to develop an anti-authoritarian one. Meanwhile what Peter Walshe has memorably called the ''phlegmatic churches''—the mainstream Protestants, as distinct from the charismatics—found it much easier than English-speaking mission churches elsewhere to develop theological critiques of white minority rule[36].

According to Tony Balcomb, the role that Christianity has played in the democratization of South African society has been significant from the earliest rumblings of democracy in the nineteenth century to its culmination on April 27, 1994. That many of the early movers and shakers for genuine political democracy in South Africa were evangelical is quite clear. Yet, as Paul Gifford's edited volume shows more clearly than anything else, the churches did play a

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[32]Ibid
[33]Ibid
[34]Ibid
[35]Ibid
[36]Op cit 23

central part in the second African democratic revolution. For example, a conference was attended in Leeds in September of 1993 by a cardinal, an archbishop, three bishops, the general secretary of a Presbyterian synod, the president of a Reformed church, two leaders of national Christian Councils, and other African priests and clergy engaged in processes of constitutional change. All had come hot from democratic politics. Some had been chairing national constitutional conventions; some had been leading protest marches; some had been issuing prophetic pastoral letters; yet others had been helping to end civil wars and to lay the foundations for civil democracy.

Gifford described the Francophone national conferences, ''at which a wide range of groups debated the nation's future,'' and ''the way in which Catholic bishops were asked to preside over them.'' He described Episcopal denunciations of authoritarianism in Kenya, pastoral letters in Malawi, support of an opposition in Zambia:

In Kenya during the 1980s, when all opposition activity was banned, the leaders of the opposition were effectively churchmen. At a public lecture, Ranger stressed that the historic churches, so central to the second African democratic revolution, had become less relevant to the third. Hierarchy and authority had given them great advantages in denouncing dictatorial regimes, but they were obstacles to a genuine manifestation of democratic practice. However, the various evangelical churches, largely marginal to the second revolution, had become central to the third[37]:

At the Leeds conference in 1993 Archbishop Desmond Tutu confessed: we had a common position, our stand against apartheid. I now realize what I did not previously, that it is a great deal easier to be against. We are finding that it is not quite so simple to define what we are for, after dismantling apartheid. We no longer meet regularly as church leaders because the tyranny is over. We knew what we were against and we opposed that effectively. It is not nearly so easy to say what we are for and we appear to be dithering, not quite knowing where we want to go or

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[37]Terence Ranger, Evangelical Christianity and Democracy in Africa, http://www.thedivineconspiracy.org/Z5263J.pdf

how to get there[38].

At a conference in Uppsala entitled ''Quo Vadis for South African Churches? Justice, Peace, and Reconciliation in Post-Apartheid South Africa,'' several of the participants referred to a striking paradox. Under apartheid, the historic churches had been the voice of the voiceless. Now they seem to struggle to be heard. The Reverend Charity Majiza, general secretary of the South African Council of Churches, said that ''for decades the liberal churches were at the core of the anti-apartheid movement, but in the 1990s they have become marginalized.'' The churches, she said, were ''determined to speak out'' on poverty, violence, gender, and race. But they had not discovered how to do so effectively. The initiative now lies with the charismatic rather than with the phlegmatic churches. These charismatic churches, which in the past have been quietist and conservative, now constitute a moral opposition to the new nationalist order. By so doing they make possible the operation of democracy.

In his Arrupe lecture, quotes one South African charismatic example, that of Pastor Ray McCauley. During the apartheid years, his Rhema church held that ''the government was a Christian government, and that church leaders should not be in politics.'' In 1990, however, McCauley publicly confessed that ''our silence in these areas was in fact sin.'' In January 2000 the Rhema church announced its participation with Roelf Meyer, former leader of the United Democratic Movement, to form Civil Society, ''an organization aiming to change the moral tone of South Africa.'' McCauley claimed that it would be ''a mechanism to encourage civil society and to make democracy real in the eyes of the people now''[39].

In his splendid account of the confrontation between the Catholic Church and the Malawi state between 1960 and 1994, Matthew Schoffeleers remarks how even the Leeds conference was ''a somewhat sobering experience'' for the Malawi participants. Bishop Alan Changwera of Zomba said that the [Catholic] bishops, after the publication of their pastoral letter, were at a loss as to what to do, as this situation was new to them. The church had put out half a million booklets on ''what is democracy?''The feeling of the conference was that before it could be determined what

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[38]Op cit 28
[39]Ibid

the church should do to further democratic sustainability, the church needed to decide whether it was for democracy or merely against tyranny.

Were the Malawian bishops themselves qualified to answer the question ''what is Democracy''? When they spoke out against an intolerable regime, this did not mean they favored democracy rather than some more benevolent paternalism[40]. As in South Africa, the questions posed here by Matthew Schoffeleers have turned out to be all too pertinent in Malawi. ''With the advent of pluralism,'' asks Malawian pastor Felix Chingota, ''are the churches now irrelevant?''During the 1990s, the historic churches have acted as ''watchdogs'' by means of their Public Affairs Committee (PAC), which has raised questions concerning structural adjustment, corruption, and factionalism[41].

The PAC sponsored roundtable conferences on transparency, political tolerance, and reconciliation, and it has run a public education campaign. Yet von Doepp has serious reservations. The PAC limits itself to government corruption and is silent on ''more fundamental matters concerning the accumulation and distribution of wealth in the country.'' When it comments on poverty, it merely rebukes ''the spirit of laziness.'' In April 1996 the Nation newspaper declared the PAC irrelevant: ''the minister in question helped to build a viable organization where men and women could learn leadership skills, develop habits of co-operation and appreciate the benefits of civil (as opposed to mercantile) behavior. This is an important component of the democratization process[42]''

Ranger concluded his lecture by asserting that it seemed likely that cardinals, archbishops, bishops, moderators, and the rest had already made their contribution to the (third) African democratic revolution. They took the essential first step and challenged tyranny. The problem now lies with the second, third, and fourth steps. Democracy, which is a complex ideology, needs a clearly defined pathway. Its machinery has to be set up, and most important of all, it has to run. The focus shifts from the leaders to the people. One can perhaps see something of the same pattern of rethinking and rededication to the democratic project elsewhere in Africa, with

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[40]Ibid
[41]I, Ibid
[42]Op cit 28

this new emphasis on participation and interaction with the charismatic and Pentecostal evangelicals. John Karanja revealed that even the days of Episcopal participation in constitutional conferences are not over[43].

Isabel Phiri (who contributed significantly to Presbyterian theological rethinking in Malawi) described how Zambian charismatic Christians had broken ranks to condemn Chiluba's attempt at a third term, but the historic churches had also been outspoken in their condemnation. The broad background is the weakness of the African state, vast indebtedness, and a corrupt clientelism, which means that churches become the main mediating institutions, and Christian appeals count as major arbiters of political legitimacy[44]. Churches become alternative communities wielding power through non-governmental organizations, and Pentecostals may sometimes act as alternative oppositions, picking up the sentiments of the excluded[45]

In 1997, Reverend Njeru Wambugu, acting general secretary of the Organization of African Instituted Churches (OAIC), argued that ''the power of political and social change in Africa lies in the church and not in politicians.'' During colonialism, he argued, it had been the AICs that ''protested against oppression.'' But in independent Africa things have all too often been different: ''I don't know whether to place the AICs in the category of 'tamed' churches. But the paradox in Africa is that today most vocal opponents of dictatorship and other ills are members of the mainline churches.'' Yet the AICs ought to be in the vanguard of protest. In independent Africa ''the vision of uplifting themselves socially, morally, and economically has been doomed.'' Yet still the AICs have left politics to the prosperous and influential ex-mission churches: The OAIC general secretary does not spare the leaders of Independent churches. He alleges that they are today propping up dictators in power or watching injustice in its stampede. Rev. Wambugu challenges the AICs to come out of their silence. He wonders about the essence of the independent churches' fight against the oppressive colonial governments if they cannot champion a similar struggle against prevailing unjust governments[46].

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[43]Op cit 27
[44]Ibid
[45]Op cit 23
[46]Ibid 34

1.6.3.2 The Media

In many countries, a few vested business and political interests control ownership of the media. A 2001 study of 97 countries by the World Bank shows that throughout the world, media monopolies dominate. The study said, "In our sample of 97 countries, only four percent of media enterprises are widely held. Less than two percent have other ownership structures (apart from family or state control), and a mere two percent are employee owned. On average, family-controlled newspapers account for 57 percent of our sample, and families control 34 percent of television stations. State ownership is vast. On average, the state controls approximately 29 percent of newspapers and 60 percent of television stations. The state owns a huge share 72 percent of radio stations. The media industry is therefore owned overwhelmingly by parties most likely to extract private benefits of control[47]."

Indeed, media owners have not been shy about extracting such private benefits. In the new democracies, media magnates have used their newspapers or broadcast stations to promote their business interests, cut down their rivals, and in other ways advance their political or business agenda. State ownership, meanwhile, allows government functionaries to clamp down on critical reporting and refractory reporters and enables the government to propagate its unchallenged views among the people.

As much as we would all want to believe the independence of the media while conducting its publicly entrusted duties, it would be fool hardy to believe that media houses operate above board at all times. Most of the times, there is a cabal of powerful citizens who stand to benefit from advancing their agenda on the media. These agenda's vary sometimes for the public good while at other times for personal good, and still at other times while trying to fight rivals. The government should at all times be driven by the interest of the public. The other times when the media is used for personal reasons is mainly for commercial reasons to advance an edge against competitors while the last instance is when the media is used to fight political rivals. This is the

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[47]Civiceducation.org, http://www.civiceducation.org/downloads/

point where ethnic cards are normally played to whip emotions and balkanize different groups on ethnic basis. The only way that this can be explained is when the rival political groups have great influence either through money or proprietorship.

In sum, such interferences are prone to cause the public to lose confidence in the media. The media owners manipulate the media content to serve their interests. The divisiveness sawn by rivals is retrogressive to the nurture and development of democracy. This may lead to public apathy and indifference to the development of this ideology.

It is widely acknowledged in Latin America, that sustained investigative reporting on corruption, human rights violations and other forms of wrongdoing has helped build a culture of accountability in government and strengthened the fledgling democracies of the continent. There, media exposure, particularly of corruption in high places, has helped bring down governments. The downfall of four presidents − Fernando Collor de Mello of Brazil in 1992, Carlos Andres Perez of Venezuela in 1993, Abdala Bucaram of Ecuador in 1997 and Alberto Fujimori in 2000 was due in large measure to investigative reporting on their complicity in corrupt deals. Such reporting has made the press a credible — and prestigious — institution in the region's new democracies. Because it has functioned effectively and independently, the media enjoy the public's support and trust. In Southeast Asia's new democracies, sustained reporting on malfeasance in public life has resulted in the ouster of corrupt officials and raised public awareness on the need for reform. In the Philippines, President Joseph Estrada faced impeachment charges in the year 2000 after investigative reporting provided evidence that led to and fuelled public outrage against his excesses[48].

A popular uprising on the streets of Manila in January 2000, ousted Estrada. In Thailand, investigative reports unearthed evidence of the shadowy business dealings of Prime Minister Thaksin Shinawatra. In Indonesia, the press has uncovered wrongdoing that led to the filing of charges against high officials, including the powerful speaker of Parliament, Akbar Tanjung, in 2001. This success has come at a great cost. The New York-based Committee to Protect

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[48]Sheila S. Coronel, The Role of the Media in Deepening Democracy, unpan1.un.org/intradoc/groups/public/documents/un/unpan010194.pdf

Journalists tallied 117 journalists killed in Latin America from 1988 to 1998[49]. 36 journalists have been slain in Philippines since the restoration of democracy in 1986[50]. When journalists constantly search for information from the government and the private sector, such inquests broaden what is available to the public for scrutiny and consumption and hence keep the people in authority in check through accountability. This makes government officials and public servants to appreciate that when there is a free flow of correct information, the government benefits by curtailing rumors and propaganda. This also significantly curbs the propensity for reporters to spread falsehoods that might be sponsored by malicious politicians. The constant give and take between journalists and officials helps develop a culture and a tradition of disclosure yielding transparency in the long term.

Another dominant NSA that has shaped the building of democracy in Africa is the media, In Latin America, Probidad, an NGO based in El Salvador set up a monitored email discussion group called Journalists against Corruption in 2000. This makes possible the exchange of articles, opinions, announcements and resources among Latin American journalists probing corruption. More than 600 journalists have so far signed up. The International Federation of Journalists in Africa established a similar initiative, which put up a website offering free information to African journalists reporting on corruption and governance[51].

A truly democratic society requires citizen participation. If they do their jobs well, the media keep citizens engaged in the business of governance and prompt them to take action. As a tool for information dissemination, the media aids the public in making informed choices, such as whom to vote for and which policies should be endorsed and which ones to oppose. Ideally, newspapers and public affairs programs on radio and television should inform educate and engage the public.

Elections are a key democratic exercise, which is normally assumed to mean democracy in developing countries no matter the credibility of the election itself. This cornerstone of democracy is affected by the media directly either positively or negatively. Before the prominence of the media, traditionally influential institutions like the church, traditional leaders

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[49]Ibid
[50]Ibid
[51]Ibid

like clansmen had a great impact on the choice of elected leaders, this has changed significantly since currently, the more exposure on media, the more popular a contestant becomes meaning that the media has a big role to play during elections hence the candidate who can access the media easily stands better chances of winning.

Democratizing media access, directing efforts toward the protection of press rights, enhancing media accountability, and building media capacity helps the media as a NSA in its operations. The media can promote democracy by among other things, enlightening voters, championing human rights, promoting tolerance and cohesion among various social groups, and ensuring that governments are transparent and accountable. The media, however, can play antidemocratic roles as well. They can sow fear, division and violence. Instead of promoting democracy, they can contribute to democratic decay. This is a precept that is deeply ingrained in democratic theory and practice. As early as the 17th century, enlightenment theorists had argued that publicity and openness provide the best protection against tyranny and the excesses of arbitrary rule. In the early 1700s, the French political philosopher Montesquieu, raging against the secret accusations delivered by Palace courtiers to the French King, prescribed publicity as the cure for the abuse of power. English and American thinkers later in that century would agree with Montesquieu, recognizing the importance of the press in making officials aware of the public's discontentment and allowing governments to rectify their errors[52].

Since then, the press has been widely proclaimed as the "Fourth Estate," a co-equal branch of government that provides the check and balance without which governments cannot be effective. For this reason, democrats through the centuries have tended to take the Enlightenment's instrumentalist view of the press.

Contemporary democratic theory appreciates the media's role in ensuring governments are held accountable. In both new and old democracies, the notion of the media as watchdog and not merely a passive recorder of events is widely accepted. Governments cannot be held accountable if citizens are ill informed about the actions of officials and institutions. The watchdog press is

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[52]Sheila S. Coronel, The Role of the Media in Deepening Democracy, unpan1.un.org/intradoc/groups/public/documents/un/unpan010194.pdf

guardian of the public interest, warning citizens against those who are doing them harm. Since the late 1990s, donor countries and multilateral organizations have also been preaching the virtues of a free press not just in ensuring good and accountable governance but also as a tool for poverty reduction, popular empowerment and national reconciliation[53].

The United Nations Development Programme (UNDP) says that addressing poverty requires not just a transfer of economic resources to the needy but also making information available to the poor so that they can participate more meaningfully in political and social life[54]. After all, the poor cannot assert their rights if they do not know what these rights are. If they are unaware of the laws and procedures for availing themselves of their entitlements or the mechanisms they can use to remedy their deprivations, they will always remain poor. Democracy cannot take root if the poor and powerless are kept out of the public sphere. The argument is that effective media are the key as they can provide the information poor people need to take part in public life.

Ideally, the media should provide voice to those marginalized because of poverty, gender, or ethnic or religious affiliation. By giving these groups a place in the media, their views - and their afflictions - become part of mainstream public debate and contribute to a social consensus that the injustices against them ought to be redressed. In this way, the media also contribute to the easing of social conflicts and to promoting reconciliation among divergent social groups. The media's role as virtual town hall or public square can be seen when providing information and acting as a forum for public debate, the media play a catalytic role, making reforms possible through the democratic process and in the end strengthening democratic institutions and making possible public participation, without which democracy is mere sham.

The press has proved to be an integral part of true development of democracy in most countries that embraced this ideology from the mid-1980s. By uncovering vices that are exercised by public officials, journalists have effectively achieved the main role of the fourth estate which is to keep government in check leading to some level of accountability acceptance where they

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[53]Ibid
[54]Ibid

cannot change the tides against them when they are culpable. However, sometimes, they employ intimidation, threats and bribery to keep journalists from performing their roles. In many new democracies, an adversarial press is part of the political process and it is hard to imagine how governments would function without it[55].

During the Arab spring revolution, social media played a big role in enabling the citizens to share their disappointments of their governments' performances. Collectively, the citizens were able to organize themselves on how and when to carry out demonstrations, leading to the transition from authoritarian states to young democratic states. This affected a big region of the Arab world, where democracy is rarely practiced. The affected countries include; Tunisia, Libya, Egypt, and Syria. Media-oriented campaigns have not necessarily meant electorates that are more enlightened.

Many new democracies mimic the example of U.S. elections where the shows, TV-oriented campaigns tend to put more emphasis on sound bites and glamour, rather than substance and depth. Candidates preen before the electorate, whose choices are often determined by how well the contenders project themselves on the screen. Still, the media in new democracies have contributed to public education on elections. Public-affairs programs on radio and television provide the depth, context and critical analysis that news programs and commercials do not. In addition, in countries like the Philippines and Indonesia, TV and radio networks have produced sophisticated public-service announcements enjoining voters to choose wisely and warning them of the consequences of selling their vote.

Media organizations have sponsored debates, enabling candidates who do not have the money to buy airtime to articulate their views to a wide audience. The media have likewise given time and space to independent advocates and NGOs campaigning for cleans and an end to money politics. Despite these, however, moneyed candidates who have favored access to the media still have the edge. The media playing field, as far as elections go, remains uneven. In many new democracies, radio has become the medium of choice, taking the place of newspapers in drawing citizens to

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[55]Op Cit 42

the town square for discussion and debate. Compared to television, radio is a less expensive and more accessible medium and is especially popular in poor countries where the media infrastructure is not well developed. FM radio with its localized signal can be an instrument for promoting grassroots democracy.

The Internet, too, has proven to be a much more democratic medium than newspapers or television, allowing a freer exchange of views for a variety of social groups. In many new democracies, civil society groups and NGOs have found the Internet an effective tool for disseminating information and opinion and also for mobilizing for protest actions. Elsewhere, the Web has served as a bulletin board for citizens. Interactivity, low costs of entry and relative freedom from state control give the Internet an edge over the other media.

In Central and Eastern Europe, NGOs and media organizations have used the Web to educate the public on elections, political parties and candidates. For example, in the local elections held in Romania in the year 2000, independent portals like Romania Online and Election.ro, which were set up by Internet Service Providers (ISPs), sometimes jointly with newspapers, provided political news, results of pre-election polls and other election-related information. Some Romanian students even put up their own website, Electoral2000.ro, on which they mounted an interactive political game to get citizens enthused about the elections[56].

More traditional media like newspapers have also played an educational and informational role, filling the knowledge gap that other social institutions cannot breach. For example, in 2000, the Panamanian daily La Prensa designed a six-week educational supplement to its Sunday edition, targeted at first and second grade students. The paper's editors believed that students lacked basic information about their country, so the supplements provided lessons on history, geography and politics. The contents included new information that students could not get in their textbooks, so teachers used the supplements in their classes and the newspaper donated copies to 140 schools. These lessons on citizenship led to a dramatic increase in circulation and

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[56]Sheila S. Coronel, The Role of the Media in Deepening Democracy, unpan1.un.org/intradoc/groups/public/documents/un/unpan010194.pdf

advertising, producing healthy profits for a paper that dared to perform its civic function[57]. Democracy cannot thrive in countries that are in the grip of violence and strife. Ideally, democracy provides warring groups mechanisms for mediation, representation and voice so that they can settle their differences peacefully.

When constantly challenged by violence and dissension, the fabric of democracy becomes frayed. Unfortunately, this is the case in many new democracies where the removal of state restraints has led to the revival of age-old enmities once held in check by authoritarian governments. The bloody conflicts that erupted in the former Yugoslavia provide dramatic testimony of this reality. The experience thus far has shown that the media have not a played neutral role in conflict. In many cases, they have fanned the flames of discord by taking sides, reinforcing prejudices, muddling the facts and peddling half-truths. The media has been criticized for sensationalizing violence without explaining the roots of conflict. The media ignore peace-building efforts, critics say, even as they give full coverage to war-mongering. In some cases, they have sowed hate speech and encouraged violence. At the height of the conflict in Rwanda in the 1990s, a radio station that had been supported by international donors became the mouthpiece of extremists who favored and encouraged genocide.[58]

Innovative approaches include efforts by the Alliance of Independent Journalists (AJI) in Indonesia, which in 2001 set up in the strife-torn city of Ambon in the Moluccas Islands a media center where both Muslim and Christian journalists could get together, learn from each other and share resources. Since bloody clashes between Muslims and Christians broke out in Ambon in late 1997, the press became polarized. Muslims, including journalists, were confined to the Muslim quarter of the city and had no access to Christian communities. The same was true of the Christians. This resulted in one-sided reporting and only served to intensify the hatreds in the community. The media center facilitated information exchanges and made sources from both Christians and Muslims available to journalists of various faiths. It also allowed the journalists to get to know and visit each other, crossing the boundary that had divided the city. These efforts are helping build trust between journalists on one side and government, NGOs, military and

[57]Ibid
[58]Ibid

police on the other. Such trust, in turn, has helped consolidate public support for the peace process[59].

Another innovative effort to bridge differences among various groups was a multi-ethnic reporting team that was organized in Macedonia in 1995. The team consisted of one reporter each from a Macedonian-language daily, an Albanian-language daily, a Turkish language paper and a Macedonian-language radio station. The team did joint interviews and field visits to describe the current situation in Macedonia, showing how all ethnic groups suffered from the economic crisis and how they were battling for survival in extremely hard times[60].

Community radio is especially helpful in bridging the gap between communities. In Colombia, a group of NGOs and community radio stations formed SIPAZ (Sistema Nacional de Comunicacion para la Paz or National Communication System for Peace), which operates in areas where violence involving guerrillas, the military and drug dealers is particularly intense. SIPAZ encourages the stations in its network to produce and exchange news that will foster peace and tolerance. It also produces a news program that is sent via the Internet to 42 community radio stations and NGO partners throughout Colombia. SIPAZ does not cover violence and conflict as there is already sufficient coverage of these in the mainstream media. But it reports on the aftermath and the consequences of conflicts and provides the context in which the violence takes place. SIPAZ also tries to articulate the aspirations of communities for peace and development and incorporates local cultural practices into its programs[61].

Radio for Peace International (RFPI or Radio Paz Internacional), based in Costa Rica, and promotes peace journalism on a global scale via short-wave radio and the Internet. RFPI gets its programs from independent producers and media activists from around the world. An independent radio station, it aims to enhance understanding by providing a spectrum of voices to a range of media users who tune in to 24-hour short-wave broadcasts from the RFPI's transmitters in El Rodeo, Costa Rica. RFPI also monitors and documents hate radio and the use

[59]Ibid
[60]Ibid
[61]Ibid

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of the media by extremist groups.[62]

The mass media are among the opinion leaders within society. Hence, they can tremendously strengthen or limit the role of other NSAs in democracy building. Without positive media coverage, many civil society initiatives will receive significantly lower public attention, and experience diminished chances of success. This is especially true for protection, monitoring, advocacy and socialization functions. The media can often play a destructive role due to biased reporting, leading some donors to only support so-called "peace media". Yet these outlets often have little impact, as their audience can be very limited. Thus, it is important to include the mass media as part of any civil society support strategy.

1.7 Theoretical Framework

1.7.1 Constructivism

In contrast to realism and liberalism, constructivism is not a distinctive political science approach, and its status is that of a broad social theory and less of a paradigm. This approach gives a central place to ideas in the structuring of social life and thus undermines the approaches that explain social life by means of materialist arguments such as biology, geography, and technology. While these have a role, it is mediated by ideas, which give it meaning. Similarly, the interests and identities of the actors operating in the international system are shaped by their concept of the world, which is socially structured[63].

Alexander Wendt, who is identified with this approach, adopts three main terms: identities, which determine the actors' identity; norms, defined as shared expectations concerning the proper behavior for the actor's identity; and interests, referring to what the actors want to achieve[64]. The theoretical analysis enables us to draw a number of conclusions regarding the validity of the main approaches in international relations for describing the situation of NSAs and democracy in Africa. The realist and neo-realist approaches are still state-oriented and provide relatively little meaning for non-state actors. In general, this approach has had a difficult

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[62]Ibid
[63]Carmit Valensi, Non State Actors: A Theoretical Limitation in a Changing Middle East http://www.inss.org.il/uploadImages/systemFiles/4_Valensi.pdf
[64]Ibid

time explaining actors that are not identified as states and that have an influence, once on the domestic politics of the state in which they operate and a second time on the foreign relations of other states in the region.

Proponents of the neo-liberal approach recognize the importance of non-state actors, but they tend to interpret their interests in economic terms, with little or no reference to the military and security considerations that are at the heart of the neo-liberal approach. In this way, they too miss the ability to discuss non-state organizations that are operating today in the international system and in Africa that are not necessarily driven by an economic interest. The strength of these approaches is in explaining permanent and ongoing phenomena, but they encounter an obstacle in attempting to explain change and dynamism in the system.

The Middle East, especially in the past four years, is an example of an arena in which state frameworks, organizations, political structures, alliances, and political leaders are fragile and fluid. The actors operating in this arena are characterized by regular, linear, one-dimensional patterns of activity, as the realists and liberals tend to assume. Despite the limitations of the comparison between the approaches and constructivism (they are political paradigms and present different parameters for analysis from those in constructivism), it appears that the constructivist approach allows a more accurate look at the phenomenon of non-state actors in the African region and their growing influence. The approach recognizes their importance as influential actors and assumes that the nature of the actors is not fixed, but changes in accordance with the context and over time. An emphasis on ideas and norms as a central element in understanding the motivations of the actors (more than the pursuit of power and material benefit), as the approach proposes, is essential for understanding the politics, certainly that is found in Africa. The constructivist theory can be both 'critical' and 'problem-solving', in Robert Cox's sense. 'It is critical in the sense that it stands apart from the prevailing order of the world and asks how the order came about.' However, it is also problem solving, in the sense that, once institutions and practices are reified, 'It takes the world as it finds it . . . as the given framework for action'[65].

For example, although Wendt explains self-help as a socially constructed institution rather than

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[65]harvard.edu, http://gking.harvard.edu/

as a deterministic outcome of anarchy, he nevertheless sees the prevailing problem of predation as the explanation for the pervasive resilience of anarchical self-help[66]. Constructivism, then, is an evolving modernist enterprise that blends 'understanding' and 'explaining' to create a sociologically sensitive scientific approach to International Relations[67]. Constructivism, for example, can accept the view that 'science and interpretation are not fundamentally different endeavors aimed at divergent goals. Both rely on preparing careful descriptions, gaining deep understandings of the world, asking good questions, formulating falsifiable hypotheses on the basis of more general theories, and collecting the evidence needed to evaluate those hypotheses'[68]. Moreover, some constructivists rely on precise comparisons[69]and co-variation between material and ideational factors. And when corroborating or cross-validating a theoretical or descriptive argument, constructivists may call on statistical and other quantitative methods[70]and make good use of historical counterfactuals.

Constructivism can do more, not less, than other scientific approaches in explaining International Relations because, in addition to relying on logical deductive and inductive means for knowing and verifying, it also invokes a variety of interpretive methods, such as narratives[71] and thickly described 'histories'[72]of socio cognitive processes to uncover collective meaning, actors' identities and the substance of political interests.

The diversity of approaches within constructivism reflects disagreements about the extent to which structure or agents are more important and about whether discourse should take precedence over material factors. Furthermore, it is sometimes hard to tell constructivists from postmodernists[73]. All constructivists do share the meditation approach, nonetheless. If international reality is socially constructed, then World War II, the Holocaust and the Bosnian conflict must also have been socially constructed, just as arms control and environmental

[66]Wendt A. 'Anarchy is What States Make of It: The Social Construction of Power Politics', International Organization, 1992, 46:391-425.
[67]Op cit 52
[68]Kritzer Herbert , *'The Data Puzzle: The Nature of Interpretation in Quantitative Research'*, American Journal of Political Science 40: 1-32,
[69]Berger, Peter L. and Thomas Luckmann (1966) the Social Construction of Reality,New York: Anchor.
[70]http://gking.harvard.edu/
[71]Tickner, J. Ann (1992) *Gender in International Relations. New York:* Columbia University Press.
[72]harvard.edu, http://gking.harvard.edu/
[73]Ibid

agreements and the end of the Cold War and collapse of the Soviet empire were socially constructed. In other words, constructivism is a set of paradigmatic lenses through which we observe all socially constructed reality, 'good' and 'bad'.

It also follows that power must play a crucial role in the construction of social reality. Power, in short, means not only the resources required to impose one's view on others, but also the authority to determine the shared meanings that constitute the identities, interests and practices of states, as well as the conditions that confer, defer or deny access to 'goods' and benefits. Because social reality is a matter of imposing meanings and functions on physical objects that do not already have those meanings and functions, the ability to create the underlying rules of the game, to define what constitutes acceptable play, and to be able to get other actors to commit themselves to those rules because they are now part of their self-understanding is perhaps the most subtle and most effective form of power.[74] This means that there is a very strong relationship between knowledge and power; knowledge is rarely value-neutral but frequently enters into the creation and reproduction of a particular social order that benefits some at the expense of others.

Power is primarily institutional power, to include and exclude, to legitimize and authorize[75].

In this sense, international organizations are related to power, because they can be sites of identity and interest formation and because states, sometimes individuals, and other social actors can draw on their material and symbolic resources. In addition, there is hardly any concept that is more sensitive and amenable to constructivist logic and to the notion of power presented above than 'the national interest'. Constructivism seizes the middle ground because it integrates knowledge and power as part of an explanation of where interests come from[76].

National interests are not merely the collective interests of a group of people; nor, with rare exceptions, are they the interests of a single dominant individual. Rather, national interests are inter-subjective understandings about what it takes to advance power, influence and wealth that

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[74]Emanuel and Michael Barnett (1996) 'Governing Anarchy: A Research Agenda for the Study of Security Communities', Ethics and International Affairs 10: 63-98
[75]http://gking.harvard.edu/
[76]Ibid

survive the political process, given the distribution of power and knowledge in a society. In other words, national interests are facts whose 'objectivity' relies on human agreement and the collective assignment of meaning and function to physical objects. 'The social construction of identities is necessarily prior to more obvious conceptions of interests: a "we" needs to be established before its interests can be articulated'[77]. Constructivism is thus conducive to the empirical study of the conditions that make one particular inter-subjective conception of interest prevail over others. In sum, constructivism is equipped to show how national interests are born, how they acquire their status of general political understandings, and how such understandings are politically selected in and through political processes[78].

1.8 Hypothesis

From the literature review, the study comes up with the following hypotheses:

i. The attitude of the state towards the NSAs determines their effectiveness and role in building democracy

ii. Addressing the state as an important actor through both policy dialogue and pressure facilitates the role of NSAs in democracy building

iii. Democratic governments complement NSAs in building strong democracies

iv. The NSAs keep the government in check regarding its mandate to the electorate hence building transparency and accountability

v. NSAs build democracy through initiating dialogue amongst conflicting groups, setting peace agenda amongst the groups, and educating citizens

1.9 Research Methodology

The research design used in this research is a descriptive analysis. The method used for the study was content analysis. This is a natural way of finding out the natural world and understands the way people interpret it. This was the most appropriate method for the researcher to gain more detailed information on the role of Non-State Actors in building Democracy. The data collection

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[77]Ibid
[78]Weldes, Jutta (1996) 'Constructing National Interests', *European Journal of International Relations 2*: 275-318.

method entails a careful planning of what the researcher seeks to analyze, available research and describe the role of the Non-State Actors in Democracy building process since the end of single party politics period in the early 1990s. This is a method of collecting information by reviewing past research and literature within the view of subjectivist approach which applies qualitative methods using a humanistic, interpretive and phenomenological approach. This approach relies on data collection from past research.

1.9.1 Sampling Design, Research Instruments and Data Collection

For this study, the sampling method used was non-probability purposive sampling. Owing to the nature of the study, past research and case study analysis was used to collect data. Purposive heterogeneity sampling is a method that aims at getting a sample research and case studies with similar characteristics or traits.

1.9.2 Data Analysis Procedures

The method that was used to analyze the collected data was discourse analysis. Critical discourse analysis is the main focus of this data analysis model and it has a focus past language to greater practical conclusions from the collected data. Socially recognizable identity is the focus of the study as well as the way different people interpret their world. Thus, this model of discourse analysis is very appropriate to the analysis of the data collected in the study. This system helped to establish objectives in data. These include: To assess the extent to which NSAs have contributed to building democracy, To examine in what ways NSAs have contributed to building democracy, To assess in what ways the role of NSAs in building democracy can be strengthened. The data for this study will be obtained from secondary sources. The data will be descriptive. Guided by the objectives and premises of the study, the data will be arranged according to the major themes.

1.10 Scope and Limitations of the Study

Due to the limitations of time and resources, secondary data will be used for the study. Only a few local NSAs have tabled secondary data on their websites. The study will explore the perception of democracy in Kenya through the institutions that work directly on matters of democracy and elections namely the Kenya National Commission for Human Rights (KNCHR), Kenya Human Rights Commission (KHRC), Amnesty International and Transparency International, Freedom House. The use of secondary data will be collected from these institutions' websites and this will enable the research to acquire data on the perception of democracy across the country.

1.11 Chapter Outline

Chapter One Introduces the topic of the study by setting the broad context of the Research Study, the Statement of the problem, Justification of the Research, Theoretical framework, Literature Review, Hypothesis and Methodology of the study.

Chapter Two Discusses the Roles of NSAs in building Democracy in Africa.

Chapter Three Covers the Role of NSAs in building Democracy: The Case Study of Kenya

Chapter Four A critical analysis of the Role of NSAs in Building Democracy.

Chapter Five gives a conclusion of the study through summary of findings and makes recommendations.

2.0 CHAPTER TWO: BUILDING DEMOCRACY IN AFRICA: A THEORETICAL OVERVIEW

2.1 Introduction

This chapter will give a background of democracy in Africa, types of NSAs and their roles in Democracy's growth and development, and the challenges faced by NSAs.

2.2 Democracy In Africa In Context

2.2.1 Pre-Colonial Struggle for Democracy

The struggles for democracy in Africa informed the struggle for independence and continued in different forms after independence. In Nigeria, apart from the indigenous people struggles for independence as exemplified in Aba Women's riot of 1929, the remote cause of the incessant maiming and killing of Nigerian citizens in Jos, the Plateau State capital, has remained the same for over a century. For over a century and into the pre-colonial period, it has been a case of ethnic groups, specifically the Berom, Anaguta, and Afizere and the Hausa Fulani, laying claim to pre-eminence over one another. The contention lies with who is an 'indigene' or 'settler' in Jos.[79] In light of the above and going by the colonial heritage, it is apparent that the democratic deficits in the colonial and post-colonial African states provide the determinate conditions for these popular struggles in the first instance.

These struggles represent emancipatory demands that arise from the spirit of nationalism through which every national ethnic group demands for equal economic, social and political opportunities and active promotion of the welfare of their people. For example in the late 1950s, widespread unrest occurred in Cameroon as the main party opposed to French rule was banned, leading to a bloody and protracted guerrilla war. Independence came in 1960, but in the context of extensive violence.

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[79]Nkanga; A synopsis on the Jos crisis - Nigerian Tribune. . January 28, 2011

2.2.2 Post-Colonial Struggle for Democracy

After colonization, the African states went through authoritarianism, which was characterized, by single party states across the continent. There is a need for us to appreciate that collision of the people with the dictatorial leaders, to have control over their lives and destinies has been an ongoing event in human history. The popular struggles for democracy in Africa are no exceptions to this collision course. They are emancipatory political struggles aimed at state reconstitution, participation and self-determination that never terminated in the struggles for independence or the 'third wave' of democracy[80]. Popular resistance of the African people against the policies of International Monetary Fund and the World Bank's Structural Adjustment Programmes, rise in ethnic militia violence, and violent reactions to results of general elections represent various forms of struggles for genuine democracy[81] in the post-colonial era. This resistance was due to the feeling of need for self-determination, that the matters that involve African lives should be determined by themselves and not foreign governments through international institutions like the IMF and World Bank.

More recently, the Côte d'Ivoire's civil war that erupted in September 2002, started with a section of the army that attempted a coup d'Etat. However, the coup failed, but the insurgent soldiers took control of the northern part of the country under the leadership of former student leader Guillaume Soro. Their main agitation was that that northerners were treated as second-class citizens bringing to the fore the question of Ivorian identity and nationality. The on and off war got to a climax in 2009 when through popular protests backed by the French government a regime change was effected. As discussed by Olateju[82] while the African traditional societies were gradually evolving into modern states in the forms of empires and kingdoms during pre-colonial period, the post-colonial African states did not result from the sequence of these 'historical developments and cumulative experiences'[83] rather they are "a 'hand-me-down'

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[80]Huntington, S, *The Third Wave: Democratization in the Late Twentieth Century* (Oklahoma: University of Oklahoma Press,)

[81]Seddon, D & Zeillig, L, Class & Protest in Africa*: New Waves, ROAPE Vol. 32*, (103), *Imperialism & African Social Formation* (Mar., 2005), pp. 9-27 (New York: Taylor & Francis, 2005); Harrison Graham, Bringing Political Struggle Back in: African Politics, Power & Resistance, ROAPE Vol. 28, No. 89. State of the Union: Africa in 2001 (Sep., 2001), pp. 387402 (New York: Taylor and Francis, 2001)

[82]Olateju, O *Democratization in the Absence of States: Lessons from Africa* APCJ (June 2012) forthcoming.

[83]Anyang' Nyang'o, P; ed., *'Popular Struggles for Democracy' in Africa,* (London; Zed Books. 1987) p.17

phenomenon in many respects[84]." In essence, the post-colonial states being artificial entities created by the colonial rulers, sustained the institutions and apparatuses used by the preceding colonial regimes to exercise political powers and the kind of social relationships required for the daily reproduction of liberal capitalism which has been equated with democracy in the neo-liberal discourse.

Post-colonial states however, could hardly stand up to their own traditional historical analysis because their structures are mostly heirs of liberal capitalist democracy that has nothing to do with communal values of the sub-Sahara African traditions in particular. The current political sector as recorded by Gentili[85] witnessed the promotion of the rules of plurality in the form of liberal democracy through multi-party democracy and building of the "appropriate" institutions such as the adoption of the rule of law and promotion of civil society as a prerequisite for the democratization processes. This is a 'best practice' approach to democracy that contradicts the 'best fit' values which is espoused by development of an educated middle class and a framework of civil institutions. Mundy and Murphy[86] debunk the 'best practice' rhetoric by arguing that democracy requires more than formal establishment of certain rights, institutions and procedures. Important as these are, consolidation of the social relations, which support these rights, institutions and procedures, are vital for consideration. Such support according to them includes the development of an educated middle class and a framework of civil institutions as the best fit values of democracy. Submission of Mundy and Murphy are vital but non-consideration of the historical analyses of the social relations weakens their argument.

Mafeje[87]roundly debunked the assumption of equating multi-party elections with democracy in Africa. The articulated struggles by the civil society groups revolved around three major issues

[84]Goran Hyden, Livelihoods and Security in Africa: Contending Perspectives in the New Global Order. *African Studies Quarterly*. Vol. 1, Issue 1. 1997

[85]Gentili, A.M 'Party, Party Systems and Democratization in Sub-Saharan Africa', paper presented at the Sixth Global Forum on Reinventing Government, Seoul, Republic of Korea, 24-27 2005

[86] Mundy, K and Murphy, L, *Transnational Advocacy, Global Civil Society? Emerging Evidence from the Field of Education* in H. Lander; P. Brown; J.A Dillabough; and A.H. Halsey eds., *Education, Globalization and Social Change* (Oxford: Oxford University Press, 2006)

[87] Mafeje, *Democracy, Civil Society and Governance in Africa', in Kenya', Addis Ababa, Ethiopia,* 23-26 November 23 See Acil Tabbara" *'Hardliners Spring: From Tunisia to Egypt, Salafists stretch their wings"* Middle East online 2012-09-16 Workshop on 'Social Policy, Development and Governance 1999

which are the quest for multi-party democracy as against one-party arrangement, power devolution and decentralization from the center to lower tiers of government and respect for rule of law and human rights by the African governments[88]. These demands reflect the level of revulsion of the people against corrupt leaders who had become progressively oppressive and ruthless dictators[89] that had plunged the state economies into crisis and the countries into political abyss[90].

Involvement of civil society groups in these revulsions (mis)presented the revulsions as struggles for multi-party liberal democracy thereby blind-folded us from the indigeneity of the struggles. African scholars were unanimous in their conclusion that democracy is any phenomena based on participation of citizens in political debates and consultation on democratic decision-making[91]. This is in contrast to tailor-made procedures, processes and institutions of the universal grand theories that issue "birth or death certificate" to democracy in every nation. African scholars' assumption is based on the principle of those to be affected by a given decision must have the right to participate in the making of such decision. Bingu Wa Mutharika, the late Malawian President (2004 - 2012) however pointed out the insufficiency of people's participation in decision making process as a guarantee for democratic assurance. He averred that 'the masses can still be oppressed by the system or excluded from the decision-making process by the same system they have installed and that human right abuses can still take place even under plural democracy'[92].

The fear expressed by Bingu Wa Mutharika was what Mapuva sees as the reason for engaging civil society as an appropriate shield against the oppression of the people in a multi-party democracy and a good catalyst for the promotion of democratic institutions in Africa[93]. However, does this solve the problem? Botswana, in spite of the presence of civil societies,

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[88]Ibid 58
[89]Easterly, William, *The Whiteman's Burden: why the West efforts to aid the rest have done so much ill and so little good.* New York: The Penguin Press. 2006), 273
[90]Mwaura, N, Kenya today: *Breaking the yoke of colonialism in Africa,* (USA: Algora Publishing 2005)
[91]Mandaza, I. & Sachikonye, L. (ed.) *The One-Party State and Democracy: The Zimbabwe Debate.* (Harare: SAPES Books
[92]Mutharika, B.W.T, (1995) *One Africa, One Destiny: Towards Democracy, Good Governance, and Development* (SAPES Books: Harare.
[93]Op Cit 77

through its Botswana Democratic Party - ruling party, still oppresses and excludes those that are affected by a given decision from participating in the decision making process, even though it retains the status of a good model of liberal and stable democracy in Africa.

Popular political crisis in African states have proven wrong the assumption of liberal democracy that having regular multi-party elections will guarantee the establishment of a democratic state. In liberal democratic parlance, no state can be said to be democratic if it does not pass through the litmus test of 'best practice' that is; holding regular elections according to a set of rules that are regarded as fair, especially by the 'international observers' to the political parties involved, even when these rules, processes and institutions of the elections are manipulated to the advantage of the ruling party and the elections are fraught with fraud. Nigeria presents a vivid example of manipulated electoral processes that imposed rulers on the people. International Crisis Group[94] reveals that Nigeria as a nation has engineered three flawed elections 1999, which heralded the Fourth Republic, 2003 and 2007, the last being the most discredited, yet rulers were produced.

The 2015 polls were very critical for Nigeria's fledgling democracy and overall political health. In a spirited efforts to show its preparedness and impartiality, the Independent national Electoral Commission instituted some important reforms; including introduction of community-mandate protection to prevent electoral malpractice; and to the surprise of everybody and for the first time in Nigeria, prosecution and sentencing of officials, including the electoral body's own staff, for electoral offences. It surprised many people that an opposition candidate would beat a sitting president in Nigeria, meaning that electoral reforms play a big role in consolidation of democracy.

2.3 The Role of Non-State Actors in Building Democracy in Africa

Non-state actors include all actors in the public domain, including local non-governmental organizations (NGOs); religious and faith-based organizations; tribal, traditional and other structures and networks of authority; workers' organizations; women's and youth networks;

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[94]International Crisis Group Report No 81 "Lessons from Nigeria's 2011 Elections"

private sector organizations; media; academia; local community-based groups; and even influential individuals. Together, these actors are often referred to as 'civil society'. However, they should be regarded as informal systems of authority that co-exist or compete with each other and sometimes with the state. Socio-political settlements govern their behavior and their attitudes towards and relations with state institutions, external actors and donors. Non-state actors are relevant to the democratic process, be it as constructive partner or potential spoiler. Groups explicitly engaging in illicit activities or armed violence to achieve their goals are called violent NSAs. International non-governmental organizations (INGOs) are a mechanism used to reach local actor level.

Civil societies in the forms of the modern NGOs, workers' unions, and students' associations no doubt provided the platforms for the articulation of the civil resistance. In light of the above and going by the colonial heritage, it is apparent that the democratic deficits in the colonial and post-colonial African states provide the determinate conditions for these popular struggles in the first instance. Some of the functions that are linked to NSAs include building confidence between the state and its citizens; delivering essential services to citizens; and, conducting local analysis. According to the OECD/DAC, for example, non-state actors play a key role in confidence building and providing insight into local social, economic and political backgrounds and power dynamics[95].

The World Bank, in turn, underlines the fact that overall capacity and local accountability can be strengthened by focusing on extending the role of civil society actors in state-building processes. Building effective and inclusive (enough) partnerships between international and national state and non-state actors should therefore be at the forefront of the international aid agenda[96]. Bilaterally, this notion is supported by, among others, the Netherlands Ministry of Foreign Affairs (NMFA), which emphasizes the importance of civil society in the context of service delivery and the promotion of a legitimate social contract based on democratic values[97]. The

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[95]OECD, Supporting State-building in Situations of Conflict and Fragility: Policy Guidance, DAC Guidelines and Reference Series, OECD Publishing, 2011, p. 51-52.
[96]World Bank (2011), World development report 2011 - Conflict, security, and development
[97]4th High Level Forum on Aid Effectiveness (HLF-4), 'A New Deal For Engagement in Fragile States', November 30, 2011, http://www.aideffectiveness.org/busanhlf4/, p. 2.

United Kingdom's Department for International Development (DFID) further argues that 'CSOs can play an even more vital role in holding governments and others to account, enabling the poor to improve their lives and spreading knowledge, innovation and best practice in development[98]. The Australian government, in turn, states that, 'CSOs can be powerful agents for change - as partners in the delivery of better services, enabling social inclusion and making governments more effective, accountable and transparent[99].

2.3.1 The Church

Although individuals are capable of inspiring episodes of opposition to authoritarian rule, protests have typically been more durable when embedded within a durable organizational framework. However, what makes up a framework? It is often assumed that a stronger "civil society"- would help to promote democratic consolidation. This is anchored on the assumption that these CSOs will act as a check on the governments due to their separate operations and independence from the state.

In the authoritarian states, the repression of civil societies often meant that religious organizations were the remaining NSAs in the national platform. An example is the DRC where the brutal reign of Mobutu Sese Seko heralded the worst excesses of authoritarianism. However, during his time, the Catholic Church not only survived, but also supported the welfare of the state with its network of schools and hospitals due to the collapse of public service delivery failure. For its part, the Catholic Church strove to remain independent to some extent with its bishops making strong criticisms of the government. However, the church did not always speak against the government's excesses and got into a marriage of convenience with the state in which it either directly or tacitly accepted the status quo in return for authority to practice and to recruit followers. This willingness of supporting the state, undermined the Church's legitimacy in the eyes of the people, it seems to have been the result of the Church's understanding that the end of

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[98]Department for International Development, 'Operational plan 2011- 2015', DFID Civil Society Department, Updated May 2012, p.2

[99]Australian Government/AusAID, 'Civil society engagement framework: Working with civil society organizations to help people overcome poverty', June 2012, p.2.

colonial rule had left them (missionaries) vulnerable. However, When the government killed a group of demonstrating students, a group of liberal Catholic intellectuals went to see Archbishop Malula of Kinshasa demanding that he speaks against the killings but he asked them to mind their own business as only he had the authority to speak to the government; ultimately, although Malula intervened to insist on individual Catholic burials- since the army had proposed mass graves-he fell short of denouncing the government[100].

The role played by the Catholic Church in Zaire was similar to the way that the Catholic, protestant, Anglican and Presbyterian Churches engaged with authoritarian rule across the continent. They spoke out bravely in defense of human rights, the legitimacy and organization of these churches along with their international connections made it safer for religious leaders to openly advocate political liberalization. In the process, they broke long kept silences and paved way for outpouring of public criticism.

In post-colonial Africa, the groups that survived authoritarian rule usually did so because they had been co-opted by government or forced to enter an uneasy alliance with the government. But, this did not fully immobilize their activities since only a few governments were strong enough to subordinate all the most powerful NSAs and so while small organizations were harassed out of existence or assimilated into the regime, the larger religious organizations and trade unions were never bought and never slept with the government.

Since Africa has the highest rates of religious activity in the world (Figure 2.1), religious leaders enjoyed considerable social and political influence. Where trade unions were strong, union leaders played important roles. The ability of the church and trade union groups to control religious /and economic power made them particularly dangerous opponents for authoritarian regimes. Where such organizations existed, ruling parties faced strong incentives to negotiate with them to secure their support-tacit or otherwise. Because few governments could afford to simply repress larger religious organizations and unions, which in turn could not operate freely without the acquiescence of the government, uneasy marriages of convenience emerged. In the colonial period, governments established health and education services, once more blurring the

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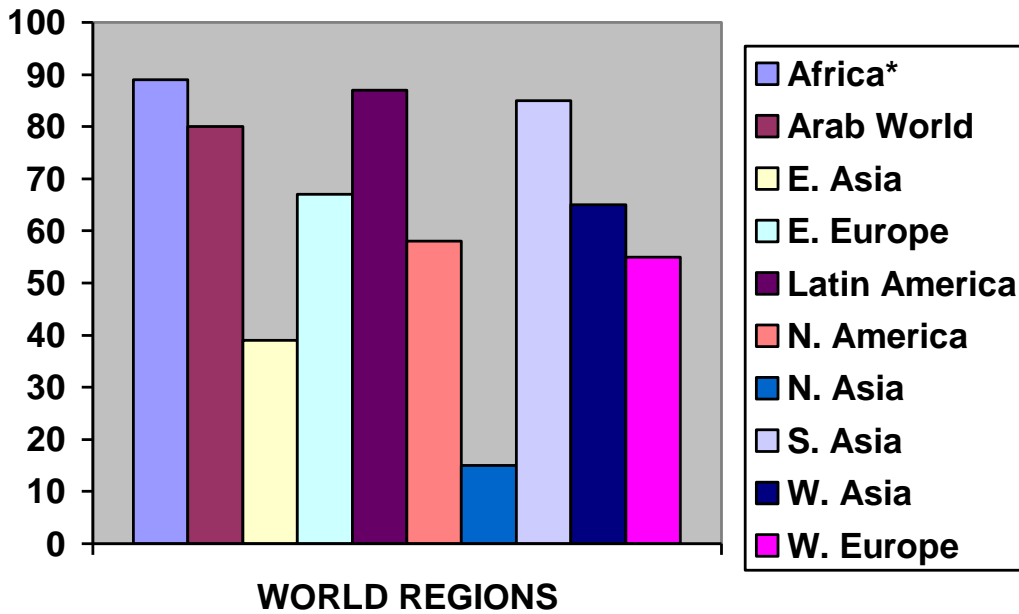[100]Ibid p74

line between the state and civil society.

FIGURE 2.1 Extent of Religious beliefs around the world (2012), percentage population. Source Gallup.

The question was "Irrespective of whether you attend a place of worshiper or not, would you say you are a religious person or a convinced atheist?"

*Africa includes N. Africa.

Currently, the church and other religious organizations are playing the democratization through various democracy building roles as illustrated in the following sub-topics below.

2.3.1.1 Arbiter in the IEBC Dispute

Currently, the church and other religious organizations are deeply involved in the democracy building process and has been actively involved since after the 2007/2008 post-election violence period. The National Council of Churches of Kenya (NCCK) has finalized a nationwide programmatic strategy that will see the Council actively participate in the electoral process leading to and after the 2017 general election. In a statement to Council partners, General Secretary Reverend Canon Peter Karanja, said that NCCK had deliberately re-energized her

programmatic arm aimed at deepening NCCK's engagement with communities[101]. He assured that the Council shall remain an active player in the democratic governance of Kenya's affairs by engaging communities on civic education on electoral matters and processes to enable the electorate make informed choices during the election. The statement came hot on the heels of his meetings with various stakeholders in the electoral process as well as community representatives across the country.

During consultative peace forums in the Western part of the country, Canon Karanja pointed out that peace, cohesion and integration remain the Council's priority. In addition, engaging conflicting communities in an authentic intra and inter-ethnic dialogue which profiles enlightened self-interests as opposed to ethnic egos as a basis for collaboration and cooperation. The meetings with clergy and elders are currently in progress meaning Canon Karanja and his team are expected to address more gatherings in an elaborate program-dubbed the Pamoja Initiative- that will see participants encouraged to remain on the forefront in fostering national cohesion. The NCCK's Pamoja Initiative programme that has been implemented for over 8 years now and is credited for its major contribution to peace after the 2007/2008 Post Election Violence.

Meanwhile, Church leaders under the auspices of the Ecumenical Civic Engagement Programme (ECEP) embarked on a series of consultative meetings with various stakeholders in the electoral process that aimed at ensuring that the 2017 general election will be peaceful, fair and credible. Top on the agenda of the multi-sectoral discussions was the debate on the need for electoral reforms to secure credible and transparent elections in 2017. At the height of these engagements the credibility of commissioners of the Independent Electoral and Boundaries Commission (IEBC) was been brought to bear given the raging debate around alleged electoral malpractices and corruption. The leaders drawn from their umbrella organizations- Kenya Conference of Catholic Bishops (KCCB) and the National Council of Churches of Kenya (NCCK) - held discussions with the Isaac Hassan led Commission, Speaker of the National Assembly Hon. Justine Muturi, Principals of the Coalition for Reforms and Democracy

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[101]http://www.ncck.org/newsite2/index.php/information/news/519-ncck-to-engage-communities-on-civic-education-national-cohesion

(CORD), a section of Jubilee affiliated members of parliament, the National Cohesion and Integration Commission (NCIC) and the National Council of Elders.

The church leaders were concerned that if unchecked, the divisive politics pitting the two major political formations in the country especially touching on the credibility and the capacity of the commission and particularly the IEBC commissioners could degenerate into a state of volatility with a potential to spiral to violence. ECEP is aimed at addressing prevailing socio-economic challenges in Kenya with a view of promoting peace, cohesion, justice and good governance. It involves faith based organizations in advocacy programmes geared towards creating a credible platform for dialogue between Church/religious leaders, Political leaders, National and County Government Executives, and parliament.

The project sought to strengthen the religious leaders' civic engagement with national leadership on major governance, security and development challenges confronting Kenya at the national level through various forums such as lobby meetings, sensitization forums and dialogue platforms. While issuing a press statement to all involved stakeholders, religious leaders comprising of the Kenya Conference of Catholic Bishops (KCCB) the National Council of Churches of Kenya (NCCK), Evangelical Alliance of Kenya (EAK), Supreme Council of Kenya Muslims (SUPKEM), National Muslim Leaders Forum (NAMLEF), Organization of African Instituted Churches (OAIC), and Seventh Day Adventist Church, met at Jumuia Place, Nairobi, to reflect on the country's preparedness for the August 2017 General Elections. The leaders quoted the Jesus' words from Matthew 5: 9 – "Blessed are the peacemakers, for they will be called sons of God".

After reflecting on the dispute regarding the status of the Independent Electoral and Boundaries Commission (IEBC), and had a word for every stakeholder on the electoral process. After engaging different actors facilitating the adoption of a viable solution to the dispute regarding the term of office of the IEBC Commissioners. The religious organizations' efforts resulted in fruitful engagements with the various actors, and convinced the two main political formations, Jubilee and CORD (Coalition for Reforms and Democracy), to participate in consultations to

find an amicable solution. Notably, the leadership of CORD suspended demonstrations which had become a threat to normalcy of everyday life in order to facilitate an enabling environment for the consultations. Both sides were urged to embrace the task ahead with zeal, commitment and mutual cooperation so that agreements are reached with regard to transitioning of the IEBC Commissioners as well as the broad framework that will guarantee Kenyans peaceful, free, fair and credible elections in 2017. The first step was the tabling of a motion in both Senate and National Assembly to facilitate the formation of a Joint Parliamentary Select Committee that steered this process. The leaders urged parliament to commit itself to passing the legislation and avoid mischief by politicians who sometimes try to frustrate sound legislation that touch on matters of national importance.

2.3.1.2 Peace Builder and Civic Educator

The leaders said that they had noted rising cases of hate speech and war mongering associated with particular politicians. They renounced the actions of the involved politicians, calling for their arrest and prosecution saying that considering that the country is preparing for the General Elections, all pending cases of hate speech must be dealt with expeditiously and those found culpable be convicted. They urged the Office of the Director of Public Prosecutions, the Inspector General of Police and the Judiciary to keep in mind that the law must not be enforced selectively.

As the main institutions constitutionally mandated to enforce the law, they insisted that they must make it clear to all Kenyans that committing crime is an expensive engagement, urging for urgent consultation between the three institutions on how to handle hate speech cases. Their strong recommendation that culpable politicians be apprehended and put in jail pending final judgment for some days bore fruit leading to an abatement of cases of hate mongering. They also urged all Kenyans to read and fully understand the IEBC Act and to propose ways of reforming the electoral framework by way of memoranda once the proposed Joint Select Committee started

its work saying it would guarantee citizens an opportunity to voice your concerns on IEBC and ensure that the process is not left to politicians alone[102].

They advised Kenyans that since the constitution of Kenya 2010 vests all sovereign power in citizens, they must not allow any person to deceive them that power belongs to them for they can only hold power through citizens. They expressed their concern that the social media is currently awash with messages aimed at stoking ethnic prejudices and balkanization. They also noted that the conventional media is following the same trend by providing space and airtime for elites to propagate the same hate messages which they should restrict as the gatekeepers of national, public discourse. Advising citizens that the best security against those who are hell-bent on destroying our nation's cohesion is to speak out against those messages and reject the leaders who espouse the same. In addition, citizens should purpose to reject all those who have engaged in corruption and other social evils[103].

To the political elite, the religious organizations said that faith leaders are present at every village and location in this country meaning they are in constant touch with what is happening on the ground, and we are now concerned by the trend that current wave of politicking is taking. They urged all politicians and their vested interests to cease making elections a matter of life and death for Kenyans. Saying that it is immoral and sinful for anyone who is seeking a position to casually posit that Kenyans can die and be maimed just so that they achieve their political ambitions. We are especially disgusted that politicians and aspirants at different levels are creating militias whose sole intent is to visit violence on Kenyans. Calling for a cessation of these activities, they advised the elite to uphold value based campaigns and policies that can make them prosper, especially urging them to begin preaching and practicing peace rather than creating structures for violence[104].

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[102]ncck.org, http://www.ncck.org/newsite2/index.php/information/news/517-press-statement-by-religious-leaders-on-14th-june-2016
[103] ackenya.org, http://www.ackenya.org/pdf/Press-Statement-by-Inter-Faith-31032016%20.pdf
[104] Ibid

2.3.1.3 The Watchdog

The church and other religious organizations are seen to have the moral authority over every actor in the national stage. They are seen by people as the voice of God to His people and therefore remain an unrivalled force major. That is the reason they can admonish any given NSA and even the government. The religious leaders met under the Kenya Inter-faith Elections Programme (KIEP), an initiative of the inter-religious Council of Kenya, to reflect on the state of our nation and especially focusing on the upcoming general elections. Appreciating that Kenya is a multiparty democratic state and that elections are an important factor in determining the stability of the nation, they reiterated that the 2017 General Elections must be free, fair ,peaceful and credible. They shared their expectations with the government. Saying that as the constitutionally mandated institution to manage elections in Kenya ,the Independent Electoral and Boundaries Commission (IEBC) bears primary responsibility for ensuring that the 2017 General Elections are free, fair ,peaceful and credible. For this to be achieved, the Commission must commit to operate transparently and be accountable to Kenyans .Any shortcomings in the elections are in essence a failure on the Commission to implement its mandate. It is in this regard that they called upon the IEBC to address the following issues among others;

2.3.1.3.1 Register of voters

They said that they had noted that the IEBC had not clarified specifically what it holds as the Principal Voter Register .This is a matter of key concern since during the 2013 General Elections and the subsequent by-elections there have been cases of voters whose names and details were found in the Electronic Voter Identification Devices (EVID) but were not in the manual register and vice versa. The lack of clarity on the voters has led to cases of disenfranchisement and this duplicity opens the door for contestation of the results. They called upon IEBC to publicly clarify which is the Principal Voters Register and to make it public. Further, they recommended that the Commission creates a platform for voters to verify their registration status using mobile technology[105].

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[105] Ibid

2.3.1.3.2 Electronic Devises Used in Elections

In the period leading to 2013 Elections the IEBC acquired Biometric Voter Registration (BVR), Electronic Voter Identification Devices (EVID), Electronic Results Transmission System (ERTS) and the Optical Mark Readers (OMRs) with a promise to Kenyans that these would ensure efficiency and accountability in the elections. The devises failed miserably. It is also notable that in the by-elections held since then there have been reported cases of some of these devises failing to function. They called upon IEBC to inform Kenyans the measures they have taken to ensure that all electronic devises required for the 2017 General Elections will function as they should. This is a key concern for Kenyans in view of the Public Accounts Committee Reports that detail corruption and shenanigans previous procurement exercises emphasizing that in addition there should be an agreed upon fall back system should the electronic devices fail to function.

2.3.1.3.3 Enforcement of the Elections Law

The greatest hindrance to free, fair, peaceful and credible elections in Kenya has always been the failure by electoral management bodies to enforce the electoral laws, a trend that has been perfected by the IEBC's refusal to implement to provisions of the elections Act 2011.This has resulted in the situation where some people behave as though they are untouchable sacred cows that can commit any manner of election offences without any repercussions. They informed the IEBC commissioners and staff that their day of emancipation from political patronage will be the day they bar errant individuals from participating in elections. Then and only then will Kenyans start taking them seriously.

On its part we call upon the national assembly to speedily pass the Elections (Amendment) Bill 2015 so as to safeguard the credibility of future elections. It's nonetheless important that these amendments should not be used to water down the safeguards already in place. The faith leaders appreciate that the enforcement of law and order is the responsibility of the Kenya police service and other security agents. They urged all security officers to purpose to ensure the security and integrity of the 2017 General Elections by ensuring that any and all persons who break the law

are dealt with immediately. In addition they urged that the police ensure to undertake comprehensive investigations so that the arrested persons are successfully prosecuted. We recognize that corruption both in general life and specifically in elections, will be fully eradicated the day our security agents will take the bold step of resisting bribes and handling all cases as per the constitution and the laws of Kenya[106].

2.3.2 Trade Unions and Civil Society Organizations

Trade unions have also played a significant role in political development in Africa, mainly in Zambia where copper mining begun in the 1920s and accelerated rapidly to the late colonial period. By 1953, the mines employed around 270000 workers and urbanization increased at an alarming rate[107]. The British were weary of the Africans finding a common unity of purpose that would undermine their tribal divide and rule tactics. True to form, the Northern Rhodesian Zambian mineworkers union, frustrated by the limitations of the tribal councils established by the colonial government voted to elect their own leaders. In the late colonial period, the success of the United National Independence party (UNIP) - the more radical branch of the Nationalist Movement led by Kenneth Kaunda was founded on the support of urban labor. A fearful colonial government made it illegal for trade unions to take an active role in politics. But this did not prevent UNIP from establishing itself as the dominant political party. After independence, Kaunda's left-leaning government tried to harness the power of organized labor by forming the Zambian Congress of Trade Unions (ZCTU) and affiliating it to the party but this could not tame the Unions largely because they were well financed and thus not dependent on government funding. Kaunda sought to shackle the unions by introducing the Industrial Relations Act of 1971 which undermined the right to strike. This is a classic example of a constraint to NSAs operations.

During the pre-colonial era in Kenya, the colonial government viewed the few civic groups made up of indigenous people suspiciously, due to the fear that they could mobilize the people against the government. This made the colonialists to discourage the formation of civic groups that could

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[106] Ibid
[107] Ibid 92 pg. 71

participate in the political process. And instead encouraged the formation of civic groups that comprised of settlers and colonialists or groups that facilitated greater penetration and control of society in line with colonial policies. After independence, the two main political parties KANU and KADU merged on the premise that this one party system would promote the realization of national unity. After Kenya became a de facto single party state, KANU experienced serious internal wrangles which led to the reappearance of trade unions namely Kenya Federation of Labor (KFL) and Kenya Africa Workers Congress (KAWC) which were powerful forces in Kenyan politics. The two unions were competing against each other and in 1965, they were both deregistered by the government and created the Central organization of Trade Unions (COTU). This resulted in the splitting of the trade union movement with one faction supporting the government and the other side opposing government. This dilution of the KANU party led to the resignation of some members who were officials of COTU claiming that they had lost hope in fighting within KANU to improve government policies. The government responded by suspending them from COTU saying that they could not criticize the government that sponsored the establishment of COTU[108].

NGOs which are part of the CSOs have also played a significant role in building of democracy, since they have undertaken to step in where governments fall short in their duty, they cannot be overlooked. NGOs are mainly sponsored by foreign donors and are normally seen to be fronting for the ideologies of foreign governments. In early 1990s, after the end of single-party politics, the NGOs growth rose exponentially to help in consolidation of democracy. Frustrated by the lack of political will to implement reforms within state bureaucracies, and ruling parties, donors started to look for alternative means of effecting change in the 1990s. They instead diverted aid to funding CSOs leading to activists developing the types of NGOs donors wanted to support. The consequence was an exponential growth of NGOs as reflected in (Figure2.2).

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[108]http://www.sahistory.org.za/sites/default/files/file%20uploads%20/p._wanyande_m.a._okebe_editors_discourses_on_book4me.org_.pdf
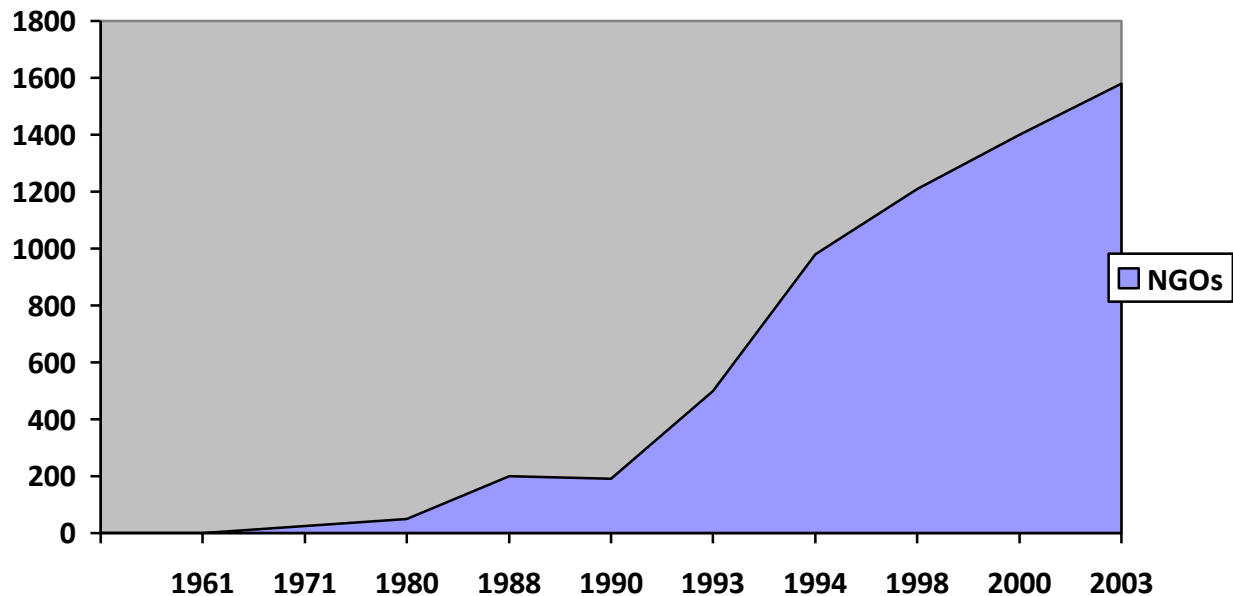
FIGURE 2.2 Source: The Aga Khan Development Network. "The third Sector in Tanzania".

By the middle of the 1990s, USAID was channeling almost half of its assistance through NSAs in countries like Kenya[109]. International efforts to reform Africa did not end with the introduction of multi-party politics in the early 1990s. By 1994, the growing salience of democracy promotion within the United States Agency for International Development led to the creation of Center for Democracy and Governance, which grew rapidly over the next five years and by 2009 had amassed a global annual budget in excess of $420 million in summary, the USAID spending on democracy promotion rose from $103 million in 1990 to more than $1 billion in 2005[110].

The CSOs in Kenya acted on their own initiative but they received funding from the West since this enabled donors to push messages and programs that elected African governments were reluctant to endorse. This created a dangerous divide between the government and Western funded CSOs, making them vulnerable to accusations of doing dirty work for foreign powers. Moreover, because most of the funding for key public services such as health and education was channeled through NGOs, they were empowered to negotiate with governments on the public

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[109]Ibid 104 pg. 128

[110]Finkel, Steven E. et al: Effects of US foreign assistance on Democracy Building". USAID, 2006, retrieved from http://pdf.usaid.gov/pdf_docs/Pnade694.pdf.

policy direction. Donors also funded NGOs to run civic education programs and to strengthen key democratic institutions.

In South Sudan, the world's youngest nation, the political instability has grown worse since attaining independence from Sudan. The factors at play are similar to most of the African states' experiences. Where conflicting parties are normally forced to form Governments of National Unity to ensure stability. However, in such civil wars, the other NSAs that are involved are normally the violent NSAs which pose a direct challenge to the legitimate government in offering its mandate. The South Sudan crisis was sparked off when the sitting president Kiir, sacked his vice president on suspicion that he was behind a coup attempt to dethrone him, after which Dr Riek Machar left Juba to join his rebel faction that has carried sustained attacks on government and civilians equally. During this period of turmoil, the INGOs like Non-violent Peace-force (NP) have done a lot to build democracy in the new nation. Devastated by a 21 year-long civil war between the north and the south of the country which ended in 2005, Sudan has now again entered a period of tension. The Comprehensive Peace Agreement (CPA), which ended the war, provided for a referendum on independence for the south to be held in January 2011. Citizens remain polarized along political and tribal lines and arms are easily available in the build up to this critical time. The success or failure of peace and democracy building in this critical region has implications not only for the viability of Sudan's entire peace process, but for stability across the volatile Great Lakes region[111]. The NP has been involved in the conflict by providing services of;

2.3.2.1 Protection

All NP deployments prioritize the protection of civilians from violence. The years of civil war have left South Sudan with a fragile infrastructure, which it is unable to extend comprehensively into all areas of the country. The government is also often unable, due to insufficient resources and capacity, to provide its citizens with the protection from violence that they require[112]. There

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[111]http://www.nonviolentpeaceforce.org/what-we-do/2014-09-15-15-18-31/south-sudan retrieved on 16/08/2016
[112]Ibid

is currently a large UN peacekeeping force stationed in South Sudan, but its numbers are insufficient to ensure the safety of civilians in all areas of the country. Moreover, armed peacekeeping is extremely costly, and, in many circumstances, unnecessary. NP uses its model of unarmed civilian peacekeeping, and provides much needed support to communities threatened by violence in contexts where armed intervention would be counterproductive, unsuitable or an overreaction. NP's peacekeepers work to create a safe space in which civilians can be protected, and also work to protect the space necessary for meaningful dialogue to take place through reconciliation of the conflicting parties[113].

2.3.2.2 Prevention

NP believes that it is far easier to address a conflict before it has broken out than to stop it once it has begun. As a result, a concerted effort is made to identify possible drivers of conflict and prevent them from escalating. This work is greatly facilitated by the fact that the teams of unarmed civilian peacekeepers live within the communities they serve. Far from setting itself up as an alternative to state institutions, NP sees its role as to support existing structures and fill any gaps which may be revealed. As such, it is vitally important to engage local state actors on issues surrounding the prevention of conflict, in order to tap into their contextual knowledge and to build their capacity.

2.3.2.3 Peace-building

NP firmly believes that solutions to conflict must originate from within communities, and that local solutions must be found to local problems if sustainable peace is to be achieved. Commitment to this belief means that NP does not intervene directly in peace talks or negotiations. Instead, through the protection and prevention aspects of its programming, NP

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[113]http://www.nonviolentpeaceforce.org/what-we-do/2014-09-15-15-18-31/south-sudan retrieved on 16/08/2016

works to protect the space in which meaningful and sustained dialogue can take place. In areas with high levels of inter-community violence, NP works to establish Peace Committees comprised of key actors from opposing communities. With NP's support, communities are empowered to reach across lines of conflict and formulate sustainable, non-violent methods of addressing disagreements.

In the Northern part of Africa, the Arab nations have experienced some instability since 2011. Clear civilian demonstrations against the governments in place for various reasons. It started in Tunisia when a citizen set himself on fire after being frustrated with the squalid living conditions. The people got so annoyed and started the "Jasmine Revolution", which quickly spread to other Arabic nations Egypt and Libya of Africa and Syria in Asia. The Syrian civil war is still ongoing and has been incontrollable since there are multiple actors involved both state and NSAs making it one of the most protracted and complicated civil wars in recent history. In Libya, armed militias hunted down Muamar Gadhafi, killed him, and have experienced instability since that time whereas Egypt had an Islamist president immediately after the ousting of the authoritarian Hosni Mubarak regime from power. In a popular revolution carried out on the wings of the internet's social media activism.

However, in Tunisia, a group of CSOs (The Tunisian Dialogue Quartet) was able to meet and compromise on a way of building democracy and consolidating its growth. A disparate coalition of Tunisian unionists, employers, lawyers and human rights activists won the 2015 Nobel peace prize for helping to prevent the Jasmine revolution from descending into chaos like the uprisings in other Arab spring countries. Reading the citation, the new Nobel committee chair, Kaci Kullmann Five, said the Tunisian coalition had helped bring the country back from the brink of civil war in 2013, and had made a "decisive contribution to the building of a pluralistic democracy"[114]". The prize was intended to reward and bolster such efforts in Tunisia and beyond. The quartet was set up in the summer of 2013 at a time when the country's Jasmine revolution, which had first sparked the Arab spring, looked like it would go the same way as

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[114]https://www.theguardian.com/world/video/2015/oct/09/who-has-won-the-nobel-peace-prize-video retrieved on 17/08/16

Egypt's brief democratic awakening, which had succumbed to a military coup in July of that year[115]

Tunisia was suffering some of the same symptoms as Egypt: a high-handed Islamist-led government that was ignoring the views of the secular opposition in writing up a new constitution, street clashes, high-profile assassinations and the appearance of Salafist extremists on the fringes. The National Dialogue Quartet comprised four key organizations in Tunisian civil society: the Tunisian General Labour Union (UGTT, Union Générale Tunisienne du Travail), the Tunisian Confederation of Industry, Trade and Handicrafts (UTICA, Union Tunisienne de l'Industrie, du Commerce et de l'Artisanat), the Tunisian Human Rights League (LTDH, La Ligue Tunisienne pour la Défense des Droits de l'Homme), and the Tunisian Order of Lawyers (ONAT, Ordre National des Avocats de Tunisie)[116].

These organizations represent different sectors and values in Tunisian society: working life and welfare, principles of the rule of law and human rights. On this basis, the Quartet exercised its role as a mediator and driving force to advance peaceful democratic development in Tunisia with great moral authority. The Nobel Peace Prize for 2015 was awarded to this Quartet, not to the four individual organizations as such. The Arab Spring originated in Tunisia in 2010-2011, but quickly spread to a number of countries in North Africa and the Middle East.

In many of these countries, the struggle for democracy and fundamental rights has come to a standstill or suffered setbacks. Tunisia, however, has seen a democratic transition based on a vibrant civil society with demands for respect for basic human rights. An essential factor for the culmination of the revolution in Tunisia in peaceful, democratic elections last autumn was the effort made by the Quartet to support the work of the constituent assembly and to secure approval of the constitutional process among the Tunisian population at large. The Quartet paved the way for a peaceful dialogue between the citizens, the political parties and the authorities and helped to find consensus-based solutions to a wide range of challenges across political and

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[115]www.theguardian.com/Coalition of civil society groups wins highest-profile of the six Nobel awards retrieved on 17/08/16
[116]www.epsusa.org

religious divides. The broad-based national dialogue that the Quartet succeeded in establishing countered the spread of violence in Tunisia and its function is therefore comparable to that of the peace congresses to which Alfred Nobel refers in his will[117].

The course that events have taken in Tunisia since the fall of the authoritarian Ben Ali regime in January 2011 is unique and remarkable for several reasons. Firstly, it shows that Islamist and secular political movements can work together to achieve significant results in the country's best interests. The example of Tunisia thus underscores the value of dialogue and a sense of national belonging in a region marked by conflict. Secondly, the transition in Tunisia shows that civil society institutions and organizations can play a crucial role in a country's democratization, and that such a process, even under difficult circumstances, can lead to free elections and the peaceful transfer of power. The National Dialogue Quartet must be given much of the credit for this achievement and for ensuring that the benefits of the Jasmine Revolution have not been lost. Tunisia faces significant political, economic and security challenges.

The Norwegian Nobel Committee said the 2015 prize will contribute towards safeguarding democracy in Tunisia and be an inspiration to all those who seek to promote peace and democracy in the Middle East, North Africa and the rest of the world. More than anything, the prize was intended as an encouragement to the Tunisian people, who despite major challenges have laid the groundwork for a national fraternity which the Committee hopes will serve as an example to be followed by other countries[118].

According to the Tunisian Dialogue Quartet, the Jasmine revolution took an express and direct political turn after the escape of the hierarchy of power. It demanded the dissolution of all structures of the ruling party, suspension of the old Constitution of 1959, and the departure of the whole existing government. This situation left a great power vacuum that led the country into a serious crisis which could have had dire consequences. However, the established civil society – due to its deep roots in the community, its historic roles in the struggle for national independence

[117]http://nobelpeaceprize.org/en_GB/laureates/laureates-2015/announce-2015/   Oslo, 9 October 2015 retrieved on 17/08/2016
[118]Ibid

and its unwavering support of the causes of its people – moved from the very first days to secure the fulfilment of the aims of the revolution[119].

In order to steer the transitional process in a democratic and constitutional direction, the High Commission for Achieving the Goals of the Revolution was established. The High Commission brought together all political, civil and social views and the most prominent independent national leaders. This helped fill the vacuum successfully and paved the way for the Constituent Assembly Elections of 23 October 2011[120]. The National Dialogue was not an easy process. Indeed, some of its rounds were so difficult that they were forced to suspend it for nearly one month, after it was not possible to reach consensus on some points mentioned in the Road Map. However, they did not give up and kept on working as a quartet.

The Quartet contacted the political parties and managed to get them together at the dialogue table. Thanks to this consensual approach that was adopted and sponsored with the support of all elements of the civil society, the transition path was successfully completed. Eventually, a provisional government of independent professional experts was formed, and a new constitution for the country was drafted and approved with a high level of consensus. The Independent High Electoral Commission was elected, and the electoral law was issued which led to the holding of legislative and presidential elections, thus producing a new Parliament, a new President and a Government that won the confidence of the majority of the people's deputies[121].

In Uganda, after two decades of political instability since independence, characterized by coups and despotic leaders like Idi Amin, little progress towards democracy was experienced when the incumbent Yoweri Museveni took over from Obote in a coup. Though led by Lt. Gen. Tito Okello, Museveni took responsibility and feigned being democratic becoming the blue eyed boy of the West for his attempts to bring stability and political reforms to the country. Recognizing the need for political participation to legitimize his government, while fearing that multi-party politics could slip back the country to turmoil, he modelled his NRM (National Resistance

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[119] Ibid
[120] http://nobelpeaceprize.org/en_GB/laureates/laureates-2015/national-dialogue-quartet-2015/ Oslo, 9 October 2015 retrieved on 17/08/2016
[121] Ibid

Movement) to be a political movement allowing individuals to compete in a system of 'no-party democracy'[122].

This greater space for debate also created opportunities for CSOs, facilitating the rise of one of Africa's most effective women's movements. In Uganda, under the government of Idi Amin, women's groups had been centralized and co-opted under the National council of women which was located in the office of the prime minister. However, Aili Tripp's research has shown that the women the UN Nairobi women's conference in 1985 inspired a resurgence of women's organizations across the continent[123]. Frustrated that they had not been able to fully participate in the conference due to what they described as "the political control that was in Uganda at that time", a group of women led by Dr. Hilda Tadria established an organization to provide an independent voice for Ugandan women. Later that year, Action for Development (ACFODE) was born. Reflecting broader political trends, Uganda women found it difficult to exercise free political choices.

Despite these challenges, ACFODE was able to take advantage of the no-party system openings to raise the profile of women's issues and to encourage the government to enhance women's representation in predominantly male areas. In 1987, Museveni acknowledged women's complaints and created a ministry for women and development. Although not all initiatives made by the ministry were fully implemented due to lack of full government support, the creation of the ministry is enough proof of the influence and clout of groups like ACFODE.

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[122]Op Cit 4 pg 80
[123]T. Aili. "Women's Movements and Challenge to Neo-patrimonial Rule: preliminary Observations from Africa". *Development and Change* 32, I (2001), pp. (33-54)

2.4 Conclusion

Democracy did not end with the arrival of multi-party politics, and conducting of regular elections regardless of whether they are free and fair, rather it involves the building of democratic institutions, and political parties, reforming of political arena and educating all citizens about democracy. It must be stated that the change of constitution from the independence to a new one that covers on the growth of a new nation is essential for democracy to be realized, for it means decentralization and devolution of power besides respect for Human rights and dignity. Women's groups, churches and unions continue to play an important role in shaping the balance of power between states and the citizens. The relationship between civil society and the state is therefore best conceptualized as a two-way valve that enabled authoritarian regimes to maintain social controls but sometimes empowered NSAs to exert leverage on the government[124]. Consensus amongst conflicting groups requires well-planned preparation, genuine willingness for dialogue, pre-agreed controls of work and a framework in which ideas and viewpoints are shared by various political factions as in the case of the Tunisian Jasmine revolution. In particular, a sponsor trusted and appreciated by all parties concerned should undertake the task of running and deepening the dialogue until it achieves its objectives. All NSAs face challenges from governments since they offer the same services as the governments are supposed to offer and therefore they have moral authority to challenge governments. The next chapter will examine the role of NSAs in building democracy in Kenya as a case study.

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[124]Op Cit 101

3.0 CHAPTER THREE: THE ROLE OF NON-STATE ACTORS IN BUILDING DEMOCRACY: THE CASE STUDY OF KENYA

3.1 Introduction

This chapter covers the relevant NSAs in Kenya's history of democracy building from the early 1990s to the present situation. This will include CSOs and the media.

3.2 The Civil Society

Africa's political landscape has transformed significantly since attainment of independence in the 1960s, which has always been viewed as Africa's first liberation and birth of democracy. Subsequently, the African nations majorly adopted one-party states, autocracies, and military regimes characterized by incessant coups and political instability from the early 1970s for two decades. The second liberation is viewed as the adoption of multi-party politics and the second coming of democracy. The second liberation was a major step in the development of democracy in Africa. It was attained by NSAs in most of the African states.

In Africa, the Kenyan Civil Society remains one of the most active on the continent. It employs up to 350000 persons and contributes approximately 15% of the GDP while cutting across more than 26 sectors of the Kenyan economy[125]. The sector is credited with the midwifing of some of the transformative changes in the country such as the repeal of section 2A of the previous constitution that led to multi-party politics. The passage of the 2010 constitution can be seen as profound transformation from the constitution that was handed over from the colonial government that never quite had the best African environment in mind. The new constitution also has a new Public Benefit Organizations (PBO) Act that has replaced the 1990 NGO Act and is set to bring an overhaul to the CSO operations. It has, for some time now, acted as a check to the government in all areas. Kenya's second liberation was largely carried out by the civil society and the religious organizations when they joined hands to work together and bring down the one party rule that was in place since independence presided over by the founding father of the

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[125]State of Civil Society In Kenya; Challenges and Opportunities, A report of CSO Dialogues in Kenya

nation, Jomo Kenyatta, and his successor, Daniel Toroitich Arap Moi. Jomo Kenyatta was in power for 15 years and died in office in 1978. Moi, his successor, made a declaration to follow the steps of Kenyatta through the slogan 'fuata Nyayo under the Kenya Africa National Union (KANU). Moi's rule turned out to be mainly authoritarian characterized by excesses of an imperial presidency just like Kenyatta's with several unexplained political murders, detentions without trial and other inhuman treatment of perceived political challengers. For example the political assassinations of Pio Gama pinto, Thomas Joseph Mboya, Josiah, Mwangi Kariuki , Robert Ouko, university Don Chrispine Mbai who was a member of the CKRC. In addition, the detention without trial of political prisoners like Koigi Wa Wamwere, Kenneth Matiba, and Raila Odinga, and journalists like Wahome Mutahi. Who were at the front in the clamor for multi-party politics[126].

3.2.1 The Civil Society Organizations in the Early 1990s

In the early 1990s, open rebellion and civil unrest was common in the country, but the church could not watch these tyrannical tendencies leading to open defiance by the likes of Bishops Alexander Muge, Henry Okullu, and the Right Rev, Timothy Njoya. They openly led the civil society into calling for the amendment of the constitution to accommodate multi-party politics, the respect for human rights and dignity, and freedom of speech. A price paid by police brutality and government violence even to the clergy and the civil society alike. The media was restricted and only the state media was free for all, leading to its misuse and abuse by the state.

Kenyatta's style of restraint and steering the country as a de facto one-party state did not conform to Moi's leadership and behavioral characteristics. Moi's style - the centralization and personalization of power gradually laid the foundation for a dictatorship and innumerable human rights violations by his administration. When Jaramogi Oginga Odinga and George Anyona sought to register a socialist opposition party in 1982, Moi struck back by making the country a de jure one party state. He criminalized competitive politics and criticism of his

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[126]K. Adar & I. Munyae, (2001) Human Rights Abuse in Kenya under Daniel Arap Moi, 1978-2001, *African Studies Quarterly, Volume 5.* (1)

leadership[127]. Throughout the 1980s to 1990s the security forces, particularly the police, were used to suppress any criticism of his regime. This was a breach of freedom of speech and expression which severely abused democracy in all aspects.

The trend began with presidential directives and constitutional amendments. Apart from the Constitution of Kenya, Amendment Act, Number 7 of 1982, which introduced Section 2(A) transforming the country into a de jure one-party state, Kenya's parliament, on Moi's order, reinstated the detention laws which had been suspended in 1978. Colonial era laws, like the Chief's Authority Act, the Public Order Act, the Preservation of Public Security Act, and the Penal Codes, gave the president the right to suspend individual rights guaranteed by the constitution[128]. The parliamentary privilege, which gave representatives the right to obtain information from the Office of the President, was also revoked. This meant that members of parliament, and by extension their constituents, surrendered their constitutional rights to the presidency. Parliamentary supremacy became subordinated to the presidency and the ruling KANU party[129].

President Moi's control of parliament thereafter was extended to elections. The "Queue" voting system introduced by KANU in 1986 replaced the secret ballot with a system where voters lined up behind candidates. Those parliamentary candidates who secured more than 70 percent of the votes did not have to go through the process of the secret ballot in the general elections. This system encouraged electoral rigging and paved the way for what has been described elsewhere as "selection within an election". In a situation where there was a dispute over head-count, a repeat of the same process was not possible at the end of the exercise. The provincial administrators, who were the election officers, were only answerable to the presidency and they declared as winners only those candidates favored by the regime. Disputes arising out of nominations were often referred to the president personally as the final arbiter

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[127]http://kenyanewsnetwork.blogspot.co.ke/
[128]Ibid
[129]Ibid

over matters pertaining to the only political party in the country. Kenyans thus lost their right to vote for parliamentary candidates of their choice[130].

The attempts by the Law Society of Kenya (LSK) to achieve the repeal of the restrictions and to handle legal cases in the courts of law without interference and intimidation landed some of the outspoken lawyers in detention in the 1980s. In 1990, the Office of the President succeeded in manipulating the LSK elections which saw its sponsored candidate, Fred Ojiambo, defeating the pro-multiparty supporter, Paul Muite, for the chairmanship[131]. This move was designed to control the legal profession by the state.

Detentions and political trials, torture, arbitrary arrests and police brutality reminiscent of the colonial era became common during Moi's tenure. He perceived human rights generally as alien and Euro centric conceptions inconsistent with African values and culture. He viewed the pro-democracy and human rights advocates in Kenya as unpatriotic, disloyal, and ungrateful individuals influenced by what he called foreign masters[132].

Despite the pressure mounted by internal pro-democracy and human rights groups, another type of repression came into the scene after the 1992 elections: informal repression by the state. This involved the use of proxy agencies and groups to attack the pro-democracy and human rights supporters. Although not new to Kenya, this became an important political tool under Moi in the multiparty era[133]. During the December 1992 elections, and again in 1997, the KANU government used its control over the instruments of coercion and the Electoral Commission to place an undue advantage over the opposition. Private militia and groups of thugs were used to disrupt opposition rallies.

At the same time, KANU adopted a number of strategies that undermined free and fair elections in 1992 and 1997. Among them was lopsided voter registration which excluded opposition voters, an Electoral Commission of Kenya (ECK) that was biased, intimidation of

[130]http://kenyanewsnetwork.blogspot.co.ke/
[131] Ibid
[132]http://sites.clas.ufl.edu/africa-asq/files/Adar-Munyae-Vol-5-Issue-1.pdf
[133] Ibid

journalists, and banning of print media that is critical of the regime. The Provincial Administration in both elections helped KANU undermine the opposition party's prospects from gaining ground in the elections.

In the build-up to the 1997 elections, opposition demonstrations in favor of constitutional reforms to ensure free and fair elections were met with police beatings. Under external donor pressure, some amendments were made and enacted in November 1997, however, the police continued to contravene the constitution by violating the rights enshrined in the constitution. The reform champions demanded repeal of the Preservation of Public Security Act, sections of the Penal Code dealing with sedition and treason, the Public Order Act, the Chiefs Authority Act, the Administration Police Act and the Societies Act[134]. These were laws used to lock up and detain human rights campaigners and pro-democracy activists. These reforms were actively supported by church groups, opposition parties, human rights organizations, and other NGOs under the forum of the National Convention Assembly (NCA). They challenged the impartiality of the Electoral Commission, decried restrictions on opposition parties, and demanded unhindered access to the broadcast media and a fair registration process[135].

Following pressure from the international community, donors and CSOs in the 1990s, the government gave in and allowed for the amendment of the constitution to allow the resumption of multi-party politics. Upon resumption of multi-party politics, the space for freedom and democracy grew with help from the CSOs. When Daniel Arap Moi's era at the helm of power ended, he co-opted one of his vice chairpersons to take over as favorite to run for presidency, ignoring even his loyal Vice president. It is at this point that the independence party KANU got split with rebels joining forces to form a strong opposition which would merge and was able to win the 2002 elections with former president Kibaki.

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[134]Amnesty International Report, Violation of Kenya Human Rights, (Amnesty International, September 1997).
[135]Ibid

3.2.2 Civil Society Organizations after the Moi Era

The promises borne by the new party to the people included; zero tolerance to corruption, a new constitution within 100 days of holding office, affordable universal education, creation of sufficient jobs annually amongst others.

However, the government started to falter in its initial promises as scandal after scandal came up concerning corruption. Another factor that rocked the coalition government was the failure to honor a MoU between the main coalition partners.

The CSOs slowed their activities after the end of President Moi's reign since, most of the human rights abuses perpetrated by the state had reduced significantly. Moreover, notable personalities who were at the forefront in the struggle for building a Democratic country like Prof. Kivutha Kibwana and Prof. Wangari Maathai had become part of government through elective positions. The CSO activities then faced a leadership vacuum hence the reluctance in their operations. Because they were now in government, it became harder to push for the CSO agenda. However, a notable exception was John Githongo, a former tsar at Transparency International who was chosen to become the Permanent Secretary for Ethics[136]. He was able to expose the Anglo Leasing corruption scandal and therefore succeeded in his duty as a PS, in holding government officials accountable for their actions. However, after getting several threats on his life, he had to flee the country and seek political asylum abroad. This showed that the government was not committed to fighting corruption since the ministers in question were not prosecuted for their actions and in addition, had sent dangerous threats to the whistle blower. It is clear then that corruption was fighting the law with impunity.

These scandals gave CSOs that were concerned about good governance and accountability an opportunity to expose the weakness of the NARC government. The CSOs included Institute of Economic Affairs, Transparency International, and Center for Governance and Democracy. The constitutional debate that occurred at Bomas of Kenya saw CSOs pushing for different agendas

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[136]http://www.bbc.com/news/world-africa-31733052   retrieved on 16/08/2016

within the constitution for example, KHRC advocated for the entrenchment for the Bill of Rights, while child rights organizations advocated for better children's' rights in the constitution, while religious organizations advocated for neutrality of the constitution.. The constitutional review therefore saw a strong interaction of different CSO groups[137].

Subsequently, the government became divided as each side wanted to push only for their agenda instead of pulling together to one side. The splitting made the government to have two centers of competing power. After a polarizing referendum on whether the country should adopt the Bomas draft or not, the centers split setting a stage for the next election. After the disputed elections, there occurred a bout of electoral violence involving the two main opposing sides attacking one another leading to deaths and displacements of people from their homes.

During this period, the impact of influential personalities on building democracy was first experienced in Kenya. The opposing sides took hard stances unwilling to cede ground for the benefit of the nation. Talks were held daily that were led by a panel of mediators called 'Panel of eminent persons' which consisted of Arch Bishop Desmond Tutu, Graca Mandela Machel, Joachim Chisano and John Kufuor. When all this failed, Koffi Anan, the former UN Secretary General was sought to help with the mediation process. Finally, the opposing sides settled for a government of National Unity with various agenda on it's to do list which was supposed to aid the resolution of the crisis. This illustrates the ability of individual personalities to act as influential NSAs during conflicts due to their place in the society as leaders of repute.

Part of the changes that came with the new National reconciliation Accord lead to a new constitution which was promulgated in 2010, and several reforms of the political parties, the election body the IEBC, the Judiciary, the Police Commission, and several other changes in the public service. The promulgation of the Constitution of Kenya 2010 was preceded by almost two decades of political drama and intrigue, But the climax was in 2001, when Prof. Yash Pal Ghai, the globally respected constitutional lawyer, was picked to lead the Constitution of Kenya Review Commission (CKRC) that was created as a result of a merger between the government-

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[137]http://www.sahistory.org.za/sites/default/files/file%20uploads%20/p._wanyande_m.a._okebe_editors_discourses_on_book4me.org_.pdf

led review team and that of religious and civil society known as the Ufungamano Initiative Moi had been under pressure to institute a full constitutional review, which he had promised, when the opposition compromised on minimal reforms under the Inter-Parties Parliamentary Group (IPPG) ahead of the 1997 elections[138].The media became more open and was able to report on any issue. For example, programs like 'Up Close and Candid', 'On the Spot', and Third opinion became avenues for interrogating different personalities on national issues[139].

The CSOs currently face challenges from the government which is not committed to implementing the new PBO Act 2013 since they are trying to manipulate the regulatory laws as it happened in the 1990s. The new PBO Act in section 4 makes the Government responsible for providing an enabling environment for PBOs to operate. This is in line with the Government's obligations under international law to respect the freedoms of association and assembly. PBOs have a duty to furnish the Regulatory Authority with their annual report of activities and audited financial returns, six months after the end of every financial year (Section 31). The Authority may institute inquiries to determine if the activities of a PBO do not comply with the PBO Act or any other law (section 42(1) (h)). The powers of the Authority to cancel or suspend registration of a PBO are limited to specific instances and to be exercised in line with clear procedures, aimed at safeguarding PBOs (section 18 and 19)[140].

By trying to entrench ill-intended amendments to the Act even before implementation, a stumbling block to furthering democracy is now shoved to the CSO fraternity. To counter the government's moves, the CSOs must use all means to defeat all ill-intended amendments to the Act even if it means seeking directions from the Supreme Court on interpretations.

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[138]http://mobile.nation.co.ke/lifestyle/Ghai-unites-factions/-/1950774/2058244/-/format/xhtml/item/1/-/ii1ejdz/-/index.html POSTED 3/11/2013
[139]Op Cit137
[140]https://www.devex.com/news/in-kenya-240-000-civil-society-ngo-employees-at-risk-of-losing-jobs-82381

3.3 The Media

The media in Kenya has played a major role in the building of democracy by serving its roles as the 'fourth estate' a term used to connote its duty as the check and balance on government's operations. It is thought to be the fourth arm of government only this time, an independent arm. The media has a duty to inform the public, defend the public interest, build confidence of public institutions to the people, building peace and consensus, and setting up the public discourse and/ or agenda. The media does its duties on the basis of factual information in an independent way and allows the public to make its own judgment of the reporting that it does. When relaying technical information, the media is supposed to interpret and give meaning to complex issues to the public since an informed public can make an informed choice on important issues. The media's contribution can be divided into different roles as discussed below.

3.3.1 Watchdog

The Kenyan media has always performed effectively this duty of checks and balances on the Kenyan government. Especially with a weak opposition that is incapable of checking the executive. In Kenya' s 11th parliament, the ruling coalition Jubilee Alliance Party (JAP) has a total of 167 members , while the opposition coalition CORD has 132 members, Amani has 21 members constituting approximately 47%, 37%, and % of the House respectively[141]. The 10% consists of the remaining parties, with these numbers, Jubilee needs a paltry 3% of additional voters to reach the mid-point mark of the National assembly which then allows them a greater control of the house, while CORD needs a minimum of 13% to oppose any government bill. This has greatly affected the strength of the opposition in parliament.

The media has tabled findings on corruption in the government consistently and objectively. The government has been involved in several cases of corruption since the early 1990s starting with the Goldenberg scandal, where the government was involved in a fraudulent gems export business that saw the public lose money to the tune of 60Billion shillings[142] according to

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[141]Emmanuel Dickson, (2015, October)http://emanueldickson.blogspot.co.ke/ retrieved on 14/08/2016
[142]http://www.worldpress.org/africa/1499.cfm

witnesses at the commission of inquiry for Goldenberg scandal. The public proceedings were aired and the public got conversant with the scandal. This made public servants relax for some time only to come back with more force on other scandals like the Anglo-leasing[143], Chicken gate[144] and National Youth Service[145] all involving sleazy procurement deals that were overprized and did not follow due procurement laws. The media has also variously highlighted Police officers caught in camera receiving bribes. The Kenyan media enjoys a big public confidence as shown by a recent opinion poll on matters of exposing corruption[146]

3.3.2 Protector

The media protects the public from harm when it reports on security threats like terrorism like the Westgate, Lamu and Baragoi attacks. health threats, and when it exposes the government abuses on human rights like the recent extra judicial killings like the Syokimau three and police brutality on unarmed demonstrators like Mr. Manono- the peaceful demonstrator during the Interim Electoral and Boundaries Commission (IEBC) debate who was brutally assaulted by police, women and children caught in the middle of the demonstrations by stray bullets. The media also highlights the dangerous health risks on the public like industrial effluents and poisonous fumes that cause lead poisoning like the Mombasa case which caused respiratory diseases, barrenness and high infant mortality rates. These are avenues of democracy building since they impact the citizens' life in all important aspects that is socially, economically and politically.

3.3.3 Consensus and Peace Builder

The media has hosted programs, which have held public debates on important matters such as tolerance and unity in the face of diversity of culture and political views. In the last general elections, the media afforded a joint debate for presidential candidates by fielding direct public

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[143]http://www.bbc.com/news/world-africa-31733052
[144]http://www.informereastafrica.com/node/574
[145]http://www.nation.co.ke/news/kabura-nys-suspects-summoned/1056-3188950-8jyg4d/index.html
[146]*http://www.standardmedia.co.ke/article/2000196323/survey-media-the-most-trusted-institution*

questions in real-time affording the public a view of their choice candidates and enabling them to gauge and decide on which are their best-suited candidates. This was the first such public debate and as such, the debates should be held more frequently and be run more objectively and with impartiality. The media have always shown the progress and plight of IDPs since the unfortunate events of the 2007 elections, questioning the public on their choice of peaceful co-existence.

3.3.4 Informer and Interpreter

They have aired the political candidate's advertisements for the public's consumption and subsequent independent choice of candidates in all levels of elective seats. They have given fine details of the occurrence of political assassinations like the murder of controversial businessman Jacob Juma and questioned the investigating authorities on air leaving the public to decide the government's commitment to social justice, and Human rights. In the Malindi by-election, for example, they openly showed voter bribery and police intimidation of voters with armored vehicles. These are some of electoral mal-practices that destroy the fabrics of good democracies. It is just the same as the mal-practices during the autocratic regime of Daniel Arap Moi, and also what is currently being experienced in Uganda. This clearly illustrates the significant role of the media in building democracy

3.3.5 Gatekeeper

The media is a gatekeeper of information in the sense that they are the custodians of information and they exercise their judgment on what is good or bad for public consumption thus they define the rules of the game and the others will follow their definition and the agenda that they set for the consumers' opinion. As such they play a vital role in the shaping of public opinion, though they should always remain objective and non-partisan.

3.4 Conclusion

This chapter is about the Role of Non-State Actors in building Democracy, The Case Study of Kenya, from the chapter we can see the similarity between the roles of the NSAs that are involved in the Kenyan political scene with the ones involved in the other African countries. Suffice to say that in deed, the NSAs have played a major role in the growth of democracy mainly through enactment of various Laws that directly affect democracy, and activism that has kept the government in check over abuses of Democracy and its features. The next Chapter, will give a critical analysis of the Role of NSAs in building Democracy.

4.0 CHAPTER FOUR: A CRITICAL ANALYSIS OF THE ROLE OF NON-STATE ACTORS IN BUILDING DEMOCRACY IN KENYA 1978-2016

4.1 Introduction

This chapter gives a summary of the research study findings thematically with reference to the theoretical framework of constructivism. The main NSAs in Kenya are the Church, CSOs and the media. The government has had differing attitudes with these NSAs during our short history since independence. The state of Non–State Actors in Kenya is currently under threat from government due to various reasons. This chapter will highlight the achievements and challenges facing the NSAs in their quest to build democracy in Kenya.

4.2 The Media and Civil Society

The Kenyan media enjoys high levels of public confidence since it has always played its roles as a watchdog faithfully. After the scrapping of the single party status of our politics in 1992 when Section 2A of the constitution was done away with, a trickle-down effect on every section of the economy was felt. The state media was pushed to the back of the sector as the liberalization of the sector saw an exponential growth of private media companies, out to earn the public trust and confidence by informing the citizens of the developments in the nation, educating the citizens on civic matters and human rights, exposing corruption, police brutality and all matters of public interest.

The liberalization of the media enhanced the building of democracy significantly and for that reason, the media earned itself a special place in the Kenyans' hearts. A recent survey placed the media as the most trusted public institution in contrast to government institutions which over time have faced dwindling public confidence[147]. One such survey in 2014 found that 85 per cent of respondents had "some confidence" in the Press. Another survey conducted recently rates the

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[147]http://www.nation.co.ke/oped/Opinion/Medias-role-in-free-and-fair-elections-is-critical/-/440808/3161330/-/12j76h4z/-/index.html

media as the most trusted institution while the Ethics and Anti-Corruption Commission (EACC) and the Judiciary inspire the least confidence. An opinion poll conducted by Infotrak shows that 87 per cent of Kenyans had confidence in the media and were content with the informative, educative and watchdog role of journalists. Civil society ranked second with 63 per cent while the Jubilee government that has lately been marred by graft, was third with 55 per cent[148].

Unquestionably, the strong and principled stand taken by the Aga Khan and his early editors at the Nation in supporting the cause of nationalism; in offering a platform to progressive KANU leaders such as Tom Mboya who were banned from the more conservative Standard newspaper and the gamble he took that Africans would in time enter the professional classes and provide a market for the Nation, all these factors helped to identify the media very strongly with the early nation building project. Later in the 1980s, at a time when the big newspapers such as the Nation and Standard and the state-controlled Kenya Times pulled their punches, new courageous voices emerged to press for the expansion of the democratic space[149].

Earlier in the mid-1990s, the Beyond magazine published by the National Council of Churches of Kenya, the Nairobi Law Monthly, the Finance magazine and later, The People Weekly gave a platform to those who were fighting dictatorship. Currently, the media has a stellar performance in exposing corruption in government, having informed the public comprehensively about the now infamous and grand corruption schemes of the current and past governments namely; The NYS, Chicken gate, Anglo-leasing and Goldenberg scandals amongst others.

Since our new constitution is about changing a status quo that the country found unacceptable and unsustainable, the media can play a role in ensuring that it is implemented to the latter by rallying everyone to this noble cause hence enabling the people to realize the benefits of the new law. This can be done by making it part of the National Agenda. The new constitution is supposed to decentralize the resources from the national government which would give every region a chance of social and economic growth both from the devolved and national governments. This then would further ramify the effects of the nascent democracy that flies on

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[148]http://www.standardmedia.co.ke/article/2000196323/survey-media-the-most-trusted-institution
[149] Op Cit 108

the wings of a new constitution. The media must therefore take up the implementation of the Constitution as a fundamental pillar of its patriotic duty.

The Civil Society Sector is not fully understood in Kenya in its broader perspective. Many people equate it to human rights and governance organizations. However, it can be defined to include: a space arena within which citizens act to improve their lives, citizens acting individually or together on a voluntary, peaceful and self-determined basis for the common good and in the public's interest, citizens responsibly exercising their fundamental rights of freedom and liberty of assembly and speech in order to contribute to the development of their communities. Over the years, 80% of organizations in the sector have been guided by the rules and regulations set after the NGO coordination Act 1990 through which the NGO council was formed[150].

The sector has performed relatively well despite its waning influence after the attainment of multi-party democracy status in the country. The public perception of the sector is positive with a survey conducted by the National Democratic Institute Survey (NDI) indicating that more than 70% of respondents trust the CSOs. CSOs have worked tirelessly to keep the government in check for example, when the National Assembly attempted to raise their salaries and allowances, they rallied and mobilized citizens to put pressure on the president not to give in and assent to their recommendation. More than 10 pigs were painted red and taken to the parliament and the activists camped there for most of that day[151].

A recent instance of CSO initiative that has taken the country ahead in the electoral reforms is the demonstrations against the current IEBC which has suffered lack of public confidence on their ability to conduct a credible election. This started with the opposition piling pressure on the current commission to resign and was followed by Central organization of Trade Unions (COTU), and religious organizations which are currently playing a big role in the building of democracy in all fronts. After considerable pressure from many NSAs, the commission finally agreed to pave way for a new team that is to be selected soon. However, the CSOs also

[150] Op Cit 105
[151] http://allafrica.com/view/group/main/main/id/00024470.html

experience difficulties in their operations, other than dwindling funds from donors, the state is trying to brand the CSOs in bad light, since they have kept them in check.

There are serious indications of the state's hand in this retrogressive act of negative branding so that they can enact punitive legislations through amendments of the PBO Act 2013. There are allegations that the government has written to donors and embassies claiming that CSOs support terrorism hence the closure of several NGOs for failure to submit returns to the NGO board and some for links to supporting terrorism[152] . During the cases of the president and his deputy at the ICC, NGOs received unwarranted harassment from the state in both national and county government since they were seen as being responsible for the cases at The Hague and running a witch hunting agenda on the local leaders on behalf foreign governments.

4.3 The Church

The church has always been at the center of the democracy discourse in the country since the advent of multi-party politics in the early 90s. Notably, its leaders led the struggle for multi-party politics, and democracy building, calling for freedom of speech and association, enhancement of human rights and the end to dictatorship. Some of the leaders lost their lives in the struggle, others faced police brutality in the recently vivid memories of anti-riot police. Since the church and other religious organizations have the moral authority to give direction to their flock by shepherding and leading them, they are the best institution to lead the nation in a dialogue process as they have done before. However, they must remain non-partisan and be objective in all their actions.

After the end of an authoritarian era in 2002, the national political scene was relatively stable as all parties united after the defeat of the independence party, leaving the country with a weak opposition that was unable to run its duty of keeping the government in check. The euphoria that was there at the start of the newly formed government was quickly fading due to squabbling in government and ideological differences of the coalition groups. One of the main manifesto

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[152] Op Cit 111

agenda of the then government was the enactment of the new constitution, which was being run by the CKRC. At this point, the church took sides and sided with the government mainly because it was against the rumored perception of the time that the constitution would turn the country into a Sharia state[153] based on a MoU with the then opposition leader Raila Odinga who had left government. The contention at the time made for two passionate opposing sides as to whether the country needed the drafted constitution or not leading to a referendum for a YES or NO vote for the constitution. Where the opposition defeated the government and the church in asserting the need for the new constitution.

4.4 A Constructivist View of the Role of NSAs

From the above illustrations, a trend emerges of these NSAs concerning their role in democracy building in Kenya. From our theoretical framework, constructivism involves three main aspects that define the phenomenon of NSAs in democracy building. They are identities, norms and interests. Identities helps to define who the NSAs that are being studied are. In the case of this study, the identities for each actors can be described as: The Media is defined as a co-equal arm of government that is meant to keep the government in check by ensuring transparency and accountability of the government's actions through investigative journalism, and exposing of irregularities in government and follow up of the implementation of government roles such as the new constitution, also as an educator of the citizens through interpretation and candid analysis of complex matters.

The norms that the public expects of such a public institution include: an independent agenda setter of national discourse, objectivity of reporting and freedom from the government in its operations, impartiality and beyond reproach in its activities by offering professional services that is free from manipulation from the political elite and the agenda that would be driven by the media owners. The interests that would run the media include; safety for its viewers who are citizens from arbitrary arrests and police brutality, equity and fairness to every citizen by the

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[153]Op Cit 101 pg. 84

government when performing its duties to the people, a properly running government that is free from corruption and ethnic discrimination.

The church, on the other hand remains an influential NSA in discourses on democracy. First it has an identity as the voice of God to his people regardless of the religion. That God, like during the biblical times has a connection to his people through his divinely chosen servants who would speak of God's wish to his people like the prophets of the biblical times. These servants would therefore stand beyond reproach as the connection between man and God making the Church an important moral authority that would wield power beyond the earthly powers and laws for instance.

As the voice of God, the church therefore is set on a high pedestal regarding the norms of such an influential actor. Like the biblical Moses, the current church is expected to lead its people from Egypt to Canaan. Reflecting the expectations of the people to be led by God's servants from worse times to times of abundance and plenty in all respects whether democratically, socio-economically or even politically. By example, the church leaders are expected to give direction to both the congregation and the political leaders alike just like when how the biblical Kings always consulted the prophets for direction. The Church's identity is therefore a powerful supranational actor. The interests of the Church would mainly be about the well-being of its followers in all areas that is politically, socially and economically. In addition, their interest is a peaceful co-existence between differing political, ethnic and ideological groups, making them ready to act as arbiters in case of any disputes and also as peace builders during conflicts.

CSOs are another group of NSAs that the study has touched on. Their identity is that of the alternative voice to the government. They provide essential services to the people when the government is unable to provide and as well as complementing the provision of the government for example on healthcare and education. This makes them to wield power since they are providers to the citizens and hence they become influential to the direction of discourses on well-being of the citizens including democracy. The norms would therefore be that they are expected to have powers that can question government on its actions, its performance on its mandate to the

people in all aspects of the society. The power comes with their ability to finance several development projects thus changing the lives of citizens.

Their interests would then be mainly be the well-being of the citizens and sometimes they tend to advance the interests of the donors who support them for example, in the early 1990s. After Disappointment with the performance of the government on the implementation of the structural adjustment program and the government's commitment to fighting corruption, the Aid money was now channeled to bring democracy as an ideology of the Western civilization to Africa.

4.5 Conclusion

To those to whom much is given, much is expected, does the media play the agenda-setting role sufficiently as expected at a time when the nation is going through a momentous period of transition with the implementation of the new Constitution. Because of the 2010 Constitution, the dawn of issue-oriented politics is upon us. The 2017 elections will definitely be fought on issues such as corruption, devolution and its pillar of equitable distribution of resources, security, basic needs for all people (education, food, environment, sanitation, housing, employment, clothing, health, and leisure) and the emerging financial battles between the national government and its county counterparts. Issue- oriented politics will weaken the curse of divisive politics that has made it difficult to transform this country. This can be achieved by the media playing all its roles effectively and objectively. The church and other religious organizations have affirmed their support and commitment to promoting a peaceful and amicable solution to the IEBC dispute and any other critical national issues, and in this way contribute to the national preparedness for the August 2017 General Elections. On their part, it is our prayer and hope that all political actors will cease organizing demonstrations so as to promote peace and national cohesion. The next chapter will provide a summary of the debates and a conclusion the study and give recommendations.

5.0 CHAPTER FIVE: SUMMARY AND CONCLUSION

5.1 Introduction

Democracy has been challenged throughout the world by the governments in power for various reasons. Mostly it happens because the incumbent presidents are either afraid that losing their seat would expose them to the world's justice system for their atrocities while in power, or simply because they cannot afford to lose their patrimonial networks and live life free of their bourgeoisie lifestyle.

5.2 Summary of Chapters

Chapter One gave the background and statement of the research problem, highlighted the objectives of the study and analyzed literature review on NSAs. Also the state operates in a geographically delimited area, meaning that it is territorial and that it claims to exercise authority over its territory. NSAs are co-equal forces with the government that operate with the state, providing what sometimes the state is unable to provide to its' citizens like protection, food and education. The theoretical framework of constructivism best describes NSAs since they have an identity of being an independent and alternative voice to the people, the norm of this alternative voice is the power that they possess over the people and state alike to exercise what they deem as best fitting to the people being their interest and the citizens' interests. Violent NSAs are not covered in this study

Chapter Two covered the role of NSAs in building democracy in Africa focusing on the main NSAs that have been actively involved in the process of democratization, the study identifies the church and religious organizations, the Civil Society, Labor unions and the media as dominant players in the democratization process. The Church owing to their undisputed position as the direct voice of God and shepherd to the flock has a moral authority over both state and citizens alike, enabling them to have a right to stand as arbiter and conciliator between any conflicting groups. The Civil Society that is made up of NGOs and INGOs have moral authority since they

provide essential goods to the public which the state sometimes fails to provide based on their reliance on donor funding, they also get the backing of the international community and are guided by international treaties. The Trade Unions have direct control of the workers in any nation since they handle their work related concerns, meaning they directly control the economies of states and therefore determine the performance of economies directly. They are financially capable based on their financial contributions of the members making them entirely free from government control. The media is also a strong NSA, which has the power to hold the government accountable by exposing its performance in all areas of public interest. By informing the public of their rights and expectations from the government in power, they educate and enlighten them hence strengthening the growth of democracy.

Chapter Three looks at the NSAs that have been involved in the building of democracy in Kenya. The media and CSOs, and the Church are covered in two time frames thus during the Moi era and after the Moi era. The chapter specifies exactly how these NSAs are involved in the building of democracy.

Chapter Four looks at the role of NSAs Vis a Vis the theoretical framework of constructivism. The study finds that all the NSAs covered in this study take the main aspects that are fronted by constructivism that is identity, norms and interests of the NSAs.
The findings of the study place NSAs as very important players in any political platform in all nations. The NSAs are always involved in the building of democracies and states too. The NSAs usually act on the basis of their identities, their expectations and what they expect from their actions

Chapter five summarizes the debate.

5.3 Conclusion

From the research study, we find that democracy is an ideology that has been fronted by the West in developing countries which have defined it as the holding of regular elections regardless of the credibility of the election process. In practice, democracy should not only be defined in such a simplistic way, but must be seen to be exercised to the latter by incumbent regimes. The study also identified, the propensity of African leaders to change constitutions to accommodate their willingness to stick in power at whatever cost as a stumbling block to the development of democracy. Another stumbling block to the development of democracy is that most of African states are deeply divided ethnically making nationalism take a back seat in national politics.

The model African democratic nation that is politically stable and exercises democracy effectively-Tanzania is a good beacon of hope since it is multi-ethnic yet cohesive as a result of the founding father's choice to use a national language Swahili to unify and rally the citizens to embrace nationalism just after the state became a republic after independence. It is therefore evident that while states are being built, nationalism must be reinforced through cohesive practices and culture.

For democracy to succeed, NSAs must be strengthened through legislation that is implemented to the latter without sabotage, they must also be objective in their duty of holding government in check by ensuring that their role remains purely in the interest of public good and nothing else. For instance, the media must only give a true picture of the situation on the ground while reporting and avoid lobbyists who may front their personal interests.

5.4 Areas for further Research

The study recommends the following areas for further studies; the role of violent NSAs in building democracy, how the current challenges to democracy in Africa like third termism can be controlled and Africa's big men made to follow and protect the constitution instead of

manipulating it to their benefit. Also, studies on how influential personalities can enhance democracy building is recommended, and the sustainability of negotiated democracy amongst different communities occupying a common ancestral land.

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