

**Civil Society and the Governance
of Basic Education**

***Kenya Country Field Study*¹**

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Executive Summary

The 2002 elections in Kenya marked a significant tipping point in the country. After almost 40 years in power, the Kenya African National Union (KANU) was defeated by Mwai Kibaki's National Rainbow Coalition (NARC). The post-2002 political landscape in Kenya has certainly created a more favourable environment for the development and functioning of CSOs. This expanded political space for CSO engagement has witnessed the growth of an entrepreneurial, competitive, donor-driven milieu for CSOs. However, the roles played by civil society organizations in education sector governance in Kenya continue to be in a state of flux.

Kenya's Education Sector Program (KESSP) was introduced in 2005, two years after the country's new government announced the abolition of primary level school fees and welcomed 1.2 million additional children into the national primary school system. Similar to initiatives launched in other countries, the KESSP is a sector-wide program that attempts to bring international donor organizations and other local partners together around a coherent policy agenda that is fully owned by government.

One area of considerable challenge for civil society organizations relates to their roles within the delgrem. a s b forives launchcz5 b .heir rodelgrem. (leghte)30(ogetinly cip i0vis. TSO soc21(at0 -1lo0 -1ance 6n Kenya

List of Acronyms

ANCEFA	Africa Network Campaign on Education for All
ASALs	Arid and semi-arid lands
BOG	Board of Governors
CEF	Commonwealth Education Fund
CIDA	Canadian International Development Agency
CSO	Civil Society Organization
CBO	Community Based Organization
CDF	Constituency Development Fund
DEB	District Education Board
DFID	Department for International Development
DP	Development Partners
EFA	Education for All
EFA-GMR	Education for All – Global Monitoring Report
ERSP	Economic Recovery Strategy Paper
ESDP	Education Sector Development Plan
EDCG	Education donor coordination group
EYC	Elimu Yetu Coalition
FBO	Faith-Based Organization
FPE	Free Primary Education
FTI	Fast-Track Initiative
GCE	Global Campaign for Education
GDP	Gross Domestic Product
GER	Gross Enrollment Rate
GOK	Government of Kenya
HDR	Human Development Report
IDA	International Development Association (World Bank)
IMF	International Monetary Fund
JICA	Japanese International Cooperation Agency
KANU	Kenya African National Union
KCPE	Kenya Certificate of Primary Education
KNUT	Kenya National Union of Teachers
KESSP	Kenya Education Sector Support Programme
MOEST	Ministry of Education, Science and Technology
MOE	Ministry of Education
NARC	National Alliance Rainbow Coalition
NER	Net Enrollment Rate
NFE	Non-Formal Education
NFS	Non-Formal Schools
NGO	Non-Governmental Organization
NCNGO	National Council of NGOs
ODA	Official Development Assistance
PER	Public Expenditure Review
PGRF	Poverty Reduction and Growth Facility
PRSP	Poverty Reduction Strategy Paper
SAPS	Structural Adjustment Programmes
SMC	School Management Committees
SWAp	Sector Wide Approach
TSC	Teachers' Service Commission

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and government) asking them the same questions. Wherever possible, we also tried to compare civil society activities in the education sector to civil society engagement in other policy arenas.

Data collection instruments consisted of semi-structured interview guides (See Appendix 4) designed for each of three groups (donors, government and CSO). In addition we also carried out focus group discussions (FGD) with school management committees. Relevant government policy documents, research reports, meeting minutes, journal articles, CSO media advocacy material, and other related documentary evidence were also reviewed and analyzed to complement the primary data collected.

Interview data was transcribed, coded and entered into N6, a qualitative data analysis software. Emerging issues and themes from the data were then further triangulated to ensure validity of analysis and interpretation. Interviews were coded as follows: C for civil society organizations, G for government and D for development partners.

Table 1: Breakdown of Interview Data by Type and Group

Type	# of Organizations	# of Participants	# Interviews
Networks	9	10	9
Local NGO	3	3	3
National NGOs	5	7	5
INGO/Regional NGO	10	13	10
Constituency-based	2	2	2
Faith-based	2	2	2
Researchers	1	2	2
School Committees	3	12	3
Non formal Schools	1	2	1
Development Partners (Donors & IOs)	5 (4,1)	9 (7,2)	6 (4,2)
Government	5	15	9
TOTAL	46	78	52

3. The Kenyan Context

Kenya, which became independent from British rule in 1963, is one of East Africa's more politically-stable countries. Its population of 33.5 million (UNDP 2006) is approximately 45% Protestant, 33% Roman Catholic, 10% indigenous beliefs, 10% Muslim, and 2% others including Hindus. More than 40 different ethnic groups inhabit the country, each with its own culture, religion, organization, and power structure. The main ethnic groups are: Kikuyu 22%, Luhya 14%, Luo 13%, Kalenjin 12%, Kamba 11%, Meru 6%, other African 15%, and non-African 1%. Kenya's Human Development Index (HDI) estimates life expectancy at 56.6 with adult literacy at 68.7% (UNDP 2006).

Table 2: Kenya Basic Statistics



The Kenyan economy has shown steady growth over the last three years: 4.9% (2004), 5.8% (2005), and 6.1% (2006).⁴ Nevertheless, poverty continues to be a pressing challenge.. Kenya ranked 152nd out of 177 countries on UNDP's Human Development Index in 2006 (UNDP, 2006) with over 56% of its population living below the international poverty line (OECD 2006). Although predominantly concentrated in rural areas and arid and semi-arid lands (ASALs) and urban slums, there are also widespread inequalities within and between geographic regions. Recent statistics for Kenya show that income is heavily skewed in favour of the rich and against the poor as evidenced by the fact that the country's top 10% households control 42% of the total income while the bottom 10% control less than 1% (Odhiambo 2004).

Kenya's interim PRSP was endorsed by the World Bank in November 2000 under KANU; the full PRSP was prepared in 2001 through a consultative process with involvement from civil society and other stakeholders (Shivernje 2005; McGee and Hughes 2002). Several reviews however contend that CSO participation in this PRSP process was minimal and largely consultative (Owina 2005). However, lending for the PRSP was suspended and only resumed in 2003 when the NARC government came into power. As part its larger economic and governance reform agenda, the NARC government developed its own national policy framework for addressing poverty and social welfare the: *Investment Program for the Economic Recovery Strategy for Wealth and Employment Creation in 2003 (IP-ERS, commonly known as the Economic Recovery Strategy Paper (ERSP))*. The ERSP was a blueprint intended to guide the Government's economic policies over the 2003-2007 and focused on reviving stagnant economic growth, reducing poverty and increasing employment (GOK 2005). In October 2006, the Kenyan government launched the preparation process of its economic strategy for *Kenya Vision 2030*, to replace the IP-ERS which ends in 2007.⁵

Although Kenya is officially classed as a low-income country by the World Bank, it did not meet the criteria to qualify for the Highly Indebted Poor Countries (HIPC) initiative. Civil society organizations such as KENDREN (Kenya Debt Relief Network) have been actively campaigning for debt relief, citing the fact that Kenya's debt is largely inherited from a previously corrupt government. Nonetheless, donors are providing an increasing volume of aid to Kenya. Net official development assistance (ODA) in 2004 was USD 635 million up from USD 394 million in 2002 (OECD 2006). In addition, Kenya has also endorsed the Paris Declaration on Aid Effectiveness, and 45% of its current aid is programme-based (OECD 2006).

3.1 Civil society in Kenya

Civil society organizations played an important role in Kenya's democratization process, beginning with the democratic transition in 1992 to multiparty democracy. Owina (2005) documents three types of organizations that have played a significant role in this process: first, professional associations, such as those formed by lawyers and academics (although these) can also be faulted for their elitism and lack of grassroots linkages. Second, trade unions have played important mobilization roles. Third, churches, and particularly the Anglican and Catholic Church

⁴ Kenya Bureau of Statistics

⁵ Kenya Vision 2030 as Kenya's new long term economic reform agenda is based on three pillars: Achieving and sustaining average economic growth of over 10% per annum over the next 25 years, building a just and cohesive society and producing a democratic political system.

can however, affiliate with a political organization *inside* Kenya, though the Government discourages this practice. However, as Maina (1998) notes many government officials see the law as “giving the government the statutory framework to check the growing power of those NGOs funded by donors” (p.162).

The National Council of NGOs (NCNGO), first established in 1990 under the NGO Act serves as an umbrella organization for registered NGOs and also plays a role in the registration, regulation and coordination of NGOs on a sector basis. The NCNGO has rules and regulations

constitutionally compliant re-elections. Although the progressive NGOs took the case to court this year, they were defeated in their mission of pressing for reform. The Progressive NGO group is presently planning to reformulate its plan of action.

While Kenya's changing political environment has seen the emergence of a stronger civil society, the relationship between CSO and government still appears cautious on many fronts. As noted by one respondent "There is a long history and tradition of deregistration of NGOs here" (Int. C46), thus contributing to the fractured working relationship. This sentiment was also echoed by a donor who said "Distrust between government and civil society is still high" (Int. D1). Another donor similarly noted, "In Kenya we know there is tension between the NGOs and cabinet" (Int. D8). Consequently, the feeling of being threatened is still prevalent within CSOs making it difficult to forge a truly genuine, synergistic working relationship between the government and civil society organizations.

The history of civil society participation in Kenya's poverty reduction strategies has also been uneven. Most reports note that the original (2001) PRSP was rushed and did not allow for meaningful CSO participation (McGee 2004; Shivernje 2005; Ng'ethe et al. 2004). Bonfas Owinga from the Social Development Network (2004) describes the PRSP process in Kenya as "not truly participative but rather consultative," mainly because CSOs were asked to respond to a prepared document (p. 2).⁸ Similarly, the shift from the PRSP to ERSP seems to have been made without adequate consultation with all the stakeholders involved. Monitoring of ERSP continues to be challenge for civil society as there no established mechanisms or systemic forum for them to provide input at. Additionally, there is little or no financial support allocated for CSOs to monitor the implementation of ERSP (Shivernje 2005).

Nonetheless, two examples are noteworthy of how CSO participation has made a difference in the PRSP process in Kenya. The first involves marginalized pastoralist communities. The I-PRSPs did not incorporate the concerns of pastoralism, so pastoralists at the PRSP meeting established the Pastoralist Strategy Group and successfully lobbied the government to have pastoralist concerns incorporated in the PRSPs. Their efforts ensured that the government allocated a higher budget for education bursaries for girls. Another success was that of the Collaborative Centre for Gender and Development who managed to ensure the PRSPs were engendered (CEF 2005). Furthermore, the expectation of civil society input into the PRSP process seems to have contributed to enhance momentum for coordination and collaboration across civil society actors.

⁸ Similar problems are reported on participation of CSOs in Kenya Country Strategy Papers (CSP). In a research study by the European Commission it was reported that there was a "total lack of policy dialogue or consultation with civil society groups in the drafting of the CSP" (Giffen 2004: 10).

4. Basic Education Policies In Kenya

Free Primary Education (FPE) was first declared in the 1963 elections by the Kenya African National Union (KANU), which committed to offering a minimum of seven years of free primary education. This commitment was reiterated in the 1969 elections, and in 1971 a presidential decree abolished tuition fees for geographically disadvantaged regions. In 1973, during the 10th anniversary of independence, a directive providing free education for children in standards I-IV in all districts of the country and a uniform fee structure of Ksh 60 per child per annum in standards V-VII was issued. This was the closest equivalent to “universal free primary education” (Centre for Research and Development 2004). While these pronouncements played an important role in the increased enrollment in schools from 1.8 Million in 1973 to 2.8 million in 1974 (Muhoko 1974), the abolition of school fees created serious financial burdens for the Ministry of Education. As there was no planned alternative from the government to supplement this loss of revenue, school management committees resorted to raising school revenue under the guise of “building levies”. These building levies varied between districts, but in most cases were more than the school fees (Centre for Research and Development 2004). Parents consequently were forced to withdraw children from schools, being unable to make payments. The high levies charged, in addition to the poor quality of education resulting from overcrowding in classes, resulted in high drop-out rates.⁹

After independence, the educational system in Kenya was structured after the British 7-4-2-3 model, with seven years of primary schooling, four years of secondary education and two years of advanced secondary education to be eligible for the 3-year university bachelors degree program. Since the 1980s, however, there has been a shift to follow the 8-4-4 model of the American system with eight years of primary schooling followed by four years of secondary education and a four-year bachelors degree program. This launching of the new school system coincided with a directive that schools were to abolish the collection of activity fees, and that such fees should be collected on a “Harambee” basis.

The rapid expansion of primary enrollments, particularly from 1963-1973 created pressure to develop the secondary school system. The government’s inability to meet this demand saw the rise of the harambee movement where community initiatives drove the expansion of secondary schools (Oketch and Rolleston 200). However, as local families tended to be poor, these schools had little in the way of building facilities or the most basic school supplies compared to government schools. The Harambee (or self-help) schools provided 2 to 4 years of formal secondary education. In the early 1990s, the Government of Kenya took responsibility for all the Harambee schools, putting an end to the movement.

⁹ Some of the major commissions addressing the challenges of the education sector are: Kenya Education Commission (Ominde Report of 1964), The National Committee on Educational Objectives and policies (Gachathi Report of 1976), the Presidential Working Party on the Second University in Kenya (Mackay Report of 1981), Presidential Working Party on Education and Manpower Development for the next decade and beyond (Kamunge Report of 1988), Master plan on education and training (1997), Commission of Inquiry into the education system of Kenya (Koech Report of 2000), Taskforce on the Implementation of Free Primary Education in Kenya (Eddah Gachukia Committee of 2003).

Although the government was committed to providing quality basic education for all, it was constrained by budgetary provisions for recurrent and development expenditures and limited political will (Bwonda and Njeru 2005). Additionally, cost-sharing policies introduced as part of the SAPs in the 1980s and 1990s had a detrimental effect on school enrollment, thus effectively reversing earlier gains in GER, particularly affecting the girl-child (Wainaina 2006; Oketch and Rolleston 2007). Therefore, FPE introduced in 2003 for the third time aimed at addressing these challenges in the education sector.

One of the key pre-election promises which brought NARC to power in December 2002 was the provision of free and compulsory primary education (FPE) for Kenyan children. This agenda was largely influenced by the advocacy efforts of Elimu Yetu Coalition (EYC), the national CSO in education. NARC and EYC formed a strategic pre-election alliance around FPE. In the NARC manifesto the ruling party committed itself to:

- a. Carry out a comprehensive review of the current system of education;
- b. Provide free and compulsory primary education to all school age children;
- c. Design a system which guarantees all citizens the right to quality education and competitive edge in the global job market; and
- d. Establish a comprehensive adult and continuing education programme.

Therefore in January 2003, NARC delivered on its election promise and waived user fees for primary education. Following the implementation of FPE, 1.2 million out-of-school children were absorbed in formal primary schools and 200, 000 in Non-formal education (NFE) centres (MOEST 2004). While the success of FPE has raised the gross enrollment rates from 88.2% in 2002 to 104.8% in 2004, there are still about one million children who are out of school (MOE 2006). These children predominantly come from the ASAL areas and slums, in addition, a large number of OVCs are not enrolled in schools. Enrollment levels in the ASAL are extremely low with NER of 13% boys, and 8% girls (MOE 2006).

However, this recent move towards FPE in 2003 has been hugely problematic because it has not only left another 1.5 million children (mostly those already marginalized) not enrolled in any form of schooling, but the sector has also been plagued by problems of inadequate funding on the part of the government, overcrowding, lack of teachers and learning materials—all of which have seriously compromised educational quality (Mukundi 2004; Gathenya 2005). As Mukundi (2004) further asserts, “The implementation of the UPE program in Kenya was a matter of political expediency rather than planned education reform. No situation analysis and evaluation of both the quality and extent of primary education preceded its implementation” (p. 239). This has meant that the government has had to rely on external donor funding to support the primary education sector, and the added fiscal burden has also placed constraints on public funding provision in areas such as post-secondary education and health services.

The Kenya Joint Review Mission (JRM) of Kenya Free Primary Education Achievements and Kenya Education Sector Support Programme visited all 8 provinces with some stakeholders (including NGOs and development partners) in September 2004 to assess the progress of FPE. While it notes that there were 1.3 million children in schools, King (2005) points out it was only mentioned in passing that there were still about one million children in private primary school,

and there was no mention that the low cost non-formal primary schools in urban slums, which are mostly run by NGOs, are not covered by the FPE. While there is no doubt that the FPE has vastly improved enrollment rates as evidenced from the increase of 5.9 million in 2002 to 7.4 million in 2004, and a projected 7.5 million in 2005 (MOE 2006), issues of access, equity, funding and quality continue to plague the education sector. See Table 3 for education statistics.

Table 3: Kenya Education Statistics

	2000	2004
Pre-primary Gross Enrollment Ratio (GER) (%)	**44.0(1999)	** 53.4
Primary GER (%)	97.7	111.03
Secondary GER (%)	39.2	48.0
Tertiary GER (%)	2.7	2.9
Private Sector Enrollment Share – Primary	-	-
Gender Parity Index (GER in Primary and Secondary)	1.0	0.9
Primary completion rate (%)	-	91.8
Progression to secondary level (%)	-	-
Teacher to Pupil Ratio – Primary	34.4	39.5
Total education spending as % of GDP	6.3	7.0

Source: World Bank (2005) ** EFA GMR (2007)

Harmonization agreements, and are committed to inter-agency cooperation in the education sector. In addition they have all signed partnership agreements with the MOE to support SWAPs in education. At the time of our research it was anticipated that UNICEF and CIDA will soon sign agreements for pooled funding. The GOK has required that all activities, even contributions from those that don't pool (eg. USAID and JICA) must be within the KESSP parameters . UNICEF is however only contributing 40% of its resources to the pooled fund, although as we were told, "We certainly believe in pooling, but the other resources we cannot share because it is earmarked" . In 2005 Kenya became the 16th country to join the Fast-Track Initiative and the Education for All- Fast Track Initiative's (FTI) Catalytic Fund also contributes to KESSP with the funds flowing directly to schools to allow for the local purchase and distribution of teaching

several CSOs did contend that the link to the governance role of CSOs in monitoring and evaluating these reforms was also not quite clear (Int. D1; D6; C1; C5).

In general, KESSP encourages stronger horizontal and vertical accountability mechanisms. One such area is the increased prominence of *School Management Committees (SMC)*. Although SMC are not new, the governments' devolution of funds directly from the MOE to school bank accounts heightens their role as it requires that SMC manage these funds at the school level. As part of this fiscal decentralization, money is transferred directly from the MOE to the schools. Each school is required to have a bank account and receives a capitation grant of Ksh 1020 per student per year to cover school items and operations. Out of this amount Ksh 650 per pupil is intended to cover direct teaching-learning materials (SIMBA Account) and Ksh 370 is sent to each school to cover various other costs such as wages for support staff, repairs, maintenance, quality assurance, water and electricity as part of the General Purpose Account (GPA). Schools are required to manage these finances through the governance of an elected SMC, comprised of the head teacher, parents and one or two teacher representatives. Out of the proposed 13 member committee, one-third is required to be women. Additionally, details of the finances are also required to be made public to parents, and many schools displayed these accounts in prominent places, at the entrance to the school. District Commissioner and the District Education Office are responsible for auditing all the primary schools receiving SIMBA and GPA accounts in their district. We found from our interviews that while CSOs were involved in budget tracking, and training of SMCs, CSOs are not involved in the audits.

While this fiscal decentralization is promising, it has several challenges. First, there is a lack of stakeholder participation. Schools have to adhere to tight guidelines that govern the expenditure, regardless of the needs of specific schools. Spending has to follow strict budget line items prescribed by the MOE and can only be overridden by appeal to the district education board. This inflexibility does not allow schools to respond to their needs nor does it give them any real power as schools have very little input into how the money is to be spent. Decentralization in some ways appears to be making the central government more centralized. SMCs we interviewed were dissatisfied with this process noting that "education officers don't check on the teacher's performance, but are more concerned with funds" (Int. G8). Another challenge is that the flow of

women voters, Clarion Centre, Kenya Human Rights Commission, Endorinous, Arid development focus. Many of these NGOs have a strong community focus. Additionally the Institute for Economic Affairs with funding from the World Bank is developing social score cards to track CDF from parliament to the Community (Int. G7).

5. Civil society and education in Kenya: Key actors

Civil society organizations have a long history in the development of education in Kenya especially, with faith-based bodies such as the National Council of Churches being involved in the setting up schools in the country from as early as 1940s and the Supreme Council of Muslims being involved in monitoring madrasahs affiliated with mosques since 1973. The very influential Kenya National Union of Teachers (KNUT) was formed in 1957, even before independence, while the National Parents' Association was formed more recently in 1999. Many of the more established NGOs appear to have been set up either late 1980s or during the 1990s, a development which seems to parallel the shift to multiparty democracy. More recently, a number of newer influential NGOs including the Private Sector Alliance and the non-formal school association were set up post -2002, corresponding to the NARC government's ascendancy to power and the opening of spaces for CSOs.

Of the approximately 2670 registered NGOs in Kenya, about 307 have some involvement in the education sector (NCNGO 2006). In addition, several large constituency based organizations

work (Agg 2006). The Commonwealth Education Fund (CEF) is another major player in the country, currently supporting 13 CSOs in capacity development and advocacy work.¹² As a U.K. initiative launched in 2002 to support capacity building and advocacy work of Southern civil society organizations, it was originally managed by Action Aid Kenya (AAK) (lead agency), Save the children, UK (SCUK) and Oxfam GB. Recently, because SCUK has terminated its educational programming in Kenya, it has been replaced by VSO. CEF is one of the few funders of CSO advocacy and policy roles. CEF also has a strong equity focus in its work, targeting gender and disability issues. One of the tenets of the CEF in expanding its resource base has been partnership with the private sector. In Kenya, however, public sector partnership has been challenging as noted in a CEF report “We also note that the Fund has not very much attracted the private sector in Kenya to join in this noble idea. This is a big challenge because the inclusion of the private sector can be a part of the solution to the management issue” (Abagi 2005). Currently CEF’s country-level work is expected to come to an end by June 2008 (Agg 2006) and there are plans presently being proposed to ensure sustainability of its work through the establishment of a Kenya Civil society education Fund (CiSEF).

Kenya’s national NGOs also occupy a large terrain. Among the national NGOs active in education are FAWE, ANPPCAN, KAARC, COBADES, GCN, WERK, ELKWV, LIFA and many others. In our interviews, almost all the national NGOs received external funding from several international donors. Only one NGO mentioned any evidence of having any income generating projects (Int. C4). NGOs appeared to be largely donor driven and resource driven. However, several were subcontractors for the government (e.g. Cfbt (HIV/AIDS education and training), COBADES (national civics education program and training teachers in human rights). These NGOs had a fairly successful engagement with the MOE in implementing national level programs for the government.

5.2 Faith Based Organizations

Faith based organizations have always been an important constituency in the Kenyan civil society. Although this list includes Christian church organizations, Islamic groups, Hindu associations, and traditional religious groups, Christian church groups have been “the most vocal and conspicuous” (Owiti 2005: 162). Faith-based organizations also have a long history of involvement in the education sector especially in service provision, filling in the gap left by the State (Ng’ethe et al. 2004).

NCKK is the umbrella body for protestant churches in Kenya. The Catholic church is not its member. NCKK has very strong involvement in schools in Kenya. Of NCKK's members the most active is the Anglican church which has about 400 schools. One of NCKK's members is also Christian Churches Education Association (CCEA), whose role is to deal with education matters exclusively. . The education person in each church (who is a member of NCKK) links to this body .In fact in sponsored schools, the stamp of the school bears the name CCEA indicating it is a sponsored school by the protestant church. CCEA was formed in 1957 because the issue of education increased in prominence and so required a separate body to manage better coordination of sponsorship issues, chaplaincy in schools, issues of Christian religious education and development of curriculum

¹² CEF is working in 16 Commonwealth countries in Africa and Asia. The Secretariat is based in the UK.

SUPKEM (the Supreme Council of Kenya Muslims) is another key actor in the education landscape, most active in the coast. Representing about 5000 members, SUPKEM also owns a number of schools, including the Nairobi Muslim Academy. SUPKEM is very involved in monitoring religious education delivered in madrasahs and are currently working on a unified curriculum for madrasahs. There are also plans to introduce an integrated curriculum, which would include the formal curriculum and religious education particularly in Muslim majority areas. The Curriculum was developed with Kenya Institute for Education, with funding from Action Aid.

5.3 Teachers Union

KNUT, formed in 1957 has a long history of involvement in the education sector and union issues in the country. As a professional association, it has been focused primarily on the interests of its membership and has not had a strong involvement in the national education coalition, the EYC. KNUT's focus is primarily still around teacher welfare and salary issues. As one other CSO confirmed, "KNUT has forgotten the critical issue of the role of the teacher in educating pupils. Unions should do more than talk about 'bread and butter'" (Int. C3). Donors similarly noted the focus of KNUT on issues of welfare and salary, and that they may not actually be able to work with others (Int. D4; D6). Although one donor pointed out that if teachers' needs are protected, "we can see the teachers' union doing a lot of positive work" (Int. D6)

Trade unions in Kenya traditionally have a history of being tied to government patronage, with its secretary generals using it as a springboard to get into Parliament (Int. D4). However, KNUT is considered to be "among the most vibrant of all trade unions" (Int. D4). Although KNUT is not a member of COTU (the national trade union body), it is among the more influential CSOs in the country. Some of the CSOs we interviewed expressed concern that teachers' relationship with the government is confrontational, and they (KNUT) see themselves as solely defending teachers, or in other words being watchdogs for teachers (Int. C4; C1), with the government viewing them as a threat (Int. C40).

One issue of contention for KNUT was the proposal that was being mooted for Teachers' Service Commission (TSC) to be decentralized. This meant teacher would be employed by district governments. KNUT strongly opposed this as they saw this as a way of limiting teachers to those in their own district. They noted that it "affects the quality of education because school managers who have no idea of the curriculum or have no experience or expertise in the matter were now selecting teachers". The teachers Unions were also advocating for PTA roles to be defined in school committees, so that they don't conflict with school committees. They feel PTAs should play the role of fund-raising, SMC manages the funds.

5.4 Parents' Association

KNAP is an umbrella body for PTAs in the country and has a membership base of 23,000 members. It is a membership organization whose members pay dues yearly. Schools pay 1500 Ksh, and individuals pay 200 Ksh. Currently it has 12,000 schools, or 1.5 million individuals registered. However, individuals are not very active. KNAP also has a national board of 25 members that meet quarterly. The aim of the board, which has 2-3 representatives in every region is to look at policies and issues concerning PTAs.. In addition, KNAP's National steering committee has 6 members. The aim is to meet in the absence of the board. KNAP's constitution requires that 1/3 of this members be women. KNAP is registered under the Societies Act, not National Council of NGOs.

All schools in Kenya are legally mandated to have PTAs. In session paper No.6 (1988), the government decreed that every school in Kenya, both primary and secondary (sec. 84) should have a PTA in both private and public schools. However, the roles for these PTA were not very clearly defined. In many schools, parents don't know their roles although PTAs have traditionally been commissioned with the role of raising money for the building of schools. In

- Book sellers
- Publishers
- NCKK
- Private Universities
- International schools

KEPSA's meetings have been focused on a variety of issues. These include asking for a waiver of stamp duty on land purchased for school building and improving process for work permits for international schools. There has also been discussions about how community and religious schools can get out of being public schools, in other words to reclaim their ownership. The group has also been strongly advocating the government for a national skills audit to be undertaken to address the disconnect between current training and industry needs. They want to partner with the government to do the skills audit.

KEPSA organizes Ministerial Stakeholder meetings in each sector. In education this meets once every other month and the Permanent Secretary chairs the KEPSA. So far at this meeting the main topics have included advocacy for skills training, for example they want polytechnics to cater for class 8 school leavers. KEPSA is also interested in seeing if they can get a person from the private sector based at the Ministry of Education, funded by the private sector to act as a resource person, primarily to carry out research and act as a liaison. The education members have already pooled their funds and can afford to hire such a person. KEPSA is going to first meet with the Permanent Secretary for Public Service to sell him on the idea – before approaching the ministry of education. The position would report to KEPSA; would work out of the MOE in a joint secretariat. It would be responsible for being secretary to the ministerial stakeholders' forum and coordinate research jointly set by the Ministry and KEPSA. One of the first pieces of research would be the skills audit. They described the education board as

ELKVV. Some of these schools are registered with the church, some with social services, some with children's services, and yet some others are operating under the umbrella of NGOs. Currently, there is still some what of a conceptual confusion as to what NFS are, and if they are private. So, ELKVV wants to have a mark between private schools and NFS, with a different registration system to distinguish between them. There are also plans to change the name of NFS

5.6 School Management Committees (SMCs)

We do not consider SMCs as pure CSOs, as they are mandated by the central government. However, we do think they are an important part of the CSO landscape in Kenya as form an interface for CSO-Donor-Government engagement in Kenya. SMCs were mandated in the Education act 1968. Education Act Cap 211 Section 9 (1) and (2) which states that:

- a. "For every primary school maintained and managed by a local authority, there shall be a school committee, established by the local authority to advise the local authority on matters relating to the management of the school;" and that,
- b. "The members of the school committee shall be appointed by the local authority in the prescribed number and manner and the members of the committee shall include persons to represent the local authority, the community served by the school and the sponsor, if it is a sponsored school."

Further, the Kamunge report (1988) also recommended that school committees should establish sub-committees to guide and support heads of schools in the management of such schools. Therefore, while SMCs are not new, they gained prominence primarily after sector-wide approaches were implemented in education. With the devolution of funds to schools, SMCs have been tasked to monitor these resources. In the KESSP document, SMC roles are given as :1) Receive and account for all FPE resources; 2) Develop and implement school plans; 3) Mobilize additional resources; and, 4) Implement government policies and guidelines. Presently there are also efforts underway to link OVC committees in each school to the SMC. Once again no CSO mentioned any plans to monitor reform and governance of OVC committees at the school level.

Several CSOs told us that they are involved in capacity building for these SMCs (Int. C5; C3; C11; C36; C40). Ironically, the MOE was also involved in providing capacity building for these SMCs to enable them to monitor the funds more effectively and to reduce any incidence of wastage or co-option by the head teacher. This raises the question of whose role it should be to train SMCs, especially if a pooled mechanism is used. More importantly, it raises the question of if SMCs are to be seen as part of CSO or Government, particularly if the MOE does the training, there is potential for the autonomy of SMCs to be compromised. Many CSOs also contended that PTAs in schools were weak, and are now being overshadowed by SMCs (Int. C9;

5.7 Networks and Coalitions

There is a proliferation of networks and coalitions engaged in education issues in Kenya. An interesting aspect of these coalitions is the way they evolve. For example, KAARC, a child rights

Among its members and the CSO community EYC is known for

- Supporting child programmes in Kenya
- Advocating for achievement of EFA goals
- Monitoring school funds through budget tracking
- Building capacity of education officer on education issues
- Identifying policy gaps and address challenges facing education sector
- Participating in awareness campaign
- Lobbying
- Influencing policy
- Campaigning for free education

There are many CSOs working on education issues in the country and many of them spoke of their involvement with Elimu Yetu Coalition (EYC) as the umbrella coalition for education in the country. It was clear that EYC was a visible presence on the educational landscape. There was however three CSOs we talked to that had not even heard of EYC (Int. C30; C50; C6).

While being part of a coalition brought together different expertise there was also widespread agreement that participation in EYC of late has had less impact (e.g. Int. C1; C44; C18; C26; C47; C48; Agg 2006; Marambo 2005) as a result of management/leadership issues within the coalition. This decline has caused many to focus their efforts on the other networks and coalitions that they are a part of and reduce their involvement with EYC. Further some noted since EYC was not decentralized, therefore the focus has been very urban, consequently this diminished the value of EYC as a coalition (Int. C33). There seemed to be limited engagement in EYC with grassroots organizations. EYC's change in leadership and internal issues has also coincided with the introduction of free primary education by Kenya's new government, a policy that addressed what had been the central mobilizing frame for EYC's activities in the period between 1999 and 2003 (Int. C43; C49; Agg 2006). Without a central mobilizing frame, EYC has since struggled to mobilize its members and play an effective oversight role in the context of the KESSP. As an illustration of this, EYC is not involved in policy drafting committees of the KESSP (for instance MOEST planning and budgeting committee, KESSP Steering committee, and Education Sector Reform Secretariat) (Marambo 2005).

In addition, EYC has also continued to be overshadowed by its funding relationship with ActionAid and has failed to establish itself as an independent organization. This has led to reluctance on the part of many donors to support it, as it is viewed as an "ActionAid project" rather than a nationally based organization (Int. C42; C44; C32; C11; Agg 2006). There also appears to be limited coordination and communication between the executive committee, member organizations and provincial chapters on a sustained, on-going basis.

Despite its deterioration, many of the CSOs we interviewed commented that having a coordinating CSO body in the education sector is important if CSOs wish to exert influence in the current education policy arena (Int. C11; C32; C31; C34). CSOs also see value in pooling

initiative (PYGI)). Many of these hosting organizations were brought in by the previous coordinator and since he left, there has less momentum and interest.

resources and expertise and so many agreed that being a part of EYC was valuable for them. Some saw it as an opportunity for grassroots input to influence policy as these grassroots organizations have the capacity to understand issues on the ground (Int. C41), Some saw EYC as helping them move forward to policy advocacy and connecting them to the government, particularly since EYC had the resources to hold workshops where they could then invite government official. As one commented “Government officials don’t attend grassroots meetings, so this has helped us meet them and lobby” (Int. C34). One CSO said “ It is difficult to influence government as an individual /alone. There is a stronger impact as part of a network (Int. C34). Many also used EYC as a platform to launch advocacy issues (Int. C13).

Perhaps because of this, there has been a recent effort to revitalize EYC, through a proposal to move it out of Action Aid and register it as a trust, rather than as an NGO, which members fear would be rejected by government because of the organizations plans to focus on advocacy and monitoring of the governments’ education activities. Part of this restructuring entails finding new sources of funding, beyond the Commonwealth Education Fund . As we were informed in our interview,

Right now Kenya is very sensitive about coalitions, because CSOs have been pressuring government and checking on corruption. So if you say you are a coalition, they are not registering mass movement. So we were advised to consider registering as a trust not an NGO (Int C49).

.While there is a density of networks and coalitions in the education sector, there is a lack of a common strategic vision. To improve the effectiveness of the coalitions, however, also requires the development of a common CSO platform in the education sector, something that is proving

Society in the NFE advisory board and the participation of FAWE in the gender sector. Participation for most other CSOs was mainly through EYC. EYC was represented in virtually all the sectors in the planning stages e.g. Gender sector, ECD, primary investment program except quality assurance (Int. C3; C2). The former coordinator of EYC however felt that despite all of EYC's contributions the final KESSP document did not acknowledge NGOs contribution

Box 3: Task Force on Legal Framework for Education

The MOE recently undertook a major review of all laws pertaining to education and training. This is the first such exercise since independence and is an attempt to harmonize and to update existing laws to make them more effective. Currently, the guiding framework for the education system is the Education Act of 1968, based upon the recommendations made in the Ominde Commission of 1964. This Act is seen as outdated and as not reflecting the country's current aspirations.

This MOE initiative is to propose a new legal framework for education and the taskforce invited civil society and other stakeholder input. Most CSOs (including teachers' union and FBOs) submitted memorandums voicing issues that are of concern to them.

Several issues pertaining to the task force emerged:

- 1) EYC hosted the 1st meeting where 15 CSOs attended (trade unions, human rights, child protection, FBOs etc) where it was agreed that it was better to submit the memorandum as a coalition as coalitions have better bargaining power and so are more likely to be listened to. While NCKK was active in the 1st meeting, they wanted to send in their own memorandum. This was because churches were asking for the government to return the ownership of schools to them. As this was an issue where EYC members were divided, NCKK proceeded to send in their own memo to safeguard their interests.
- 2) Similarly some CSOs were pushing for mother tongue only in ECD and in the end they were told they had to use the national language.
- 3) There was a very tight timeline (1 week) between the time of the call for submissions and the deadline. Some CSOs saw this tight timeline as a deterrent posed by the MOE, although participation and input of CSOs was invited.
- 4) EYC also sent in a protest letter to the minister protesting the composition of the taskforce because it was still being led by Kamunge as he was the same person who spearheaded the 1988 report. EYC wrote saying that they had been left out.
- 5) For the legal framework committee, the government appointed few women and no CSOs. Some CSOs consequently refused to give input. This news was well covered by the media.

The task force report was presented to the MOE in 2006 and a draft bill on education and training (2007) was prepared. The Draft bill was debated by all stakeholders, including civil society in January 2007 at an education stakeholders' conference. There were quite a few disagreements, particularly with the teachers union rejecting the subdivision of TSC into three entities (one to hire, one to register and one to deal with disciplinary issues) and the universities refusing to be put under one act as it will deny them their autonomy (Aduda 2007; Int. D8; Draft Bill 2007). The final draft legal bill is expected to be presented in Parliament for debate by June.

6.2 Relationships between Government and CSOs

The relationship between government and CSOs appeared to be cautiously optimistic. Although our interviews suggested that government-CSO relationships have changed for the better with the NARC government coming to power in 2002, (Int. C1; C4; C9; C10) many felt some of the old

ways of working, tensions and suspicions had not yet been fully transformed. For example, while CSO commented that the working relationship is “conducive not like before” (Int. C1), they also expressed that there were still subtle expressions of a caution and uncertainty.

Not surprisingly, different CSOs had different types of relationships with the government. Several talked about being “invited” “consulted” “listened to” by the government, as well as the government being “welcoming” and “responsive” (Int. C3; C7; C8; C11; C50; C40). While some others expressed the need to be proactive, as they said, “If you sit and wait, you won’t be invited” (Int. C1). One group of CSOs characterized their interaction with the Government as their ‘partnership with government’. The Parents’ Association for example worked not only with the MOE but also the Kenya Corruption Commission, in reporting cases of mismanagement of monies at the schools. Several also worked Kenya Institute for Education in curriculum development (Int. C47; C34). However, another group of CSOs also found that the working relationship was still fragile. The NCNGO for example can recommend NGOs to be deregistered for disciplinary reasons and as one CSO notes that “there is a long history and tradition of these threats” (Int. C46). For example, one CSO who was heading the Progressive NGOs was being threatened with deregistration because they were leading the group pressing for reforms within the NCNGO. Furthermore CSOs noted that consultative meetings with government not consistent although they have become more frequent (Int. C1; C5). Some CSO groups also appear to have been domesticated. For example, the child rights committee currently functions as a specialized group intended to assist the government technically, although it started as a lobby group to pressure the government. Another problem noted with establishing a working relationship with the government was that there was quite a high staff turnover, as a large number of government staff leave for the CSO sector or elsewhere. Consequently when CSOs have worked to establish trust and rapport with government officials, they find they have to start from scratch again when the new staff person fills the position. This they find slows down the process of collaboration.

However, CSOs who had forged successful working partnerships with the MOE seemed to be able to harness it to advance their projects. Their position seemed to suggest a two pronged approach (of provision, where they work with MOE to roll out or scale up projects and then of advocacy where they position themselves as policy and monitoring advocates). None of the responses from the CSOs suggested that they saw both these roles as being in conflict. As one CSO said “we work closely with the government, where we disagree we are able to take up our position with other networks” (Int. C41). Some CSOs had a very strong working relationship with government and note that other CSOs find them useful as they have a keen sense of how to

government official we talked to asserted that the Government was to provide frameworks and policies and primarily serve as “think-tank” and CSOs were to serve as service providers. As he pointed out:

The government’s role is policy development, strategy development, resource mobilization, quality assurance, monitoring and evaluation and CSOs are the implementers. Government cannot implement EFA without support from CSOs as a machinery to reach those the government cannot reach. CSOs exist for areas the government cannot reach for example Non-formal schools. (Int. G1)

The government official also expressed concern that many NGOs were dubious. The government noted that the big INGO are reputable, but many cases of “briefcase NGOs” with the smaller ones (Int. G1). He didn’t cite any cases, but claimed it was difficult for ministry to work with some CSOs as they are dubious in character. The government cited the case of the call that was put out for NGOs to come forward for funding for Non-formal Schools (NFS). He points out that many did not want to come forward because they did not want to implement the governance structures required by the government (i.e. having a school management committee at the school that will monitor the spending of the money). Consequently there was a lot of money that was not claimed. The official points out that government was willing to train SMCs, so it was not a matter of capacity but rather NGOs themselves not wanting to be accountable to the transparency structure as well as not wanting to disclose their finances. Therefore CSOs were faulted for the not wanting to work with Government (i.e. in not seeking to meet Government stipulations for qualifying for support).

When donors were asked to comment on Government –CSO relationship, donors agreed that the NARC government was more open to CSO participation (Int. D6; D8), although one donor felt that the “distrust between government and civil society was still high” (Int. D1), and so this made the working relationship challenging. Although coordination with the central government is still difficult, donors noticed that at least now government was open to providing information (Int. D2). However in the education sector, the donors felt that participation of CSOs has not been maximized yet (Int. D6). One donor also noted that the government was looking to

provision of bursaries, CDF, inviting MPs to schools in their constituency (Int. C5). Teacher's union approached the parliamentary committee over the issue of decentralization and the TSC. There were also some CSOs who said they have not met with Parliamentary committee on Education (Int. C30).

CSOs generally met with MPs on specific issues, when they wanted to do some lobbying around these specific issues (Int. C45; C13). Interestingly, EYC in particular did not report having established a strong rapport with MPs or the Parliamentary Committee on Education. The coordinator noted that they worked well previously, but since late last year "parliamentary committee has also become like teachers union". Participation of the committee members has declined. For example, they prepared good report on budget, but did not meet the quorum needed to pass the bill. Furthermore, it also appeared that CSOs only approached specific MPs that they felt would aid their cause. For example, the Muslim Coalition reported actively engaging with Muslim MPs when they have issues they want to push. And another CSO met only with one MP who was a professor at the Kenyatta University. Whereas one CSO targeted women parliamentarians and also celebrities to advocate for specific gender issues (Int. C34).

6.3 Relationship between donors and CSOs

In our interviews, CSOs suggested that their relationship with donors was still very much donor-driven. One CSO felt although they sit on the same committee but there is no focused cultivation of a relationship with donors (Int. C3). Many CSOs also negotiated contracts with several donors and consequently this involved the logistics of reporting to different donor agencies, to the detriment of not being aware of what was actually happening in the field, as they were too busy writing reports (Int. C1). Several CSOs reported that their programming had changed as result of a change in donor funding or interest (Int. C42; C33). They complained that this inevitably meant a lack of continuity in their work and consequently a lack of impact, as they could not commit to work long term in a particular area/region etc. Nonetheless, some CSOs refused to change their programming according to donor mandates as they had well established priorities. One such CSO (Int. C11) consequently was having problems even paying staff salary that month as they now had a huge shortfall in their budget. Similarly another CSO (Int. C41) reported that donors wanted them to work in Western Kenya, but they already had a lot of work there and so did not want to work there. This raises the issue of competition for resources as even within a coalition/network as CSOs were sometimes competing for funds. And in this case, because they refused to work in Western Kenya, the money went to another CSO working on the same issue of child rights who was willing to work in Western Kenya.

Another related issue raised with donor funding was the need to work to donor priorities. This inevitably resulted in duplication of work, and also no work being funded in some areas (Int. C10; C1; C33). The tension seemed to be the need for CSOs to develop niche areas to make themselves more "fundable" to donors. At the same time, there was the pressure to not duplicate

as they needed to create and maintain that niche (Int. C12). Some CSOs interviewed felt that there was however less competition for funds with FBOs (Int. C12; C7) as the faith-based perspective brought them together.

Donors were in agreement that CSOs had a role to play in KESSP. However, some donors feel that there is a weak link between KESSP, local authorities and Constituency Development Fund (CDF), as well as city council's responsibility for maintaining schools (Int. D3). Additionally, donor expressed concern that some CBOs "have weak governance structures, poor constitutions and no accountability. They are not transparent and don't want to disclose funds" (Int. D2). These constraints may make it hard for CSOs to make a substantial impact on government policy.

Not surprisingly, donors seemed divided in what roles they thought CSO should be playing and hence what roles they should be supporting. As one donor noted:

In fact in reviewing the partnership agreement we are asking What is it that we wanted from the NGOs? And particularly what should be the role of the coordinating NGO? And what is the role of the other NGOs? Is it advocacy or provision? Are they working to the government plans or are they working to fill in the gaps. In fact there is some agreement that perhaps the system we have is not meeting the needs of the NGOs themselves. In fact probably, there is a downplaying in a way of the role NGOs can play in their advocacy role and lobbying role. They are more involved in communication. (Int. D9)

While some support the advocacy role (Int. D9), in supporting the provision role, some also feel that "the ultimate provider is the government, but CSOs can complement and supplement" as one donor explained:

NGOs operate very successfully in a limited geographical area but give them the responsibility of the whole nation, they can't do that, that's impossible. But what is the balanced view is that we need NGOs for certain things, certain things NGOs do very well like conscientization, training etc. if you go through the government it may or may not and in more cases may be more stringent and the interpersonal skills of government is very, very poor we found this in the teacher training. So those are the areas the NGOs can complement and supplement. But the government has to be the ultimate provider. (Int. D6)

Other donors were questioning their approach of funding primarily advocacy work, where they have funded one large NGO, who then contracted out. In this case, the partnership agreements were up for review and they were not sure they (the donor) wanted to continue operating in the same manner, because as the donor explained, "We are not sure / convinced that is the right model and the right way for the future. We also feel that to some extent these large NGOsare becoming too dependent. They think this will go on indefinitely and that's not the way we want to proceed" (Int. D9). Another donor felt that given the tension between CSOs and government, the government thinks that NGOs are getting money from donors to fight them; therefore the best way forward was partnership. For example "Making sure that if NGOs are going to train

SMCs, they partner with the government in not only that they would train them in the way the government would want them to be trained. So there will be no political war” (Int. D8).

Additionally, in the education donor coordination group one of things that’s been raised recently as one donor informed us is “the need to have a better idea of what NGOs are doing here, in education. What their scale is, what their scope is, how harmonized it is or how fragmented in order to think more about how we want to support the government” (Int. D9). Donors acknowledged that they have been contacted a number of times by CSOs on the ground claiming they have an education plan, and asking if there is funding. But as the donor says, “It is not clear what they are doing and what role we are to play” (Int. D9). Also it was agreed that there was too much reporting that was happening with different donors and so perhaps harmonizing donors through SWAPs would be beneficial in the same way as harmonizing CSOs in their work would reduce the amount of duplication of work and reporting that entails (Int. D8; D9). Donors also informed us that participation in the EDCG by CSOs has been in decline (Int. D1). As one donor commented, “There are very few CSO participants. They include AKF, and EYC and occasionally other CSOs to present on a certain topic/issue, but the membership now is bilaterals, UN and banks” (Int. D9).

On the point on national coalitions, donors felt the value added of having a national coalition is that they are able to bring in their experiences to the national dialogue (Int. D6; D2), although there was also agreement that EYC participation in the donor coordination group had declined (Int. D1; D9). Two donors cited the Bangladesh case as being exemplary and something that Kenyan CSOs can learn from in terms of effective CSO engagement (Int. D9; D6).

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small scale to be of real impact and unlikely to be able to be scaled up or linked in with GoK

Mobilizing local communities to engage in governance of education. Budget tracking was an area that a few CSOs felt they had made significant impact (i.e., training communities to track money for FPE) (Int. C49; C3; C5). TPOivwas adney a they distrit leveland Mwith decenracization.

Table 5: Which CSOs are doing what in Education

Type of Organization	Networks / Coalition	Local NGO	National NGO	INGO	Constituency Based
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advocacy roles or capacity building as there were no direct measurable benefits. USAID uses this mechanism of funding through EQUIP, who then functions as the primary contractor. The biggest disadvantage is that at every level there would be overhead costs.

b. Fund coalitions.

giving money directly to the government to support CSOs in education. Within KESSP there is presently no provision for funding for CSOs to be channeled directly either through the MOE or MOF, except as subcontractors. Neither did they comment on working towards building CSO capacity to be more effective policy advocates. Most donors in fact did not have a direct line to fund local NGOs (Int. D8; D9; D1; D6). What was clear was that there was a growing sense of discontent with the current mechanism being used. The move towards SWAPs appears to further muddy the waters, as now the government requires that all activities in education be tailored according to KESSP (even for money that is not pooled). Clearly this makes funding CSOs a more formidable task. Further, bilateral donors tend to run their geographical sector programs from the field but fund NGOs directly, without a lot of harmonization or synergy between the two. Inevitably, this creates situations like the one we encountered during our interview where the DFID officer did not know about the Commonwealth education fund work in Kenya, although CEF is a UK initiative. All in all, there did not seem to be one “right” mechanism as was suggested by CSOs and donors. This said, one CSO perhaps summed it best when he said “Any donor organization that doesn’t have a balanced portfolio will fail 10 years down the line” (Int. C33).

8. Synthesis and Conclusions

While the educational landscape in Kenya is inundated with numerous civil society actors, there is less agreement on what role they should be playing in the education sector, particularly within the context of SWAPs. Neither the government nor donors is able to clearly articulate a common vision for CSOs in education. Further, there is no consensus on how the relationship between donors, NGOs and government at central, district and school levels should be operationalized.

The post-2002 political landscape in the country has certainly created a more favourable environment for the development and functioning of CSOs. The attendant growth in the sector has resulted in an entrepreneurial, competitive, donor-driven milieu for CSOs. However, the changing political context continues to breed instability and insecurity in CSOs, and therefore CSO-government relationships are still cautious on many fronts. On the one hand, the NARC government has helped establish a more conducive government-CSO working relationship. Although well intended, on the other hand, these government initiatives especially in the SWAPs, creates a conundrum for CSOs and raises the issue of can CSOs play the role of partner and watchdog at the same time? Although some CSOs embrace this move as one that is positive and see partnership as the only way forward, many are also uncertain of the roles they should be playing in this new context. The government is also seeking more accountability and more control over what CSOs do and with donors increasingly pooling their funds in KESSP; this clearly puts the government in a position of power over CSOs and creates interesting accountability issues.

While the quality of interaction with government appears to have improved, it seems more favorable to CSOs who are positioned to work as partners (either service provision, technical assistance). The groups that are more focused on advocacy or those who adopt a more confrontational stance still appear to need to thread carefully. Partnership is still a relatively “new” concept given the long history of repression of CSOs, and so it appears that CSOs are still

uncertain as to how to approach their interaction with the government despite the rhetoric of participation and collaboration that is espoused by the government. In addition, the government's preference for CSOs to function as service providers rather than policy interlocutors does not foster a conducive environment for the flourishing of CSO advocacy in education.

SWAPs necessitate more effective donor coordination, and is intended to strengthen government mechanisms. The role of CSO within this sector approach, however still seems questionable. Furthermore, the government does not seem to have in place any policy framework for engaging CSOs (Agg 2006, Marambo 2005). Invitations are issued to specific education committees and taskforces on ad-hoc, sporadic basis (EDCG meeting minutes; Int. D9; D4). While the general rhetoric is that of government – CSO dialogue and collaboration, this is still encased within an adversarial relationship, thus rendering the working partnership less meaningful. It was difficult to ascertain if there was genuine government-CSO synergy.

Generally, CSOs and donors themselves were divided in terms of what roles CSOs should be playing within KESSP. There seemed to be no paucity of those who saw them in one of the following roles: policy monitors, technical experts or service deliverers (Agg 2006). *The question that was being asked was “Do they work hand in hand with government or do they oppose?”* Larger CSOs with a history of strong working partnership with the government (and also strong core funding) seem to be less “threatened” by SWAPs. As one such CSO commented :

We are willing to have what we are doing represented as part of the KESSP. We are willing to declare money as most of our funds are already linked to Government” (Int. C1).

NGOs in favour of strong partnerships with the government viewed partnership as the only way to get sustainability. Several comments illustrative of this mindset are:

We need to shift to get people to see programs as government programs. We need to kill the project concept. (Int. C1)

Which country depends on civil society to do things? You can't move. (Int. C4)

Government cannot fund CSOs, but CSOs can complement MOE. We understand the system and want to influence change within the system. (Int. C7; C8)

Therefore, it appears that money that is channeled through the government is largely for scaling up CSO innovation. What is harder to ascertain is how money for CSO advocacy would/should be channeled through the government.

One of the weaknesses of KESSP is that it does not capture resources provided by NGOs at the district level. However the Government is trying to get a mechanism in place. USAID is currently supporting district officials to develop District Education Sector Program (DESSP). Not many NGOs are keen to see their money reflected/disclosed. Our interviews suggested a reluctance on the part of several CSOs to not only to disclose their finances but also to pool with the government (Int. D1; C1, Wainaina 2006).

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Appendix 1: Chronology of key educational events involving CSOs in Kenya

Year	Event
1991	Shift to multiparty as a result of external pressure and CSO advocacy
1999	Elimu Yetu Coalition (EYC) as a coalition of CSOs, research institutions, and other actors in the education sector was formed. Membership is open to all CSOs and networks across Kenya who are working in the area of education and are committed to the EFA goals.
2000	Kenya's Interim PRSP endorsed. CSOs invited to the process, although some consider the participation process was more consultative rather than truly participative.
2001	CSOs partnered with the NCNGO to lobby government for the Children's Act. EYC and other CSOs participate in the full PRSP process.
2002	CSOs (EYC in particular) lobby the NARC government for FPE as part of their campaign agenda.
2003	New NARC government announces FPE in January, as a fulfillment of its election promise. NARC launches Economic Recovery Strategy Paper (ERSP) (2003-2007) which consolidates PRSP, NARC manifesto, aimed to enhance governance, accelerate economic recovery, reduce poverty and increase employment. Government-led process with minimal CSO involvement. National conference on education and training was organized by the Ministry of Education in November. The main objective of the conference was to build consensus on national policies and strategies to achieve them in the next decade. MOEST develops gender and education policy. Strategic interventions through forums with various stakeholders
2005	

Appendix 2: CSO coalitions and networks in education

Type of organization	Name of organization	Key Issues worked on	Committees they sit on/are a part of/org they work with.*
INGOs	Oxfam GB	<i>Education for pastoralists, urban and slum neighborhoods</i>	<i>Pastoralist coalition, Kibera Slums Education Program (with 4 other CSOs)</i>
	VSO	<i>Disability issues</i>	<i>MOE</i>
	Aga Khan Foundation	<i>Quality Assurance, technical assistance</i>	<i>MOE</i>
	Care Kenya	<i>Refugee Assistance program</i>	<i>GCN, juvenile justice network, CRADLE</i>
	Education for marginalized Children in Kenya (EMAC) AKF	<i>Quality education for marginalized children</i>	<i>Womankind, Assc. For physically disabled Kenyans, District Centre for Early childhood (MOE), Madrassa resource Centre</i>
	World Vision	<i>Area development programs 12-15 year community development programs, child labour, out-of-school children</i>	<i>World Food Program MOE</i>
	Christian Children's Fund	<i>Early Childhood Development</i>	<i>ECD Network KAARC, GCN, FAWA, ANCEFA, PAMOJA, GCE, COPDEC</i>
	Save Canada	<i>Child rights, HIV/AIDS, working children Internally displaced people (children)</i>	<i>District Children Advisory Committee National Council for Children's Services</i>
	Action Aid Kenya		
Coalitions/Networks	Elimu Yetu Coalition (EYC)	<i>National Umbrella coalition on education</i>	<i>Education for Emergencies Standing Committee</i>
	ANNPCAN Kenya Chapter	<i>Child labour/child rights</i>	<i>Has chapters across Africa, MOE, KAARC, GCN National Council for Children, Juvenile Justice</i>

			<i>Network</i>
	Girl Child Network (GCN)	<i>Advocacy around girls' rights</i>	<i>Juvenile Justice Network, Child legal Action Network, NGO committee on child rights, ANNPCAN, NCKK</i>
	Kenya Alliance for the Advancement of Children (KAARC)	<i>Child rights</i>	<i>GCN, Kenya gender budget network, National Child rights committee, Lesson for life, Child poverty committee, Kenya AIDS consortium, UNICEF comm. On the girl child, Comm on legal policy, Juvenile justice network, CRaDEL, ANPPCAN</i>
	Elimu Kwa Wanavijiji (ELKWV)	<i>Issues involving non-formal schools in the slums</i>	<i>N/A</i>
	Kenya Private Sector Alliance (KEPSA)	<i>Umbrella /Apex body for the private sector, with an education section. Issues (among others community schools around land and ownership issues).</i>	<i>N/A</i>
	Non-formal Schools association	<i>Problems of NFS outside Nairobi</i>	

*improvement in Muslim
dominant area*

- Autism society of Kenya
- Kenya society for Mentally handicapped
- Kenya school improvement project (KENSIP)

- COBADES
- Kenya AIDS NGO Consortium

Appendix 4: Interview protocols

Interview Protocol With Civil Society Organization or Coalition

1. Can you tell us about your organization
 - When formed
 - Mandate
 - Funding or resource base
 -

- Innovation (new ideas or models)
 - Mobilizing local communities to engage in governance of education
 - Providing independent research/analysis
 - Advocacy with government or donor agencies
 - Changing legislative or sectoral framework
7. Describe the tensions or pressures shaping CSO engagement in the education sector
- Changes in funding/ SWAps/ decentralization of governance/accountability to school or community level
 - Capacity
 - Competing goals or mandate
8. How do international donor organizations currently support civil society engagement in the education sector? How could they do better?
9. Suggestions for other CSOs we should meet?

Interview Protocol With Ministry or Government Officials

