



**THE ANNUAL FINANCIAL MANAGEMENT CONFERENCE FOR NOT FOR PROFIT
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THEME: THE ROLE OF NPO/NGOS IN POLITICS AND POWER IN KENYA**

INTRODUCTION

Not for profit organizations (NPOs) may not be necessarily non-governmental organizations (NGOs). For instance ,Kenya Revenue Authority is a NPO but it is not an NGO. Kenya Human Rights Commission is both an NGO and NPO. Is Law Society of Kenya an NGO? It is completely separated from the government but it is established by an Act of Parliament.

For avoidance of doubt, for the purposes of this paper, a meaning that ties the two terms (NGO and NPO) together has to be established. Therefore, I have defined the term “NPO/NGO” as an organization, whether governmental or otherwise, that pursues a public interest agenda, rather than commercial interests. It describes a variety of entities that include state corporations, watchdog activist groups, aid agencies, and development and policy organizations.

Various factors have led to the unprecedented growth of NPO/NGOs. McGann and Johnstone (2006) attribute this growth to Democratization and the civil society ideal; Growing demand for information, analysis, and action; Growth of state, nonstate, and interstate

actors; Improved communications technologies; Globalization of NGO funding and Paralysis and poor performance of the public sector.

Because of this growth in the numbers and financial power, what is their role in politics and power in Kenya? This has to be looked into two different prisms of power matrix –top /bottom and bottom /up typologies.

The top /bottom matrix looks at the interaction between NGO/NPO with power holders-legislatures and executive. This is an appreciation that these are the entities that exercise political power on day to day basis on behalf of the people.

The bottom /up matrix looks at the interaction between NGO/NPO with the grassroots. This is important because article 1 of the Constitution of Kenya 2010 provides that “sovereignty”, which can be defined as ultimate political authority, reposes with the people. I have identified NGO/NPO roles of advocacy; lobbying; review; civic education and financial assistance. I have also highlighted some demerits of NGO/NPO role in power and politics in Kenya.

THE NPO/NGOS AND LEGISLATURE /EXECUTIVE

Advocacy can be defined as the act of advocating for a certain agenda to a power holder. There are several pieces of legislations that have either wholly emanated from NGOs/NPO sector or have been championed greatly by the sector. For instance, NGO driven or inspired laws include the raft of labor laws (WIBA/Employment act); Children’s Act; The Constitution of Kenya 2010; criminalization of Female Genital Mutilation (FGM) etc .

These laws have assisted Kenya to move towards a more open and liberal society in sync with the general global trends.

Since NPO/NGOs have wide networks including good connection with the media, they have tended to set the agenda for the nation. This has in turn influenced politicians and hence their advocacy has achieved the desired end.

Lobbying can be defined as the act of making efforts to influence laws and policies of officials, mainly legislators or members of regulatory agencies under the executive branch of government.

Lobbying is usually done by many types of associations and groups. In Kenya, there are no professional lobbyists unlike in the USA where there are persons, mainly lawyers and former legislators, whose business is trying to influence legislation, regulation, or other government decisions on behalf of a group or individual. By allowing persons the right to petition parliament and by establishing right to information, our Constitution opens a window for the growth of this industry . Lobbyists in the US have relied on the first Amendment of the Constitution of the United States, which states: Congress shall make no law...abridging the right of the people peaceably...to petition the Government for a redress of grievances.

It is generally agreed that lobbying is effective in achieving sought-after results. A paper by a research firm Strategas which was cited in *The Economist* and *the Washington Post* analyzed 50 firms that spent the most on lobbying relative to their assets, and compared their financial performance against that of other major companies in the stock market. It concluded that lobbying was a "spectacular investment" yielding "blistering" returns comparable to a high-flying hedge fund.

Since NGOs are professionally staffed organizations, lobbying by NGO/NPO brings expert information to power holders . Since NGOs /NPO often become highly knowledgeable about a specific issue by studying it in depth over years, they can bring considerable expertise to help legislators avoid errors as well as grasp the nuances of complex issues. This information can also help parliament oversee numerous agencies which often regulate complex industries and issue highly detailed and specific decisions . Accordingly, it is difficult for

parliament to keep track of what these agencies do. The new constitutional invention of “public participation” opens a window for expanded lobbying activities in Kenya.

Review can be defined as the act of analyzing an action of a power holder and taking various steps whose intention is to alter and/or reverse the said decision. The steps taken can either be through public agitation (remember the agitation against MPs salaries) or going to court to force a nullification. CDF has been nullified (though later on reinstated) by courts due to efforts by NGOs; MPs have stopped travelling for games outside the country due to NGOs complaints over the media etc .

THE NPO/NGOS AND THE PEOPLE

Civic education can be defined as education aimed at the general public whose objective is to raise general awareness on public issues. It is said that it is easier to sway public opinion than an MP since it is possible to bombard the public with "half-truths, distortion, scare tactics, and misinformation.”

Laws can be made at the top level but lack grassroots effect due to ignorance, for example, laws against FGM. NGO/NPO do therefore have a role in fighting ignorance of the masses. Other examples include educating voters on how to vote and their rights under the Constitution. This way, one empowers the grassroots which then impacts the top, for example, by electing better leaders .

Financial assistance means financial assistance of NGOs /NPO which impacts on power relations. For instance, there are instances where either directly or indirectly NGOs fund projects that ultimately assist persons to enter into political positions. There are several persons in parliament today who sprung from the NGO/NPO world. This then means the values acquired from the sector get embedded into the power echelons. For example, Prof Kibwana, Millie Odhiambo, Nanok etc came for this sector .

Demerits of NGO/NPO interaction with power and politics

Assimilation means integration of either persons or programs from this sector into the government hence blurring the necessary distinctiveness between the two sectors. For example, in respect to persons, it has been said that since 2002 elections ,NGO oversighting power was weakened after key reformers joined the government .

Self-interest and ideologies means promotion by some NGOs/NPO of ideologies that do not enjoy cross cutting support in a democratic Kenya where the majority should have their way and minority their say. For example, in a highly religious society like Kenya , promotion of atheism may be deemed by some as being ‘counter-majoritarian “.

Financial concerns -Some have contended NGOS/NPO are a financial drain either to a taxpayer or the donor as they create a labyrinth of bureaucracy .Where the state competencies increase ,the roles of NGOs may diminish. In China for example ,western NGOs rolled back when it became a fairly rich country. Incidentally the same may be true for governmental NPO; highly developed societies grant private sector more leverage in state affairs and hence roll back the state.

Conclusion

NGO/NPO will continue playing a significant role in Kenyan politics in the foreseeable future. Parliament must continue allowing the sector to flourish and expand within the confines of the law and societal ethics.

Thank you and God Bless You.