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 decentralization reforms that are part of this sector wide program in education. Such reforms call for heightened participation of CSOs in new local governance structures. Although CSOs played a part in the initial design of the KESSP, their capacity to play a stronger watchdog or accountability roles at the national level remains weak. To a large extent, CSO engagement is limited as the government continues to view CSOs primarily as implementers and not as policy interlocutors. While government-CSO relationships have certainly become more conducive with greater opportunities for CSO engagement and partnership, tensions continue to exist between service provision and advocacy roles played by INGOs and NGOs alongside old insecurities and distrust in government-civil society working relationships.

Weak coordination among CSOs presents another challenge. Thus CSO engagement, while routine and frequent is relatively uncoordinated. Although there have emerged strong networks and coalitions around thematic issues such as child rights and gender, CSOs in the education sector are largely fragmented and divided. Compounding this fragmentation are ethnic and class schisms within civil society as a whole as well as the weakness of the National Council of NGOs as a regulatory body. In the education sector, this lack of coordination can also be traced to the decline in the overall capacity and effectiveness of the national education coalition, Elimu Yetu Coalition (EYC), particularly after the abolition of school fees in 2003. Evidenced by on-going leadership issue challenges, declining participation in the Education Donor Coordination Group and an over-dependence on one sole external donor, EYC continues to struggle with the capacity to effectively coalesce CSOs working in the education sector. Without a common platform to mobilize around, consensus building, particularly with its faith-based groups and stronger advocacy focused members continues to pose considerable challenges. So while many CSOs continue to belong to EYC, there has also been a proliferation of numerous networks and coalitions around specific education issues as CSOs try to advocate for policies that enhance their own interests.

Notwithstanding these limitations, it is important to bear in mind that KESSP and the expanded policy space for CSO engagement are still relatively new terrain in Kenya. However, it is possible to suggest that given that the education sector SWAps are considered one of the government of Kenya's most successful to date, there are clearly opportunities and potentials for qualitative improvement in the engagement of CSOs. As civil society actors and coalitions interface with the broader social and political tensions in Kenyan society, in time it is hoped there may emerge a stronger collaboration, a greater synergy and a deeper capacity to engage more effectively as policy advocates in the education sector.

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

Contents

1. Introduction

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.

While Kenya has a long history of local level fundraising for educational improvement (through the harambee[3] movement), the KESSP promises to engage civil society actors in new ways in Kenya's educational policy arena. For the first time, the Kenyan government is less focused on local level resource mobilization and more on policy partnerships at the school, district and national levels.

 Considerable research has recently suggested that sector programs actually reduce civil society input into the development process, by centralizing power in the hands of government and reducing direct donor funding for NGOs (Doftori and Takala 2005; Lexow 2003; Samoff 2004). Other research, however, has also suggested that civil society roles in the education sector are in fact expanding in the context of changes in the overall architecture of aid (Miller-Grandvaux et al. 2002; Kruse 2003; Agg 2006; Wainaina 2006). The impact of sector-wide approaches on the capacity of CSOs to participate in processes of planning, decision-making, monitoring and implementation is an area that is still not well understood.

This case study thus asks how sector wide approaches have affected the engagement of civil society in the education sector. Drawing from interviews with 46 different organizations (including government and donor organizations), we set out to map key CSO actors, examining their interests, co-ordination, and political clout, and their experiences in working with government and donors in the KESSP.

2. Research design

Field-work for this study was carried out in Nairobi and Mombasa, Kenya from March 6 to March 25, 2006. Our research covered 46 different organizations. Table 1 below provides a breakdown of our informants by type. While our sample was biased primarily towards urban-based organizations, and was not fully representative of grassroots CSOs, our sampling did include a good representation of the different key players in education in Kenya. We used a snowball sampling technique to locate key informants from CSOs, donors and government, asking respondents to point us to other key players in the sector. In order to ensure triangulation of data, we gathered information from the three separate categories of respondents (CSO, donors

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[3] "Harambee" which means "pulling together", was a Swahili term used by Kenyatta, the first president of Kenya to generate support for community financing. The movement was instrumental in building secondary schools, furnishing them and employing teachers, through grassroots initiatives and investments by parent associations, churches and private funding. The government took over the running of these schools in the 1990s.

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

	1990	2004
GDP per capita	..	481
ODA as % of GDP	13.8	3.9
Total debt service (as % of GDP)	9.2	2.3
% of population on less than $2/day (1990-2004)	.13.5 (1975)	58.3
Total population (Urban)	-	33.5 million
Urban population (%)	12.9% (1970)	20.5%
Infant mortality rate (per 1,000 live births)	-	120
HIV prevalence % in adults [Female]	..	6.1
Children orphaned by AIDS	..	1.1 million*

Source:UNDP (2006)

Jomo Kenyatta, the first president pursued policies that turned Kenya into a de facto one-party state under the control of the Kenya African National Union (KANU). Daniel Arap Moi, his successor went a step further, by passing a law that made Kenya a de jure one-party state. Multi-party democracy was only reintroduced in post-colonial Kenya in December 1991 largely agitated by civil society. However, it was not until the election of Mwai Kibaki's coalition party National Rainbow Coalition (NARC) in 2002 that the KANU (Kenya Africa National Union) was defeated after almost 40 years of rule. The post-2002 political landscape has created greater space for participation of civil society organizations (CSOs) and has led to the emergence of a stronger civil society (Kanyinga 2007; Nzomo 2003). Nonetheless, as in many other African contexts, the shift to participatory democracy and political pluralism in Kenya has been problematic because ethnic and class cleavages continue to dominate formal politics (Orvis 2001; Nzomo 2003; Ndgewa 2003; Brown 2004). Kenya's nation building policies continue to exacerbate these ethnic divisions (Miguel 2004).

During the Moi presidency (1978 to 2002), opposition parties and civil society organizations were severely suppressed, and bilateral and multilateral donors withdrew aid as a result of rampant official corruption (Ndegwa 2003; Brown 2004), However, Kibaki's new government, with its ambitious macro economic reform policies, hard-line stand on corruption, and trade liberalization programs, restored donor confidence in the country. The progress made in rooting out corruption, in addition to anti-corruption laws and other reforms saw the IMF resume lending in 2003 after a three-year gap, with the approval of a three-year $250 million Poverty Reduction and Growth Facility (PRGF). Other donors committed to $4.2 billion of support over 4 years. Despite these efforts, corruption is still a major challenge for the country. Although the NARC government enacted the Anti-Corruption and Economic Crimes Act and Public Officers Ethics Act in May 2003 intended to combat graft in public offices, Transparency International still ranks Kenya 129th out of 145 countries on its corruption perception index, suggesting weak trust between citizens and the formal apparatuses of government (Transparency International Report 2004). In February 2006 allegations of corruption in the ruling government led to several key ministers resigning from office, including the Minister of Education. Not surprisingly a recent Afrobarometer survey (2006) suggests that the high expectations that accompanied Kibaki's victory in 2002 had somewhat tempered, with more Kenyans reporting being disillusioned with economic prospects and reform in corruption practices in the country.

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 (Owinga 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. Owinga (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

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[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.

leaders have advocated strongly for democratization. Together these CSOs provided new forms of leadership and political organization that paved the way for political liberalization (Ngunyi 2001). After the introduction of multi-party democracy in 1991, organized civil society activity in Kenya expanded rapidly (Maina 1998; Ndgewa 1996, 2003). Although according to some analysts, in the early 1980s and 1990s "mistrust and suspicion characterized the relations between government and civil society organizations" (Owiti 2005: 163).

Kenya's shift towards political liberalization has improved state-civil society relationship and in the last two decades seen an exponential growth in numbers of NGOs. As an illustration of this, from about 120 NGOs in 1978, the number increased to 288 in 1988, and increased further to about 400 in 1992, and by 2002, there were about 1500 NGOs registered under the NGO Coordination Act (Owiti 2005). Recent estimates also suggest that NGOs in Kenya have an operating budget of more than 2.5% of the GDP and that they channel over 18% of the official aid (Giffen 2004). Overall, Kenya's civil society sector has become more vibrant in the last two decades, with legislative and human rights groups leading the pack in making demands on the government to liberalize the socio-political space (Owinga 2005; Nge'the et al. 2004).

Notwithstanding the above, one problematic issue is that when NARC took office in 2002, many civil society leaders moved into political positions, leaving a vacuum at the leadership levels of many CSOs. Many commentators have argued that this gap in leadership is proving especially problematic for civil society-state relationships (Ndegwa 2004). While some have commented on the high degree of co-ordination and cohesion among NGOs at the national level (Hughes 2002), others have emphasized the extent to which fragmentation along ethnic and political lines, and a high degree of dependency, characterizes Kenya's civil society sector (Matanga 2000; Maina 1998; Giffen 2004; Ogachi 2002; Wamunga and Pedersen 2007). [6] There is still a lack of consensus on the changing nature of civil society. With the increased dependency on external aid, NGOs in particular have been accused of becoming "contractors rather than community catalysts" (Giffen 2004: 10).

The legislative context for civil society organizations in Kenya is broadly shaped by the constitution, which guarantees the provision of the freedom of expression (Article 79) and the freedom of assembly and association (Article 80). In addition, Kenya has an NGO Coordination Act which defines an NGO as "a private voluntary grouping of individuals or associations, not operated for profit or for other commercial purposes but which have organized themselves nationally or internationally for the benefit of the public at large and for the promotion of social welfare, development, charity or research in the areas inclusive of, but not restricted to, health, relief, agriculture, education, industry and the supply of amenities and services" [NGO Coordination Act, s. 2, as amended by legal notice 11 of 1992]. This act restricts NGOs from becoming a branch of or affiliated with or connected with any organization or group of a political nature established outside Kenya [NGO Coordination Regulations (1992), s. 21(1) (b)]. An NGO

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[6] Matanga (2000) contends that even with a multi-party system, ethnic and personal schisms continue to render the opposition party and parts of civil society ineffective, and consequently undermine solidarity; similar claims are made by Kibaba (2004) and Ogachi (2002). Maina (1998) argues that "There is no institution in Kenya that is free of ethnicity" (p.152). However, he also points out that ethnicity has not undermined the capacity of the church in Kenya to be a force for democratization.

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 for the sector and a Code of Conduct for NGOs. Membership fees (15%) and international and national donor funded projects fund its activities (Nielsen et al 2006). The NGO council was invited by the government to sit on the PRSP secretariat with its members selected by the government through an extensive interview process (Hughes 2002). The NGO council, however, continues to be embroiled in internal leadership disputes which render it ineffective as a governance apparatus (See Box 1).Unlike NGOs, unions must apply to and be granted registration by the Government. The Government also may deregister a union, but the Registrar of Trade Unions must give the union 60 days to challenge the deregistration notice. An appeal of the Registrar's final decision may be brought before the High Court. There are 42 unions representing approximately 600,000 workers, approximately one-third of the country's formal-sector work force. All but 5 of these unions, representing approximately 250,000 workers, are affiliated with the one approved national federation--the Central Organization of Trade Unions (COTU). The largest non-COTU union is the 240,000-member Kenya National Union of Teachers (KNUT). (ICFTU-Afro 2006).

Box 1: Governance and the National Council of NGOs

A significant development in 2005 was that of the government dissolving the NGO Council of Kenya and appointing a caretaker committee to run the affairs of the council . The council was embroiled in serious governance issues and internal conflict where constitution was not followed for the election of CEOs and the NGO council had failed to resolve long-standing internal disputes at the leadership level. The organization was embroiled in a leadership wrangle pitting the current chairperson, Orie Rogo Manduli, against a section of board members.[7] This intervention by the government no doubt called into question the independence and autonomy of the Kenyan civil society sector as well as its own transparency, accountability and good governance practices.

 One donor mentioned that he suspects the government is not so worried about the crisis at the NGO council because less NGO coalitions, equals less accountability (D4). However, Progressive NGOs is a group of CSOs that are working towards reforming the NCNGOs. They see the NCNGOs as an important organ, as it represents NGOS in regional and international forums for example NEPAD. The progressive group wants to reform the Council by pushing for a constitutionally sound election of committee members. The progressive NGO group themselves however have been threatened with deregistration because of the reforms they are trying to effect.

To date, the leadership of the Council has refused the Progressive NGO's call for

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[7] See http://www.kbc.co.ke/story.asp?ID=31721

> 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'the 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.

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[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.

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[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)

4.1 Kenya Education Sector Development Plan (KESSP)

GOK views providing educational access as central to its plan for Economic recovery Strategy (ERS) and Poverty reduction Strategy Paper (PRSP) and has consequently adopted a sector wide approach to education planning. Kenya's national education sector plan, KESSP was developed to meet this national aspiration through a consultative process with key stakeholders (development partners, CSOs). KESSP was launched in September 2005 and details Kenya's education sector goals for the period 2005-2010. KESSP is developed around six thematic areas identified by the MOEST and has 23 investment programs guided by four program objectives: 1) ensuring the equity of access to basic education; 2) enhancing quality and learning achievement, 3) providing opportunities for further education and training, 4) strengthening education sector management. (MOEST 2005). KESSP's implementation is intended to be through "…strong partnerships with all stakeholders, including communities, civil society, community based organizations (CBOs), NGOs, religious organizations, other Government institutions, development partners, and the private sector" (MOEST 2005: xi).

The MOE takes the lead for KESSP's implementation and also leads and chairs all joint consultative mechanisms, which comprise an annual Joint Review of Education Sector (JRES), a follow-up budget workshop, and a quarterly consultative meeting with donors. The major donors in the education sector to the country are: World Bank, JICA, DFID, UNICEF, CIDA, and USAID. The World Bank/IDA (with a proposed amount of US$50million) and DFID (US$100 Million) are the main donors supporting KESSP through pooled funding. CIDA and UNICEF are other potential pooled fund partners. The appraisal process used by DPs is that of common indicators, procurement and disbursement procedures and reporting formats. IMF and EU are the only two DPs doing Direct Budget Support (DBS). DPs (bilateral and multilateral) have signed

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 and learning materials (World Bank 2005).

The education donor coordination group (EDCG) is presently co-chaired by Dfid and UNICEF. The group was only set up in its current format September/October 2005. Every quarter the Permanent Secretary holds a consultative meeting and invites Development Partners and some CSOs. The EDCG meets monthly and invites a MOE representative, usually the director of policy and planning or head of the KESSP reform secretariat, to join their meetings, that happens for two months. Technical advisers from the Ministry can also be invited if there is a need. The EDCG also invites on a regular basis only the representative agency of CSOs, currently Elimu Yetu, however, we were informed that other CSOs can be invited "if there is something specific to discuss that they can input into" (Int. D9; D1).

4.2 Decentralization policies and KESSP

Decentralization is one of the four central themes and key reforms undertaken by the MOE under the KESSP. [10] The KESSP includes a draft comprehensive capacity development strategy and plan for Headquarters, provincial and district level and a draft Governance and Accountability Plan for education. Its monitoring and evaluation process includes a comprehensive set of sector indicators together with provisions for joint annual sector reviews between GoK and donors (MOEST 2005).

As part of its institutional decentralization, the MOE is transferring greater decision-making authority to District Education Offices and District Education Boards (MOEST 2005; Marambo 2005). While there is increased decentralization of responsibilities, Ng'ethe et al. (2004) point out, local and regional government in Kenya often lack the power and resources to be effective. Further local government may not in fact strengthen democratic governance and accountability as it is a structure most prone to patronage politics and corruption (Ng'ethe et al. 2004; Maina 2004). Several analysts have pointed out that decentralization efforts to date are in fact a "re-centralization" as the central government continues to hold discretionary powers, financial resources and human resources (Oloo 2006; Muia 2006). Consequently decentralization in the Kenyan context is often reduced to nothing more than delegation. Interestingly, in our interviews although several CSOs and even donors viewed these decentralization reforms as positive, it was not clear what role CSOs would play or be required to play in this process. On the other hand,

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[10] The four central themes of KESSP are transparency, decentralization, teamwork, and performance-based management and accountability.

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 information between local and national level ministry official is still poor. One CSO pointed to the case where district and national MOE officials were using different statistics (Int. C1).

Another new decentralization mechanism is the introduction of the *Constituency Development Funds (CDF)* in 2003, in which   money is given to MPs to use at their discretion for projects in their constituency, including for education. Currently, however, there is very little institutionalized monitoring of these funds by CSOs or the government (Mapesa and Kibua 2006). As one CSO pointed out "CDF has tripled, but MP just brings his friends" (Int. C3). Not all MPs misuse the CDF. One MP we talked to hired 8 of his own staff (which he pays from his own funds) to oversee requests and to manage the CDF funds (Int. G12). Many CSOs spoke of how CDF is making a huge difference (Int. C47; 48) although one CSO is presently doing a study to demand CDF be used for slum schools as well, as these schools have not benefited from these funds (Int. C45). CIDA and the EU are also currently funding a project which builds capacity for local oversight and accountability over decentralized forms of government funding, including CDF funds. Six NGOs are being funded: Abantu for development, League of Kenyan

women voters, Clarion Centre, Kenya Human Rights Commission, Endorious, 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 199Os, 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 have educational mandates, including faith based bodies (the National Council of Churches Kenya (NCCK) and the Supreme Council of Kenya Muslims (SUPKEM), the Kenyan National Parents Association and the Kenya National Union of Teachers. Many of these CSOs are members of the national, umbrella coalition on education, Elimu Yetu Coalition (EYC) - which has an estimated 120 active members (EYC Report 2006).[11]

 Education is also viewed as a cross-cutting issue in the work of many CSO networks, who work on diverse issues such as gender, child rights, child labour, HIV/AIDS, civics education, rehabilitation of street children etc. Those CSOs working exclusively on education, work on ECD, educational quality issues, non-formal educational provision, teacher training, school improvement, capacity building for school management committees, budget tracking at the community/school level, adult education, vocational training, teacher development, etc. Many CSOs also seem to quite effortlessly combine their service delivery with policy advocacy work (Int. C4; C45; C43; C44) and many CSOs are also members of several issue-specific coalitions, networks as well as standing committees.

5.1 INGOS and National NGOS

INGOs have long been involved in the education sector in Kenya. The major actors are ActionAid, OxfamGB, SAVE (US, UK, Canada), VSO, Concern Worldwide, Aga Khan Foundation, Christian Children's Fund, Care International, World Vision , Plan International and many more. INGOs in the country work on service delivery as well as policy-level advocacy

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[11] EYC had no formal membership list – this is their informal estimate.

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).

NCCK is the umbrella body for protestant churches in Kenya. The Catholic church is not its member. NCCK has very strong involvement in schools in Kenya. Of NCCK's members the most active is the Anglican church which has about 400 schools. One of NCCK'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 NCCK) 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

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[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 this context, KNAP was invited by the Ministry of Finance to come up with memo for guidelines for procurement. Also as part of its activities, KNAP also does training for SMCs in budget tracking. The budget tracking work is funded by CEF. Apart from this funding they do not receive any other funding.

KNAP also works in partnership with government in terms of informing them of and reporting cases of corruption at schools. In primary schools , there are about 500 cases per year of misuse of funds that get reported. KNAP is also starting a national campaign to fight corruption in the education sector. They are working with the Kenya corruption Commission to come up with a work plan because KNAP believes that to make education affordable in Kenya, corruption must be fought. Two issues where they feel they have made an impact are: one, the issue of management of schools. Schools were having elections every year and this resulted in a big turnover of committee members. KNAP advocated for a new term of office to be extended to 3 years. Another issue is legalizing the FPE program. KNAP has been very active in gazetting the policy for FPE to be legalized.

5.5 Private Sector

Kenya Private Sector Alliance (KEPSA) is an umbrella or apex body for the private sector, started in 2003. Its members are federations or associations – e.g., Kenya Association of Manufacturers, Bankers Association. They have sectoral groups in Health, Education, ICT, Banking, Environment, etc. They get funding from members but also from donors, chiefly UNDP and DFID. KEPSA is primarily a lobbying and advocacy group – each sector has its own group and board. The organization has a governing council with a representative from each sector. The representative from Education is from the Kenya School of Professional Studies. The Education section is very active. The Education Board includes members from the following organizations:

- Private Schools Association

- Book sellers
- Publishers
- NCCK
- 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 especially active. A criterion for membership includes NGOS providing education.

There is also a move within KEPSA to develop a community schools association. Given the increase in private sector and government participation and partnership, they think it will ultimately fall to the private sector to develop an association so that the private sector can regulate its own quality. The current board is pursuing this via the creation of the community schools association. The KEPSA idea is to help such an association set up standards, regulations, provide training and capacity. Interestingly, KEPSA did not report working with either ELKWV or EYC.

Two other important private sector actors are *Elimu Kwa Wanavajii (ELKW) and Kenya non-formal schools association (KNFSA)*. All NFS located in informal settlements in Nairobi are members of ELKWV. The coalition was formed in 2002 and was the idea of the education manager of Oxfam GB. There is no membership fee and the coalition's primary focus is advocacy and lobbying. The motivation for setting up the coalition was a result of common problems affecting NFS in the informal settlements and so the idea was to come up with a collective lobbying and advocacy group. NFS outside of Nairobi, particularly in Mombasa and Kisumu come under the umbrella of Kenya Non-Formal School Association, which was set up in 1998. Presently, in Nairobi there are about 512 NFS, and so this is the membership base of

ELKWV. 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, ELKWV 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 to independent schools.

ELKWV gets its main funding from OXFAM and CEF. They are also being supported by these two organizations in the training of teachers and capacity building activities. However, ELKWV did not provide input in the KESSP, as currently in the context of FPE, NFS are not included. This continues to be a point of contention in terms of the public-private school debate in Kenya. See Box 2 for more detail.

Box 2: Non-formal Schools (NFS)

Despite the pronouncement of FPE in 2003, NFS continue to mushroom in Kenya. MOE estimates there are about 560 NFS in Nairobi alone, although there is currently still no policy in place governing or monitoring these schools. NFS are a curious misnomer because they offer the formal primary school curriculum and prepare pupils for the national exams. These schools are not registered with the MOE but with the Ministry of Social Services as they are run by CBOs, FBOs, INGOs or individual proprietors, often collecting fees from pupils but also receiving some form of external or donor support in many cases (MOE 2007; ELKW 2005).

In 2005,the MOE decided through KESSP and with money from the World Bank to provide textbook funding to 166 of these schools. Due to mismanagement of funds (some 30 NFS were asked to return the money), the government is reevaluating the funding modality and temporarily suspended the pilot project in 2006. Currently there are 188 schools scheduled to receive funding in the second phase of funding in 2007. Interestingly, schools only qualify for funding once and so if they had received funding in 2005, there were ineligible to receive funding in 2007.

The issue of NFS appears to be one example of the way that Government and CSOs have worked together, or more specifically how CSO advocacy has changed government policy.
First, in NFS, pupils are known as Code 9 and the children will not have their names in the mainframe computer, so there is no automatic promotion to secondary schools. There was a case of 18 children who performed well but were not admitted. The policy discriminates NFS pupils. The CSO sent the case to the GCE website and the Permanent Secretary received phone calls from over the world. He then changed their position (Int. C3). This is illustrative of how CSOs sometimes leverage international platform to influence domestic issues.

Another area where CSOs have influenced policy is in the area of fee or national examinations (KCPE). NFS students used to pay Ksh 600, a figure double what was paid by the government school candidates as they were registering as private candidates. The CSO organized its members and they visited the Kenya National Examinations Council. The CSO also met with the Assistant Director in charge of non-formal education in the country, and lobbied their case. NFS pupils are now registered at Ksh 300 (Int. C43).

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 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; C13; G8; G9), although they didn't necessarily think this was a detrimental shift. Some CSOs however reported cases where head teachers sometimes manipulate the school management committee especially where there is a weak committee (Int. C9). Some also pointed out that with 18,000 schools in the country, auditing SMCs by MOE was a huge challenge (Int. C2).

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 advocacy group started as a coalition and then became a network. It is now an NGO so that it is able to raise its own funds. KAARC broke off from another network, ANPPCAN as one of the former board members from ANNPCAN started KAARC. Similarly, the Juvenile Justice Network is headed by Cradle (which is also a network) and   at the same time, they are the same organization. So every network tries to maintain its own identity to some measure and then comes to together with other CSOs or networks on some collective issues.

Some network members we interviewed saw their participation as a funding opportunity (Int. C41; C43). However we found consensus building within these networks was problematic. Members with different interests and priorities were trying to influence the network differently. Further, some members did not have the capacity to contribute effectively as a member. We also found that in some networks members may in fact be competing for funds, although some CSOs denied this by insisting that since members are doing different things, the working relationship is more complementary (Int. C34; C33). Although there was undeniably competition within the network itself for resources etc for implementation of projects, and conflict as a result of personal differences, the overall networking process was viewed as being positive (Int. C41). While CSO did not explicitly mention this, it was clear that there is pressure on coalitions to maintain their niche in order to fundraise, and this inevitably creates a climate of competition with their member organizations. Additionally, within this competitive environment, networks which are ineffective or not viable, are simply forced to disband. For example, the National Children in Need Network is an example of a child rights network which just died.

5.7.1 Elimu Yetu Coalition (EYC): A national coalition in transition

 EYC is the national umbrella coalition for education CSOs. Set up in 1999, it has about 120 members, and receives its main funding from Action Aid Kenya (for logistical support including salaries, transport and communication); the Commonwealth Education Fund (CEF) (Programme support); ANCEFA[13] (under Real World Strategies provides support for capacity building activities); and OXFAM (research). EYC is not registered as an NGO but operates as a network under Kenya's NGO council. EYC is managed by an elected Executive Committee (Chair [ANNPCAN], AAIK, CCF, Oxfam GB, Ujamaa Centre, St. Joseph's OVC, Daraja, SUPKEM, NGO Council, Progressive NGOs) and has a secretariat responsible for key decisions, policy statements, and providing general direction for the coalition. The day-to-day management of the organization is run by the Coordinator, who is responsible for research, lobbying, advocacy, attending meetings with donors, government etc. EYC also has provincial chapters in all 8 provinces (though it is well organized in only five). In each of these provinces, it is supported and hosted on a voluntary basis by a member organization.[14]

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[13] ANCEFA is the African National Coalition on Education for All, a regional coalition supporting national coalitions around EFA goals.

[14] These are as follows: Nyanza province - Kenya Female Advisory and Development Organization (KEFEADO), Western province -- Muma rural Development Foundation (MURUDEF); Central province -- Islamic Foundation, Coastal Province -- Ujamma (to be replaced by COPDEC) and North Eastern Province -- Pastoralists young girls

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 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

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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 difficult in the context of differing CSO views on the future of the education system (see the NCCK box 3 below) and a strong government resistance to CSO criticism.

6. Civil society in the Education Policy Process: Promise and peril of participation

6.1 CSOs and engagement in KESSP

Most CSOs speak of the National Conference on Education and Training convened by the MOE in November 2003 as an important interface in government-CSO engagement in KESSP. This major conference for the first time brought together over 800 educationists, practitioners, teachers, government officials, FBOs, CSOs and other interest groups in a forum where they deliberated and suggested ways of reforming the education sector (MOEST 2004). The outcome of the conference was the basis for the development of the *Session Paper No1 of 2005 Education, Training and Research* (National Education Policy), which subsequently informed the design of the KESSP.

While almost all the CSOs we interviewed participated in the deliberations at the National conference (except for one, C6 which said they were not called), not many could say they were involved directly in the design of KESSP. Notable exceptions being participation of Undugu

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 to the plan . However, it was also interesting that KNUT (Kenya National Union of Teachers) was not consulted for KESSP. Both the faith-based organizations SUPKEM (Supreme Council of Kenyan Muslims) and NCCK (National Council of churches Kenya) report active participation in KESSP. The SUPKEM director chaired the legal education task force, and the NCCK held 9 meetings at the regional level and there was also a national forum. NCCK has issues with KESSP as they feel "KESSP is good but it is still trying to perpetuate the erosion of the role of the churches in the provision of education." KESSP proposes a reduced role for churches in the running of schools, and additionally KESSP wants representation of churches on BOG (Board of Governors) reduced to one (currently there are 4 who represent sponsors on BOG, District Education Board and SMC).

KESSP has provided for several structures and forums that allow for the involved of CSOs, private sector etc. to contribute/monitor the implementation of KESSP such as Education Stakeholders Forum, National Education Advisory Council, KESSP steering committee and the Education Sector reform secretariat. A number of CSOs mentioned participating or having participated in the National Advisory Council (Int. C13; C5; C45; C48). The council is advisory and advices the Minister on all policy issues and funding issues, search policies and advises MOEST on any new policy by politicians or funding issues. At present the council is established by the Minister, who then calls for meetings only when there is a problem. However, the NCCK has sent out a proposal asking that under the new law there would be a legally mandated body of stakeholders in education that would meet regularly for policy review in education and would include religious bodies, government, private sector, CSOs etc. One point worth noting is that the seat for CSO on the National education advisory council has been given to NCNGO (National Council of NGOs). This has created some tension as in normal practice, EYC which acts as the education arm of NCNGO should have been the one representing the sector. In addition, we were told in our interviews that there has been a lot of internal politics over the last two years with NCNGOs (Int. C3; D4; D1).

While KESSP calls for involvement of CSOs and private sector, the question is how to draw CSO in. One donor indicated that CSO engagement was lacking in the technical development of KESSP, however, there have been efforts on the part of the government to include CSOs (Int. D6). For example, the government invited CSOs to the national forum to share their views and also at every stage of the development of KESSP, comments were publicized so as to generate a sense of ownership (Int. D6). Additionally, donor support was used by the government to develop a comprehensive, communication strategy to allow for opportunities for engagement with CSOs and other stakeholders at every level (Int. D6).

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 Comission 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 NCCK 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, NCCK 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 the1988 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 influence MOE (Int. C7; C8). These CSOs adhere strongly to the notion that the only to achieve sustainability is to partner with the government as one of them said " Which country depends on civil society to do things? …You can't move" (Int. C4). This suggests 2 sides to the working relationship: one that operates within MOE priorities, one that functions as a CSO (mobilization, advocacy, resource mobilization). On the other hand, some CSOs also noted that the flow of information between local and national ministries weak, where at times districts and national MOE are even found to be using different statistics (Int. C1; D2).

On the part of the government, there is official acknowledgement that CSOs are now involved at all levels of consultations and are seen as stakeholders (Int. G7). However, the high level

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 t*he* 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 into a communication strategy which is emerging which will then facilitate the participation of a larger CSO community into KESSP implementation (Int. D6). Some donors however, still see the working relationship as contentious:

> *NGOs still have 'this is ours attitude' and don't want to cooperate with the government. Not sure if ministry has tried to bring NGOs/CSOs together. While the initial momentum high, there was a sharp decline after 2000. At budget meetings, the focus is on 'who brings [what resources]'. (Int. D2)*

On CSO relationship with parliamentarians, several CSOs reported interacting with MPs and the Parliamentary Committee on Education. Our interviews suggested that these consultative meetings were however event driven with no regular coordination meetings happening on a regular basis (Int. C1; C13; C41). Only one CSO reported having a parliamentary liaison officer (Int. C2). Some reported that they took several issues to the Parliamentary Committee on Education (for example land grabbing, uniforms, income generation, need for research) (Int. C4),

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 the work, particularly within networks/coalitions as this created competition among members which they wanted to avoid. One CSO interviewed cited the need for a government body to streamline NGOs to avoid duplication of work. One CSO also pointed out that CSOs that were receiving core funding were fairly open with their programs and learning unlike those that may need to fund raise every year. In this situation these CSOs were not too eager to share their work,

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 NGOs ....are 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).

Donors were divided when asked if they thought CSOs had had a substantial policy influence. Some donors felt that while there has been some work around the Sector Hearings and questioning policy decision and spending plans for sub sectors including ECD and disability, there was no real of evidence of CSOs having influenced either the Treasury or MoE to reconsider their existing plans (Int. D9). On the contrary, other donors felt that CSOs including NGOs and trade unions have influenced policy in the areas of teacher employment and deployment, vulnerable children especially girls and the disabled, early childhood education and non-formal education (Int. D8) and CSOs have also crusaded for the establishment Anti-Corruption and Human Rights Commission acts (Int. D2).

In addition, when donors were asked what roles they felt CSOs played most and least effectively, their responses varied greatly. However, there was general agreement that there CSOs were less effective in part because of inadequate coordination among the CSOs and competition between agencies (Int. D2; D1; D8; D9). One donor attributed this lack of coordination among CSOs to the fact that many CSOs' key personalities were turning into politics and are in the government or having been appointed by the government in key positions (Int. D2). Nonetheless, donors agreed that CSOs were effective in lobbying government to rethink about the disadvantaged and were also good in actual implementation at the grassroots (Int. D8). One donor commented that "CSOs were also effective as advocacy groups, gathering evidence from stakeholders and presenting it to key officials, as part of their public action role. However, in education I have not seen a lot of that happening in the past two years" (Int. D9). CSOs were though to be least effective in trying to fund raise for and implement small scale projects, as these are usually too

small scale to be of real impact and unlikely to be able to be scaled up or linked in with GoK plans, as one donor explained:

> *Islands of excellence in a resource constrained environment are not sustainable however nice they are to work within. (Int. D9)*

6.4 Challenges and potential for CSO engagement in educational governance

In our interviews, some of the areas of strengths and weakness of CSO engagement in the education policy process were also explored. This strength and weakness pointed to some of the challenges and potential for CSOs especially as respondents from different categories (CSOs, government and donors) differed in their perspective.

Media. It seemed that CSOs and media enjoyed a cautious relationship. As one CSO reported:

> *The media is our friend. At the same time there are 2 levels of press: independent, which says a lot of nasty things and established who try to be objective in their reporting. As usual press is press. When they write nasty things we usually call them to correct them. (Int. C13)*

Some CSOs reported making regular efforts to engage with media. One CSO seemed to utilize the media quite effectively. They have a media committee that makes press releases and also trains reporters to be able to report on issues related to Child rights. They also distribute an electronic newsletter for information sharing and have an information coordinator who works with TV and media houses (Int. C41). Some said they made regular press statements that are taken quite seriously (Int. C47; C46). However, very few CSOs reported having a media representative.

The general quality of interaction seemed to be that of peaking at certain times but otherwise situational (Int. C45; C3). However EYC felt "This is our greatest challenge. There are only 3 journalists who can write on education issues. The rest are event recorders". It was not clear if the cause was that EYC itself did not proactively engage the media or if it was the case that not many journalists were writing about advocacy issues in education. We were informed that EYC had a rapid response committee whose task was to make statements to the media whenever there was an implementation as the coordinator was not very proactive about engaging the media. The interviews in general suggest that the media has not played an active role in bringing to fore advocacy, policy and monitoring, as well as key educational issues.

Innovation. Several CSOs referred to their work as innovations (Int. C34; C33; C32). Several larger CSOs working particularly with the government now had their innovations scaled up (Int. C4; C8; C1; C4). The national civics education programs in schools by COBADES, the Kenya school Improvement Programme (KENSIP) are two such examples. Most other innovations are questionable in terms of their sustainability as they are highly dependent on donor funding

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). This was done at the district level and with decentralization of funds to the school level, training SMC as well as OVC committees has become an important area of community mobilization. CSOs consider this as part of their task as the government watchdog.

Similarly, CSOs were engaged in capacity building at the district level. In fact almost every CSO talked to had some involvement in capacity building (Int. C34; C36; C11; C5). Capacity building was a catchnet that include everything from capacity to raising funds to capacity to deliver programs to capacity to monitor. Several CSOs worked on building capacity at the school level (e.g. working with children to develop law clubs or clubs to raise disability issues) (Int. C11; C12)

Providing independent research/analysis. Research capacity seemed to be an area of weakness for most CSOs. CSOs did not seem to have the capacity to engage in evidence-based policy research, and where research was produced, it was often contracted out to external consultants or to the local universities. It was not clear if they themselves had any input into the design of the research. Some CSOs did engage in fact-finding research to inform their advocacy work. (ELKWV 2004; EYC 2003; WERK 2005; GCN 2005). But generally, CSOs were aware of the need for more research and many spoke of efforts/plans to develop this capacity. Some had developed good research capacity and had a research committee (Int. C5; C10; C7; C8).

Another problem with CSOs who have done research is that, it was not clear (even to them) firstly how they planned to use it to lobby government and secondly how they plan to share it with their members or to make it accessible to a wider community. For example, EYC in particular had done research on costing on education, girls' education but there was no proper documentation of this research.

There were however some notable exceptions of how CSOs have used research to influence government policy. ELKWV, the non-formal school coalition prepared a report on *An assessment of Non-formal basic education in Informal settlements in Nairobi.* It was the first attempt to highlight the issue of NFS in Nairobi and was sent to the NFE desk in the MOE. EYC produced a policy document *"Reform Agenda for they Education Sector in Kenya"* (2003) which was circulated as part of the official National Conference in 2003 (Marambo 2005). Similarly, the Girl Child Network in 2004 carried out research and prepared a report on issues affecting the girl child. As a result, they realized a lack of access to sanitary napkins was a real problem for many girls and this has enabled them to start the sanitary napkins campaign. Prices for sanitary napkins have come down by Ksh52 because taxes have been removed. They are targeting 600,000 schools and are working with government on having the provision for girls implemented in schools as part of FPE policy.

Advocacy and lobbying with government or donor agencies. CSOs viewed this as an important mandate in their role as watchdogs. Part of the advocacy effort was targeted at trying to influence government policy on specific issues. Since the main thrust of KESSP has been towards supporting FPE and basic education, groups representing other needs for advocating for

the scope to be expanded. Groups working in ECD were advocating for ECD to be absorbed as part of FPE, groups working in NFE were making a similar claim, and there were those advocating for secondary education to be part of the package. Every CSO from the teachers' unions to child rights groups were engaged in some form of advocacy and lobbying. Many also spoke of the benefits of being part of a coalition (e.g. EYC) as it gave them more visibility in their advocacy efforts. One issue where there has been noticeable impact is that previously, girls who became pregnant could not continue their education. As a result of CSO advocacy, this gender policy in education was changed (Int. C41; C8).

Another issue where CSO advocacy had an impact was the teaching of religious education in schools. Government wanted to convert it to make it more relevant and specific through the introduction of social ethics, which was neutral and not focused on any one religion. After lobbying and protest from faith-based groups, eventually the government gave in and removed social ethics as a course in schools and retained the teaching of religious instruction (Int. C5).

Changing legislative or sectoral framework. Some mentioned having drafted bills that were now being billed in parliament, for example the sexual offender bill (Int. C42; C34; C4). NFE and NFS was definitely one area where CSOs were playing a pivotal role. NFS have not benefited from the free primary education. CSOs have had much input into drafting the NFE policy (Int. C3; D7; D8; C43; C45) to get NFS onto the government agenda. The government is now piloting funding for 166 NFS in Nairobi. While many of these NFS are not registered with the MOE, they are in fact registered with Child services or social services or are registered as NGOs.

CSOs have also succeeded in getting disability issues addressed through Special needs education supplementary program (SNESP). This is a 10 year plan where previously the government had no such policy (Int. C12). Several CSOs working in gender issues were part of the of national task force to draft a national education gender policy proposal (Int. C34), and they also worked on mainstreaming gender within KESSP (Int. C8).

Table 5: Which CSOs are doing what in Education

Type of Organization	Networks / Coalition	Local NGO	National NGO	INGO	Constituency Based	Faith-Based	School Committees	Community Schools	Researchers
TOTAL # of Orgs	9	3	5	10	2	2	3	1	1
Engagement at the policy table	√								
Advocacy	√		√	√		√			
Monitoring	√		√	√		√	√		
Research	√			√		√			√
Innovation	√	√							
Mobilizing Communities	√	√							
Materials & Service Provision		√		√		√		√	
Capacity Building for NGOs	√			√					
Capacity Building School/District Governance	√	√	√			√			
Teacher Training		√	√			√			

7. Policy Options and Funding modalities

In determining the right mechanism to support CSO in education, several possibilities emerged. However, each option, when either raised with CSOs or suggested by CSOs themselves presented both possibilities as well as challenges.

a. Fund Canadian organizations/network to fund Kenyan CSOs/coalitions

CSOs responded favorably to this alternative (Int. C1; C2; C33). One CSO said, the challenge would be for the Canadian organization to identify an organization with good governance structures, and with expertise in education. They would need to understand policies and to know where changes can be made (Int. C2). Additionally it is important to ask what is being funded. There must be measurable outputs (Int. C33). This posed problems when funding for example

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.

CSOs who thought this was an option strongly voiced that the coalition itself should not implement but should be tasked with mainstreaming education as an issue as well as doing some capacity building work (Int. C4). Some however didn't think this was a good plan because coalitions themselves don't have any real structure, and questioned where would be the mechanism (Int. C1). It was better to fund specific issues/strategies/activities.

c. Funding government of Kenya to fund CSOs through a pooled fund. (or contracts to CSOS)

CSO didn't think this was a good option because as they said "That money will never reach us" (Int. C1; C49). This is because there is a lot of bureaucracy involved with the money having to go to MOF and the MOE and then CSOs etc. Additionally they thought there will be too much money missing. Participant C1 has had similar problems with trying to access World Bank money and they have yet to receive all the money although it has been a number of years now (2002). Similarly, participant C4 had the same problem with UNICEF money. However one CSO said despite its drawbacks, channeling money via the government is something to work towards as it was impossible to have sustainability without link to government (Int. C1). Some CSOs consider the Kenyan Government a competitor of CSOs for donor funds, so CSOS would not be keen to have money (Say a fund for CSO in education) channeled through MOE (Int. C33). The consensus was INGOs funding through the government takes a long time and in addition to the bureaucracy, there is potential for a lot of manipulation/wastage.

d. Fund national coalition, who then distributes funds to its members

CSOs in this case would be subject to the funding organizations financial procedure. However, it seemed that this mechanism would require a huge amount of capacity to monitor and audit. Additionally there is a danger of members competing with the coalition for funds.
CSOs felt the coalition would then be able to send a portion of it to the different regions. As one observed: "You cannot give the money to each, particularly for something like capacity building. It is something that is common to all the coalition members" (Int. C49). So the money would be sent to regions where the regions would run workshops with their members. A similar principle applied budget tracking. Some were skeptical of this mechanism, as one CSO said "it never works where funds go through members – there needs to be a single unit – as with thematic groups connected by coalitions" (Int. C32). The principal should be an EYC face on all members work at national level.

e. Fund CSOs at the district level.

This option would allow groups that are interested to continue to do what they are doing (Int. C4).

f. Funding by individual donors

Most CSOs were most keen on having direct funding from donors (Int. C47; C49; C40; C38; C44).

g. Fund networks who then distribute funds to its members

Presently used by several of the networks talked to. However, as one CSO pointed out fund raising by networks are sometimes weak. Further network members feel money is going to secretariat and not to members. There is a need for stronger regional chapters, and a shared vision, where the network would be the coordinating body. "Secretariat should not be an implementing body, but it should be the work of the network" (Int. C42).

As another CSO observed, the trend now is moving towards working in networks. He suggested donors Identify organizations that are working together and fund them as a team. For example, three CSOs working in child rights came together and developed one proposal to the Royal Netherlands. There is thus sharing of resources among the three CSOs and has been fairly successful (Int. C41).

The problem with this approach is that there would still need to be a coordinating centre (I.e. one lead agency). Some networks have employed an approach where the centre is rotational every few years, for example the Girl Child Network.

h. The CEF model

CSOs noted that the problem with CEF model which funds organizations is that members are querying why some are funded and some not (Int. C49). On the other hand, the challenge with smaller organizations is that it is difficult to trace the flow of funds. CEF also creates competition between members within a network/coalition. Additionally, there appears to be a shift towards funding broad-based organizations (Int. C3).

Another area where this approach is problematic is the process of negotiation. Who does the CSO negotiate with? The churches for example would have preferred to negotiate with CEF directly not through AA (lead agency) as they thought the funding given was too small to accomplish the work of monitoring FPE. One CSO (34) in particular spoke of the CEF model as a good partnership as it was not just a donor-donee relationship, and also it is one way to reduce duplication of work among CSOs. The model has helped them carry out research to inform policy.

Overall, our interviews seemed to suggest that donors themselves were not decided on the right modality to fund CSOs in education. Interestingly, donors didn't comment on the possibility of

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).

While the coalitions and networks seem to be in a better position to negotiate funds from donors (largely channeled through INGOs) even as INGOs themselves scale back or have their funding diminished, this does not seem like a very stable partnership.. Thus in forcing CSOs to change their ways of working within KESSP some were asking "Can CSOs keep their autonomy, Can they act as shock absorbers?" (Int. C11). Our interviews also suggested there was weak coordination and information sharing between centre and periphery of some networks/coalitions with some provinces more active and developed than others (Int. C49; C2; C33). In fact, even in Nairobi some CSOs worked independently and had not heard of EYC or other CSOs working in similar areas (e.g. Int. C50; C6; C30). Additionally, while donor support has helped to develop CSOs in Kenya, Ngethe et al. (2004) caution that some CSOs have become more accountable to donors than their grassroots memberships, and increasingly the NGO agenda is centered on donor-driven priorities.

Despite the rise in civil society networks and coalitions, there also seemed to be little "harmonization" among CSOs. The absence of a strong national coalition (the Elimu Yetu Coalition) with adequate financial resources seemed to create a leadership vacuum. Additionally, members within coalitions often had competing agendas and interests. While this diversity strengthened coalitions, it also created tensions and conflicts. This fragmentation clearly makes CSO coalitions less effective. Similarly government and donor harmonization as well as donor harmonization were also problematic. Given that we found CSOs in education fragmented and weakly coordinated to some measure, how they will cooperate to make significant policy impact continues to be a challenge. Given that neither donors nor the government shared a common vision for the role of CSOs in SWAps, perhaps expecting CSOs themselves to harmonize in light of this disjuncture is a little unrealistic.

Notwithstanding these limitations, it is important to bear in mind that KESSP and the expanded policy space for CSO engagement are still relatively new terrain in Kenya. However, it is possible to suggest given that the education sector SWAps are considered one of the government of Kenya's most successful to date, there are clearly opportunities and potential for qualitative improvement in the engagement of CSOs. As civil society actors and coalitions interface with the broader social and political tensions in Kenyan society, in time it is hoped there may emerge a stronger collaboration, a greater synergy and a deeper capacity to engage more effectively as policy advocates in the education sector.

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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	Based on stakeholder input from the National conference on education and training, MOE prepares Sessional Paper no. 1 of 2005 and Kenya Education Sector Support Programme (KESSP).
2006	Task force headed by Dr. James Kamunge set up to review and harmonize the legal framework governing education, training and research in the country. First such reform effort since independence. Task force invited views from various stakeholders including civil society.
2007	After deliberating on the task force comments and consulting with stakeholders, a draft bill on education and training was adopted. This must now be enacted by parliament. However, disagreements by teachers union and universities have ensued regarding devolution of powers.

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

			Network
	Girl Child Network (GCN)	*Advocacy around girls' rights*	*Juvenile Justice Network, Child legal Action Network, NGO committee on child rights, ANNPCAN, NCCK*
	Kenya Alliance for the Advancement of Children (KAARC)	*Child rights*	*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*
	Elimu Kwa Wanavijiji (ELKWV)	*Issues involving non-formal schools in the slums*	*N/A*
	Kenya Private Sector Alliance (KEPSA)	*Umbrella /Apex body for the private sector, with an education section. Issues (among others community schools around land and ownership issues).*	*N/A*
	Non-formal Schools association	*Problems of NFS outside Nairobi*	*N/A*
Constituency Based	Kenya National Association of Parents (KNAP)	*Umbrella body for PTAs*	*N/A*
	Kenya National Union of Teachers (KNUT)	*Teacher's welfare and curriculum activities.*	*Education International (EI)*
Faith-Based	National Council of Churches Kenya (NCCK)	*Interests of the Churches and the running of schools, ECD, technical and vocational training, training SMCs*	*Christian Churches Education Association (CCEA) EDUCARE DARAJA Catholics, 7th day Adventists*
	Supreme Council of Muslims Kenya (SUPKEM)	*Education in Madrasahs, curriculum development, school*	*Family Health Institute*

		improvement in Muslim dominant area	
National CSOs	Undugu Society of Kenya	*Street children/vocational and technical training/child labour*	*National commission on Child's rights Committee on informal settlements World Habitat, Social Watch, Social development network, KAARC, SNV, GCN, GOAL, Save alliances, Organization for Independent churches (OIC)*
	Centre for British Teachers (Cfbt)	*HIV/AIDS training and curriculum in schools*	*MOE*
	National Council of NGOs (NCNGOs)	*Coordination of NGOs in Kenya*	*N/A*
	Kenya School Improvement program (KENSIP)	*School improvement, School clusters*	*AKF, MOE*
	Community-Based Development Services (COBADES)	*Teacher and student training on civil and legal literacy. Training teachers in human rights*	*Daraja Kenya human rights network, Clarion*
	Forum for African Women Educationalists (FAWE) Kenya Chapter	*Gender issues in education*	*GCN, UNGEI, MOE*
	Kenya Book Foundation (KBf)	*Book distribution*	*Kenya National Libraries*
Others	Commonwealth Education Fund (CEF)	*Capacity building for Advocacy work of CSOs*	*13 Partners*
	Progressive NGOs	*Restoring/restructuring NCNGOs*	*N/A*
Academic	University of Nairobi (UofN)	*N/A*	*N/A*

*List does not include donors

Appendix 3

List of CSOs active in education in Kenya

- Bible Translation and Literacy (BTL)
- COPDEC
- Islamic foundation
- KEFEADO (Kenya female advisory and development organization)
- MURUDEF (Muma rural development foundation)
- Ujamaa

- National Council of Churches of Kenya (NCCK)
- PAMOJA
- PYG (Pastoralist young girls' initiative)
- SUPPKEM

- Action Aid
- Save the Children
- Oxfam
- VSO
- Commonwealth Education Fund (CEF)
- Christian Children's Fund
- World Vision
- Centre for British teachers (CfBt)

- Kenya Alliance for Advancement of Children's Rights (KAACR)
- Girl Child Network (GCN)
- Kenya Children's parliament
- Childlife Trust
- African Network for the prevention and protection of child abuse and neglect (ANPPCAN)

- Cancel Debt for the child Campaign (CADEC)

- Centre for Research, Communication and Gender in ECE

- Dupoto e Maa (meaning prosperity for the Maasai)
- Pastoralist Coalition
- Kenya National union of teachers (KNUT)

- Literacy for All (LIFA)
- Elimu Kwa Wanavijiji Coalition (EKWVC)
- Kenya National Association of Parents (KNAP)

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

- COBADES
- Kenya AIDS NGO Consortium
- Alliance for global change
- Save the children UK
- Care Kenya
- Aga Khan Foundation
- Christian Aid
- Concern World Wide
- Education for marginalized children in kenya (EMACK)

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
   - Who do you represent? (Who are your members?) How do you represent their views and priorities?
   - Main activities (was this changed by introduction of a sector plan?)

2. Describe your involvement in the education sector plan.
   - Consultation? When? Frequency? With whom?
   - Planning activities
   - Advocacy/pressurizing on behalf of marginalized groups
   - Research
   - Implementation/service provision
   - Monitoring/evaluation?

3. Can you give an example of any issue where your organization (or other CSOs) have had a substantial impact on government policy?

4. What other CSO players are active in education?
   - Describe how they work together
   - Do they represent different interests? (i.e. are there tensions between local, national, international? Different mandates and goals?)

5. What are the strengths and challenges of current relationships between CSOs and
   - The Ministry of Education?
   - Parliament?
   - Donor organizations?
   - Media?

6. What roles do you and other civil society organizations in the sector play most or least effectively? Why?

- 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

1. Can you tell us about your role in the Ministry?

2. What role does the Ministry envisage for civil society organizations in its education sector programs?

3. Who are the key CSO players active in education?
   - Describe how they work together
   - Do they represent different interests? (i.e. are there tensions between local, national, international? Mandates and goals?)

4. How have CSOs participated in the sector program
   - Consultation? When? Frequency? With whom?
   - Membership on committees or planning structures
   - How were CSO representatives selected?
   - Advocacy outside the formal planning process
   - Research
   - Implementation/service provision
   - Monitoring/evaluation

5. Can you give an example of any issue where CSOs have had (or are likely to have) a substantial impact on government policy?

6. What are the strengths and challenges of current relationships between CSOs and
   - The Ministry of Education?
   - Donor organizations?

7. What roles do you think civil society organizations in the sector play most or least effectively? Why?
   - 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?

8. How are plans to decentralize accountability and governance likely to effect CSO roles?

9. How would you like to see CSO engagement in the education sector change or develop?

10. From the Ministry's point of view, what kind of support is needed for more effective CSO engagement in the education sector?