

KENYA

**Civil Society Participation and the Governance of
Educational Systems in the Context of Sector-Wide
Approaches
to Basic Education**

DRAFT – February 2006

Graduate Student Researcher:

Malini Sivasubramaniam

msivasubramaniam@oise.utoronto.ca

Under the direction of:

Dr. Karen Mundy

*Ontario Institute for Studies in Education
of the University of Toronto*

kmundy@oise.utoronto.ca

Executive Summary

Kenya, which became independent from British rule in 1963, is one of East Africa's more politically-stable countries. The election of Mwai Kibaki's multiethnic National Rainbow Coalition (NARC) in 2002 ended nearly 40 years of KANU (Kenya Africa National Union) rule and marked an important transition in Kenyan politics. The post-2002 political landscape has created greater space for participation of civil society organizations (CSOs) and led to the emergence of a stronger civil society. Nonetheless, relations between the state and print and broadcast media in Kenya are still not entirely free. 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 political parties (Economist Intelligence Unit, 2003, Orvis, 2001).

Furthermore, there continue to be several pressing challenges facing the country, including corruption and poverty. About 57 percent of the population lives at or below the poverty level on less than \$1 per day and Kenya's Gini index is 42.5 (UNDP, 2005), whereas its GNI per capita is US\$460 (World Bank, 2005). Kenya's Human development index (HDI) ranking is 154th of 177 countries (HDR, 2005). While poverty is predominantly concentrated in rural areas and arid and semi-arid lands (ASALs) and urban slums; there are also widespread inequalities within regions. Transparency International rank's 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). CIDA suspended the Kenya country support programme in 1997, but has reinstated it as one of CIDA's 25 priority countries with bilateral support to the priorities identified in the country's PRSP. However, issues good governance continue to be a challenge for the country; for example, in February 2006, allegations of corruption in the ruling government led to several key ministers resigning from office, including the Minister of Education.

One of the key pre-election promises that brought NARC to power in December 2002 was the provision of free and compulsory primary education (FPE) for Kenyan children. 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) centers and the government has increased its education recurrent budget to almost 40% of the total government spending. There are about 18,500 primary schools in the country and Kenya's gross enrollment ratio for the primary level rose from 88.2% in 2002 to 104.8 % in 2004, and secondary level is 38.3 % (Ministry of Education, Public Expenditure Review and Medium Term Expenditure Framework, MOEST 2006). Even with the provision of FPE, however, there are still about one million children (mostly from arid and semi-arid areas and urban slums, girls, children in difficult circumstances, and those from marginalized/vulnerable groups) who are not in school (MOEST, 2006). NFE centers therefore reach these out-of-school children, and it is estimated that about 350,000 children are currently enrolled in Non-formal Schools (NFS) and NFE institutions (MOEST, 2006). At present, however, the NFE sector is not yet fully recognized by the Kenyan government although the Ministry of Education Science and Technology (MOEST) defines NFE as "Flexible complementary delivery channels of

quality basic education to children in especially difficult circumstances...” (MOEST, 2005a). The main challenges facing NFE relate to the low quality of education offered and lack of linkage with the formal education system. The sub-sector also suffers from inadequate teaching and learning resources, poor physical facilities and low prioritization by Government in terms of budgetary allocations (Gathenya, 2005).

Kenya’s national education sector plan, the Kenya Education Sector Support Programme (KESSP) for the period of 2005-2010, was negotiated through consultation with “all stakeholders including communities, civil society, Community Based Organisations (CBOs), NGOs, other Government institutions, development partners and the private sector” (MOEST, 2005b). While KESSP offers official recognition of the partnership role of NGOs, CBOs and FBOs, we could find no further documentation on the nature or extent of their participation in the formulation or implementation of the KESSP. KESSP is made up of 23 investment programs that aim to help improve access and quality of education across the country. The broad objective of KESSP is to give every Kenyan the right to quality education and training no matter his/her socioeconomic status through the provision of an all-inclusive quality education that is accessible and relevant to all Kenyans (MOEST, 2005b). The MOEST takes the lead for KESSP’s implementation and also leads the donor coordination process. The education donor coordination group (EDCG) is presently co-chaired by Dfid and UNICEF. 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. 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 will contribute US\$24.2 Million to KESSP with the funds flowing directly to schools to allow for immediate local purchase and distribution of teaching and learning materials (World Bank, 2005). In order to support KESSP, the MOEST has been restructured, with the appointment of an education secretary along with five directors of education. The MOEST has also developed comprehensive horizontal and vertical accountability structures, including soon to be introduced mechanisms for school level accountability, through publicly available School Report Cards.

Civil society in Kenya has a long history of service provision in education. Much of the educational expansion in the first two decades after independence was a result of community organizations and churches. The *Harambee* (*‘let’s pull together’*) movement was instrumental in building secondary schools, furnishing them and employing teachers, through investments by parent associations, churches and private funding until the government took over the running of these schools in 1990s. Today, international and local NGOs are active in the development of Non-Formal Education (NFE) centers in Kenya, and they also provide facilities and resources for to primary schools in poor or marginalized areas of the country. Much of their work is done in partnership with local communities. For example, Action-Aid Kenya provides school facilities and learning materials to four primary schools within the Kariobangi slums, the Christian Children’s Fund has similar projects in Samburu and Oxfam in Kenya supports the non-formal education system enabling the children of nomadic herders to attend school. (Oxfam, 2005).

In recent years, INGOs and NGOs in Kenya have come together to form a national coalition to advocate for educational policy that meets the needs of marginalized communities and children. The Elimu Yetu Coalition (EYC), formed in 1999, comprises about 110 civil society organisations, professional groupings, education research institutions and other practitioners in the education sector. EYC is a member of the Africa Network Campaign on EFA (ANCEFA), the Global Campaign for Education (GCE), and is one of the thirteen partner organizations of the Commonwealth Education Fund (CEF) in Kenya. EYC has been actively involved in EFA planning and monitoring and has engaged members in budget tracking and expenditure monitoring activities. The coalition also supports policy-oriented studies. We do know that CSOs, and in particular Elimu Yetu has been invited to participate in major Government of Kenya policy setting activities, and that a task force of key CSO actors in education has been formed to work out the modalities of implementing FPE (CEF, 2003; 2005). The KESSP appears to be creating a new political space for CSO engagement in the education policy process, most notably through an education stakeholder’s forum that brings government officials together with representatives from NGOs, CBOs, FBOs, Unions, and private sector service providers. However, it is not clear from the literature if the participation of CSOs is largely limited to specific reform initiatives or has become institutionalized as an ongoing process of meaningful engagement that is able to contribute to education policy formulation and implementation in a more substantive way. Nor does the literature show how representative the new coalitions or consultation mechanisms are. Similarly while there is documentation on wage disputes and teacher shortages involving the Kenya National Union of Teachers (KNUT), we could not find research documenting the involvement of teachers’ unions in advocacy issues around EFA.

In general, while organized civil society activity in Kenya expanded considerably following the political transition in 2002 (Ndegawa, 2003) the existing literature on the current character of Kenyan civil society is rather slim. Tensions between service provision and advocacy roles played by INGOs and NGOs are certainly present, as are ethnic and class schisms within civil society as a whole. It appears 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 (Matanga, 2000; Kibaba, 2004; Ogachi, 2002). Certain ethnic groups may be marginalized by civil society itself: for example, pastoralist/nomadic communities do not seem to be adequately represented. Therefore, it is unclear how new forms of civil society/NGO coalitions interface with the broader social and political tensions in Kenyan society.

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List of Acronyms

ANCEFA	Africa Network Campaign on Education for All
ASALs	Arid and semi-arid lands

CAS	Country Assistance Strategy
CEF	Commonwealth Education Fund
CIDA	Canadian International Development Agency
CSO	Civil Society Organization
CBO	Community Based Organization
DFID	Department for International Development
EC	European Commission
EFA	Education for All
EFA-GMR	Education for All – Global Monitoring Report
ERS	Economic Recovery Strategy
ESDP	Education Sector Development Plan
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
KNUT	Kenya National Union of Teachers
KESSP	Kenya Education Sector Support Programme
MOEST	Ministry of Education, Science and Technology
NARC	National Alliance Rainbow Coalition
NER	Net Enrollment Rate
NFE	Non-Formal Education
NFS	Non-Formal Schools
NGO	Non-Governmental Organization
ODA	Official Development Assistance
PER	Public Expenditure Review
PGRF	Poverty Reduction and Growth Facility
PRSP	Poverty Reduction Strategy Plan
SAGA	Semi-Autonomous Government Agencies
SWAp	Sector Wide Approach

1. Socio-political Background

The Republic of Kenya, situated in East Africa is divided into seven provinces and the Nairobi capital area. The country occupies an area of 225,000 square miles and has a population of around 32 million people, of which approximately 88 percent lives in rural areas (U.S Department of State, 2005). The major ethnic groups are : Kikuyu 22%, Luhya 14%, Luo 13%, Kalenjin 12%, Kamba 11%, Kisii 6%, Meru 6%, other African 15%, non-African (Asian, European, and Arab) 1% and the major religions are : Protestant 45%, Roman Catholic 33%, indigenous beliefs 10%, Muslim 10%, other 2% (Department of Foreign Affairs and International Trade Canada, 2006).

Kenya became independent from British colonial rule on December 12, 1963, and the next year joined the Commonwealth as a republic. Jomo Kenyatta, who played a pivotal role in Kenya's nationalistic struggles, held presidency from independence until his death in 1978, after which vice-president, Hon. Daniel arap Moi assumed the Presidency in accordance with the Kenyan Constitution. The country was a *de facto* one-party state from 1964 until 1992 when Daniel arap Moi's ruling Kenya African National Union (KANU) made itself the sole legal party in Kenya. During this time, opposition parties and civil society organizations were severely suppressed, official graft was rampant and consequently bilateral and multilateral donors started withdrawing donor aid (Ndegwa, 2003; Brown, 2004). Demonstrations and riots pressured Moi to allow for multiparty elections in 1992 and 1997, although KANU retained power in the resulting elections. Moi was finally defeated after 25 years in power in democratic elections held in December 2002, and Mwai Kibaki assumed the presidency. On July 22, 2005, Parliament voted to adopt a new draft constitution, which was put to a national referendum in November 2005. This draft constitution was rejected by a decisive 57-43% margin (Economist, 2005). The next elections will be held by early 2007.

The 2002 elections marked an important political transition in Kenya's democratic evolution because power was transferred from the single party that had ruled the country since independence to a new coalition, the National Rainbow Coalition (NARC), a multiethnic opposition group. However, this shift to participatory democracy and political pluralism has been problematic as the current government is still largely considered a "fragile coalition of disparate parties" (USAID, 2005) where ethnic and class cleavages continue to dominate political parties. Membership of NARC is diverse

and cuts across traditional boundaries of ethnicity and ideology and the resulting internal strife consequently adds to the challenge of implementing reforms (Economist Intelligence Unit, 2003, Orvis, 2001).

Nonetheless, the new ruling coalition has promised to focus its efforts on generating economic growth, combating corruption, improving education, and rewriting the constitution. Consequently, under the leadership of President Kibaki, Kenya began ambitious macro economic reform and trade liberalization programs that have renewed donor involvement in the country. The government considers privatization as an integral part of the public sector reforms required to spur the recovery of the economy. In this respect, a number of privatization measures are scheduled to be implemented as part of the country's economic recovery strategy (Government of Kenya (GOK), 2005). NARC also enacted the Anti-Corruption and Economic Crimes Act and Public Officers Ethics Act in May 2003 intended to combat graft in public offices. The progress made in rooting out corruption, in addition to anti-corruption laws and other reforms saw the IMF resume lending after a three-year gap, by approving a three-year \$250 million Poverty Reduction and Growth Facility (PGRF) and other donors commit to \$4.2 billion support over 4 years. The GDP grew a moderate 2.2% in 2004, however poverty rose from 49 percent in 1990 to more than 56 percent in 2003 (World Bank, 2005).

As a result of these aggressive reforms in governance and economics, in 2004 Kenya was selected as a Millennium Challenge Account (MCA) Threshold Program-eligible country. Threshold countries are “countries that do not qualify for MCA assistance but have demonstrated a commitment to meeting the eligibility requirements for MCA assistance in the future. These countries will be invited to submit proposals for funding to improve their performance on the Millennium Challenge Corporation (MCC) selection criteria” (USAID, 2005). Presently, the Government of Kenya (GOK) is preparing a concept paper for consideration by the MCC.

Nonetheless, despite the reforms adopted, sustained economic growth and the alleviation of poverty continue to be challenges facing the country. Estimates of the unemployment rate range from the official 35 percent to more than 50 percent . The Kenyan economy is market-based, and agriculture is the mainstay of Kenya's economy. Although many sectors continue to be dominated by state-owned monopolies, the

nonagricultural economy includes large privately-owned light manufacturing, commercial, and financial sectors. Tea is the largest source of foreign exchange earnings. Kenya's annual per capita gross domestic product for 2002 was officially reported as \$237, with approximately 57 percent of the population living at or below the poverty level on less than \$1 per day (US Department of State, 2005). Further, Kenya is regularly ranked among the ten most corrupt countries in the world, according to the watchdog group Transparency International. Kenya's Corruption Perception Index (CPI) is 2.1, ranking it 129th out of 145 countries (Transparency International Report 2004) and Kenya's Human development index (HDI) ranking is 154th of 177 countries (2005)ⁱ. Table 1 provides some of Kenya's key basic demographics plus human development measures.

Table 1: Selected socio-economic and demographic indicators for Kenya

Kenya Basic Indicators	
Under-5 mortality rank	37
Under-5 mortality rate (1990)	97
Under-5 mortality rate (2004)	120
Infant mortality rate (under 1) (1990)	64
Infant mortality rate (under 1) (2004)	79
Total population (thousands) (2004)	33467
Annual no. of births (thousands) (2004)	1322
Annual no. of under-5 deaths (thousands) (2004)	159
GNI per capita (US\$) (2004)	460
Life expectancy at birth (years) (2004)	48
Total adult literacy rate (2000-2004*)	74
Net primary school enrolment/ attendance (%) (1996-2004*)	78
% share of household income 1993-2003* (lowest 40%)	16
% share of household income 1993-2003* (highest 20%)	49

Source: *The Official Summary of the State of the World's Children 2006*

Kenya's external debt was 5 billion at the end of 2003, which represents 35% of its GDP (African Economic Outlook, OECD 2005). Japan and France are major bilateral donors (32.2%), and IDA and the African Development Bank are major multilateral creditors (62%), with another 5.8% borrowed from commercial banks. The top ten donors of gross ODA according to the 2003/2004 average are: USA, IDA, UK, Japan, EC, France, Germany, Sweden, Netherlands, and Denmark (OECD, 2006).

Table 2: Flows of aid, private capital and debt : A comparison of 1990 and 2003 (HDR, 2005)

Official development assistance (ODA) received (net disbursements) Total (US\$ millions), 2003	483.5
Official development assistance (ODA) received (net disbursements) Per capita (US\$), 2003	15.2
Official development assistance (ODA) received (net disbursements) (as % of GDP), 1990	13.9
Official development assistance (ODA) received (net disbursements) (as % of GDP), 2003	3.4
Net foreign direct investment inflows (% of GDP), 1990	0.7
Net foreign direct investment inflows (% of GDP), 2003	0.6
Other private flows (% of GDP), 1990	0.8
Other private flows (% of GDP), 2003	0.8
Total debt service (As % of GDP), 1990	9.2
Total debt service (As % of GDP), 2003	4.0
Total debt service (As % exports of goods, services and net income from abroad), 1990	28.6
Total debt service (As % exports of goods, services and net income from abroad), 2003	14.5

Economic Recovery Strategy (ERS)

As part of larger, sustained economic reform plans, the Kenyan government is currently implementing its Economic Recovery Strategy (ERS), launched in 2003 to promote strong economic growth and increase employment, but these efforts continue to be challenged by regional disparities in growth rates and significant poverty levels. Although poverty is predominantly concentrated in rural areas and arid and semi-arid lands (ASALs) and urban slums (US Department of State, 2005), there are widespread inequalities in the country. 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). Poverty levels also vary largely within and without regions, for example, although the proportion of people living below the poverty line in Nairobi is 44%, poverty levels range from 8% in Nairobi west, Kibera Division to 77% in Makongeni, Makadara Division (Odhiambo, 2004).

As Kenya's national policy framework for addressing poverty or social welfare the Investment Program for the Economic Recovery Strategy for Wealth and Employment Creation (IP-ERS, its Poverty Reduction Strategy Paper) is centered on three interlinked pillars (World Bank, 2005)

- *Strengthening economic growth* by maintaining sound macroeconomic management, improving fiscal policy, and encouraging private sector participation in development.
- *Enhancing equity and reducing poverty* by providing universal free primary education, improving access to basic health care, expanding productive capacity in agriculture, and supporting programs to reduce poverty in Kenya's most disadvantaged communities - the arid and semi-arid lands and the urban slums.

- *Improving governance* by reforming the judiciary, improving security, and reforming public administration to achieve increased transparency and accountability

The Ministry of Planning and National Development of the Government of Kenya was responsible for the Economic Recovery Strategy for Wealth and Employment Creation (2003-2007) action plan. This blueprint was intended to guide the Government's economic policies over the 2003-2007 period as part of the NARC party economic recovery strategy to revive the stagnant economic growth (GOK, 2005). The Action Plan harmonizes strategies for accelerated economic growth with the country's poverty reduction strategies and the ideals outlined in the NARC Manifesto. The central focus of the Plan is job creation through sound macroeconomic policies, improved governance, efficient public service delivery, an enabling environment for the private sector to do business, and through public investments and policies that reduce the cost of doing business. The Plan also includes an equity and social-economic agenda focusing on reducing inequalities in access to productive resources and basic goods and services (GOK, 2005).

In planning the ERS, the government considered Poverty Reduction Strategy Papers (PRSP), the NARC manifesto and post-election plans. The ERS was designed consultatively with a cross-section of stakeholders, including parliamentarians; trade unions; professionals; financial institutions; industrialists; ASALs; development partners; civil society and government.

Kenya's current Country Assistance Strategy (CAS) was approved by the World Bank Board of Directors on June 17, 2004 and covers the period July 2004 - June 2007. As part of the CAS, the WB will provide the Free Primary Education Project a US\$50 million grant with an increasingly programmatic approach to the sector. The Bank's strategy will also focus on "issues of sector financing, governance, decentralization and more efficient service delivery, and include the close monitoring of progress towards selected targets" (World Bank, 2005, p.34).

2. Education policy landscape

Table 3: Basic Education Statistics Kenya

	2002	2003	2004
Gross Enrollment Ratio (%)			
ECE	51.7	56.8	57.6
Primary	88.2	102.8	104.8
Secondary	25.7	28.6	29.8
Tertiary			
Net Enrollment Ratio (%)			
Primary	77.3	80.4	82.1
Secondary			19.1
Student Flow: Primary Level			
Primary Completion Rates (%)	56.9	62.7	65.8
Repetition Rates (%)			
Student Flow: Secondary Level			
Transition to secondary Level (%)	43.6	46.4	50.5
Repetition Rates		1.3	
Ratio of pupil to teacher			
Primary	33.7	33.5	
Secondary	26.1	-	
Gender Parity Index (GPI)	1.0	0.9	
Public Expenditure on Education			
Total spending as a % of GDP	6.3	7.0	
*Number of Educational Institutions			
Pre-primary	26,294	28,995	
Primary			
Public	17,381	17,822	
Private	1,236	1,674	
Secondary			
Public	2,888	3,547	
Private	357	452	

Source: MOEST (2006)

*MOEST Website <http://www.education.go.ke/Statistics/NationalNoOfAllInstitutions.pdf>**Table 4 : Kenya's priorities in public spending : A comparison of 1990 and 2003 (HDR, 2005)**

Public expenditure on education (% of GDP), 1990	6.7
Public expenditure on education (% of GDP), 2000-2002	7.0
Public expenditure on health (% of GDP), 2002	2.2
Military expenditure (% of GDP), 1990	2.9
Military expenditure (% of GDP), 2003	1.7
Total debt service (% of GDP), 1990	9.2
Total debt service (% of GDP), 2003	4.0

Education is one of Kenya's key priority areas of spending (Table 4). 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 (MOEST, 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.

Non-Formal Education (NFE) centres in Kenya are mainly provided and managed by communities and Non-Governmental Organizations (NGOs). The MOEST defines NFE as “Flexible complementary delivery channels of quality basic education to children in especially difficult circumstances, in particular those in need of special care and protection, or children who live or work in circumstances which make it impossible for them to access education through existing conventional formal school arrangements in terms of time, space, and entry requirements” (MOEST, 2005). NFE centres and NFS therefore reach out-of-school children such as nomadic/pastoralist children, street children, orphans and in particular children who are denied access to the formal school system. For example, Oxfam in Kenya supports the non-formal education system

enabling the children of nomadic herders to attend school. It gives them the same opportunities as children who attend formal schools (Oxfam, 2005).

At present, the NFE sector is not yet fully recognized by the Kenyan government.

Part of the planned and ongoing reform (MOEST, 2005) includes:

- The Government will give legal recognition to the NFE centres through the Education Act so that they can benefit from the services that those in formal education get.
- Increased Government support for NFE initiatives are being developed or piloted so as to encourage greater participation and open doors for more children who have not been to school.
- The Government will lead in the provision of quality inputs in NFE programmes by providing professional support in curriculum development, teachers training, monitoring and evaluation and resources sharing between formal and non-formal systems.

The main challenges facing NFE relate to the low quality of education offered and lack of linkage with the formal education system. The sub-sector also suffers from inadequate teaching and learning resources, poor physical facilities and low prioritization by Government in terms of budgetary allocations (Gathenya, 2005). Literacy for All (LIFA) is one CSO which works in the Kakamega district to mobilise and sensitise communities on non-formal education (NFE), to establish a district network and lobby the government to finalise the draft NFE policy (CEF, 2005).

Free Primary Education

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 KShs 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 (Muhoho, 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 and 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.

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.

“Harambee”, which means “community”, “unity” or “pulling together”, is a term coined by Kenyatta, the first president of Kenya. A classic example is the Harambee Secondary School Movement in Kenya from the mid 1960s to the late 1980s. It was a spontaneous grassroots initiative to develop greater access to secondary school education than what the government could provide. The rapid expansion of primary enrollments, particularly from 1963-1973 created pressure to develop the secondary school system. Most Harambee schools are not supported by the government but rather rely on members of the community, especially parents, to support the institution. This is accomplished through school fees and public fund-raisers. Because local families tend to be poor, these schools have 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.

The more recent move towards FPE in 2003 has been hugely problematic as well 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 (MOET, 2006), issues of access, equity and quality continue to plague the education sector.

Table 5: Education outcomes in Kenya before and after introduction of free primary education

	<i>2002</i>	<i>2003</i>
Number of pupils	6,314,600	6,917,553
Percent female	49.5 (2000)	49.7

Number of teachers	197,331	178,037
Pupil to teacher ratio	32	38.9
Number of classrooms	186,000	191,088
Pupil to classroom ratio	34	36
Share of national budget to education	35	39
Education budget (\$millions)	361.15	419.61
Primary education budget as a share of total education budget (%)	54.4	56.7

Source: National education statistics; UNESCO Institute for Statistics.

Table 6: ODA to Kenya's Education sector

<i>Year</i>	<i>Aid to education (US\$Million)</i>	<i>Aid to basic education (US\$Million)</i>
1999	13.7	7.1
2000	35.0	26.3
2001	19.7	0.3
2002	9.1	4.4
2003	37.7	22.9
Annual average (1999-2003)	23.0	12.2
Per capita aid to education annual average 1999-2003 (US\$)	0.7	
Per capita aid to basic education per primary school-age child Annual average 1999-2003 (US\$)		1.6

Source: UNESCO GMR 2006 http://www.unesco.org/education/GMR2006/full/annex3_eng.pdf

Table 7: Commitment to education: public spending (HDR , 2005)

Public expenditure on education (as % of GDP), 1990	6.7
Public expenditure on education (as % of GDP), 2000-2002	7.0
Public expenditure on education (as % of total government expenditure), 1990	17.0
Public expenditure on education (as % of total government expenditure), 2000-2002	22.1
Public expenditure on education, pre-primary and primary (as % of all levels), 1990	50.3
Public expenditure on education, pre-primary and primary (as % of all levels), 2000-2002 ..	
Public expenditure on education, secondary (% of all levels), 1990	18.8

Public expenditure on education, secondary (% of all levels), 2000-2002	..
Public expenditure on education, tertiary (% of all levels), 1990	21.6
Public expenditure on education, tertiary (% of all levels), 2000-2002	..

National education sector plan

The goals of the GOK’s commitments to education are subsumed under Kenya’s national education sector plan, the Kenya Education Sector Support Programme (KESSP), launched in September 2005 for the period of 2005-2010. KESSP fits within the framework of national policy set out in the Economic Recovery Strategy (ERS) of the government and has been developed through a Sector Wide Approach (SWAp), in consultation with the MOEST Departments and Semi-Autonomous Government Agencies (SAGAS), Department of Adult Education, other key Ministries, development partners, and civil society. There are four program objectives of the KESSP: 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).

In order to review and improve the efficiency of the education sector, the MOEST embarked on education sector reforms. They first held a National Conference on Education in November 2003 to build a national consensus on the kind of education Kenya needs for the 21st century. The National Conference brought together over 800 key players in the sector, including civil society actors (MOEST, 2004). The recommendations from the conference were developed into Sessional Paper No.1 of 2005 “*A policy framework on education, training and research for the 21st century*”; and finally KESSP was developed to operationalize the budget for prioritized investment programmes spelt out in the Sessional Paper. KESSP’s strategies are consistent with ERS, MDGs and EFA goals and are intended to better utilize resources through harmonized, joint financing through pooled funding as well as enhanced national ownership and partnerships through teamwork and collaboration between GOK, development partners, NGOs, CSOs, FBOs, parents, communities and the private sector. Chart 1 provides a visual depiction of the link between these different platforms. It is expected that this holistic approach to the sector will reduce duplication and inefficient

use of resources and a fragmented approach to planning and implementation and result in a more efficient utilization of resources and human resource capacity.

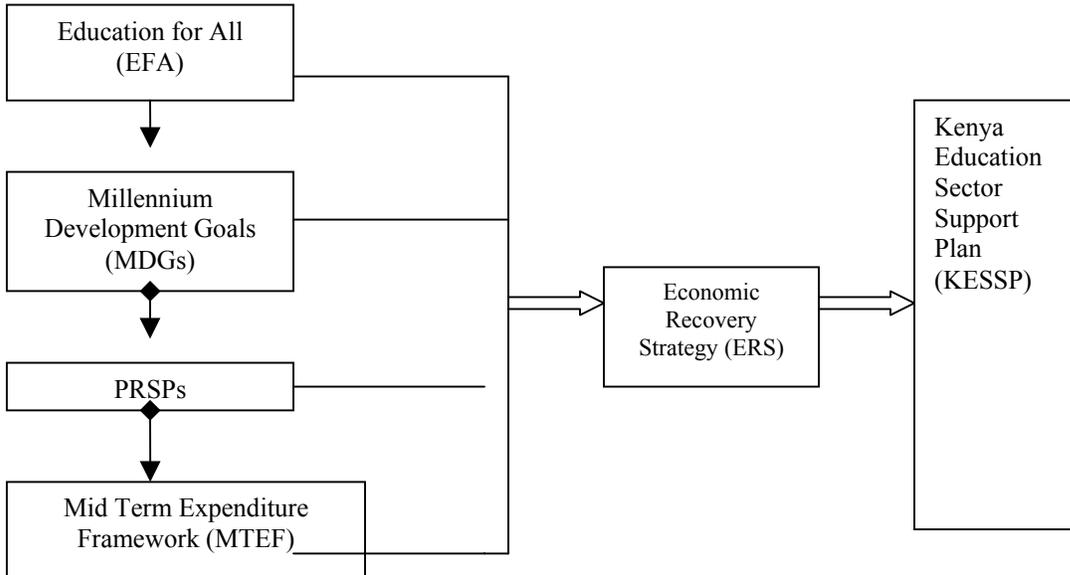


Chart 1: The link between KESSP and other international and national platforms and frameworks. Adapted from Commonwealth Education Fund (2003) Linkages between CEF and other frameworks (p.15).

The MOEST takes the lead for KESSP’s implementation and also leads the donor coordination process. The major donors in the education sector to the country are: World Bank, JICA, DFID, UNICEF, CIDA, and USAID. The education donor coordination group (EDCG) is presently co-chaired by Dfid and UNICEF. 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 to be used is that of common indicators, procurement and disbursement procedures and reporting formats. CIDA suspended the Kenya country support programme in 1997, but has reinstated it as one of CIDA’s 25 priority countries with bilateral and sectoral support of the priorities identified in the country's PRSP, specifically basic education, with special focus on gender equality, good governance, and anti-HIV Aids initiatives. Table 8 lists some of CIDA’s education sector programs in the country.

While the GOK encourages donor partners to contribute to KESSP through a Joint Financing Arrangement (JFA), KESSP is also supported through earmarked and project-

based support, including that provided by NGOs. The World Bank, Dfid, CIDA and UNICEF have all committed to pooled funds. Netherlands is considering a silent partnership arrangement with Dfid, whereas other donors, including JICA, Italian Cooperation, USAID and VVOB have indicated a preference for funding outside the pooled funding modality.

In order to support KESSP, the MOEST has been restructured, with the appointment of an education secretary along with five directors of education. The MOEST has also developed a comprehensive accountability structures, with vertical and horizontal accountability mechanism at all levels. At the school level, it is intended that new accountability measures would be introduced, such as the Report Card concept, to enable parents and students to assess and report on their school in the delivery of education services.

The MoEST has set specific targets against key priorities:

- Universal Primary Education (UPE) by 2005 and Education for All (EFA) by the year 2015;
- Achievement of Transition rate of 70% from Primary to Secondary from the current rate of 47% by 2010;
- Enhanced access, equity and quality in Primary and Secondary Education supported through capacity building for 45,000 education managers by 2005, and construction / renovation of physical facilities/equipment; and
- Developing a National Strategy for technical and vocational education and training in 2004, leading to the rehabilitation of physical facilities and equipment and making sure that Vocational and Technical Institutions are appropriately equipped by 2010 (MOEST web site)

In September 2005, Kenya became the 16th country to gain approval for the Fast Track Initiative (FTI). Education for All- Fast Track Initiative's Catalytic Fund announced a grant of US\$24.2 million dollars for the Government of Kenya to help provide every child with quality primary education by 2010 (World Bank, 2005). The Catalytic Fund will contribute to KESSP with the funds flowing directly to schools to allow for immediate local purchase and distribution of teaching and learning materials (World Bank, 2005).

Table 8: CIDA education sector projects in Kenya. Source: <http://www.acdi-cida.gc.ca/cidaweb/cpo.nsf>

Project	Description	Total value	Partners
Free Primary Education (I) 2004-2006	\$7.5 Million to support the GOK in reaching its EFA goals. Provides pooled funding to purchase textbooks and instructional material. \$1.4 Million to provide technical assistance to the MOEST in its implementation of FPE and the Education Sector Strategic Plan.	\$8.9 Million	DFID
Free Primary Education(II) 2005-2006	To support the GOK in reaching its EFA goals. Provides pooled funding to purchase textbooks and instructional material.	\$7.5 Million	DFID
School Improvement 2000-2006	To improve quality of primary education in poor schools by supporting education facilities and teacher training.	\$3.8 Million	Aga Khan Foundation

Ministry of Education, Science and Technology (MOEST)

The management of Education is mainly through the Ministry of Education, Science and Technology (MOEST), which currently has one Minister, two Assistant Ministers, Permanent Secretary, Education Secretary and Five Directors (Director, Basic Education [DBE], Director, Higher Education [DHE], Director, Planning and Policy [DP&P], Director, Quality Assurance and Standards [DQAS] and Director, Technical Training [DTT]).

The Ministry of Education, Science and Technology (MOEST) has ten departments: Primary, secondary, university, field services, planning and development, policy formulation and projects, inspectorate, legal matters, administration. The Ministry has eleven Semi-Autonomous Government Agencies (SAGAs). These are : Kenya Institute of Education (KIE), Kenya National Examination Council (KNEC), Commission of Higher Education (CHE), Higher Education Loans Board (HELB), Teachers Service Commission (TSC), Kenya Education Staff Institute (KESI), Kenya Literature Bureau (KLB), Kenya Institute of Special Education (KISE), Jomo Kenyatta Foundation Kenya, National Commission for UNESCO, and National Council for Science and Technology (MOEST, 2005).

The MOEST policy framework for education, training and research (2004) outlines the decentralized administrative structures (p.52). At the provincial level, the Provincial Director of Education (PDE) coordinates education activities in their respective provinces. The Provincial Technical Training Officer (PTTO) coordinates technical training activities, and monitors and supervises technical programmes in both Government and private training institutions in the province. At the district level, education management, planning, registration and monitoring of schools and teacher management fall under the District Education Boards (DEBs) with the District Education Officer (DEO) as its secretary. Apart from the municipalities, which have some management role in primary education, local authorities no longer manage education in their respective areas.

At the primary school level, School Management Committees (SMCs) and Parents-Teachers Associations (PTAs) are responsible for their respective schools while secondary schools, middle level colleges and TIVET institutions are managed by Boards of Governors (BOGs), and universities by councils. These bodies are responsible for the management of both human and other resources so as to facilitate smooth operations, infrastructure development and the provision of teaching and learning materials.

The Minister of Education is Prof. George Saitoti. 40% of recurrent government expenditure every year, which is the largest share of government spending in any sector, is spent on the ministry (MOEST, 2005). Much of this expenditure goes towards higher

education and teacher training (MOEST, 2005). There are 176,222 (2003) primary teachers and 44, 792 (2003) secondary teachers, who are members of the Kenya National Union of Teachers (KNUT). The Kenya National Union of Teachers (KNUT) was founded on December 4, 1957. The Constitution was ratified on December 10, 1958 and the Union was registered on May 14, 1959. Some of the other teacher associations in the country are: African Convention of Principals (ACP), Kenya Association of Technical Training Institutes, Kenya Primary Schools Heads Association , Kenya Secondary Schools Heads Association [KSSHA], and Kenya Teachers College Principals Association (UNESCO, 2005) . There are two major issues of concern relating to teachers: poor quality of teaching and learning and inefficient deployment of teachers (JRM, 2005). There is a wide disparity across urban –rural divide in terms of staffing and there is a presently a study underway intending to provide recommendations on how to optimally utilize teachers.

3. Civil society in Kenya

The constitution of Kenya guarantees the provision of the freedom of expression (article 79) and the freedom of assembly and association (article 80). CSOs in Kenya have an operating budget of more than 2.5% of the GDP and they channel over 18% of the official aid (Giffen, 2004). In Kenya there is a high degree of co-ordination and cohesion among NGOs at the national level (Hughes, 2002) although due to the high degree of dependence on international agencies and donor aid, NGOs have been accused of becoming “contractors rather than community catalysts” (Giffen, 2004, p.10).

CSOs have played an important role in Kenya’s democratization process, beginning with the democratic transition in 1992 to multipartyism. Owinga (2005) documents three forms of organizations that have played a significant role in this process: first, professional associations, such as those formed by lawyers and academics, although they 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 leaders have advocated strongly for democratization. Clearly, these CSOs provided new forms of leadership and political organizations that have paved the way for subsequent political reforms.

The Kenya NGO Council first established in 1990 serves as an umbrella organization for registered NGOs and was invited by the government to sit on the PRSP secretariat. The NGO Coordination Act in Kenya provides the legislative framework for the functioning of NGOs. The NGO Coordination Act 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] An NGO cannot become 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 can 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).

Organized civil society activity in Kenya expanded considerably following the end of the one-party rule in December 1991(Maina, 1998; Ndegwa, 1996, 2003). Mutahi Ngunyi (2001) argues that Kenyan civil society has undergone distinct changes which can be linked to changes in the electoral climate, although he contends that this transition has taken place without much transformation of civil society. In the absence of a strong opposition, civil society had to confront an authoritarian government between 1982-1991, when a multi-party political system was constituted. However, 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.

Another important issue in the state-civil society relationship is the fact that a number of key NARC political figures were formerly civil society actors. When NARC took

office in 2002, many civil society leaders moved into political positions, leaving a vacuum at the leadership levels of many CSOs. This may prove problematic for civil society-state relationships because it is still characterized by “political cleavages, ethnic polarities, and low political trust” (Maina, 1998, p.149) where civil society organizations are supporting certain political figures. Civil society also lacks autonomy as it is too dependent on donor funding and this makes issues of sustainability questionable (Maina, 1998; Matanga, 2000)

Urban civil society in Kenya, particularly churches and professional associations, have spearheaded political liberalization (Orvis, 2003). However, urban based NGOs have been criticized for not responding adequately to the needs of rural beneficiaries or establishing networks that span the divide. Orvis (2003) provides examples of NGOs who have bridged the urban-rural divide in “uncivil” means, because they have used “personal, political, ethnic and community networks that nearly always involve flows of patronage in rural Africa” (p.266). He examines four NGOs that have used civic education and paralegal programs to bridge the urban-rural divide and in doing so have relied on their ethnic, clan, partisan and “non-civil” networks to build support. These resulting constituencies, although unlike the non-partisan, multi-ethnic ideal often recommended by donors, have had significant impact. Orvis (2003) argues that these “uncivil” means may be a necessary transition to bridging the urban-rural divide in civil society in Kenya.

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 because 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, Orié Rogo Manduli, against a section of board members.¹ This intervention by the government no doubt calls into question the independence and autonomy of the Kenyan civil society sector as well as its own transparency, accountability and good governance practices.

An example of a CSO active in debt relief is CADEC (Cancel Debt for Child Campaign), which advocates for debt relief to translate public debt into investment in

¹ <http://www.kbc.co.ke/story.asp?ID=31721>

basic education and has established CADEC petitioning centers in nine provinces at the community level, hosted in Provincial Children’s offices. 500,000 Kenyans have so far signed the petition calling for debt relief and increased investment in education and health for Kenyan children. In part due to their advocacy work, in December 2003, Kenya received a debt-rescheduling by the Paris Club, and Finland and Italy cancelled public debt worth Kshs 460 million in July 2004. In 2003, CADEC won the Jubilee award in recognition of its innovation. CEF supported CADEC and Elimu Yetu Coalition to develop a proposal on building a citizens movement on unconditional aid. The proposal was funded by Comic Relief through Action Aid UK at 19,000 GBP (CEF Review, 2005).

In 2003, IDRC awarded a CAD \$77,000 grant to the National Council of Churches Kenya (NCKK) to carry out research on Civil Society's Entry Point in Kenya's Political & Economic Transition (IDRC, 2005). The NCKK has played a major role in the democratization process and in the constitutional review. The study was intended “to critically evaluate the ongoing reform process and help civil society organizations redefine their strategies for advocacy on issues of democracy, governance, peace building and reconciliation.” NCKK was registered as a religious organization in 1984. It evolved from the National Christian Council of Kenya (1963), previously known as Kenya Missionary Council (1923). NCKK is an umbrella organization of protestant churches in Kenya, with a membership of twenty five (25) denominations, eleven (11) associates and six (6) fraternal associates. The 42 member churches and associates form the general assembly whose deliberations and recommendations are implemented by the executive committee comprised of key church leaders drawn from member churches countrywide. A national secretariat headed by a general secretary and his deputy form the core team of the council. NCKKs activities revolve around advocacy on the rights of women, persons with disabilities, youth, children and people living with AIDS as well as civic education, social service delivery in education among many others. NCKK is supported by CEF to train school committees in six (6) rural districts of Kenya per year, and as a result form district budget tracking networks. NCKK will sensitize communities on their role in free education program, as well as organize quarterly forums to identify advocacy issues in education financing to facilitate its national advocacy activities. NCKK will be working

in close collaboration with Elimu Yetu Coalition (CEF Kenya Strategy Paper 2003-2005).

As for trade unions, the Central Organisation of Trade Unions COTU (K),² formed in 1965, is the national umbrella body of trade unions in Kenya. Its current membership is 300,000 and is open to all registered Trade Union employees. The trade union movement in Kenya, as Ndgewa (1998) comments, has depended very much on the direction taken by its leadership. It has oscillated between being a progressive force for democratization and reactionary for the dominant party. In fact Ndgewa (1998) contends that despite the resources available to it, COTU has not “contributed to the strength of progressive forces in civil society in Kenya” (p.113).

Civil society in the PRSP process

In examining civil society’s participation in the PRSP process in 10 countries, McGee (2004) contends in her analysis that civil society participation can add value to the process. However, in Kenya many CSO found the process to be rushed and did not constitute meaningful participation, consequently they have questioned the government’s commitment to implement the policies advocated for in the PRSPs. Bonfas Owinga from the Social Development Network (2004) similarly asserts that the PRSP process in Kenya was “not truly participative but rather consultative” (p.2). This is because CSOs were expected to react to documented views prepared by the government rather than providing input into the formulation of the document. 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, p.10).

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

² The COTU website: <http://www.cotu-kenya.org/index.htm>

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).

4. Civil society and education

Civil society in Kenya has a long history of service provision in education. Much of the educational expansion in the first two decades after independence was a result of community organizations and churches (Ogachi, 2002). The *Harambee* ('let's pull together') movement was instrumental in building secondary schools, furnishing them and employing teachers, through investments by parent associations, churches and private funding.

CSOs, mainly INGOs, have taken the lead in providing NFE programs and also providing facilities and resources to primary schools in marginal areas of the country. Many of the INGOs partner with local communities in this provision. For example, Action-Aid Kenya provides school facilities and learning materials to four primary schools within the Kariobangi slums. The Christian Children's Fund has similar projects in Samburu and Plan International and Compassion International operate similar projects in Embu. CSOs also continue to strengthen advocacy and lobbying in education to mainstream the needs of marginalized communities and children. Oxfam in Kenya supports the non-formal education system enabling the children of nomadic herders to attend school (Oxfam, 2005).

In the formal primary school system there is provision for Parents-Teachers Associations (PTAs). The Kenya National Association of Parents (KNAP) is an umbrella organization which was formed in 1999 to represent the interests of parents associations across the country. KNAP, which is a member of the CEF, has a membership of approximately three hundred and twenty five (325) (PTAs) drawn from twenty five (25) Districts. First elections for national governing board officials were held in the year 2000 to serve a term of five years. Main activities have rotated around capacity building of PTAs in school management to establishing district branches (CEF Kenya Review, 2005). However, there is no mention of parent involvement in the NFE system. Given that the NFE systems

caters mainly to street children and AIDS orphans there might be less of a “parent” figure to intervene in these circumstances.

Formal networks linking education NGOs

Elimu Yetu Coalition (EYC), formed in 1999, is the national coalition for CSOs with a stake in education. It comprises 110 civil society organisations, professional groupings, education/ research institutions and other practitioners in the education sector. EYC is a member of the Africa Network Campaign on EFA (ANCEFA), the Global Campaign for Education (GCE), and is a partner organization of the Commonwealth Education Fund (CEF). EYC has been actively involved on EFA planning and monitoring, and advocates for the review of cost and financing of basic education, the review and implementation of the National Education Policy, Education Act and EFA plans; and engages in tracking budgets and monitoring expenditure patterns in the education sector. The coalition also supports policy oriented studies and documentation.

The CEF is jointly managed by ActionAid Kenya as the lead agency, Save the Children UK and Oxfam GB, and has been working with CSOs in Kenya since 2002. Its main objectives are “to strengthen CSO participation in the design and implementation of national and local education plans and frameworks, enabling local communities to monitor government spending on education and supporting innovative ways for CSO to ensure all children, especially girls and most vulnerable children are able to access quality education”. CEF has thirteen strategic partners, each of whom focus on different aspects of education. *A complete list of CEF partners are listed in Appendix 1.*

CEF partners have initiated policy and legal reforms in education. For example, CEF and its local partners have managed to pressure the MOEST to plan for children with special needs and the NFE sector. In addition, three areas that were previously neglected (orphans and vulnerable children, girl-child, and the rural and marginalized) have all been targeted and received attention because of the advocacy efforts of CSOs. Besides, there are good practices happening in communities and schools, for example budget tracking, education forums, sensitization, mentoring and campaigns to translate public debt into investment in basic education(CEF Kenya Mid Term Review, 2005, v).

Table9: Evidence of CSO participation in six key policy areas

<u>Area(s) of focus</u>	<u>CSO</u>	<u>Output(s)</u>
<u>Policy negotiations (with government or international donors)</u>	Girl Child Network carries out research on improving gender equality in basic education, DRAFT – Kenya Civil Society/ Education SWAp Study and advocates for a National MoEST to revive the process	Completed and disseminated one national report Initiated a process of engaging MoEST to revive the process
	Education Gender Policy	of developing and finalizing the National education gender policy.
<u>Public engagement (at national level)</u>	Elimu Kwa Wanavijiji coalition conducted a baseline survey in the status of education in informal settlements and used the findings to input into the ongoing formulation of a national Non-formal education policy. It also builds the capacity of its members on lobbying advocacy and policy analysis. The coalition also mobilizes communities in the informal settlements and sensitizes them on the implications of free primary education to NFE in informal settlements.	Completed, launched and disseminated a study on NFE(Non-formal education) Negotiated for NFE learners to also get FPE funds Participated in drafting the national draft NFE policy Trained directors and teachers of NFE centres.
<u>Public engagement (at local/village or district level)</u>	Kenya Alliance for Advancement of Children Rights (KAACR) supports and facilitates the establishment of a movement for girls and boys against Female Genital Mutilation (FGM) and Negative Cultural practices (NCP) in Kuria District so as to advance their learning opportunities; Facilitate establishment of community support groups to support education for all. These activities are carried out in Mabera Division in Kuria District, Nyanza Province.	Launched the project in 25 schools and trained members of school management committees and PTAs Sensitized and counselled girls and boys _A district launch of movement of the girls and boys against FGM & early marriages in June 2004.
<u>Networking within civil society around education issues</u>	Literacy for all conducts research into the status of NFE and lobbies NFE policy development and implementation. They also mobilize community pressure to support the NFE campaign.	Formed KANNET, a non-formal education network Curriculum support to NFE centres Built strong linkages with the District Education Office, Adult Education Office and local government authorities.
<u>Capacity building-pooling of innovations and experiences across CSOs</u>	Real World Strategies CEF capacity building programs	Workshops conducted in various areas including financial management, lobbying, advocacy and policy influencing from a gender and rights based perspective.
<u>Policy tracking and analysis</u>	Elimu Yetu Coalition-	Schools are displaying their

Source: Abagi, O. (2005). Commonwealth Education Fund Kenya Mid-term review report.

Table 12: Working list of leading CSOs with a stake in education

Type of Organization	CSO
Church/Faith-based	<ul style="list-style-type: none"> • National Council of Churches of Kenya (NCKK) • Bible Translation and literacy (BTL) • Wycliffe Bible Translators • Mennonite Central Committee • World Vision • Christian Reformed World Relief Committee
International NGOs	<ul style="list-style-type: none"> • Action Aid • Save the Children • Oxfam • Aga Khan Foundation • CODE • Voluntary Services Organization
Women’s Organizations	<ul style="list-style-type: none"> • Women Educational Researchers of Kenya (WERK) • Federation of African women educationalist (FAWE)
Child Rights Organizations	<ul style="list-style-type: none"> • Kenya Alliance for Advancement of Children’s Rights (KAACR) • Girl Child Network (GCN) • Kenya Children’s parliament • Child life Trust • African Network for the prevention and protection of child abuse and neglect
Anti-poverty organizations	<ul style="list-style-type: none"> • Cancel debt for child campaign (CADEC)
Unions	<ul style="list-style-type: none"> • Kenya Union for Post Primary Teachers • Kenya National Union of Teachers
Research Networks	<ul style="list-style-type: none"> • Centre for research, communication and gender in ECE
Service Delivery Organizations	<ul style="list-style-type: none"> • PAMOJA Kenya
District or local level CBOs	<ul style="list-style-type: none"> • Pastoralist coalition • Dupoto e Maa (meaning prosperity for the Maasai)

<p>Community(village) based organizations, including PTAs, community school organizations</p>	<ul style="list-style-type: none"> • Literacy for All (LIFA) • Elimu Kwa Wanavijiji Coalition (EKWVC) • Kenya National Association of Parents (KNAP) • Autism society of Kenya • Kenya society for Mentally handicapped
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5. Synthesis of civil society engagement

The post-2002 political landscape in Kenya has created greater space for participation of CSOs and this relatively expanded democratic space has consequently led to the emergence of a stronger civil society. Notable among these changes is the establishment of the Kenya National Commission on Human Rights. Further, the Constitutional Reform movement has witnessed Kenyans being widely consulted on how the Kenyan State could be re-constituted and has heightened interest and awareness on Constitutional issues. CSOs also played a pivotal role in the introduction of FPE as they were instrumental in meetings involving key stakeholders and donors to discuss partnerships in the implementation of FPE. Additionally, a task force of key CSO actors

in education was established to work out the modalities of implementing FPE (CEF, 2003).

In the education sector, KESSP in particular clearly creates a new political space for CSO engagement in the education policy process. The KESSP coordination, implementation and accountability structures include the formation of an education stakeholders forum which meets at least twice a year, and has as part of its membership constituency representatives from CSOs, NGOs, CBOs, FBOs, Unions, and private sector service providers. While CSOs and in particular the Elimu Yetu Coalition as the umbrella organization has been invited to all major GOK reform initiatives, joint meetings and routinely sits at the donor table, yet, little is documented of the nature of this participation. There is clearly a lack of definition around roles because the position of CSOs in the new aid architecture based on SWAps is one that has not been fully studied yet. The key question remains: What is CSOs role within this framework and how should CSOs and donors be positioning themselves?

This desk study in examining the secondary literature around this key question, raises several issues/contentions which will be further explored in the field research phase of the project. First, it is difficult to discern from the literature how effectively CSOs mobilize, engage and empower those they represent. Transparency and accountability of CSOs themselves need to be augmented to build credibility with both government and people at the grassroots. Ethnic and class schisms are still key tensions that predominate in the Kenyan social, political and economic fabric and largely determine who belongs in civil society. Consequently, certain ethnic groups may be marginalized by civil society itself. For example, pastoralist/nomadic communities do not seem to be adequately represented. It is also unclear if CSOs reinforces vertical and clientalist networks influenced by ethnic cleavages.

Second, the decentralization reforms within the KESSP framework especially through the devolution of finances, requires a high level of accountability and capacity. Head Teachers must be able to coordinate and manage finances disbursed through the SIMBA and GP accounts, it is unclear if they have the capacity for and experience with such financial management and what level of partnership and synergy exists between parents, CBOs, CSO, FBOs and private sector in supporting education in the community. What

level of transparency and accountability is present in School Management Councils, and whose voices are included in the negotiations? Are women and vulnerable groups sufficiently represented in the SMCs?

Another issue of division is that most CSOs that have access to donor funding are urban elite CSOs. This excludes rural communities and grassroots CSOs who may have a greater need for funding. In a largely polarized nation divided along ethnic, regional, religious lines, it appears that it is the sway of leadership of CSOs that directs their political actions. As Ndedwa (2003, 1998) contends, it is often the personal leadership of the elite/directors who determine the direction of CSOs and its political stance ie being either accommodative or oppositional to the government. There is the danger of leaders using issues of ethnicity to influence and polarize civil society.

Additionally, we know relatively little also about how education sector CSOs link to other segments of CS: private sector, PTA, parliamentarians, FBOs, Teachers Unions, among others. While CSOs have influenced policy debates at the government level to some extent through participation at forums and consultative meetings, it is often less clear how well CSOs build linkages at district and community levels. Community involvement and participation in the management of education appears to be an area that warrants further attention. It is not clear if parents and other stakeholders at decentralized levels such as School Management Councils have become sensitized and aware of their roles in the development of advocacy for EFA.

Another important point is that the introduction of FPE has caused CSOs to redefine the scale of their intervention in the education sector. For example, Save the Children Canada whose programming was predominantly service provision has now moved into advocacy since 2003 (personal communication, B.Chesire, 2006). Perhaps it is important to consider how the advent of FPE and SWAps have affected the programming mode of CSOs and if there is an inherent tension between their service provision and advocacy roles.

Finally, it would be interesting to consider whether and how SWAps mechanism has affected donor funding to the NFE sector. NFS do not receive government funding and are primarily serviced by CSOs, dependent on donor funding, in meeting the educational needs of the vulnerable children. In a highly donor dependent environment

would SWAPs divert funding from CSOs in service provision, and recast the government in its role as service provider? How would this affect the quality of educational services, especially in the context of an overburdened public education system as a result of FPE?

The literature suggests that the role of CSOs in KESSP is not clearly defined and their participation is still largely limited to specific reform initiatives. While CSOs have introduced several innovations to the sector, it is not clear if CSO engagement has become institutionalized as an ongoing process of meaningful involvement that is able to contribute to education policy formulation and implementation in a more substantive way. While the government is making efforts to improve governance and accountability, there is the question of how much of the reform that includes civil society is to placate donors and renew inflow of donor funding to stimulate the economy. The state-civil society relationship still appears guarded and cautious on many fronts, and it would be critical to examine how CSOs are engaging in the KESSP process as partners, providers and advocates.



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Appendix 1

Commonwealth Education Fund Partners

1. Elimu Yetu coalition EYC)
2. Girl Child Network (GCN)
3. Cancel Debts for child Campaign (CADEC)
4. National Council of churches of Kenya (NCCCK)
5. Bible Translation and Literacy (BTL)
6. Kenya alliance for advancement of children (KAACR)
7. Literacy for All (LIFA)
8. Women education Researchers of Kenya (WERK)
9. Elimu Kwa Wanavijiji Coalition (EKWVC)
10. Dupoto e Maa (meaning prosperity of the maasai)
11. Kenya National association of parents (KNAP)
12. Autism society of Kenya
13. Kenya Society for Mentally Handicapped(KSMH)

Potential/pending partners (The following CSOs have submitted proposals that have been shortlisted, and are presently awaiting approval)

1. Kenya Children’s Parliament (Child to policy makers campaign for education)

2. Childlife Trust (Street children education advocacy)
3. Pamoja Kenya (Adult Education)
4. African Network for the prevention & protection on of child abuse and neglect (Early Childhood Care and Education advocacy)
5. Pastoralists Coalition (Advocacy for pastoralist education)
6. Kenya Union for Post Primary Teachers (KUPPET)
7. Centre for Research, Communication and Gender in Early Childhood Education (ECCE)

Appendix 2

Members of the National Council of Churches Kenya (NCKK)

Source: National Council of Churches Kenya Website.

http://www.nckk.org/churches/member_all.asp?action=new&pagenum=4&reset=10

Name

Type

African Brotherhood Church

Member Church

African Christian Churches and Schools

Member Church

African Church of the Holy Spirit

Member Church

African Evangelistic Enterprise

Member Church

African Interior Church

Member Church

African Israel Nineveh Church

Member Church

Anglican Church of Kenya

Member Church

Bible Society of Kenya

Associate Member

Christian Churches Educational Association

Associate Member

Christian Health Association of Kenya

Associate Member

Christian Hostels Fellowship

Associate Member

Church of Africa Sinai Mission
Member Church

Coptic Orthodox Church
Member Church

Daystar University
Fraternal Member

East African Yearly Meeting of Friends (Quakers)
Member Church

Episcopal Church of Africa
Member Church

Evangelical Lutheran Church of Kenya
Member Church

Fellowship of Christian Unions (FOCUS)
Fraternal Member

Kenya Assemblies of God
Member Church

Kenya Ecumenical Church Loan Fund
Associate Member

Kenya Evangelical Lutheran Church
Member Church

Kenya Mennonite Church
Member Church

Kenya Students Christian Fellowship
Associate Member

Kenya United Independent Churches
Associate Member

Lyahuka Church of East Africa
Member Church

Maranatha Mission of Kenya
Member Church

Methodist Church of Kenya
Member Church

National Independent Church of Africa
Member Church

Overcoming Faith Centre Church of Africa
Member Church

Pentecostal Evangelistic Fellowship of Africa
Member Church

Presbyterian Church of East Africa
Member Church

Public Law Institute
Associate Member

Reformed Church of East Africa
Member Church

Salvation Army
Member Church

Scriptural Holiness Mission
Member Church

St Paul's United Theological College
Associate Member

Trans World Radio
Fraternal Member

Trinity Fellowship
Fraternal Member

World Vision
Fraternal Member

Young Men's Christian Association
Associate Member

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Appendix 3: Multilateral and bilateral agencies in education and areas of coverage

CATEGORY	NAME	ACTIVITIES /PROGRAMMES	REGIONS/DISTRICTS COVERED
UNICEF			
UN		<ul style="list-style-type: none">• Non formal education• Girl child education (EFA follow up)• Early childhood care and development• Aids prevention education in schools	Baringo, Garissa, Kwale, Mombasa Kisumu and Nairobi
			Nairobi, Kisumu Municipality, Kisumu District, Homa Bay, Migori, Busia, Kwale and Mombasa
UNESCO			
UN		<ul style="list-style-type: none">• Institutional support and training• Policy and advocacy• Research, monitoring & evaluation	
			National programmes
WORLD BANK			
Multi Lateral		<ul style="list-style-type: none">• ECD and Strengthening of Education at Primary and Secondary levels	
			National Programmes
JAPAN			
Bilateral			

- Provision of Equipment
- and Teaching of Science at Secondary school levels

Muranga/Maragwa, Kajiado, Kakamega/Mumias, Butere /Lugari, Kisii (Central & South) and Makueni

DFID

Bilateral

- Strengthening Primary Education (SPRED)
- Primary School management (PRISM)
- In-service Training of Teachers

National Programmes

SIDA

Bilateral

- FPE

National

CIDA

Bilateral

- Through CIDA Programme
- Support Unit*

GTZ

Bilateral

- Strengthening the teaching of practical subjects in Primary Education

Machakos/Embakasi; Busia/Bungoma/Transmara and Kilifi/Malindi

IDA

Multi-lateral

- Public Universities Investment Project
- African Virtual Studies (Kenyatta University)

All the public universities through the Commission for higher Education (CHE).

Support the delivery of degree programmes through satellite and broadcast education television

JICA// JAPAN

Bilateral

- Support to Jomo Kenyatta University Science & Technology
- Purchase of science equipment for KSTC & KIE)

Has supported the university since its inception. This support include capacity building as its major component.

NETHER-LANDS

Bilateral

- Provision of Textbooks as a budget support effort

Mwingi, Kajiado, Laikipia, Keiyo Marakwet, Nandi, Mt. Elgon, Bungoma, Busia, Teso, Kuria, Migori, Rachuonyo and Suba

WFP

Multi Lateral

- School feeding Programmes. (Primary & Pre-primary schools)

- Assistance to Disadvantaged urban children

Moyale, Marsabit, Wajir, Garissa, Mandera, Samburu, Turkana, Isiolo, Tana River, Baringo, Koibatek, Kajiado, Narok, Laikipia, Mwingi, Mbeere, Kilifi, Kwale, Lamu and West Pokot.

Mukuru and Kariobangi slums

Source: Centre for research and development and Elimu Yetu Coalition (2004). Monitoring of the free primary education and establishing the unit cost of primary education in Kenya. (p. 41-42).

ⁱ <http://www.undp.org>