

**THE CONTRIBUTION OF NON-STATE ACTORS TO INCLUSIVE PUBLIC POLICY
PROCESS IN KENYA**

BY

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A THESIS SUBMITTED IN FULFILMENT OF THE REQUIREMENTS FOR THE

DEGREE OF DOCTOR OF PHILOSOPHY IN POLITICAL SCIENCE

DEPARTMENT OF POLITICAL SCIENCE

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DECLARATION

I hereby declare that this thesis is my own original research work that has not been presented and or duplicated elsewhere for award of any degree.

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ACKNOWLEDGEMENTS

Working on PhD thesis when you have family responsibilities and also working in a busy university environment can be a challenging task. During this challenge, I have incurred many debts of gratitude and it is my pleasure to acknowledge the help and stimulus I have received from many people, though none of them is responsible for the content of this thesis.

It would have been almost impossible for me to complete this thesis if I did not hold meetings with various organisations to get insights on the issues considered in this thesis. Many thanks to the following organisations: Hakijamii, Institute of Economic Affairs, Centre for Governance and Development, Institute of Certified Public Accountants of Kenya, Action Aid Kenya, World Vision, Amnesty International Oxfam Kenya, Kenya Association of Manufacturers, Kenya Private Sector Alliance, Federation of Kenya Employers, Jua Kali Association, World Bank, European Union, Department of Foreign International Development, International Budget Partnership, Safaricom Kenya, Airtel Orange Kenya and Essar Telkom.

My gratitude to Prof. Frank Matanga, Prof. Fredrick Wanyama and Dr. Murumba Wangamati for reading the drafts and providing very useful comments that shaped and informed the entire preparation of this thesis.

Most importantly, I thank my family for your understanding and patience especially during the moments when I had to leave you alone in the living room many times during the day and night and move to our solitary study room to work on thesis.

DEDICATION

I dedicate this thesis to five people who are the most important people in my life: my wife Fridah and our son Ignatius Bylan; my parents Moses Barasa and Victorina Auma.

ABSTRACT

Whereas non-state actors seem to have contributed towards removing obstacles to citizens' engagement in public policy process, their actual role in public policy process remains unclear particularly, how they have opened public policy process to make it more inclusive. This study set out to investigate the contribution of non-state actors to making public policy process in Kenya inclusive. It examines how non-state actors have used their power, policy networks, policy learning and policy persuasion to be included in public policy processes. The study was conceptually supported by the concepts of power relations, network analysis, policy learning and persuasion. These concepts assisted in understanding and explaining a complex interplay of people, organisations and institutions with beliefs and experiences and how they communicate value judgements to produce policy decisions and delivery. The study employed mixed methods research design. Its population included five categories of organisations: the national and international non-governmental organisations, private sector membership organisations, multinational telecommunication corporations and donor organizations operating in Kenya. Stratified sampling was used to select 20 organisations while purposive sampling was used to select two senior managers from each organisation who were knowledgeable about public policy process. For quantitative aspect, the study population was all 20-government ministries with one permanent secretary from each ministry answering the questionnaire on behalf of the ministry. A total of 40 senior managers and 20 permanent secretaries were involved in the study. Data for qualitative survey was collected through an in-depth interview and supplementary information was obtained through document review and analysis. Data for quantitative survey was collected through administering a questionnaire to permanent secretaries. Data analysis method included triangulation, power analysis using power cube, simple descriptive statistics and network analysis using computer assisted software UCINET and SPSS. The study has found out that non-state actors have contributed a great deal to making public policy processes more inclusive, their efforts have been enabled by changes in institutional and governance frameworks for public policy process. They have claimed/created policy spaces for engagement with state actors, utilised their positive/countervailing power and formed strong formal policy networks supported by memorandum of understanding. However, they have not utilised much of policy learning and policy persuasion including discourse, argument and intercommunicative action. Therefore, public policy process in Kenya has not been closed; rather it has evolved incrementally to become more inclusive as non-state actors have challenged coercive power of the state actors by creating/claiming more policy spaces and mobilizing their countervailing power as well as moderately drawing on their policy networks and to a less extent, on policy learning and persuasion. Non-state actors could be more successful in making public policy process more inclusive thus, influencing public policy process by creating genuine partnerships and structured dialogue for meaningful and successful engagement between state and non-state actors; building mutual respect and trust between state actors and non-state actors through policy networks; enhancing policy learning capacity of non-state actors and facilitating the creation and transfer of knowledge for policy process; and improving skills in persuasive policy communication through training and research. This research has raised other important research questions that could be followed up particularly on the issues of policy networks, policy learning and persuasive communication.

TABLE OF CONTENTS

DECLARATION	ii
ACKNOWLEDGEMENTS	iii
DEDICATION.....	iv
ABSTRACT.....	v
TABLE OF CONTENTS.....	vi
ACRONYMS.....	x
LIST OF TABLES.....	xii
LIST OF FIGURES	xiv
LIST OF MAPS.....	xv
LIST OF GRAPHS.....	xvi
LIST OF BOXES	xvii
CHAPTER ONE: INTRODUCTION	1
1.1 Background to the Study.....	1
1.2 Statement of the problem.....	9
1.3 Research Objectives.....	11
1.4 Research Questions.....	11
1.5 Significance of the study.....	12
1.6 Organisation of this thesis.....	18
1.7 Summary.....	19
CHAPTER TWO: LITERATURE REVIEW.....	21
2.1 Introduction.....	21
2.2 Inclusive public policy process and power relations	21
2.3 Inclusive public policy process and policy networks.....	35
2.4 The role of evidence, persuasion and argument in public policy process	52
2.5 Policy learning and social learning	72
2.5 Summary.....	86

CHAPTER THREE: CONCEPTUAL FRAMWORK	87
3.1 Introduction.....	87
3.2 Theories informing the conceptual framework.....	87
3.3 Conceptual framework.....	100
3.4 Operational definitions.....	104
3.5 Summary.....	105
CHAPTER FOUR: RESEARCH METHODOLOGY.....	107
4.1 Introduction.....	107
4.2 Research design.....	107
4.3 Study area.....	107
4.4 Study population and sample size.....	109
4.5 Sampling procedures.....	109
4.6 Data collection methods.....	112
4.7 Data analysis.....	113
4.8 Data validity and reliability.....	113
4.9 Study limitations and potential biases.....	114
4.10 Ethical considerations.....	114
4.11 Summary.....	115
CHAPTER FIVE: INFLUENCING PUBLIC POLICY THROUGH POWER.....	117
5.1 Introduction.....	117
5.2 National non-governmental organisations	117
5.3 International non-governmental organisations	130
5.4 Private sector membership organisations.....	141
5.5 Donor organisations.....	153
5.6 Multinational telecommunication corporations.....	166
5.7 Non-state actors' participation.....	173
5.8 Summary.....	183

CHAPTER SIX: INFLUENCING PUBLIC POLICY THROUGH NETWORKS	185
6.1 Introduction.....	185
6.2 National non-governmental organisations	185
6.3 International non-governmental organisations	188
6.4 Private sector membership organisations.....	189
6.5 Donor organisations	191
6.6 Multinational telecommunication corporations.....	192
6.7 Relations between organisations.....	193
6.8 Non-state actors' ability to network.....	199
6.9 Constraints to effective networking of non-state actors.....	200
6.10 Summary	201
CHAPTER SEVEN: EFFECTING CHANGES THROUGH POLICY LEARNING ..	203
7.1 Introduction.....	203
7.2 National non-governmental organisations	203
7.3 International non-governmental organisations	207
7.4 Private sector membership organisations.....	208
7.5 Donor organisations	210
7.6 Multinational telecommunication corporations.....	212
7.7 Utilisation of policy learning by non-state actors.....	213
7.8. Types of policy learning used by specific non-state actors.....	214
7.9 Implications for policy learning.....	214
7.10 Summary.....	215
CHAPTER EIGHT: SUSTAINING POLICY INFLUENCE THROUGH PERSUASIVE COMMUNICATION.....	217
8.1 Introduction.....	217
8.2 National non-governmental organisations	217
8.3 International non-governmental organisations	218

8.4 Private sector membershi organisations.....	219
8.5 Donor organisations	221
8.6 Multinational telecommunication corporations.....	222
8.7 Policy persuasion and non-state actors.....	223
8.8 Summary.....	225
CHAPTER NINE: SUMMARY, CONCLUSION AND RECOMMENDATIONS.....	227
9.1 Introduction.....	227
9.2 Summary of thesis findings and analysis.....	227
9.3 Conclusion.....	247
9.4 Recommendations.....	248
9.5 Further research.....	251
REFERENCES.....	252
APPENDICES.....	269

ACRONYMS

ACP	Africa, Caribbean and Pacific
AGM	Annual General Meeting
AI	Amnesty International
BMI	Business Monitor International
CAADP	Comprehensive African Agriculture Development Programme
CABRI	Collaborative Africa Budget Reform Initiative
CAK	Communications Authority of Kenya
CCK	Communication Commission of Kenya
CDMA	Code Division Multiple Access
CEO	Chief Executive Officer
CIC	Constitution Implementation Commission
CIPE	Centre for International Private Enterprise
CLARION	Centre for Law and Research International
COTU	Central Organization of Trade Unions
CRA	Commission on Revenue Allocation
CSOs	Civil Society Organisations
CUTS	Consumer Unity and Trust Society
DANIDA	Danish International Development Agency
DTH	Direct to Home
ECHO	European Commission Humanitarian Organisation
EU	European Union
FIDA	Federation of Women Lawyers
FKE	Federation of Kenya Employers
GSM	Global System for Mobile
HAKIJAMII	Economic and Social Rights Centre
IBP	International Budget Partnership
ICPAK	Institute of Certified Public Accountants of Kenya
ICT	Information Communication Technology
IEA	Institute of Economic Affairs
IFC	International Finance Corporation
ILO	International Labour Organisation

IPTV	Internet Protocol Television
KAM	Kenya Association of Manufactures
KEPSA	Kenya Private Sector Alliance
KESSP	Kenya Education Sector Support Programme
KIPPRA	Kenya Institute for Public Policy Research and Analysis
KRA	Kenya Revenue Authority
MNP	Mobile Number Portability
MoU	Memorandum of Understanding
MPESA	Mobile Money
MTCs	Multinational Telecommunication Companies
MTE	Medium Term Expenditure
MUHURI	Muslims for Human Rights
NGO	Non-governmental Organisation
NHIF	National Health Insurance Fund
NTA	National Taxpayers Association
NSSF	National Social Security Fund
OECD	Organisation of Economic Corporation and Development
PIN	Parliamentary Initiative Network
SIM	Subscriber Identity Module
SMS	Short Message Text
SNV	Netherlands Development Organisation
SUNY	State University of New York
TI	Transparency International
UCINET	Network Analysis Software
UK	United Kingdom
UN	United Nations
UNDP	United Nation Development Programme
UNICEF	United Nations International Children Fund
USA	United States of America
USAID	United States Aid International Development
VAT	Value Added Tax
WV	World Vision

LIST OF TABLES

Table 1: Characteristics that make networks successful.....	35
Table 2: Networks relevant to public policy process.....	41
Table 3: Networks and policy influence.....	42
Table 4: Improved public policy formation process in Kenya.....	61
Table 5: Procedure of passing a bill in parliament and county assembly.....	63
Table 6: Types of policy learning.....	96
Table 7: Comparison between Aristotle’s rational view and Fisher’s narrative view.....	98
Table 8: Classification of non-state actors.....	110
Table 9: Photos of selected organisations.....	111
Table 10: National non-governmental organisations and areas of policy engagement.....	118
Table 11: Approaches and strategies used by national non-governmental organisations.....	126
Table 12: International non-governmental organisations and areas of policy engagement.....	131
Table 13: Approaches and strategies of engagement for international non-governmental organisations.....	138
Table 14: Private sector membership organisations and areas of policy engagement.....	142
Table 15: Approaches and strategies for engagement used by private sector membership organisations.....	150
Table 16: Donor organisations and areas of policy engagement.....	154
Table 17: Approaches and strategies for engagement used by donor organisations.....	162
Table 18: Mobile subscriptions and company market share in Kenya.....	167
Table 19: Non-state actors’ participation in public policy process.....	173

Table 20: Examples of non-state actors' organisations that participate in public policy process between 2000 and 2016.....	174
Table 21: Number of times non-state actors have participated in public policy process.....	175
Table 22: Policy area of participation.....	176
Table 23: Policy objectives.....	177
Table 24: How non-state actors get to participate.....	178
Table 25: Examples of visible, hidden and invisible power of state actors.....	179
Table 26: Strategies used by state actors to influence policy decisions in their favour.....	179
Table 27: Levels of participation.....	180
Table 28: Strategies used by non-state actors to influence public policy.....	181
Table 29: Percentage of state actors that agreed to the following statements.....	182
Table 30: National non-governmental organisations and their networks.....	186
Table 31: International non-governmental organisations and their networks.....	188
Table 32: Non-state actors' ability to network.....	199
Table 33: Constraints to effective networking of non-state actors.....	200
Table 34: Use of policy learning.....	213
Table 35: Type of policy learning used by specific non-state actors.....	214
Table 36: Implications of policy learning.....	215
Table 37: Using persuasion to influence policy.....	223
Table 38: Persuasive strategies.....	223
Table 39: Other strategies for persuasion.....	224
Table 40: Use of persuasion by specific non-state actors.....	225

LIST OF FIGURES

Figure 1: Actors in public policy process.....	5
Figure 2: The ‘power cube’: the levels, spaces and forms of power.....	23
Figure 3: Government structure for policy process.....	59
Figure 4: Procedures of passing a county government bill in parliament.....	64
Figure 5: Illustration of the concept of inclusive design.....	69
Figure 6: Conceptual model.....	103

LIST OF MAPS

Map of the study area: Nairobi County Kenya.....	108
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LIST OF GRAPHS

Graph 1: Free-hand grouping by attributes configuration of non-state actors' network.....195

LIST OF BOXES

Box 1: Social networks analysis.....	39
Box 2: KAM’s Direct Engagement with the Government.....	142
Box 3: KEPSA Areas of Engagement with the Government.....	144
Box 4: JKA Significance in public policy process.....	145
Box 5: What motivates DFID to work in Kenya.....	159
Box 6: Victory of Airtel against Safaricom.....	170
Box 7: Safaricom to run the security system.....	171
Box 8: Control of mobile money market.....	171

CHAPTER ONE

INTRODUCTION

1.1 Background to the study

Inclusive public policy process can accelerate inclusive political processes. This can further support and strengthen the capacities of political processes and institutions as well as improve citizens' participation, voice and accountability. It can also rebuild a stronger and more inclusive social contract and democratic society. More than 1,500 jurisdictions worldwide now conduct participatory budgeting giving the public control over some portion of public funds (Aitken, 2017). More inclusive and long-term policy decisions tend to result when citizens deliberate, hear diverse viewpoints and consider trade-offs and compromises. The inclusive process corrects and balances our individual biases. If Kenya's goal is inclusive economic growth across geographic, demographic, economic and cultural lines as it has been always emphasised in her development plans such as Vision 2030, Millennium Development Goals now referred to as Sustainable Development Goals, and the Big Four Agenda (Republic of Kenya, 2007), then there is need for more inclusive policy discussions about growth and development. When it becomes difficult to ensure inclusivity through numbers, inclusivity can still be improved through design of the policy process. This will require that convenors of policy discussions be aware of the social and power dynamics within groups and address them.

Aitken (2017) observed that there are two requirements for inclusive growth policy: (1) the need to bring more people, from more walks of life, into the policy debate at the same time being aware of the privileges that make it easier for some to engage in public life and lower the barriers to entry for consultations, policy communities and careers; (2) the recognition that providing platforms for people to have their voice heard is not enough and that if the human dynamics are not understood and accounted for, a systematically skewed policy discussion can result. This observation supports OECD (2013) call for open and inclusive policymaking. Open and inclusive policymaking is transparent, evidence-driven, accessible and responsive to wide-ranging citizens. It endeavours to include a diverse number of voices and views in the policy-making process, including traditional cultures. For these elements to be successful, they must be applied at all stages of the design and delivery of public policies and services.

While inclusive policy making enhances transparency, accountability, public participation and builds civic capacity, it also offers a way for governments to improve their policy performance by working with citizens, civil society organizations (CSOs), non-governmental organisations (NGOs), businesses including multinational corporations, donor organisations and other stakeholders to deliver concrete improvements in policy outcomes and the quality of public services (Holmes, 2011). Creating awareness and understanding among policy makers of the potentially different effects of policy choices on men and women is key to inclusive policy making in various domains. Apparently, gender-neutral policy decisions can have effects, whether intentional or not, on women's chances of becoming equal participants in society. They may make it more difficult for them to find employment, secure an education, start a business, meet the needs of their family, or ensure their human rights. For instance, a workplace regulation that permits both parents to take leave to care for a sick child is more likely to affect women as primary caregivers.

Citizen consultation is another way for governments to open the policy-making process to citizens. The OECD (2009) Guidelines on Open and Inclusive Policy Making state that all citizens should have equal opportunities and multiple channels to access information, be consulted and participate. Every reasonable effort should be made to engage with as wide a variety of people as possible. To achieve this, governments in OECD countries are exploiting the power of new information and communication technologies (ICT) to increase awareness and participation. The use of ICT tools in consultation varies extensively across countries, and take-up on the part of citizens remains, on average, low in countries of the European Union. According to Eurostat's Information Society Statistics (database), on average, less than 10 percentage of citizens had reported using the Internet to take part in an online consultations or voting to define civic or political issues (Ibid). The tendency to use online tools for consultation or voting was highest in the Nordic countries.

Literature particularly, on public policy process in developed democracies has attempted to provide answers to some major questions in developed democracies including how to enhance civic participation, improve the quality of governance, and overcome the democratic deficit in the formation of policies and development of laws (Bulgarian Centre for Not-for-Profit Law, n.d.). The main models and good practices, which can be applied in most of the countries of the European democracies, are outlined in the literature based on consideration of various strategic documents and institutional mechanisms for interaction between the public

authorities, NGOs and non-state actors in general. In the developed European democracies, the involvement of representatives of NGOs in the processes of decision- and law-making became common practice of public governance in the second half of 20th century (Ibid). The process of consultations with the concerned parties, including representatives of NGOs and the business community, prior to the taking of any political decision or the adoption of a normative act, won recognition as a functioning mechanism leading to a higher quality of the adopted acts and of the legitimacy of the decisions and governance as a whole.

This process of involvement of representatives of various public groups directly reflects the main ideas of inclusive public policy process, participatory democracy, democratisation of the political relations in the developed European countries after the crisis in the representative government and overcoming of the authoritative regimes in some countries in Southern Europe (for example, Spain, Portugal, Greece) (OECD, 2009). The consultations between the political institutions, state actors, NGOs and the business community further helped to deal with some deficits of the political representation in the contemporary parliamentary democracy (Ibid). Consequently, the adopted public policy decisions and normative instruments should reflect the interests not only of the ruling majority, but also of civil society in its diversity. The participation of NGOs and other non-state actors in public policy processes including decision-making at different institutional levels is a common European trend because of the benefits of citizen engagement in public policy process including:

1. *Increased participatory democracy and consensual way of making policy through involvement of all relevant stakeholders:* citizens have the ability to change policy environment, this leads to increased ownership of the public policy process, new public-private partnerships, consolidation of democratisation, and improved sustainability of social-economic and political development (Bossuyt, 2000).
2. *Increased understanding of citizen needs and policy performance:* Open and inclusive policymaking offers one way to improve policy performance and meet citizens' rising expectations. Public engagement in the design and delivery of public policy and services can help governments better understand people's needs, leverage a wider pool of information and resources, improve compliance, contain costs and reduce the risk of conflict and delays downstream (OECD, 2012).

3. *Increased tax revenue and reduction of tax delinquency:* Citizens are more willing to pay taxes when they perceive that their preferences are properly taken into account by public institutions (Torgler & Schneider, 2009)
4. *Increased efficiency and better allocation of resources:* Participatory budgeting has promoted a redistributive development model while improving budgetary planning and efficiency (World Bank, 2008).
5. *Increased trust and improved implementation processes:* It is widely known that citizen engagement leads to increased levels of trust in institutions: this holds true even when controlling for other factors (Tampubolon, 2010).

While citizen involvement in the formulation and implementation of public policies has been a major feature of political life in the European and other developed countries, it has been quite a struggle for the developing countries particularly in Africa. Despite increased discourse in favour of inclusive and citizen's participation in public policy process, many citizens especially, in developing countries have not recognised and appreciated this important responsibility. Across the globe, there have been calls for public policy processes that are more inclusive, transparent and accountable as well as simultaneously being more evidence-based and grounded in the views and knowledge of multiple stakeholders (Brock, K. et al, 2004). Thus, there is sufficient evidence of literature on public policy in support of a qualitative inclusion of non-state actors in public policy process. For instance, in the USA, interest groups are active in both policy formulation and policy legitimating. Organised interests frequently develop policy proposals of their own and forward them to the White House: "Indeed political life in Washington is a blur of lobbying, fund-raising, opening doors, mobilising grassroots support, rubbing elbows and schmoozing" (Dye, 2013).

1.1.1 A Complex process with dynamic relationships

In many countries in Africa, public policy process including decision and delivery continue to be dominated by governments with little involvement of non-state actors such as the business community and the larger civil society (Mohammed, A. K. 2015; Mohidden, A. 2008). The language of new more inclusive policies is widespread in many governments' and donor strategy documents as well as reflected increasingly in the discourse of state officials, international NGOs and civil society activists (Kpessa, M. W. 2011; Mohammed, A. K. 2013).

The literature on public policy process in Kenya and perhaps elsewhere has for a long time overlooked two very important views illustrated by Figure 1: First, the view that the policy process is complex, embracing a range of actors who are sometimes not aware that they are making or influencing policy. Second, the view that relationships between actors within and outside the formal policy structure constitute the processes of inclusion and exclusion, contestation and consensus through which particular policy positions are shaped. These raise the issues of exclusive policy process, closed policy spaces and domination of the policy process by a few actors.

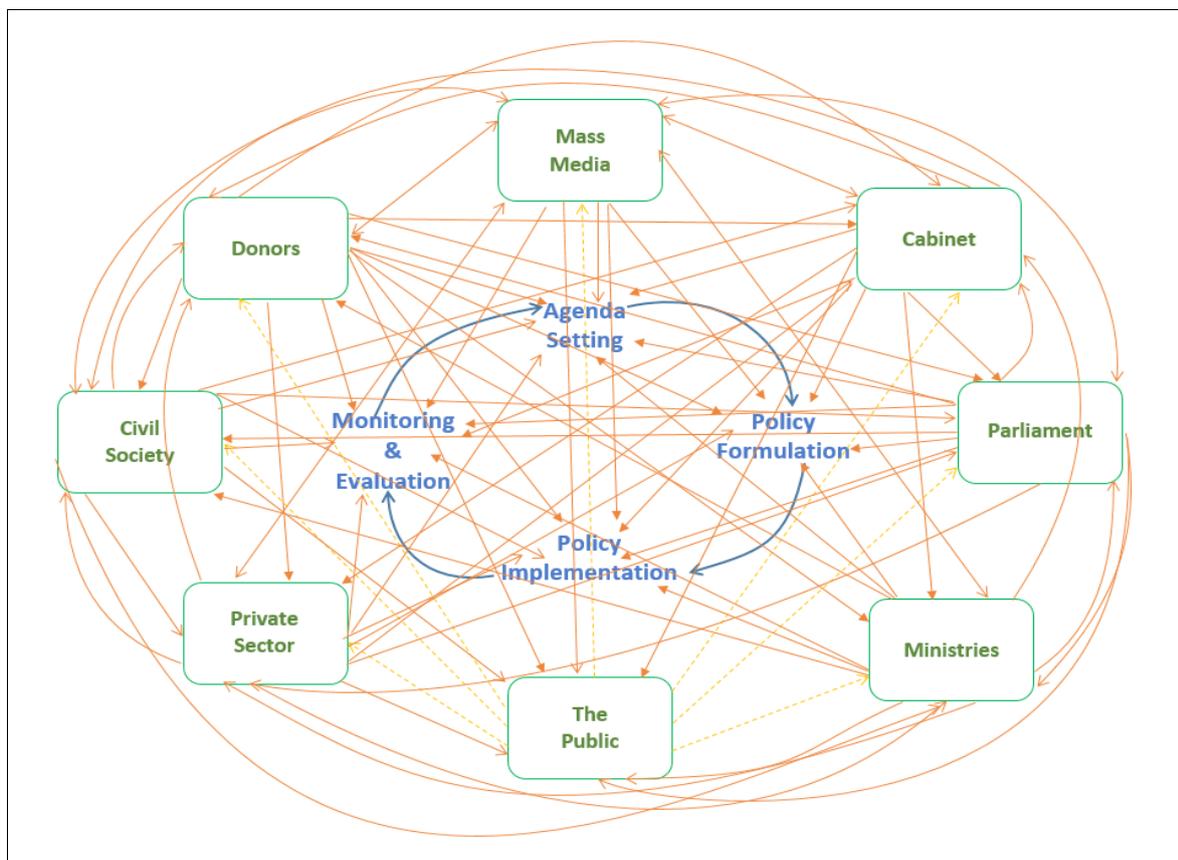


Figure 1: Actors in Public Policy Process.

Source: Adopted from Parliament of Kenya-Parliamentary Service Commission, 2017

Parliament of Kenya - Parliamentary Service Commission, (2017), while recognising the complex nature of public policy process and the need for a policy process that effectively tackles development challenges, appreciates the need for informed public policy process that draws on the evidence generated by various policy actors including state and non-state actors. The need for effective public policy process in Kenya has been long overdue. Different policy actors including state and non-state actors have observed that effective policy process that

involves use of evidence is required (Kenya Law Reform Commission, 2015). Strengthening Capacity to use Evidence in Health Policy Programme 2015 revealed the need for standard guidelines for searching for evidence to be used for informing policy analysis and decision-making in Parliament (African Institute for Development Policy (AFIDEP), 2015).

However, both state and non-state actors in a relationship that involves four components namely, power relations, policy networks, policy learning and policy persuasion, can only generate evidence in public policy. All actors (state and non-state) in public policy process are power-holders who engage in dynamic power relations (Gaventa, 2006; Cornwall, 2002; Pearce and Vela, 2005 ;). Literature has been sceptical in explaining how these processes especially; inclusion, contestation and consensus actually occur or happen in a real public policy setting (Ozo-Eson, 2004). Strong issue networks for policy engagement are a viable option for enhancing actors' capacity for public policy process (Knoepfel and Kissling, 1998; Howlette and Ramesh, 1995). Randall (2011) and others emphasise challenges facing non-state actors in public policy process, but fail short of explaining how analysis of power relations among policy actors can help overcome their capacity deficit. Policy change is usually a result of policy learning and different forms of policy learning occur in different policy communities (Kemp and Weehuizen, 2005; Sabatier, 1993; Raffe, 2011; Bennett and Howlette, 1992 ;). Hall (1993) observed, "Much of political interaction has constituted a process of social learning through policy". The persuasive ability of the policy and its effective communication is both warranted and necessary (Fisher, 1987; Fisher and Forrester, 1993 ;). Russell et al., (2016) and Majone (1989) have recommended that "trans-scientific" problems be addressed with an analysis beyond the purely rational technical approach.

Kenya Law Reform Commission, (2015) realizing the need for inclusive public policy process, prepared and published a guide to the legislative process in Kenya. The guide is particularly useful in the wake of a new constitutional order, which demands transparency, accountability, participation and inclusiveness in governance. It will also go a long way in providing direction for citizens' involvement in the legislative process (Ibid). The design and the content of the Guide specifically focus it as a useful tool in legislative quality control as the roles and responsibilities of key players and the manner of stakeholder engagement are clearly delineated. The guide is an indication of dissatisfaction with the policy process that has for a long time been dominated by state actors and that failed to adequately address citizen's needs.

While Kenya has maintained the existence of a fairly strong data base in Kenya National Bureau of Statistics (KNBS) as well as a fairly strong research department at the Central Bank of Kenya and pockets of research and analysis in a number of government ministries and civil society organisations, it can only be assumed from circumstantial evidence that these data and analysis have found their way into public policy process (Boi, D. 2016). The major problem however, has been absence of informed policy debate and dialogue between all interested stakeholders. This has in many occasions led to misunderstanding between the government and the non-state actors (Kanyinga, K., 2017). Hence, the view that public policy process has been closed, not inclusive and remained a preserve of a few political elites who also enjoy the favour of being close to the President. While the government has resisted non-state actors' inclusion in the policy process, non-state actors have attempted to force their way through to make their presence felt by the government, even if this presence has contributed little in informing policy decisions adopted by the government (Steer, L., Gillard, J., Gustafsson-Wright, E., & Latham, M. (2015). Thus, although the early 2000s witnessed significant political improvements in terms of the state's increasing space for democratic governance, this democratic space did not produce public policy space that promotes the participation of citizens to make the public policy process in Kenya inclusive or participatory (Nunow, 2004; and Hanson, 2008). It is until 2010, that the new constitution recognised public participation as vital catalyst for democratisation of the country (National Council for Law Reporting, 2012).

When commenting on the relationship between state and non-state actors particularly, the NGOs Kanyinga (2017) observed that it is common knowledge that the national government and non-governmental organisations (NGOs) in Kenya are not good friends. To put it bluntly, he said, "*They are not comfortable bedfellows. In addition, they have never been friends. Frosty relationship is a good description of their engagement*". As NGOs and the broader civil society groups advocate specific policies, their efforts often come into conflict with the government. They conflict with government because of doing what the government ought to do and what the government may not want them to do.

The non-governmental organisations (NGOs) in Kenya are collectively one of the biggest non-state actor in public policy process. The number of registered organizations has grown from 5,600 in 2008 to over 9,728 organizations were registered at the Board by the end of 2013/14 (NGO Coordination Board, 2014). The Board reported that 7,258 organisations were active by the end of 2013/14, representing 74 per cent of the cumulative number of

organisations registered by the Board. Despite their enormous contribution to the Kenyan society in general, NGOs continue to face many challenges particularly, in the areas of resource mobilization, technical capacity, governance and recently government punitive laws. The aforementioned challenges notwithstanding, the sector has continued to play a vital role in the country's development, contributing an average of approximately KES 87.6 billion per year; employing 46,617 Kenyans. More than 1,757 (62 per cent) NGOs have been engaged in collaborations (Ibid).

Many governments across the globe including Kenya are now shrinking the space for NGO operations as they restrict NGOs operations particularly, in developing countries that are poor with low-middle income. Dupuy et al., (2017) study reveals that about 40 countries have poor relations with NGOs and that the risk of rolling back NGO issues increases with frequency of competitive elections. Kenya, including her neighbours on all borders fall in this category. Governments in some of these countries have constraining the influence of NGOs in public policy process by enacting restrictive laws and policy conditions on foreign funding for NGOs. Most of these restrictive laws have been introduced in these countries around election time. These governments do so because more often than not some of the leaders lack political confidence as they view NGOs as part of the opposition. They crack the whip on NGOs to weaken their political rivals. They also borrow the same law and pass it from one country to another and without exception; they all have sought to crackdown on NGOs using legislation they borrow from one another.

One particular event in the late 1980s has remained to shape the relations between NGOs and the government (Kanyinga, 2017). From this event, it is possible to discern reasons why the government is uncomfortable with NGOs, and why the organisations prefer to keep a distance from the government. The event in question happened in 1987, the National Council of Churches of Kenya (NCCCK), invited President Mwai Kibaki, and then Cabinet minister in President Daniel Arap Moi's government, to their annual meeting. This was held at a time of protests against queue voting system introduced by the government. The Church was the first to protest this rule and the NGOs protested the rule. The Church called the rule a "false start". This was verbalised more in the annual meeting of NCCCK.

Despite this hostile environment, there have been immense efforts by non-state actors, particularly the NGOs working in the human rights area to open up space for inclusive public

policy process. Barasa and Andreassen (2013) observed that the rise of human rights organisations in Kenya over the last decade has been restrained, but countervailing power has been produced through social mobilisation and collective action to advance the course of these organizations. While this may be true for rights organisations, how have the rest of non-state actors resisted the dominance of the state actors in public policy process to contribute to inclusive and participatory public policy process? What strategies have they used to overcome domineering power of the state actors in public policy process? How have they applied the use of policy networks, policy learning and persuasive communication in increasing their policy space to influence public policy? The debate and current literature on non-state actors and public policy process in Kenya and elsewhere has overlooked these questions. The literature has instead, emphasised the role of non-state actors in public policy process without paying attention to how they use their power relations, policy networks, policy learning and persuasion to make public policy process inclusive and address the needs of the citizens. The concern of this thesis is, therefore, the extent to non-state actors have used their power, policy networks, policy learning and policy persuasive communication to make the public policy process in Kenya more inclusive, open to non-state actors' participation and conducted as a public business without the express appreciation of the state.

1.2 Statement of the problem

A fairly large volume of literature on public policy process in Kenya shows that public policy process has been dominated by the Government to the extent of excluding citizens from the process, that throughout the Jomo Kenyatta, Moi and Kibaki administrations, public policy formation has been dominated by state actors particularly the office of the president, the executive arm of government and a clique of few politicians who are close to the presidency (Ng'ethe and Owino, 1998; Sihanya, 2011). This clique has dominated the entire policy decision and delivery process with their weight being most visible in the decision-making process that has seen preferred options selected, values allocated and resources distributed (Hanson, 2008).

However, more recent studies show that notwithstanding the constraint on the participation of non-state actors in public policy process, many NGOs both national and international, private sector organisations, multinational telecommunication corporations, donor organisations and other non-state (actors) have over the years engaged in collective action to influence public

policy process as well as advancing their organisational interests (Boi, 2016; Kenya Law Reform 2016; KIPPRA and ODI 2007; Oronje, 2013). The implication is that these non-state actors have succeeded in influencing public policy through their various operations in the midst of a state that has been reluctant.

The constitutional reform process leading to the promulgation of the Constitution of Kenya 2010, which, restructured and transformed the state-society relations in several positive ways has been pointed out as one of the achievements of the non-state actors (Nunow, 2004). The 2010 constitution states that the country's governance is based on social contract, an arrangement in which the citizens only delegate their power to the government but retain the sovereign power. It places the citizens at the centre of development and related governance processes and provides for public participation as one of the principles and values of governance (Republic of Kenya, 2010). Thus, whereas non-state actors seem to have contributed towards removing obstacles to citizens' engagement in public policy process, the actual role of the non-state actors in public policy process remains unclear. More specifically, the manner in which non-state actors have tried to open public policy space in Kenya is unclear and under-researched. How they have embraced the complex nature of public policy process and responded to relationships that constitute the processes of inclusion, exclusion, contestation and consensus through which particular policy positions are shaped remains unclear and under-researched. How the non-state actors play this role and influence public policy input and outcomes while generating evidence for public policy in a relationship that involves power relations, policy networks, policy learning and policy persuasion is unclear and under-researched.

Most research on public policy in Kenya has focused on the state as the main actor in public policy process and has been prescriptive about non-state actors and their role in public policy process (Matthews 2017). These studies have focused on the growth and development of non-state actors' organisations particularly, NGOs (both national and international), the social services they provide, the strengths and weaknesses, but not on how the NGOs actually engage with state actors in public policy process (Bagine 2013; Radley 2008). Few studies have attempted to evaluate the actual contribution of non-state actors in public policy process using empirical data (Bossuyt and Carlson, 2002).

Therefore, it is important to understand the manner in which both national and international non-governmental organisations, the private sector organisations, multinational corporations

and donor organisations have sustained their struggles to be included in the policy process thereby, influence public policy process. This quest for understanding raises questions not only about the non-state actors' contribution in opening the policy process and increasing space for participation in the policy process but also how they use policy networks, policy learning and persuasion (negotiate) to be included in the process and contribute to inclusive public policy process. Therefore, this study set out to investigate the contribution of non-state actors to opening the public policy process in Kenya. It sought to understand how non-state actors not only participate in public policy decisions and delivery but also how they struggle to democratise the policy process so as to allow wider participation of citizens and other stakeholders in the policy process.

1.3 Research Objectives

The overall objective of this study was to explore the contribution of non-state actors in making public policy process in Kenya inclusive. Specific objectives were to:

- i. Examine how non-state actors use their power to be included in public policy processes;
- ii. Evaluate how non-state actors use policy networks to sustain their influence in effecting inclusive public policy processes;
- iii. Assess the non-state actors' use of persuasion to sustain their influence in effecting inclusive public policy processes; and
- iv. Evaluate how the non-state actors use policy learning to effect changes to the closed public policy process.

1.4 Research Questions

The study was guided by the following key questions:

- i. How have non-state actors used their power to contribute to inclusive public policy process?
- ii. How have non-state actors used their policy networks to sustain their influence in effecting inclusive public policy process?
- iii. How have non-state actors used persuasion to sustain their influence in effecting inclusive public policy process?

- iv. How have non-state actors utilised policy learning to effect changes to the closed public policy process?

1.5 Significance of the study

The overall significance of this study is derived from the philosophical justification of the political science discipline and its sub-discipline of public policy. Political science focuses on the theory and practice of government and politics at the local, state, national, and international levels. This study contributes to developing understandings of institutions, practices, and relations that constitute public life and modes of inquiry that promote citizenship. In subfield of public policy, this study contributes to the understanding of the political dynamics of policy-making and policy implementation involving several policy actors including state and non-state actors. The following subsections illustrate how this study enriches political science before discussing its broad philosophical justification.

1.5.1 Political science and public policy

Political Science has been defined broadly as the study of governments, public policies and political processes, systems, and political behaviour (American Political Science Association, 2008). Political science has several subfields; the main ones are political theory, political philosophy, political ideology, political economy, policy studies and analysis, comparative politics and international relations. These subfields require that political scientists use both humanistic and scientific perspectives and tools as well as a variety of methodological approaches to examine the process, systems, and political dynamics of all countries and regions of the world (Frodeman, R., Briggie, A., & Holbrook, J. B., 2012; Frodeman, R. 2007). This study finds its basis in the subfield of policy studies and analysis, which explores relationships between political processes and policy outcomes, focusing on the notion that individuals, procedures and institutions affect how public policies are developed, implemented and consumed.

Public policy studies explore political responses to specific public problems for example, environmental degradation, poverty, terrorism or disease. Studies in Public policy are

interested in the political dynamics of policy-making and policy implementation, including such topics as public policy process including policy formation and delivery process. Since public problems often overlook jurisdictions, a policy-oriented approach to political science is often concerned about the interplay between different levels of government (local, regional, national, and international). The Public Policy subfield therefore draws on, and contributes to, scholarship in political science, comparative politics, political theory and international relations. Public policy shares various themes with political science discipline. For example, the importance of interest groups, power, authority and development discourse (Overseas Development Institute, 1999).

Policy outcomes are normally mediated by organizations that mobilize stakeholders, make authoritative decisions, administer programs, and enforce laws. These organizations range from complex government bureaucracies to professional associations, business organisations, donor organisations, NGOs and other social movement organizations. The organizational and inter-organizational aspects of policy-making and policy implementation are a particular concern of this subfield and this study. Important debates in this field often focus on understanding how specific institutional arrangements are created to govern policy arenas and on whether these institutions produce effective, efficient, and equitable governance. This study has the potential to improve policy and enable learning more about government itself. Aristotle alluded to both potentials when he treated politics as the master science, the pursuit by which a community might achieve the good life (Aristotle, 1991). Leaders were to use governance to realize the good society, but to achieve that they must seriously study the workings of government and politics. In principle, the science of policy and the science of politics were the same.

The historical development of public policy and policy analysis as well as the multidisciplinary nature of public policy from the 1940s to the present provide the basis to understand the process over the decades (Lasswell in William Dunn, 2018). The multidisciplinary aspect highlights the need for a holistic understanding of the dynamics involved in public policy development and analysis (Dunn, 2018). Dawson and Robinson (1963) cautioned that public policy development and analysis as an evolving process could remain a problematic process, if it remains exclusive, or it could become a dynamic instrument for social change, if the process includes the contributions of all key stakeholders. It is important that public policy development incorporate the interests of all actors including social groupings. Good

governance remains a key factor, especially in reforming public structures to create enabling environments that are conducive for effective public policy process.

Political scientists who are also policy scholars often trace their lineage back to the pioneering work of Lasswell (1963) and Lerner and Lasswell (1951). Nevertheless, public policy did not emerge as significant subfield within the discipline of political science until the late 1960s early 70s. This resulted from at least three important stimuli: (1) social and political pressures to apply the profession's accumulated knowledge to the pressing social problems of racial discrimination, poverty, the arms race and environmental pollution; (2) the challenge posed by Dawson and Robinson (1963) who argued that governmental policy decisions were less the result of traditional disciplinary concerns such as public opinion and party composition than of socioeconomic factors such as income, education and unemployment levels; (3) the efforts of David Easton whose systems analysis of political life (1965) provided an intellectual framework for understanding the entire policy process, from demand articulation and implementation, feedback effects on society. Over the years, policy research by political scientists has been divided into four types, depending upon the principal focus:

- a) Substantive area research: this seeks to understand the politics of a specific policy area such as health, education, transportation, natural resources, etc. (Nelson, 1984).
- b) Evaluation and impact studies: most evaluation research is based on contributions from other disciplines, particularly welfare economics. Policy scholars trained as political scientists have broadened the criteria of evaluation from traditional social welfare functions to include process criteria, such as opportunities for effective citizen participation (Jenkins-Smith, 1990).
- c) Policy design: this approach focused on topics such as the efficacy of different types of policy instruments (Schneider and Ingram 1990).
- d) Policy process: political scientists interested in public policy focused on the policy process i.e. the factors affecting policy formulation and implementation, as well as the subsequent effects of policy. In their view, focusing on substantive policy areas risked falling into the relatively fruitless realm of theoretical case studies, while evolution research offered little promise for a discipline without clear normative standards of good policy. A focus on the policy process would provide opportunities for applying and integrating the discipline's accumulated knowledge concerning political behaviour in various institutional settings as this current study explains.

While all have made useful contributions, the fourth, the policy process has been the most fruitful and this makes it important for this study. The policy process has two major phases: the policy formation phase and the policy delivery phase. The former involves agenda setting, policy formulation and choice of decision, while the later involves policy implementation, and policy evaluation. Policy actors are usually involved in these two phases. Intellectual explanations and analysis of these phases call for specific analytical tools and intellectual frameworks, which provide the rationale for the philosophical foundations of this study.

1.5.2 Philosophical underpinnings of the study

The two major intellectual frameworks that are useful for this study are positivists and interpretivists. Positivists believe that reality is stable and can be observed and described from an objective viewpoint without interfering with the phenomena being studied (Levin, 1988). They contend that phenomena should be isolated and that observations should be repeatable. This often involves manipulation of reality with variations in only a single independent variable to identify regularities in, and to form relationships between, some of the constituent elements of the social world. Predictions can be made based on the previously observed and explained realities and their inter-relationships. Therefore, this view supports the argument that all state actors in public policy are power holders and that the analysis of power relations is useful in explaining power dynamics of various actors in public policy process. It also supports the view that policy networks are critical in public policy process as they generate knowledge that inform both policy formation and delivery process.

Interpretivist believe that only through the subjective interpretation of and intervention in reality can that reality be fully understood (Ibid). The study of phenomena in their natural environment is key to the Interpretivist philosophy, together with the acknowledgement that scientists cannot avoid affecting those phenomena they study. They admit that there may be many interpretations of reality, but maintain that these interpretations are in themselves a part of the scientific knowledge they are pursuing. The Interpretivist view supports the argumentative turn in public policy and policy persuasion. It also supports policy learning particularly, the view that policy learning aims at bringing about positive societal change.

Despite the two opposed research philosophies, it has often been observed that no single research methodology is intrinsically better than any other methodology (Benbasat et al.,

1987); many scholars have called for a combination of research methods in order to improve the quality of research (Kaplan and Duchon, 1988). Similarly, some institutions have tended to adopt a certain "in house" methodology (Galliers, 1991); this seems to be almost in defiance of the fact that, given the richness and complexity of the real world, a methodology best suited to the problem under consideration, as well as the objectives of the researcher, should be chosen (Benbasat, 1984; Pervan, 1994).

Goodin (2013) warned that a positivist or "high modernist" approach, either to the making of policy or to the understanding of how it is made, that tries to decide what to do or what was done through vaguely mechanical-style causal explanations is bound to fail, or anyway be radically incomplete. Majone (1989) also believed that policy analysts are never mere handmaidens to power because it is part of their job, and a role that the best of them play well, to advocate the policies that they think right. The job of the policy analyst is to speak truth to power (Wildavsky 1979), where the truths involved embrace not only the facts of positivist science but also the reflexive self-understandings of the larger community and the policy community. Perhaps, this reflexive quality is the main gift of the analyst to the practitioner and of this current study to the discipline of public policy and political science.

Therefore, this current study has tried to avoid the insistence on using a single research method. This is not due to an inability to decide between the various merits and demerits of the various alternatives. Instead, it is the believe that all methods are valuable if used appropriately, that research can include elements of both the Positivist and Interpretivist approaches, if managed carefully. The major concern here was that the study should be both relevant to the research question and rigorous in its operationalisation. Overall, both Interpretivist and positivist philosophies were required for this purpose.

1.5.3 Key beneficiaries of this study

The beneficiaries of this research can be grouped into three categories: The first category is academic as the research challenges the existing perceptions and contributes to knowledge by seeking to gain an understanding of what goes on in the policy process when various policy actors are involved. This research bolsters the increasing realisation in the literature on public policy that the policy process is complex, embracing a range of actors who are sometimes not aware that they are making or influencing policy. It puts to test Ozo-Eson (2004) observation

that relationships between actors within and outside the formal policy structure constitute the processes of inclusion and exclusion, contestation and consensus through which particular policy positions are shaped. This research is likely to be of interest more broadly to those inspired by the argumentative turn in policy research (Majone, 1989; and Fisher and Forester, 1993). It contributes to a growing body of empirical work using discourse methods to explore public policy process and its outcomes (Habermas in Persons, 1999; and Minsky 1986). This research contributes to practical reasoning emphasising the role of argument. That is, to persuade rather than to prove, demonstrate or refute.

Second, this research generates immense knowledge and models that can be replicated in similar studies. The research clearly demonstrates how non-state actors have sustained and enhanced their efforts to keep policy spaces inclusive and open, how they do overcome the constraining power and produce countervailing power to keep policy spaces open and inclusive. Literature has been silent on how non-state actors in the policy subsystems and policy communities' network or are connected and how this connectivity enables them influence public policy process (Matthews 2017; Randall, 2011). Policy change is critical in policy process but it can only happen when there is genuine policy learning experienced by policy actors. This aspect is also missing in literature. The literature does not show how policy learning happens among non-state actors and how they use policy learning to influence policy (Bagine 2013; Hall, 1993). Use of policy arguments based on evidence and value judgements is critical to influencing public policy. The literature is also silent on this and does not show how non-state actors employ the art of persuasion to communicate policy recommendations (Russell, 2016; Kanyinga 2017). This research therefore addresses these gaps in literature on the contribution of non-state actors in public policy process. In addressing these knowledge and skills gaps, this research has also provided a platform for discourse on the best practices for inclusive public policy process.

Third, policy researchers and analysts can benefit from this research by advancing further research in this area particularly on any one of the research questions stated at the end of this report. This research therefore deepens our understanding of how non-state actors contribute to inclusive and effective public policy process. It is a systematic study of this important but overlooked question in the public policy process. It provides literature for future studies in this area as well as informing public policy process. It illuminates and evaluates unquestioned assumptions of whether and how non-state actors create policy spaces to foster inclusive process

that influence public policy process. This research fills the following gaps: First, the existing gap due to limited literature on the subject matter as very few studies have attempted to explain the subject matter; and second, the policy gap as important stakeholders such as non-state actors have been systematically excluded from the policy process necessitating a fight for their inclusion thereby contributing to public policy process (Bossuyt and Carlson, 2002; Boi, 2016; Bagine, 2013).

Fourth, policy practitioners can benefit from this research by clearly understanding their capacity for policy process and how to improve and sustain it (Parliament of Kenya – Parliamentary Service Commission, 2017). During the policy process, actors bring into a policy their agendas and interests as they speak their narratives, rehearse their agendas, engage in discursive practices and advocate for their own or other actors’ interests. This process alters the meanings of their agendas, interests and narratives as well as provide knowledge for policy process. A number of policy studies have overlooked the aspect of how non-state actors produce and construct knowledge for policy process (Bossuyt and Carlson 2002; Matthews 2017; Kenya Law Reform Commission, 2015). This study looks at the production and construction of knowledge for policy process as a public or policy learning process. It applies the concept of “policy learning” to understand how non-state actors look for ways of improving their capacities and opportunities to learn through public policy rather than just consume public policy. Policy learning fosters networks of interactions and boosts persuasive ability of actors by which policy results.

1.6 Organisation of this thesis

The rest of this report is organised as follows: Chapter 2 reviews the relevant literature for this research while, Chapter 3 sets the conceptual framework. Chapter 4 describes in detail the methodology used in this research thus providing a basis for subsequent chapters. Chapters 5, 6, 7 and 8 present, analyse and examine the research findings. Chapter 9 presents, first a summary of the analysis and an evaluation of the research findings. Second, it draws conclusions arising from the analysis and evaluation of the research findings. Third, it suggests recommendations for specific actions on specific issues revealed by this research.

1.7 Summary

There seems to be a general acceptance among scholars that inclusive public policy is one of the most effective ways to improve accountability and governance and that participation is ‘intrinsic to the core meaning of democracy. Non-state actors have played a critical role in making public policy process inclusive. In Kenya, non-state actors have somehow found a way of influencing public policy despite the process being restricted and heavily dominated by state actors. Non-state actors seem to have made use of their power, policy networks, policy learning and policy persuasion however, literature on the role of non-state actors in public policy process in Kenya has overlooked these aspects. Thus, whereas non-state actors seem to have contributed towards removing obstacles to citizens’ engagement in public policy process, the actual role of the non-state actors in public policy process has remained unclear and under-researched. Most importantly, the manner in which non-state actors have contributed to making public policy process in Kenya inclusive is unclear and under-researched. How the non-state actors play this role and influence public policy input and outcomes is under-researched.

It is important to understand the manner in which both non-governmental organisations and the private business community have sustained their struggles to be included in the policy process. This has raised questions not only about the non-state actors’ contribution in opening the policy process and increasing policy spaces for participation in the policy process but also how they use policy learn, policy network, and persuasive communication to negotiate to be included in public policy process and contribute to inclusive public policy process in Kenya.

This study set out to investigate the contribution of non-state actors to opening the public policy process in Kenya. It sought to understand how non-state actors not only participate in public policy process but also how they use power relations, policy learning, policy network and persuasive communication to democratise the policy process so as to allow wider participation of citizens and other stakeholders in the policy process. The overall objective of this study was to examine the contribution of non-state actors in enhancing open and inclusive public policy process thereby effectively influencing policy formation and delivery processes in Kenya. This research increases our understanding of the relationship between political science and public policy and contributes to literature in political science and public policy disciplines. It particularly benefits academics interested in the science of public policy, policy analysts engaged in policy research, analysis, and policy practitioners working in civil society

organisations and state agencies. The next chapter presents a review of selected relevant literature on the subject of the thesis and identifies gaps that this study attempts to address.

CHAPTER TWO

LITERATURE REVIEW

2.1 Introduction

This chapter reviews literature on inclusive policy process and the dynamics of power in public policy process; the role and nature of policy networks, the use of persuasion in public policy; and the importance and forms of policy learning. Adopting a review per objective format, the study reviews relevant literature at the global, continental, regional and country contexts.

Objective 1: Examine how non-state actors use their power to be included in public policy decision and delivery processes.

2.2 Inclusive public policy process and power relations

2.2.1 Global context

Globally, there seems to be a general acceptance among scholars that inclusive public policy is one of the most effective ways to improve accountability and governance and that participation is ‘intrinsic to the core meaning of democracy (Sisk et. al. 2001). However, sometimes governments view participation as important only where it reduces government costs and responsibilities when governments can offload service delivery to NGOs and community groups or convince local residents to donate, volunteer labor or materials (Ackerman, 2004). Taylor and Fransman (2004) observed that inclusive public policy process has the potential to reduce poverty and social injustice by strengthening citizen rights and voice, influencing policy-making, enhancing local governance, and improving the accountability and responsiveness of institutions. It has largely been assumed that as governments develop expertise in facilitating greater levels of participation and inclusivity, services tend to improve and things get better for those in situations of poverty. Maddox (2005) observed that within the broad scope of a democracy, public policy constantly evolves to manage social, economic and environmental affairs, to respond to the needs, preferences and desires of citizens, and to steer or nudge them in directions that are regarded as conducive to the nation’s general wellbeing. He posits that in modern democracies citizens are taken on board as stakeholders to share control of development initiatives and broaden ownership. Therefore, governments engage

their citizens in planning and implementing programmes to increase their efficiency, cost-effectiveness and sustainability.

OECD (2015) observed that creating conditions for inclusive growth has many implications for governments including building a government workforce that is more representative of society; developing policies in new ways that are based more on evidence, constructive dialogue and the participation of citizens; and promoting increased transparency and accountability. It suggests that governments could try to increase inclusiveness by ensuring that the distributional effects of each policy and decision on income and non-income inequalities are systematically and rigorously evaluated. The study posits that a government that pursues inclusive public policies and practices does not view efficiency and equity as mutually exclusive but rather as inclusive. This also implies that inclusive government processes also allow civil society and the wider public to be involved in policymaking, regulation and service delivery. By allowing citizens to provide more input about their needs and the impact of policies on them, open government makes public policies more effective and public services more user friendly and user driven (Ibid.).

The implication here is that governments alone cannot achieve efficiency and equity without the involvement of other policy actors from the larger civil society organisations such as the NGOs, the business community and donors. However, the involvement of citizens in public policy process creates relationships of power both within and outside the formal policy structure. These relationships constitute the processes of inclusion and exclusion, contestation and consensus through which particular policy positions are shaped (Ozo-Eson, 2004). In a dynamic policy process where all actors are power-holders engaging in dynamic power relations, how does inclusion, contestation and consensus actually occur or happen in a real policy setting? Can an empirical evidence of a dynamic, complex, real case of public policy process explain how these exclusions, contestation and consensus happen? John Gaventa (2009) attempts to provide an answer to critical understanding of power relations among policy actors.

Gaventa (2006) observed that the emergence of new spaces and opportunities for citizen engagement in policy and governance processes around the world have not automatically translated into spaces for change. For him, this phenomenon can only be explained by the power dynamics that surround and infuse them, shaping who participates, where and with what

result. Building on the works of Steve Lukes (1974) 'three dimensions' of power, Gaventa (2006) argues that these dimensions or forms of power must also be understood in relation to how spaces for engagement are created and the places (from local to global) in which they occur. He pointed out that each of these (the spaces, places and forms of power) are interrelated dimensions and each has at least three components and are visually and analytically linked together in what he called a 'power cube' visualised in Figure 2. That is, a framework that can be used to assess the possibilities of transformative action in various settings.

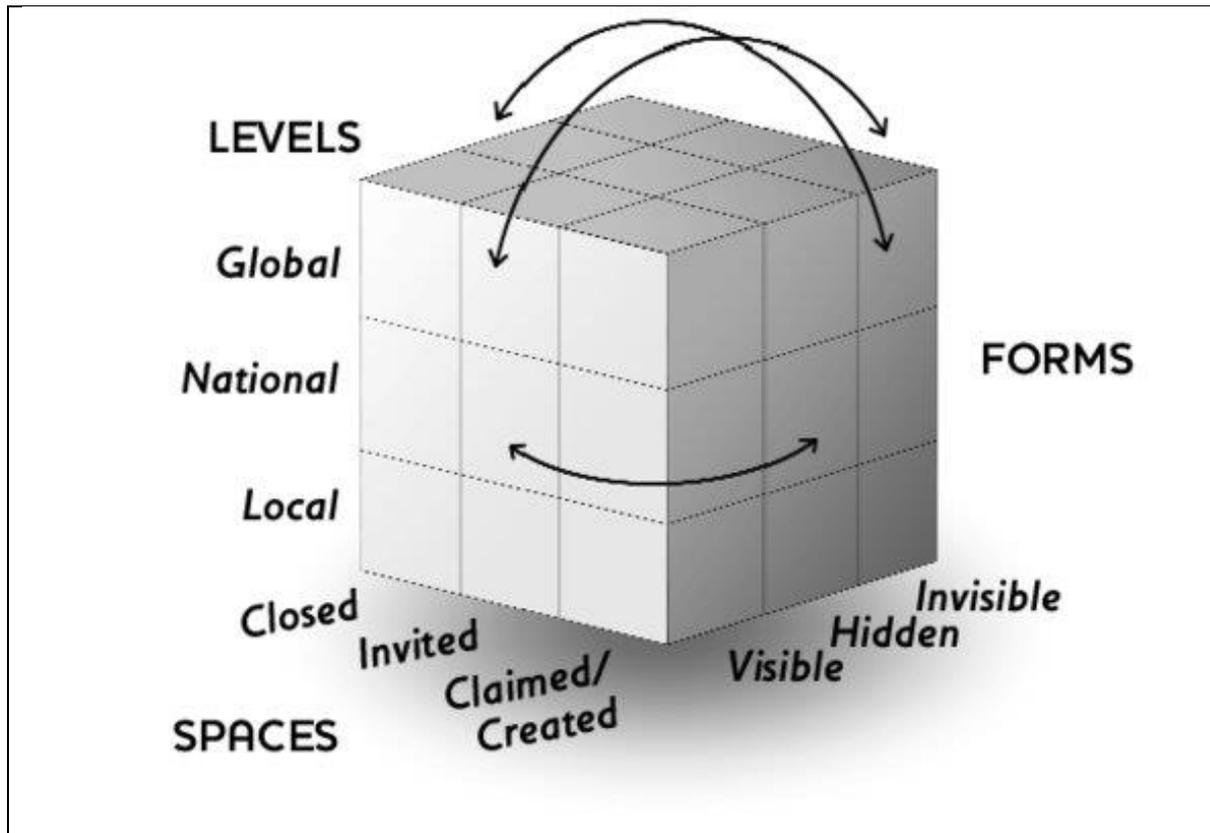


Figure 2: The 'power cube': the levels, spaces and forms of power

Source: Adopted from John Gaventa, 2009.

Gaventa (2009) maintains, “Every human being possesses and is affected by power but, the meanings of power and how to understand it are diverse and often contentious”. He posits, while some people see power as held actors, some of whom are powerful while others are relatively powerless, others see it as more pervasive, embodied in a web of relationships and discourses which affect everyone, but which no single actor holds. Yet, some people see power as a ‘zero-sum’ concept, thus to gain power for one set of actors means that others must give up some power. While some people see power as a ‘negative’ trait thus, to hold power is to

exercise control over others, other people see power to be about capacity and agency to be wielded for positive action. Other people see power as more fluid and accumulative. He observed that rarely do the powerful give up their power easily; this often involves conflict and ‘power struggles’. With this view, power is not a finite resource; it can be used, shared or created by actors and their networks in many multiple ways.

Gaventa (2009), suggests that it is important to think about each side of the cube as a dimension of set relationships, not a fixed or static set of categories and ‘spaces’ as opportunities, moments and channels where citizens can act to potentially affect policies, discourses, decisions and relationships that affect their lives and interests. These spaces for participation are not neutral, but are themselves shaped by power relations, which both surround and enter them (Cornwall, 2002). “Space is a social product, it is not simply “there”, a neutral container waiting to be filled, but is a dynamic, humanly constructed means of control, and hence of domination, of power” (Lefebvre, 1991). Using the idea of boundary from Foucault and others, Hayward suggests, “We might understand power as the network of social boundaries that delimit fields of possible action. Freedom, on the other hand, is the capacity to participate effectively in shaping the social limits that define what is possible” (Hayward, 1998). In this sense, participation as freedom is not only the right to participate effectively in a given space, but also the right to define and to shape that space.

Closed spaces exist either when decisions are made by a set of policy actors behind closed doors, without any pretence of broadening the boundaries for inclusion or as ‘provided’ spaces when the elites (bureaucrats, experts or elected representatives) make decisions and provide services to the citizens, without the need for broader consultation or involvement. Invited spaces exist when citizens are invited to participate by various kinds of authorities, be they government, supranational agencies or non-governmental organisations’ (Cornwall, 2002). These spaces may be regularised/institutionalised or transient, through one-off forms of consultation. Claimed/created spaces are spaces claimed by less powerful actors from or against the power holders, or created more autonomously by them. They are organic spaces, which emerge out of sets of common concerns or identifications and may come into being because of popular mobilisation, such as around identity or issue-based concerns, or may consist of spaces in which like-minded people join in common pursuits (Cornwall 2002; Soja 1996; Pearce and Vela 2005).

Gaventa (2009) maintained, spaces exist in dynamic relationship to one another, and are constantly opening and closing through struggles for legitimacy and resistance, co-optation and transformation. He argues closed spaces may seek to restore legitimacy by creating invited spaces; similarly, invited spaces may be created from the other direction, as more autonomous people's movements attempt to use their own fora for engagement with the state. He also suggests that power gained in one space, through new skills, capacity and experiences, can be used to enter and affect other spaces. Therefore, the transformative potential of spaces for participatory governance must always be assessed in relationship to the other spaces, which surround them. He warns that the already empowered elite countervailing power might simply capture the creation of new institutional designs of participatory governance, in the absence of other participatory spaces, which serve to provide and sustain.

Other studies (Webster and Engber-Pedersen 2002; Jones 2002) conceptualise "policy spaces" and "political space" in the same way, whereas there is a difference between the two. While political space denotes the existence of a single possibility within a given political and social context; policy spaces are actual observable opportunities, behaviours, actions, interactions and multiple points in time signifying transformative potential (McGee and Gaventa, 2004). The usage of policy spaces in this study is consistent with spaces as defined by McGee and Gaventa but the study introduces a different emphasis, which is, seeking to understand an empirical case of public policy process rather than seeking to assess participation discourses and practices.

Millar (2013) on the other hand established that in Canada, limiting non-state actors to service delivery meant that the goals of government and service-providers often conflicted and that the results-based management used to resolve these conflicts often led policy officers to favour easily measured outputs over quality outcomes. Contrasting with the EU's inclusion of non-state actors in decision-making, he observed that the EU's inclusive approach aligned policy goals more closely and gave incentives to improve policy effectiveness. He further observed that the inclusion of non-state actors in policy-making created opportunities for policy learning in the EU. Similarly, Simmons (2013) stressed that better reporting and avenues for non-state actors to participate allowed them to provide a more meaningful role in evaluating policy. He also observed that although Canadian governments had turned to public reporting the reporting agencies maintained no formal links to advocacy groups or individual citizens. He noted that the data that they produced made effective evaluation of government activity very difficult. This in turn discouraged participation of advocacy groups and posed unfortunate consequences

for the effectiveness and legitimacy of Canadian social policy. However, Laforest (2013) noted that in both Canada and the EU, inclusion in policy-making tended to privilege the best-organized groups, rather than the most representative ones. However, he observed that the European experience suggested that given a more institutionalized role, advocacy groups could evolve valuable new functions and that promoting civil society groups at the EU level helped stimulate their growth at the member state level as well as helping them act as links between levels of government. This was echoed by Millar (2013) that involving non-state actors earlier in policy-making makes for policy that is more effective.

The progressive end of inclusive public policy process reflects a rights-based approach, recognizing inclusion/participation as a right in itself as well as an entry point to realizing all other rights (Eyben, 2003). As Cornwall (2002; 2003; 2004) notes, this 'recasts' citizens as 'neither passive beneficiaries nor consumers empowered to make choices, but as agents who make and shape their own development. Viewing citizens as beneficiaries of development processes and involving them only to a limited degree in planning and assessing pre-determined development projects significantly undermines the citizens' input, support and effectiveness of projects. The government can seek legitimacy through increasing citizen ownership of or support for a pre-determined agenda (Arnstein, 1967).

There is no doubt that there has been much effort by both the governments and their citizens to foster inclusive public policy process. The approaches and strategies that have been used are varied and they have sought to challenge the domineering power in relations of power in policy process. In his analysis of the role of non-state actors in EU policies towards the Israel-Palestinian Conflict, Voltolini (2012) observed that the non-state actors were involved in the policy process through dialogue, funding, training, provision of information, raising awareness, setting the agenda, framing issues, changing policies. The non-state actors also used approaches such as access, voice and litigation.

Therefore, inclusive policy process can transform underlying social and power relations and grant citizens full managerial power (Gaventa 2003; 2004). Citizens can be given the opportunity to obtain information on a proposed state intervention, and air their views. In situations where inclusive policy process is limited to a tokenistic process, citizens lack the power to ensure their views are genuinely accepted by the powerful (Ibid). Where there is no genuine empowerment of citizens, the inclusive policy process simply becomes an instrument

for managed intervention (Cornwall, 2002; 2003; 2004). While discussing the consequences of superficial or cosmetic processes, Manor (2004) notes that if ordinary people find that what at first appears to be an opportunity for greater influence turns out, in practice, to be a cosmetic exercise (they gain little or no new leverage) then citizens will feel conned and betrayed.

Although the literature does not explicitly state at what stage non-state actors should be involved in policy process, it makes it explicit that there were no formal reporting links between the state and non-state actors in both the case of Canada and EU and that these weakened power relations between state and non-state actors. Thus, these observations are useful for this study, as the study will analyse the power relations between the state and non-state actors, the links that exist between them and the strategies non-state actors employ to challenge or overcome the dominant restraining power. Does the continental literature differ? The following subsection reviews selected relevant literature on the continent of Africa.

2.2.2 Continental context

Continentially, inclusive approach to policy formulation was applied in the Partnership Agreement between the European Union (EU) and the Africa, Caribbean and Pacific (ACP), signed in Cotonou in June 2000 (Bossuyt, J. 2000). This Agreement created promising legal opportunities to ‘mainstream’ the participation of civil society and local governments in the political dialogue and in the formulation and implementation of future ACP-EU cooperation policies and programmes. The partnership agreement defined ‘non-state actors’ as the private sector, the social and economic partners, including trade union organisations and civil society in all its diversity (Ibid). The "non-state actors" were perceived to influence future trade negotiations and follow-up sessions of major international conferences on social or environmental issues.

However, introducing the principles of participation and dialogue in the Cotonou Agreement was much more than just setting-up effective consultation mechanisms with civil society and local governments. It was an empowerment process of inviting and creating spaces for participation. This was a new business for all actors involved. There was little tradition, culture and experience with dialogue in ACP-EU cooperation. In many ACP countries, "structured" dialogue mechanisms (driven by ACP actors) were missing (Ibid). The roles of the different actors (governments, parliaments, non-state actors, local governments, donor agency) in

dialogue processes were not clarified. Neither there was operational guidance directly available on how best to organise a multi-actor dialogue, nor much capacity to manage this type of processes. It was not clear how EU dialogue efforts could be articulated with other on-going dialogue processes (Ibid). Inevitably, the "opening up" of ACP-EU cooperation to non-state actors was a learning process, requiring time and experimentation, stocktaking of best practices, flexibility and institutional innovation.

Comprehensive African Agriculture Development Programme - CAADP (2011) emphasize multi-stakeholder dialogue and decision making as central to its success. National and regional ownership in agricultural development could be achieved through structured stakeholder involvement around priority setting, matching resources to priority tasks, and collaboration at the implementation stage (CAADP, 2011). This partnership approach represented a progressive new way of doing business in the sector. However, translating the principle into practice was challenging, particularly in building alliances that include non-state actors. CAADP observed a long history of non-state actors and governments engaging with each other antagonistically, which undermined trust and broke down the relationships vital for achieving change. Instead, CAADP promoted guidelines for non-state actor participation in CAADP processes. Therefore, this study will further the debate on partnership and structured dialogue as essential building blocks for meaningful and successful engagement between state and non-state actors. Has the region embraced some of these good practices? In the foregoing literature on the region of Eastern Africa is examined.

2.2.3 Regional context

In Eastern Africa, the efforts to open up policy process have been in many cases met with much political and bureaucratic resistance due to the old habits of centralised and top-down management of development process (Bossuyt and Carlsson, 2002). This situation, which persisted until 2000 left few channels open for non-state actors to influence national policy.

CUTS International (2009) observed that the following are the main features of inclusive policy process: i) all the key stakeholders must be identified; ii) they must have equal opportunity to participate in the policy process; and iii) none of them should be allowed to disproportionately influence the process and outcome in favour of its own interest. Nevertheless, the region has

faced many challenges in establishing and strengthening inclusive public policy process. These challenges include the following: lack of formal channels for non-state actors to influence public policy; limited trust between the government and non-state actors; restricted consultative process; limited outreach to rural areas and grassroots; deficient capacity and response of non-state actors; lack of respect for views of non-state actors by the governments; limited understanding of policy issues among non-state actors; inadequate funding for research and advocacy activities; failure of non-state actors to provide alternatives; lack of engagement among the non-state actors; lack of government interest and sustained commitment to involve non-state actors in policy process (CUTS International, 2009). These are numerous challenges that non-state actors have struggled to overcome as they have worked towards strengthening inclusive policy process. CUTS did not go far to the extent of revealing strategies that non-state actors have used to overcome these challenges.

Mohammed (2015) observed that several non-state actors were involved in public policy-making in Ghana under the new democratic dispensation. Acknowledging that there has been increased spaces of participation and that policy process has become much more open, with improvements in the design and implementation he nevertheless, learned that the situation is far from satisfactory because marginalized and unorganized groups still suffer alienation; while state actors still have a stronger urge over non-authoritative players in participatory episodes. He observed that elected and appointed participants still had informational advantage over their non-state actors and they adversely affect the quality and effectiveness of citizen participation in public policy process. This implied that Ghana public policy process is still restrictive as the on one hand the state encourages citizens to engage in policy process and on the other hand, it leaves them dependent on government officials for access (Woodford & Preston, 2011).

His study therefore revealed that opportunities for participation for marginalized and unorganized groups are extremely limited or unavailable. This revelation supports Bridgman and Davis (2004) argument that access to participation is seldom distributed evenly and that it is always easier to deal with interest groups who can speak authoritatively for their members. This revelation is also consistent with Boon and Melby (2000) argument that mere participation does not necessarily mean equal consideration of the issues, equal influence or satisfaction of all participants. On the contrary, this revelation supports McCoy and Scully's (2002) observation that empowered participation processes require relative equity of power between citizens', voice and agency as well as a feeling of power and effectiveness with real opportunity

to have a say. Mohammed's (2013) study recommended that the quality of participation could be improved by addressing information asymmetry between state and non-state actors, enhancing people's capacity to participate and prioritizing stronger participatory mechanisms over weaker ones.

In reference to information asymmetry, he emphasized that policy makers and bureaucrats should move away from the assumption that, 'engagement dilutes one's power and control of information' (Institute on Governance, 2005). He also agreed with Walting (2007) that fostering awareness and education can also address the information asymmetry and depending on the nature of the policy, stronger participation mechanisms like town hall meetings, focus group discussions and TV and radio phone-ins which allow client input should be emphasized over information campaigns which create awareness of the issues but do not satisfy those looking for more meaningful interaction. Mohammed's (2013) study supports Philips and Orsini's (2002) argument that participation offers input but not a veto for individuals or interest groups on policy choices. Thus, for citizens to know whether they have affected public policy process they should be given feedback about how their input was utilized in the policy process as well as the rationale for the final policy decisions. However, this is likely to encounter the challenge pointed out by Turcotte (2010) that, such complete disclosure will face problems because in many high-level policy processes in government including cabinet deliberations there is high level of confidentiality and less transparency. As Bridgman and Davis (2004) note, this does not build trust and credibility in participatory processes and in government.

Therefore, this study will not only reveal more challenges for non-state actors but will also establish strategies that non-state actors have used to overcome these challenges. Does the above literature reveal something different on Kenya? In the foregoing, attention now shifts to the Kenyan context, which is the area of focus for this study.

2.2.4 Kenyan context

The national and county governments have tried to open possibilities for consultations with citizens in the process of development of policies and adoption of different normative instruments. Kenya draft policy paper (2018) seeks to entrench in law a framework for the management and coordination of public participation in Kenya in order to fulfil the constitutional requirement on citizen engagement in development and governance processes in

the country (Republic of Kenya, 2018). By participating in various working groups, public discussions, advisory bodies, etc. citizens and non-state actors will strengthen their position as a valuable partner of the State. It anticipates that the participation of non-state actors in the processes of decision-making will result in legislation of higher quality and will establish an environment where the laws and regulations are better applied in practice. Non-state actors will be very instrumental in providing civic education to Kenyans with broad aim of achieving fundamental national transformation through public policy, legal and constitutional as well as institutional reforms and transformation while also creating public awareness by re-orienting the national paradigm and psyche for mainstreaming constitutionalism and engendering robust public participation and engagement.

The policy anticipates that non-state actors will play an equally important role in ensuring sustainable information and awareness on the political, social, economic and constitutional issues and challenges affecting the citizens. They will enable citizens to actively engage the government at both national and county levels as a core civic duty, always helping the citizens to productively participate in decision-making and policy formulation on all matters that affect them. Through the non-state actors, citizens will be helped to inculcate a culture of adherence to the principles of the rule of law and the constitution as key to good governance and public administration, public dialogue and engendering democracy. The policy expects that the non-state actors will also play a key role in developing a culture of constitutionalism, respect to the rule of law including promotion of the dignity, integrity and visibility of fundamental human rights and freedoms. Equally important, is that, non-state actors will play a pivotal role in fostering a system that ensures governmental responsiveness to its citizens and citizens' responsibility for keeping the government always in check.

The public participation policy is supported by the Constitution of Kenya promulgated in 2010, which restructured and transformed the state-society relations in several positive ways. It states that the country's governance is based on social contract, an arrangement in which the citizens only delegate their power to the government but retain the sovereign power (Republic of Kenya, 2010). The Constitution places the citizens at the centre of development and related governance processes; it provides for public participation as one of the principles and values of governance. The Government of Kenya recognises that public participation strengthens and legitimises state decisions, actions and development interventions, and that it is an important

element of good governance and the foundation for a true democracy. The National and County Governments' commitment to public participation has been demonstrated through several efforts, albeit with some deficits. Both levels of government have put in place some policies and laws required to effect public participation. These include Participation Guidelines by the State Department (Republic of Kenya, 2018).

However, the Policy noted that the past and current public engagement programmes and processes have been fraught with diverse challenges including the lack of uniformity of the processes due to gaps in the countrywide frameworks and standards; the slow pace in completion and operationalization of public participation laws, regulations and guidelines; challenges of access to and provision of the relevant information to the public; limited capacity; and inadequate funding to public participation. Other challenges include lack of relevant mechanisms for coordination and management of the processes and their effectiveness in developing appropriate capacity strengthening programmes; poor planning for public participation and management of the processes and; poor coordination of public participation and civic education programmes. In addition, there are gaps in complaints management and redress mechanisms, coordination, monitoring, evaluation, learning and feedback mechanisms of public participation in the country Ibid.).

The role of non-state actors in deepening local democracy is thus anchored on Article 1 and Article 33 of the Constitution of Kenya and cannot be undermined by any right thinking and well-meaning government. (Republic of Kenya, 2010). Whereas Article 1 of the Constitution bestows the sovereign power to the people of Kenya, it goes ahead to state that such power is exercised directly or indirectly through democratically elected representatives. In line with this provision, it is imperative that the citizens are placed at the centre of governance and public service. This calls for enhancing the capacity of the public to effectively exercise their inherent powers contained in Article 1 of the Constitution through active and sustainable civic education and enlightenment program.

In his analysis of NGOs and civil society in Kenya, Radley (2008) concluded that both civil society and the NGO community in Kenya were poised to play a significant role in determining the direction and future of the country's new political era. Whether or not this role is a positive one may well depend largely on the degree to which both spheres build on their past successes and current strengths and learn from previous failures. Yet lessons from the past such as the NGO Coordination Bill of 1990, reported tension between the government and certain sectors

of the NGO community, and the bypassing of civil society in the making of political decisions all point towards perhaps the most significant determinant of all; the extent to which the NGO sector and civil society in Kenya are welcomed, accepted and encouraged by the legislative and political processes and institutions within which they operate (Ibid.).

Bagine, (2014) while evaluating non-state actors funded by Pact Kenya, found out that within the two years of implementation, the facility has achieved some good milestones. The most notable successes of the Facility were the extent at which organizations that have good ideas and connections to the community but lacked institutional capacity have been embraced and grown to a position where they not only impact community's environment and natural resource management (ENRM) issues but also influencing policy. Within the community resource management (CRM) thematic areas of focus, Non-State Actors advocacy efforts and civic engagement resulted in the review of legislative and institutional frameworks such as the enactment of the Land Acts (Land Act 2012, Land Registration Act 2012, National Land Commission Act 2012), civil society participation in the review of the National Environment Policy, Climate Change Authority Bill and discussions on REDD+; as well as expanded the space to demand enhanced accountability and transparency on environmental management and governance.

The involvement of NSAs in influencing ENRM policy and legislative frameworks has been successful and progressive (Bagine, 2014). The review observed that a number of counties e.g. Laikipia, Homa Bay etc. have decentralized environment management policies and practices; they have also CRM facility projects at county levels that have innovative ENR management practices including environmental awareness. Similarly, the Non State Actors and the public continue to engage the government on the review of natural resources policies and laws e.g. the EAWLS is engaged parliamentary committee on Natural resources and their comments have been submitted on various environment legislations such as; EMCA, National Environmental policy, Forest and fisheries Bills etc.

There have been immense efforts by non-state actors, particularly the human rights organisations to open up space for inclusive public policy process. Barasa and Andreassen (2013) observed that the rise of human rights organisations in Kenya over the last decade has been restrained, but countervailing power has been produced through social mobilisation and collective action to advance the course of these organizations. Similarly, the early 2000s

witnessed significant political improvements in terms of the state's increasing space for democratic advancement; this democratic space facilitated the production of public policy space that promoted the participation of non-state actors thereby contributing to inclusive or participatory public policy process in Kenya. The political liberalisation process that started in the early 1990s gradually led to erosion of the monopolistic state and patronage government.

The changing environment of the 1990s helped to unleash the potential of non-state actors to demand political and economic reforms. Although a very fragile process that was heavily resisted by the ruling regime, non-state actors continued to push to entrench the new space and to improve their overall advocacy capacity. This was given a boost by the rise of knowledge institutions including Kenya Institute for Public Policy Research and Analysis (KIPPRA), Institute of Policy Analysis and Research (IPAR), Institute of Economic Affairs (IEA), Centre for Governance and Development (CGD) and CLARION strengthened national knowledge institutions and recognition of knowledge creation and management for policy. Hence, in 2002 the ruling regime slowly started responding to the demands of increased participation by gradually involving non-state actors in policy debates including Constitutional Review Process (CRP) and the Poverty Reduction Strategy Programme (PRSP). However, there was a lot to be done to mainstream non-state actors' participation in policy formation and delivery process.

Thus, literature on inclusion and empowerment in Kenya depicts non-state actors' struggles in some power relations with state actors. Power relations that exist between both actors are useful for our understanding of what each can contribute to the policy process. What type of empowerment would enable non-state actors participate effectively in public policy process and how can they challenge domineering or coercive power? The main challenges for inclusive policy process include inappropriate strategies and lack of adequate mechanisms for non-state actors to participate in policy process; and inadequate knowledge on how non-state actors have created and expanded spaces for participation. Have non-state actors overcome some of these challenges through policy networks? The following subsection explores literature on the nature and role of policy networks in inclusive public policy process.

***Objective 2:** Evaluate how non-state actors use policy networks to sustain their influence in effecting inclusive public policy decisions and delivery processes.*

2.3 Inclusive public policy process and policy networks

2.3.1 Global context

Perkin and Court (2005) defines networks as structures that link individuals or organisations who share a common interest on a specific issue or a general set of values. When they work, networks are particularly good at fulfilling some key functions including communication across both horizontal and vertical dimensions; creativity owing to free and interactive communication amongst diverse actors; and consensus like-minded actors identifying each other and rallying around a common issue. Networks may be classified along a continuum from formal to informal according to the clarity of objectives, definition of membership and hierarchy of power (Smith, 1997). Pal, (1997) identified seven characteristics (Stated in Table 1) which seem to make networks successful in influencing public policy.

Table 1: Characteristics that make networks successful

1.	A unifying purpose: having a clear purpose is a key principle.
2.	Interactive communications: information is freely accessible, with the possibility of constant feedback from all actors. As such, there is no monopoly on knowledge and the cumulative capacity of the system is greater than the sum of its parts
3.	Autonomous actors: independence is a prerequisite for interdependence The autonomous nature of actors makes them less likely to submit to a strict hierarchy and more likely to take action of their own accord.
4.	Networks harbour individual entrepreneurs, can have multiple leaders, and have a fluid structure.
5.	A well-coordinated network also has the capacity for simultaneous action from multiple nodes or policy code sharing.
6.	Dynamic culture: the atmosphere of interactive communications among multiple empowered actors fosters a capacity for creativity, risk-taking and enhanced collective action
7.	Shared interests or values: the structure of a network is fluid, but the shared interests or values of actors provide a base level of cohesion.

Source: Adapted from Pal, 1997

There is a considerable body of evidence suggesting that networks can help improve policy processes through better information use. They may, for example, help marshal evidence and increase the influence of good-quality evidence in the policy process. They can foster links between researchers and policymakers; bypass formal barriers to consensus; bring resources

and expertise to policymaking; and broaden the pro-poor impact of a policy. This study is especially interested in the ways that networks can provide links among research, policy and practice and the opportunities and challenges therein. This study is also particularly interested in non-state actors and the way they use evidence to influence policy processes for the public interest.

2.3.1.1 Why are networks important for this study?

The term ‘network’ has come to be adopted as a buzzword in a wide range of contexts, and it is often enthusiastically acknowledged that networks have a significant role to play in modern society. The key themes in the literature that explain the importance of networks are globalisation, governance, social capital, organisational or knowledge management; and information communications technology (ICT).

Globalisation: Castells (1997) identified two key catalysts behind the rise of ‘global network society’ of ‘production, power and experience’. These are: (i) the increasing complexity of global power systems symptomized by the decline of the nation-state; and (ii) the development of efficient international ICT to facilitate cross-border communications. According to Castells, these trends of globalisation have contributed to the emergence of a new world order, where power in the 21st century will rest in the hands not of governments, corporations or even NGOs but, rather, within amorphous virtual networks maintained by modern ICTs. His usage of the phrase ‘space of flows’ depicts a global environment where the significance of physical location has given way to a new emphasis on timeless, placeless ‘flows’. He analyses several global social movements in the context of the network society and examines a broad spectrum of social movements, ranging from the murderous Japanese cult, Aum Shinrikyo, to the far more benevolent environmental movement. He concludes by revising the concept of blurred identities within the ‘information age, and the social movements’ impact on society rarely stems from a concerted strategy, masterminded by a center. Many scholars have started to address issues relating to the practical impact of these pervasive global networks. For example, Sassen (2002) focused on the networking of global cities, investigating how new global inter-city linkages affect issues such as the spatial organisation within a city, or the way in which a city interfaces with the global economy. A considerable school of thought has arisen around

the idea of using network concepts as a methodology for mapping and understanding increasingly complex aspects of global society and political economy.

Governance: In many countries around the world, public policymaking has been diversified to include more non-governmental actors and has become supranational. There have been calls on national governments and international organisations to link better vertically and horizontally in order to ensure legitimacy and effectiveness. Hence, cross-sector networks offer an interactive environment where information can flow between actors in all directions (Kickert et al., 1997). A stream of literature discussing the role of non-state actors' networks in influencing various forms of governance include Clark (2003); Edwards and Gaventa (2001). In addition, Keane (2003), Florini (2000) and Bigg (2002) have discussed the consequences of the rise of an increasingly networked national and transnational civil society, asking how such networks are interfering with and altering people's perceptions of global governance. Reinicke et al. (2000) posits that global public policy networks (GPPNs) have risen to prominence because of the twin modern-day developments of liberalisation and technological revolution. When both national and transnational networks link up, non-state actors may increase their individual and collective policy influence through sharing knowledge, resources and experience; building solidarity; and accessing policymaking fora previously beyond their reach.

The linkage between national and transnational networks has resulted in governance and public policy gaps specifically, operational gap or inability to deal with complexity and participatory gap or a large-scale democratic deficit. It is expected that non-state actors' networks will address these gaps. The emphasis on empowering Southern civil society to participate more in the policy process has provoked new interest in developing systems for vertical communication. Therefore, networks as informal and dynamic communications structures, offer a key tool to bridge the divide between policymakers and those at grassroots level (Ashman, 2001). Networks can allow local voices even the voices of the poor to be heard at global policymaking fora (Narayan and Shah, 2000; Reinicke et al., 2000). Stone and Maxwell (2004) while addressing the issue of whether and how networks can be effective in promoting research-based policymaking concluded that, although there are significant grounds for scepticism over the potential of networks, at the same time there are equal grounds for optimism. They emphasise that networks can play an important part in helping to create a policy process that is research rich, inclusive, and accountable in both theory and practice. However,

they warn that the virtues of networks are not straightforward because, access can be unequal, transactions costs high, and sustainability problematic. They propose that it is possible to enfranchise disadvantaged communities and influence Southern policy through networks. However, this requires development agencies to think in new ways particularly, towards long-term commitment and about the issues of knowledge management.

Social capital: Social capital can be defined as the norms and networks that enable collective action. This concept was scrupulously investigated by Coleman (1990) and propagated in particular by Putnam (1993). The two authors contributed to a growing recognition of the fact that informal personal relationships can have a significant influence on the nature and outcomes of formal structures and processes. Recent research on social capital has assessed the concept from a variety of different perspectives. While, Wellman (1999) carried out a cross-cultural analysis of social networks, drawing conclusions about the ways in which they differ around the world; Lin (2001) addressed the issue of internet-based cyber-networks and the influence that they have had in multiplying social capital. These analyses also relate to the popular concept of 'strong and weak ties', which was introduced by Granovetter (1973). He referred to both individuals and institutions, arguing that any actor will be connected to other actors by a series of ties, some strong bonds and some weak bridges. He emphasised that weak ties are very useful for opening up diverse opportunities, and he triggered widespread interest by relating his theory to the context of job-hunting. He explained that an individual with a broad-reaching social network is likely to be presented with more job opportunities than someone who relies on a small, close-knit circle of friends. Therefore, there is an expanding stream of literature highlighting the role of social capital in fostering pro-poor policy. UNESCO and the World Bank-funded Social Capital Initiatives provide windows onto the various current debates regarding the political potential of grassroots social networks (UNESCO/CROP, 2002).

Organisational management: Networks also arise in a more practical application as tools for efficient organisational and knowledge management. The interests of the corporate sector fuel most of the work in this field. Management theorists such as Lipnack and Stamps (1994) and Tennyson (2003) developed guidelines providing practical advice to corporations that seek to optimise their use of the structure and process of networks. Borgatti and Foster (2003) provides a useful overview of some of the key themes that emerged with regard to the network paradigm in organisational research.

They admit that terms such as ‘network organisation’ became popular in the 1980s and 1990s in response to the increasingly globalised and complex climate of commerce where network organisations were seen as offering an effective balance between rigid hierarchical structures on the one hand and turbulent markets on the other. The emphasis shifted to the capacity of network organisations to be flexible and innovative in complex situations (Hovland, 2003). Relating networks to knowledge management, studies have emphasised the fact that the creation and utilisation of knowledge are fundamentally human processes, as such partially reliant on social and structural relationships among individuals in an organisation (Borgatti and Foster, 2003). These studies have focused on how the nature of these networks of relationships can influence the ability of an organisation to share knowledge effectively among its members.

ICT: The developments in ICT greatly enhanced the scope of networks in particular, the rise of the internet and email. While responding to the question, how is modern ICT influencing the nature and role of both local and global civil society networks? Arquilla and Ronfeldt (2001); and Hajnal, (2002) have used examples from both civil and uncivil society to argue that modern ICTs have facilitated the rise of dynamic and potent cross-border civil society network organisations that pose a major new challenge to existing structures of power. Networks are analysed using social network analysis tool described in Box 1.

Box 1: Social network analysis

The tools of social network analysis (SNA) relate to all of the above network contexts. SNA has been developed primarily by sociologists and mathematicians as a means to analyse and map complex social networks. Current work involves the use of computer software to create simple ‘sociograms’ or multidimensional ‘maps’ which can help researchers to clarify certain aspects of a network. Key measurements apply to the nature of the links (direction, distance, density); the centrality of the overall network; and the make-up of the various sub-groups (Scott, 2000). A recent development in this field is the emergence of ‘small world network theory’, which uses mathematical graphs to explain the classic notion of the ‘six degrees of separation’ (the idea that everybody in the world can be linked by just six steps). The key finding is that the simple addition of a small number of random linkages within a network can greatly decrease the average number of steps between nodes. This work has even led to the suggestion that there may be some highly efficient form of network structure that occurs naturally in many phenomena such as neural networks, social networks or even the national grid (Buchanan, 2002).

Source: Adapted from (UNESCO/CROP, 2002).

From this discussion, four general lessons can be drawn: First, networks constitute a natural form of organisation. Second, while they may not change the laws of economics, politics or human behaviour, they do play a crucial role in structuring the day-to-day running of society. Third, networks can be a helpful practical approach to complexity and pluralism (e.g. using networks is a way of structuring an organisation to deal with complex challenges (Borgatti & Foster, 2003; Hovland, 2003). Fourth, using concepts of networks analytically can also provide a methodology for analysing complex situations (Dicken, Kelly, Olds & Yeung, 2001; Castells, 1997). According to Starkey (1998), networks are important since they can help to share information, further common objectives and make best use of limited resources. He suggests that networks provide a forum for interactive information exchange and a useful conceptual tool in tackling the problem of how to ensure that such North-South relationships are genuinely equal.

2.3.1.2 Policy networks

Public Policy networks are often used as an umbrella term to describe any network that relates to the public policy process. The networks defined in Table 2 may all be understood as subsets of public policy networks. Smith (1997) suggested that policy networks can be viewed as a continuum, ranging from the highly formalised (and possibly more exclusive) ‘policy community’ to the loosely structured ‘issue network’.

Table 2: Networks relevant to public policy process

	Networks	Characteristics
1	Policy community	These are stable networks of policy actors from both inside and outside government, which are highly integrated with the policymaking process. They are stable and more relevant in the governance context of developed rather than developing countries (Stone, 2001).
2	Global public policy network (GPPN)	They are overarching network, spanning all three sectors of government, business and civil society and addressing all stages of the policy process. They can also perform a variety of functions such as raising new issues to the global agenda, facilitating the setting of global standards, gathering and disseminating knowledge, creating markets, implementing intergovernmental treaties and closing the participatory gap (Reinicke et al. 2000).
3	Epistemic community network	This is a highly informal network of experts, convened around shared values and ideas. It provides a potent means to challenge and invigorate the policymaking process and it has shared normative and principled beliefs, causal beliefs, common notions of validity and policy enterprise (Stone and Maxwell, 2004).
4	Knowledge network	They incorporate professional bodies, academic research groups and scientific communities that organise around a special subject matter or issue. They facilitate information exchange, help to disseminate relevant information, advertise important findings and gaps in the existing knowledge base (Stone and Maxwell, 2004)
5	Community of practice	They are groups of professionals, informally bound to one another through exposure to a common class of problems, common pursuit of solutions, and thereby themselves embodying a store of knowledge (de Merode, 2000).
6	Advocacy network	This may contain any combination of actors who have come together through shared interests or values for the main purpose of either seeking to influence the policy process locally or internationally (Keck and Sikkink, 1998).
7	Public-private policy network	This is a civil society/business network, which may not include any state-sector actors, but nevertheless formulates and implements policy (Pattberg , 2004)
8	Other civil society networks	There are numerous other civil society networks which have an impact upon the policy process, but which are not so explicitly categorised in the literature. These included Trade union networks; networks of religious groups; and grassroots or community networks, etc. (Lundin and Söderbaum, 2002).

Source: Adapted from Perkin and Court (2005)

In each stage of the policy process, networks can help in several ways. These are summarised in Table 3.

Table 3: Networks and Policy Influence

	Stages of the policy Process	Key objectives for actors aiming to influence policy	How networks can help
1	Agenda setting	Convince policymakers that the issue does indeed require attention	<ul style="list-style-type: none"> • Marshall evidence to enhance credibility of the argument by: <ul style="list-style-type: none"> -facilitating vertical and horizontal communications -providing a mechanism for knowledge sharing and feedback across global boundaries between North and South • Extend an advocacy campaign by: <ul style="list-style-type: none"> -Gaining strength in numbers -sustaining a campaign over time and across geographical areas • Foster links among researchers, CSOs and state actors by: <ul style="list-style-type: none"> -creating a ‘boomerang pattern’ whereby non-state actors use international partners to pressurise unresponsive local governments -capitalise upon key individuals in the network to communicate evidence -bypass formal barriers to dialogue
2	Formulation	Inform policy makers of the options and build a consensus	<ul style="list-style-type: none"> • Collate good-quality representative evidence and act as a ‘resource bank’ • Channel international resources and expertise into the policy process • Build long-term collaborative relationships with state actors • Bypass formal barriers to consensus
3	implementation	Complement government capacity	<p>Enhance the sustainability and reach of the policy by:</p> <ul style="list-style-type: none"> -providing an effective means of grassroots service-delivery on behalf of government

			-enhance sustainability by: sharing workload; cutting down inefficiency; providing solidarity; mobilising funding; entrenching grassroots representation <ul style="list-style-type: none"> • Act as dynamic ‘platforms for action’
4	Evaluation	Collate quality evidence and channel to influence policy process	<ul style="list-style-type: none"> • Provide good-quality representative evidence and feedback by: -refining the evidence through the input of multiple actors (for both research and grassroots advocacy networks) -access and channel feedback from grassroots communities -provide a forum for peer evaluation amongst implementing agencies • Link policymakers to policy end-users by: -making use of diverse links and powerful individuals to bridge vertical divides -providing a mechanism to mediate among diverse actors
5	All stages Underlying	Capacity building for non-state actors aiming to influence policy	<ul style="list-style-type: none"> • Foster communication • Provide a dynamic environment for knowledge sharing and collaborative action • Provide support and encouragement • Coordinate member evaluations • Provide a means of global political representation

Source: Adapted from Perkin and Court, 2005

For the purpose of this study, the existing policy network literature can be distinguished in two dimensions: quantitative versus qualitative network analysis and policy network as a typology of interest intermediation versus policy network as a specific form of governance (Botzel, 1997). Both quantitative and qualitative network approaches take policy network as an analytical tool. The quantitative approach considers network analysis as a method of social structure analysis (Ibid). It analyses the relations between actors in terms of their cohesion, structural equivalence, and spatial representation using quantitative methods such as ascendant hierarchical classification, density tables and block models (Ibid). The qualitative approach on the other hand is more process-oriented. It focuses less on the mere structure of interaction between actors but rather on the context of these interactions using qualitative methods such as in-depth-interviews and content and discourse analysis.

However, the two methodological approaches are not mutually exclusive but complementary. The interest intermediation school interprets policy network as a generic term for different forms of relationships between interests' groups and the state. The governance school on the other hand conceives policy network as a specific form of governance, as a mechanism to mobilise political resources in situations where these resources are widely dispersed between public and private actors. The distinction between the two schools is fluid and not always clearly made in the literature hence the two are not mutually exclusive (Rhodes, 1995). However, Borzel (1997) observed that there is a major difference between the two schools. The interest intermediation school conceives policy networks as generic concept, which applies to all kinds of relations between public and private actors. In contrast, the governance school conceives policy networks as only characterising a specific form of public-private interactions in public policy based on non-hierarchical coordination opposed to hierarchical and market as two inherently distinct models of governance.

The network typologies found in literature share a common understanding of policy networks as power dependency relationships between the government and interest groups in which resources are exchanged. However, they differ from each other according to the dimensions along which the different types of networks are distinguished (Knoke, 1990; Marsh & Rhodes, Edts., 1992). The basic assumption is that the existence of policy networks which reflect the relative status or power of a particular interest in policy area influence policy outcomes. The other assumption is that the structure of a network has a major influence on the logic of interaction between the members of the networks thus affecting both policy process and policy outcomes.

There seems to be a common agreement among policy analyst that policy network analysis is informed by three basic assumptions (Peterson, 2003). Firstly, modern governance is frequently non-hierarchical and that governance involves mutuality and interdependence between state and non-state actors. Secondly, the policy process must be disaggregated to be understood because relationships between groups and government vary between policy areas. Thirdly, governments remain ultimately responsible for governance, but before policies are set by elected political actors, policy choices are shaped and refined in bargaining between diverse ranges of actors, including some who are non-governmental, all of whom have an interest in what policy is chosen. Although this literature emphasises networking between state and non-state actors, this study focuses on policy networking among non-state actors and is informed by this common agreement among policy analysts. What do examples from Africa reveal

regarding policy networks and network analysis? The next section reviews some relevant examples from Africa.

2.3.2 Continental context

Across Africa, various studies have employed network analysis as a tool to analyse public policy process ranging from policy agenda setting to policy implementation processes. In a study on decision-making process on new vaccine introduction in Nigeria, Wonodi et al., (2012) employed social network analysis technique to map formal and informal relationships and the distribution of influence among vaccine decision-makers as well as explore linkages and pathways to stakeholders who could influence critical decisions in the policy process. Their findings showed that some economic and implementation stakeholders did not appear centrally on the map.

In a similar study carried out in Ghana by Blanchet and James (2011), social network analysis was employed to study the role of social networks in the governance of health systems in eye care systems. The study showed that the health system in the region studied experienced significant changes specifically after a key shock, the departure of an international organisation. Several other actors at different levels of the network disappeared, the position of nurses and hospital managers changed, creating new relationships and power balances that resulted in a change in the general structure of the network (Blanchet and James, 2011).

Literature across Africa thus shows the utility of network analysis as a tool of studying actors' formal and informal relationships in a policy community or subsystem. This study acknowledges this utility and adopts network analysis tool to understand actors' positions and influence in public policy process. In so doing, this study also shows the significance of some actors in a social network. In a policy network, some actors will be more important than others will and they are likely to influence public policy process more than others are. However, centrality is not the only key network properties that could be measured in this study. Literature on network analysis tends to overlook important variables such as betweenness, density, distance and reachability, which are also important properties in network analysis. This study does not overlook these properties. The following subsection explores some relevant studies on social networks on Eastern Africa region.

Bourblanc, (2017) analysed the role of policy network in the water provision in South Africa focusing particularly, on the question why the transition from the supply-led system to a demand-driven approach to water provision never really materialized on the ground, showing the role played by a policy network and its set priorities in the resilience of supply-side management approach. His study described a close relationship between Department of Water Affairs and Sanitation (DWS) civil engineers and engineering consulting firms and its evolution over time, and demonstrated how that policy network might explain why new policy objectives have remained largely ignored, despite a transformation and restructuring process that brought a new staff profile into the Department. He observed that the DWS new political elites tried to bypass the engineering policy network by promoting alternative networks. He also observed that to some extent, the fate of supply-side approaches to water resource management was linked to the competition between an established public-private policy network and the DWS' new political network, allegedly involved in 'state capture' activities. This competition between these two networks led to stalled construction of the Polihali Dam and increased the risk of water deficit in South Africa's water system. Bourblanc's study is a clear case of what politics and hidden interests can influence policy networks in negative manner.

Colgan, (2015) Observed that within a setting where public participation is a constitutional and legal obligation, law and policy developed in the child's rights arena illustrated the varying intentions of the state to engage with civil society partners. Analysing the range of state and civil society engagement, from policy formulation through to implementation, he discovered a worrying trend where, more often than not, practitioners, CSOs and the state fall back on adopting a centralised, hierarchical pattern of working together. His discovery supports Keast et al (2004) argument that in spite of the recognition that collaboration through network structures is an innovative response to dealing with social issues the expectation continues to exist that outcomes and processes remain the same. In Colgan's study, Keast argument was illustrated in the succession-planning project where lead actors overlooked innovative network strategies during project commencement and during periods when confronted with network blockages, issues of accountability and ongoing conflict.

Colgan's study thus, illustrates that, when working within a network, there is a need to adjust to operating outside of a hierarchical structure, with clear lines of control and authority. It

emphasises that within a network the diversity of actors brings the combined knowledge and resources, which are regarded as crucial components to address problems at a variety of levels. It also emphasises that in the network setting the differing perceptions, experiences and histories of network actors introduce a degree of uncertainty and complexity calling for an appreciation and understanding of the structural change that defines a networking arrangement. Another important revelation of his study is that the fundamental basis of a network is the mutual interdependence of the actors involved therefore, any strategies introduced need to accommodate the diversity of actors and their relationships. Failure to do this will result in ineffective outcomes, as the actors involved in the network will struggle to coordinate their varying responses.

2.3.3 Regional context

In Eastern Africa, a study examining the relationship between social network structures and acquisition of information about new seed varieties and productivity among groundnut farmers in Uganda and Kenya revealed that visualizing farmers' social networks enabled policy-makers and change agents to identify relevant social relationships that could be utilised strategically to increase the capacities of poor farming communities (Thuo et al., 2013). The study demonstrated that important differences in social network structures could exist among farmers in similar geographic regions producing similar crops. This study focused on the understanding the social ties and links or edges between farmers and overlooked the question of centrality.

Perkin and Court (2005) have emphasised the impact of religious networks on HIV/AIDS policy implementation in Uganda. Religious organisations are particularly influential in Ugandan society. In fact, according to Putzel (2003), networks of religious organisations have been able to 'reach far into the rural communities, perhaps where even the National Resistance Movement (the new government at the time) could not'. Regarding policy implementation for HIV/AIDS, these networks have been able to exercise their authority in remote areas to play a crucial role: 'their actions on communication, behavioural change, care and treatment have been vital in fighting the stigma. Religious organisations have been major providers of healthcare and education in the absence of public authorities' ability to do so' (Court, 2004).

Johnson, A.T., Hirt, B.J. & Hoba, P. (2011), emphasising the unique role African higher education policy networks can play in Africa, argued that their position outside formal policymaking bodies, puts them at a good position to exert influence that is not infused with

neoliberal values. She observed that higher education networks might be in a position to reject the prevailing development consensus and seek alternatives to this type of development. In addition, the participatory nature of policy entrepreneurship may allow higher education networks to put the African into African development as they respond to community needs and attempt to contextualize policy innovations to fit development challenges that are unique to Africa.

Using network analysis methods to analyse network structures and understand the roles of various actors working collaboratively toward agricultural development goals, Jessica (2019) concluded that three distinct network types existed among agricultural development policy networks. These include shared and brokered networks, as predicted by the network governance literature; and fragmented networks that exhibit extremely low levels of coordination at their core. Their study also found out that while the presence of international development organizations is associated with greater overall network coordination, it is local and regional organizations that fill central network leadership positions most frequently. Their study thus suggests that resources may be an important factor in overcoming the cost of coordination, but social capital among local actors may be more important for developing network leadership.

Acknowledging the limitations of the above study and scanty literature in the Region on policy networks, this study, first, attempts to understand the role of centrality, betweenness, reachability and others and second, attempts to establish relationships regarding utilisation of resources and the importance of partnership agreements in policy networks. Does the Kenyan context differ in this regard? In the foregoing, a careful review of literature on policy networks on Kenya is attempted.

2.3.4 Kenyan context

A few studies have been conducted on Kenya employing social network analysis tool but none of these studies has been about non-state actors who have interest in public policy and how they use networks in public policy process. A study on ‘Social Network Analysis for Health and Social Interactions among Kenyan Scavenging Street Children’ observed that the street children population consisted of distinct subgroups experienced deficiency of service providers in their network. The objective of this study was to test the usability of the Maastricht Social

Network Analysis (Ayuka et al., 2003). Another study on “The Needs of Rural Development Projects in Kenya” applied Social Network Analysis as a tool to identify the key players, the core and the structural roles in the customer network as well as the degree of recognition of direct and indirect competition (Istrate, E., Tsvetovat, M., & Acharya, K. (2007).

Eidt and Hickey (2013) in their study on social networks and agricultural innovation analysed social networks effect on agricultural innovations. The study found out that the village headwoman had the highest degree centrality and betweenness. This study focused on one set of actors only, the farmers. The findings of this study meant that the village headwoman would be very effective in disseminating information. On the contrary, her absence would result in negative consequences. The study recommended that in order to avoid the consequences, it would be good to do the following: identify other appropriate local leaders; conduct capacity building for new leaders; foster agricultural ties; and increase overall network density. However, these measures are important for this study in the sense that it is likely to consider these recommendations in case of weak ties among the non-state actors. Similarly, Acharya et al., (2010) in their study on the roles of organisations within the large system, also focused on one set of actors, the farmers.

Randall (2011) summarized the main challenges to effective inclusion and participation of non-state actors in public policy process as follows: difficulty in ensuring non-state actor constituencies have legitimate and accountable representation; limited availability of resources for non-state actor participation; variable capacity of all actors to jointly create and implement policy; limited awareness by non-state actors of public policy process and its relevance to them; limited access to platforms for ensuring the accountability of state actors, including through Parliamentarians; and difficulty in ensuring a balance of interests, especially for women, grassroots, consumers (food and nutritional security) and the environment. However, the main challenge in engaging non-state actors is the extreme variation in the nature, form, interests and character of their institutions, which make it difficult to build and sustain strong policy networks with capacity to participate effectively in policy processes. Bossuyt and Carlsson (2002) identified the following weaknesses in the private sector approach to policy dialogue: sectoral bias and limited linkages within sectors in policy dialogues; and weak tradition of advocating along common interests. Bossuyt and Carlsson (2002) fall short of pointing out that these weaknesses are obstacles to building and sustaining strong policy networks.

While focusing on trade policy development, Odhiambo and Otieno (2005) observed that, there was limited participation of non-state actors in trade policy process in Kenya due to lack of an effective cooperation and coordination mechanism. However, the study was silent on the role of non-state actors. Instead, it emphasized the role of the ministries and departments of the government, and mainly recommended enhancing such roles of these agencies in the process of trade policy making. Similarly, CUTS International (2009) while acknowledging that non-state actors particularly the civil society and the private sector was likely to have substantial influence on governmental trade policy making, there was no legal consultative framework for non-state actors. On a different note, World Vision (2012) recommended that non-state actors play a significant role in supplementing gaps and challenges of the state in provision of services such as education, health, water, energy, besides policy and legislative input. World Vision argued that non-state actors also play advocacy and monitoring roles of public resources much more than the state itself. However, World Vision emphasized the normative role of the non-state actors including legislative and policy support; county planning and budget process; enhancing citizen's participation; service delivery; and monitoring, evaluation, documentation and learning.

Our study does not focus on one set of non-state actors but a number of sets of non-state actors including the national non-governmental actors; the international non-governmental actors; the private sector membership organisations; the multinational telecommunication companies and the donor organisations. This is important as it enables an analysis of a wide spectrum of non-state actors. None of the above studies has done a comprehensive analysis of how non-state actors use policy networks to foster inclusive public policy process and influence policy outcomes.

Based on the work of Portes and Yeo (2001) six non-exclusive functions for networks can be emphasised: Networks can act as:

Filters: which 'decide' what information is worth paying attention to, and organise unmanageable amounts of information.

Amplifiers: help take little known or little understood ideas and make them more widely understood.

Convenors: bring together people or groups of people.

Facilitators: help members carry out their activities more effectively.

Community builder: networks promote and sustain the values and standards of the individuals or organisations within them.

Investor/provider: networks offer a means to give members the resources they need to carry out their main activities.

Literature thus emphasizes that networks can play more than one role, they usually carry out several functions simultaneously in order to maximise their chances of influencing policy. However, the specific mix will vary, as different functions require different structures for maximum effectiveness. This is due to the fact that networks designed for and effective at one role may not be good at others. Introducing new functions to such networks might compromise their original objectives. Hence, specific networks will need to consider carefully how many and which functions they can carry out successfully. Taking these analyses altogether, it is then possible to identify four key ways in which non-state actors' networks may influence the policy process overall:

- a) Increase the influence of good quality evidence throughout the policy process;
- b) Build consensus amongst diverse actors;
- c) Bring civil society resources and expertise into the policy process;
- d) Broaden and sustain the pro-poor impact of a policy.

Also arising from literature is the fact that a network must satisfy many criteria in order to succeed in influencing policy. These include clear coordination structures and objectives (Stone & Maxwell, 2004; Rocha de Mendoca et al., 2004; Behringer, 2003; Farah, 2003); strength in numbers (Rondfelt, 2000); representativeness (Pollard & Court, 2005; Reuter, 2004; Forester and Meinhard, 2004; Provan & Milward, 2001), quality of evidence (Church et al., 2002; Rai, 2003); packaging of evidence (EEPSEA, 2000; James, 2002); sustainability (Edelman, 2003; Bailey, 2003); presence of key individuals (Granovetter, 1963; Sabatier and Jenkins-Smith, 1999; Keck and Sikkink, 1998); making use of informal links (Borzel, 1997; Karekezi & Muthui, 2003; Wapner, 1997); complementing national governments (Clark, 2003; Krizsan & Zentai, 2003; Kern, 2003); and improving communication through ICTs (Soeefststad & Kashwan, 2004; Governance Network, 2003; Niombo, 2003).

This subsection has presented many challenges that also constrain networking among non-state actors while engaging in public policy process. The main challenge is weak policy networks and limited resources. However, literature does not show how non-state actors in Kenya have overcome these challenges to participate effectively in policy process. Given that, non-state actors have variations in resource capacity, pulling their resources together and forming strong issue networks for policy engagement could be another viable option for enhancing their capacity for public policy. The following subsection explores the use of evidence, persuasion and argument in public policy process.

Objective 3: Assess the non-state actors' use of persuasion to sustain their influence in effecting inclusive public policy decisions and delivery processes.

2.4 The role of evidence, persuasion and argument in public policy process

2.4.1 Global context

According to Goodin et al (2013), public policy process is mostly a matter of persuasion and policy is not only about arguing, but also about bargaining. He posits that whether policy makers decide, choose, legislate as they will, they must carry people with them, if their determinations are to have the full force of policy. He observed that both the practice and the discipline of public policy are largely a matter of persuasion. This view was also held by (Reich, 1988; Majone, 1989). Lerner and Lasswell's pioneering book *The Policy Sciences* (1951) also did not claim otherwise.

There is a growing common acceptance in evidence-based policy literature that policy analysts and makers should also be equipped with a wide range of persuasive skills if policy analysis and making should be carried out well. Russell et al., (2016) has argued that persuasive skills ensure that policy analysts and makers are better able to make arguments and counter arguments about the moral and ethical desirability of courses of action. This is likely to lead to a more comprehensive dimension of policy and better policymaking process. Russell et al., (2016) have demonstrated this in one of their empirical studies on "Rhetoric, evidence and policy making: a case study of priority setting in primary care".

Russell supports the argument by Majone (1989) who challenged the common assumption that policy analysts engage in purely objective technical assessment of policy alternatives. He argued instead that what analysts really do is produce policy arguments that are based on value judgments and are used by policymakers in the course of public debate. He showed that the essential need today is not to develop 'objective' measures of outcomes but rather to improve the methods and conditions of public discourse at all levels and stages of policymaking.

Majone's argument brought to the fore the conflict that has existed at the intersection of science and public policy, a conflict over the rules of argumentation that is, science operates on a standard of falsifiability, whereas legal arguments require a standard of evidence, and political decisions centre on sufficient grounds for action require that these "trans-scientific" problems be addressed with an analysis beyond the purely rational technical approach. In his "Evidence, Argument and Persuasion in the Policy Process, Majone (1989) introduced persuasion and advocacy as supplements to rationality and efficiency in policy analysis. In fact, he went further, to argue that policy analysis "has less to do with formal techniques of problem solving than with the process of argument" (Majone, 1989). His argument requires the acceptance of the position that the purpose of policy analysis is not simply to determine the better or optimal policy, but to work towards getting the recommended policy accepted. Under this assumption, the traditional analytical skills are necessary but insufficient, and the absence of the argumentative function in the public policy curriculum represents a significant failing. As noted above, the question remains as to what the decision maker wants from policy analysis and to what use it is put.

Bench-Capon (2002) argues that persuasion is a matter of showing the critic that the argument under dispute must be accepted in any coherent position relating to this argument framework. A coherent position is given precision through the notion of a preferred extension, a maximal set of arguments able to defend itself against all attacks on any of its members. Bench-Capon believes that disagreements about some arguments is possible because there is not in general a unique preferred extension, so any of several coherent positions can be accepted. The task of the persuader is to show that the argument that he or she wishes to advance is in every preferred extension, that is, what is often termed sceptically acceptable.

Bench-Capon introduced another way of disagreeing in practical reasoning where the disputants may agree in an argument, but differ as to which of these attacks succeed. He argued that arguments could differ because the success of the attack depends on the relative strength

of the arguments for an audience, which in turn relates to the values to which the arguments pertain. He coined the notion of value-based argumentation framework to show the strength of persuasion in public policy. He reiterated that for persuasion to be possible the argument must be objectively acceptable. That is, the argument must be in the preferred extension with respect to every argumentation framework derived from the value-base argumentation framework by choosing an ordering on the values involved.

The extension of value-based argumentation framework allows the representation of rational discussion pertaining to matters of value as well as fact and logic and the accommodation of the phenomenon that different audiences will find different reasons persuasive. This is essential if non-state actors are to effectively model disputes about practical questions and public policy issues. Hence, the contributions of Russell, Majone and Bench-Capon lend useful support to this study. The next subsection examines literature on persuasion, argument and evidence in the context of Africa.

2.4.2 Continental context

Makamani (2013) has argued that African proverbs are a vital component of the indigenous knowledge systems of Africans that can be used to resolve conflict at both the micro and macro levels of society. It has been shown that African proverbs use discursive strategies to persuade people to conform to established conventions. The discursive strategies used range from metaphors, inter-textuality, symbolism and argumentation to thematisation. Proverbs incorporate the Aristotelian three proofs (ethos, pathos and logos) to persuade and as a manifestation of collective wisdom, a proverb can only be challenged by citing another proverb. Therefore, if used wisely African proverbs can make a significant contribution in developmental process on the continent. Makamani is interested in the utility of proverbs and she believes that proverbs are useful for persuading people to do what is right. In the context of this study, proverbs could be used as a form of persuasion.

Lieberman, M.D., Vezich, S. & Falk, B.E. (2012) in his study on using neuroscience in Cairo, Egypt to enhance persuasion and social influence argued that there is an extensive literature on the variables that can be manipulated within persuasive messages to make them more influential. He distinguished two types of variables namely, source and message variables. Source variables have several factors credibility, expertise, trustworthiness, attractiveness,

likability and power. Message variables include issue importance, position, conclusion drawing, and use of rhetorical questions, argument quality, and argument quantity, positive versus negative framing, use of fear or threat appeals, emotional versus reason-based content. Each of these factors can interact with the cognitive and motivational state of the message recipient to create a complex set of predictions regarding what types of messages and sources will be most effective under different circumstances. Although this study does not delve into aspects of neuroscience, it finds Lieberman and others' contribution useful in examining the application of persuasion by non-state actors. The following subsection examines the use of persuasion and argument on relevant issues in public policy in a regional context.

2.4.3 Regional context

An application of policy persuasion is evident in Albaugh's (2007) study on *Language Choice in Education: A Politics of Persuasion*. Contrary to her expectation, that the choice of indigenous versus European languages in education in Africa should be a hotly contested issue, she was surprised that in much of African countries it is not because African states have dramatically increased their use of local languages in education over the last two decades. For example, at the time of independence, only 20 out of 47 African states (43%) were using local languages in primary education, whereas more than 38 states (81%) are now using local languages in primary education. Language groups do not attribute this increase to vocal demands on government rather; it is the result of changed attitude of a former coloniser and the work of language NGOs in the local communities. These two subtle factors have altered governments' perceptions about the utility of African languages in their education strategies. Therefore, for Albaugh, this has been a political process that has worked through persuasion, allowing choices about language in education to be less contentious than popularly assumed. An important explanation missing in this study is how the NGOs have been able to use policy persuasion to convince their governments to allow the use of indigenous languages in primary school education.

Olatunji, (2013) presents a persuasive argument appealing to logic, ethics and emotions to communicate a message about gender equality and the status of women particularly in East and West Africa. She acknowledges the global effort done so far to end inequalities and discrimination based on differences such as sex, ethnic origin, economic status and political

ideology. She observes that human rights activists and oppressed groups have placed these issues on the front-page of media coverage and feminist studies have identified discriminative patterns based on gender differences and advanced theoretical models for amelioration of the inequalities. She notes that, despite the continuous struggle and international conferences such as the Beijing 1995 and the New York summit in March 2005, numerous voices from Africa still lament domestic violence, widespread poverty, and various forms of discrimination such as few African women occupy positions of power which would contribute to improving the situation; equal representation of women in a government cabinet could only be found in few places such as Liberia, Rwanda, the Republic of South Africa.

Regardless of whether the situation is better in other parts of the world, Olatunji (2013) argues that the underrepresentation of women in politics and governance in East Africa is an apparent indication of gender inequality and the few examples are insufficient reasons to infer that there is anything near gender equality or fair representation of women or female gender in East Africa or that equal representation in social and political spheres exist or existed in East Africa. She opines that history is replete with stories of cases of women abuse in East Africa, both by kings and by peasants who tenaciously invoke the spirit of tradition to justify their cruelty.

Olatunji (2013) is able to persuade her audience because of the real life situations and events she draws on as well as history. She is able to demonstrate an appeal to logical persuasion, ethical and emotional persuasion. Any sensible government would consider this situation serious and would therefore place it on government agenda to deliberate with a view to finding a solution. Olatunji's argument is relevant to this study as it supports persuasion as one of the important approaches used in public policy process particularly in the agenda setting.

There are several arguments such as Olatunji's that have exposed many undesirable situations to humanity and societies and that have influenced governments of East Africa to design and implement practical interventions to address public problems. This study does not pretend to have looked at all such arguments. As much as persuasion is used among scholars, there is little evidence of use of persuasion by other non-state actors in their engagement with state actors in public policy process. Does the regional reality differ from the context of Kenya? The next subsections attempt to answer this question as it examines the context of Kenya.

2.4.4 Kenya context

An analysis of the evolution of public policy in Kenya shows that the use of persuasion in public policy has been a slow and painful experience for non-state actors. The Government of Kenya conceptualises public policy as a statement of government intent, which articulates basic principles to be pursued to attain specific goals and actions and in the context of legislation, the Government conceptualises public policy as a document, which outlines what a government aim to achieve (KIPPRA, 2018). The governance framework for public policy process in Kenya has evolved over time beginning with the independent constitution in 1963, which made Kenya a multi-party democracy based on the Westminster Model of government also known as parliamentary form of government (Barasa, 2007). In this model, the legislature was the supreme organ of the state in all public policy matters, hence kept a close supervision of the activities of the executive. However, when the constitution was amended in 1964, it established the position of the president who became both head of state and head of government with executive authority. Odhiambo-Mbai (1999) observed that the amended constitution also established checks and balances among the three main institutions of the state. The executive was to initiate public policies and the legislature was to approve all the public policies before they were implemented and the judiciary was to administer all regulative policies and ensure that both the executive and the legislature operate within the constitution.

Subsequent efforts by the government to establish a more elaborate and efficient governance structure for policy process reveal the government's intention to decentralise public policy making process within the executive at the national and provincial levels as shown in Figure 3. Despite the decentralisation, the structure has been very complex with overlapping responsibilities of the government officials, hence making it difficult to generate an effective and efficient public policy process that would accommodate the input of non-state actors. At the national level, the organisational structure comprised hierarchical units made of the cabinet at the top, followed by a council of economic ministers, then ministry of economic planning and development followed by planning units within various ministries.

At the provincial level the government created Provincial Development Committees (PDCs) and Provincial Development Advisory Committees (PDACs) in every province and District Development Committees (DDCs) and District Development Advisory Committees (DDACs) in every district chaired by the Provincial Commissioners (PC) and District Commissioners (DC) respectively (Republic of Kenya, 1964). The primary function of the Advisory

Committees at the provincial and district levels were to identify various local development needs, while those of the development committees were to co-ordinate the implementation of all policy programmes and projects which had been passed by the central and provincial planning organisations. The Provincial Planning Officer facilitated the operations of the two parallel organisations and advised the PC on all development and planning matters as well as collect relevant data and information for the Central Bureau of Statistics (Chitere, 2005).

However, this framework changed with time and several of these committees were abolished. In 1982, the President abolished both PDCs and PDACs and created District Focus Strategy for Rural Development (DFSRD) under the Office of the President. This could be considered government efforts to open up spaces for public participation in public policy process. The local authorities operating under the Ministry of Local Government and comprising county councils for rural districts, urban councils for small urban centres, townships and municipal councils for small and big towns respectively and the city council for Nairobi were also involved in public policy process.

Regardless of the nature of the policy, regulatory or development, the central government dominated the entire policy process (Odhiambo-Mbai, 1999). This domination should not be construed to mean closed policy space or exclusive policy process rather, provision of oversight to the process that was dynamic and involved relations of power. This process was difficult to penetrate and influence without strong persuasive skills, which at that time had not been developed among the non-state actors. The “hard nut to crack” constrained any form of persuasion by non-state actors. In the case of regulatory policies, the process of policy formulation began from the Office of the Attorney General or the relevant ministry. The process involved the preparation of a cabinet paper, which was then submitted to the cabinet for approval and once approved; a bill was prepared and submitted to parliament. When the bill was debated in parliament and approved, it was given consent by the President and it became a law.

The preparation of development policies took a slightly different approach in the sense that sectoral working groups in the respective ministries and DDCs were involved and also the presidential committees or commissions specifically for policies related to addressing a crisis or disasters. Off course, all these were state officials with no representation from non-state actors. The sectoral working groups comprised government officials from various government ministries and the DDCs. The policy papers produced by these working groups were submitted

to the Ministry of Economic Planning and Development upon its discretion to either submit to cabinet for approval or go ahead and implement them without any other approval.

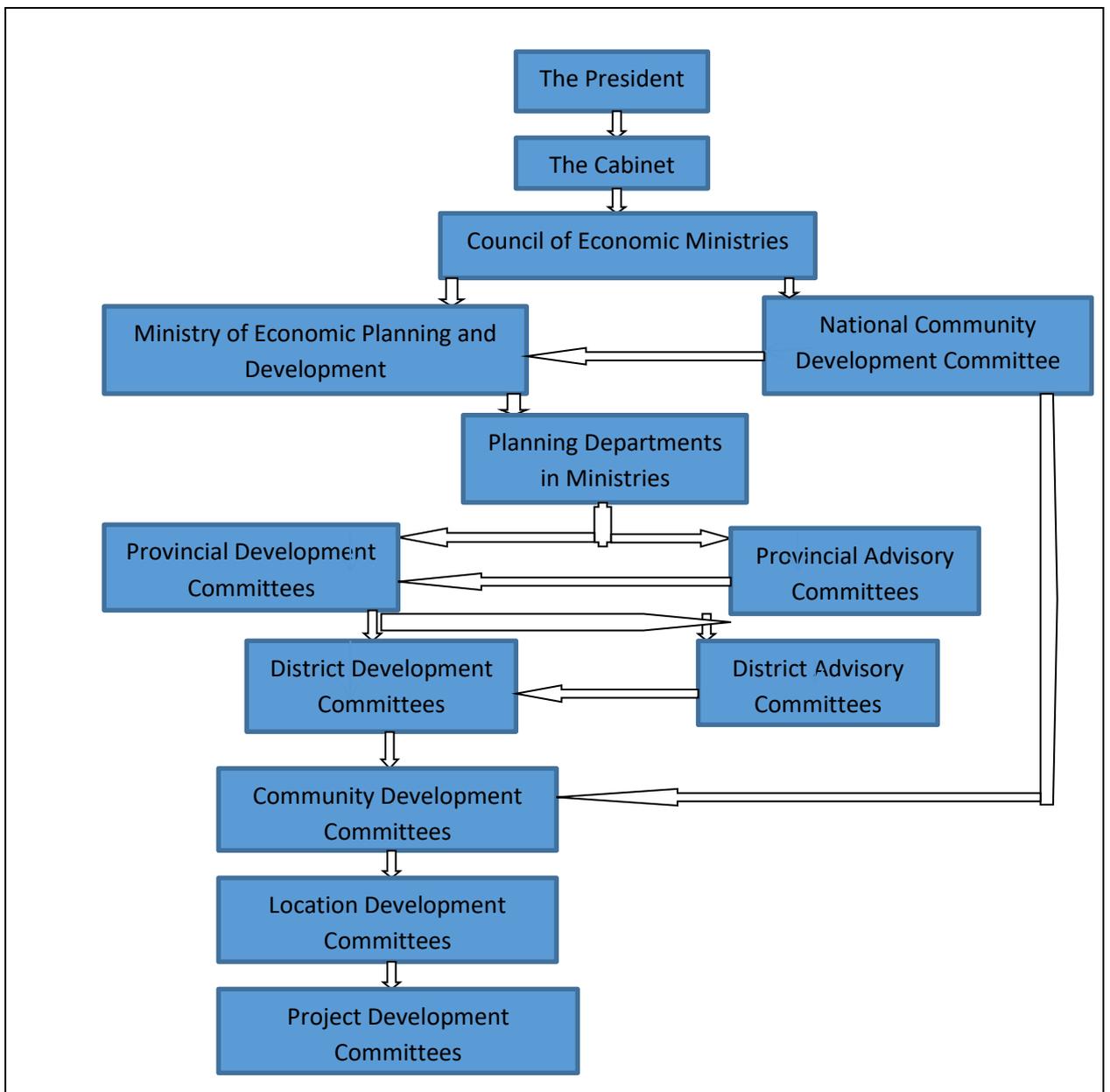


Figure 3: Government structure for policy process *Source: Author's own conception*

Subsequent development plans including Economic Recovery Strategy for Employment and Wealth Creation (ERSEWC) of 2003 and the current blue print, The Kenya Vision 2030 launched in 2007 by the then President Mwai Kibaki initially was perceived by the opposition as his party (PNU) strategy to win the elections of 2007 which almost brought the country to its knees due to widespread and unprecedented violence, were developed through a wide consultative process with significant input from non-state actors including the business

community, both national and international non-governmental organisations and the donor community. This was perhaps the first indication that non-state actors were beginning to apply persuasiveness and argumentation in their approaches to engaging with state actors in public policy process.

However, it seems there was a desire among state actors to make the process of developing these strategies more inclusive, this desire was observed when non-state actors were individually and collectively invited to make submissions, particularly for the Vision 2030 as its realisation was officially launched and a secretariat established to coordinate its implementation. Although the Vision was launched in the election year by president, Kibaki pundits perceived the launch as a campaign strategy in favour of his political party, Party of National Unity (PNU).

Ownership of the Vision became critical as the opposition party developed mixed feelings about the Vision. The formation of the Grand Coalition Government with Mwai Kibaki as the president and Raila Odinga as the prime minister helped to address ownership issues as the two had no choice but to harmonize their party manifestoes with the Vision. Given that the opposition had a large following and support, it was obvious that a large section of Kenyans would not develop ownership of the Vision. On the contrary, this was not the case. The Vision was collectively generated although the oversight was provided by the Government through its agencies, the National Economic and Social Council (NESEC) and Vision 2030 Secretariat with further expectations that the Vision will win the support of at least majority of Kenyans. But winning public support for the Vision became a daunting task as a large section of the general public perceived the Vision as one of those projects of the Government that are doomed to fail just like the others in the past. Overwhelming lack of information about the Vision among the majority of Kenyans, especially in the rural areas also contributed to ownership challenges. Nevertheless, the development of the Vision was another significant intervention by the government to foster inclusive public policy process through consultation with non-state actors (Republic of Kenya, 2007) and the initial application of persuasiveness by non-state actors, though there is little evidence to support this assumption.

Recently there have been changes in the governance framework with the enactment of the 2010 Constitution, which provides for citizen participation in public policy process at both the national and the county government levels. This has provided initial frameworks for open and inclusive public policy process as well as some indications that citizens can actively and

meaningfully participate in public policy process at the national and county government levels as illustrated in Tables 4.

Table 4: Improved public policy formation process in Kenya

SN	Stage	Explanation
1.	Problem identification	Public policy formation begins by clearly defining the policy question or problem. A problem is identifiable when there exists an unacceptable set of conditions for which relief is sought from Government. Ordinarily, Ministries, Departments and Agencies (MDAs), The Presidency, Cabinet, Parliament, Academia and Think Tanks, Civil Society Organizations or citizens, identify the problem. At this stage, these questions should be answered: What is the nature and magnitude of the problem? What groups in the population suffer from the identified problem? How did the problem come about and why does it continue? What are the immediate and underlying causes? What should be done about the problem?
2.	Agenda Setting	Agenda setting is the process by which problems and alternative solutions come to the attention of government. There are many problems requiring government response so, a filtering process is used to ensure that only a few come to the attention of government officials. The Cabinet, Sector Working Groups, the Parliament, and MDAs deal with a collection of issues that are available for discussion and disposition. Policy drafting begins when the policy issue and alternative policies occupy a slot on the agenda.
3.	Policy Design	Policy design is the development of an effective course of action to achieve policy goals through specific projects, programmes and activities. The design stage involves policy analysis, planning and resource scheduling. Policy analysis embroils critical thinking about causes of public problems, the various ways the government might act on them and which policy choices make the most sense. Planning process encompasses setting goals, developing strategies, outlining the implementation arrangements and allocating resources to achieve those goals. Inputs from policy analysis and planning are amalgamated into a draft policy. In the spirit of public participation, the draft policy is widely shared with other interested policy actors for their input. After incorporating other policy actors' inputs, the MDA prepares the final policy document.
4.	Cabinet or County Executive Committee Approval	The Cabinet Secretary or County Executive Committee Member reviews the final policy document to ensure that proper analysis has been conducted, different approaches have been identified and discussed, and that the policy document provides the best option available to resolve the problem. They also ensure that the fiscal, constitutional and other possible implications of the recommended policy are clearly brought out in the policy.

		Once contented, the policy document is submitted to the Cabinet or the County Executive Committee for approval
5.	Parliamentary or County Assembly Approval	Once the Cabinet or the County Executive Committee approves the policy document, it is published and tabled in the relevant House or Assembly for debate and approval. The relevant legislative body, in accordance with the Standing Orders, introduces the policy document in the House and subjects it to the appropriate House Committee for scrutiny and further consideration. The House with or without amendments may approve the policy document and the views of the Executive may be sought for value addition and further clarification.
6.	Assent	After the relevant House passes the policy, the Speaker of the relevant House submits the approved policy to the President or the Governor for formal endorsement, by affixing the National Seal or County Seal, and signing. This process is termed Assent.
7.	Publication	After assent, the policy is published as a White Paper (a statement of intent and a detailed policy plan, which often forms the basis of legislation). The Executive is expected to extensively circulate the policy and keep the public informed of the likely effects of the Policy.
8.	Draft Bill	Once it is determined, that the new law is necessary to achieve the objectives and the implementation of the policy (White Paper), the concerned MDA will begin the process of drafting the Bill. While in its early stages before a new law is tabled in the House, it is called a legislative proposal, but once it has been tabled, it is called a Bill.

Source: Adapted from KIPPRA, Policy Formulation Brochure, 2017

The government agenda for legislation is set from an outline of policy priorities made in the Presidential or Governor’s speech at the opening of a new session or County Assembly, which outline in broad terms what the government hopes to achieve. It may also be set from the budget outline for the coming financial year. The number of bills and their urgency and priority is set by the Executive and managed through the office of the Leader of Majority. A Bill is draft legislation for consideration by Parliament or County Assembly. At the level of Parliament, a Bill passes through some stages as illustrated in Table 5.

Table 5: Procedure of passing a bill in parliament and county assembly

SN	Stage	Explanation
1	Publication and circulation	A Bill is published in a special or supplementary issue of the Kenya Gazette to inform the public and invite representations through the elected Members or direct submission of memoranda and petitions.
2.	First reading	This is intended to draw the attention of the Members and the public to the Bill. The Bill, here, may be referred to the relevant Sectoral Committee
3.	Second reading	This involves the Mover introducing and outlining the main purpose, objectives and any other details of the Bill. The members then discuss the Bill and the views of the Mover together with the report of the Sectoral Committee.
4.	Committee of the whole House	Here the Bill is subjected to the whole House and is considered clause by clause. Members are allowed to propose amendments without affecting the original proposal, or objective of the Bill.
5.	Report	The Committee informs the House sitting in Plenary of their consideration of the Bill.
6.	Third reading	Members may again debate the principles of what is already in the Bill but further amendments should not be proposed, except to defer its Third Reading for six months, this is literally known as “killing the Bill”.

Source: Adapted from KIPPRA, Policy Formulation Brochure, 2017

Once the Bill is approved and assented to by the President or Governor, it becomes an Act of Parliament or County Assembly. Parliament exercises legislative power through bills. The procedures of processing a bill depend on whether it is a bill concerning county government, or a bill does not concern the county government. A bill concerning county government can originate from any House of Parliament, either National Assembly or Senate as explained in Figure 4.

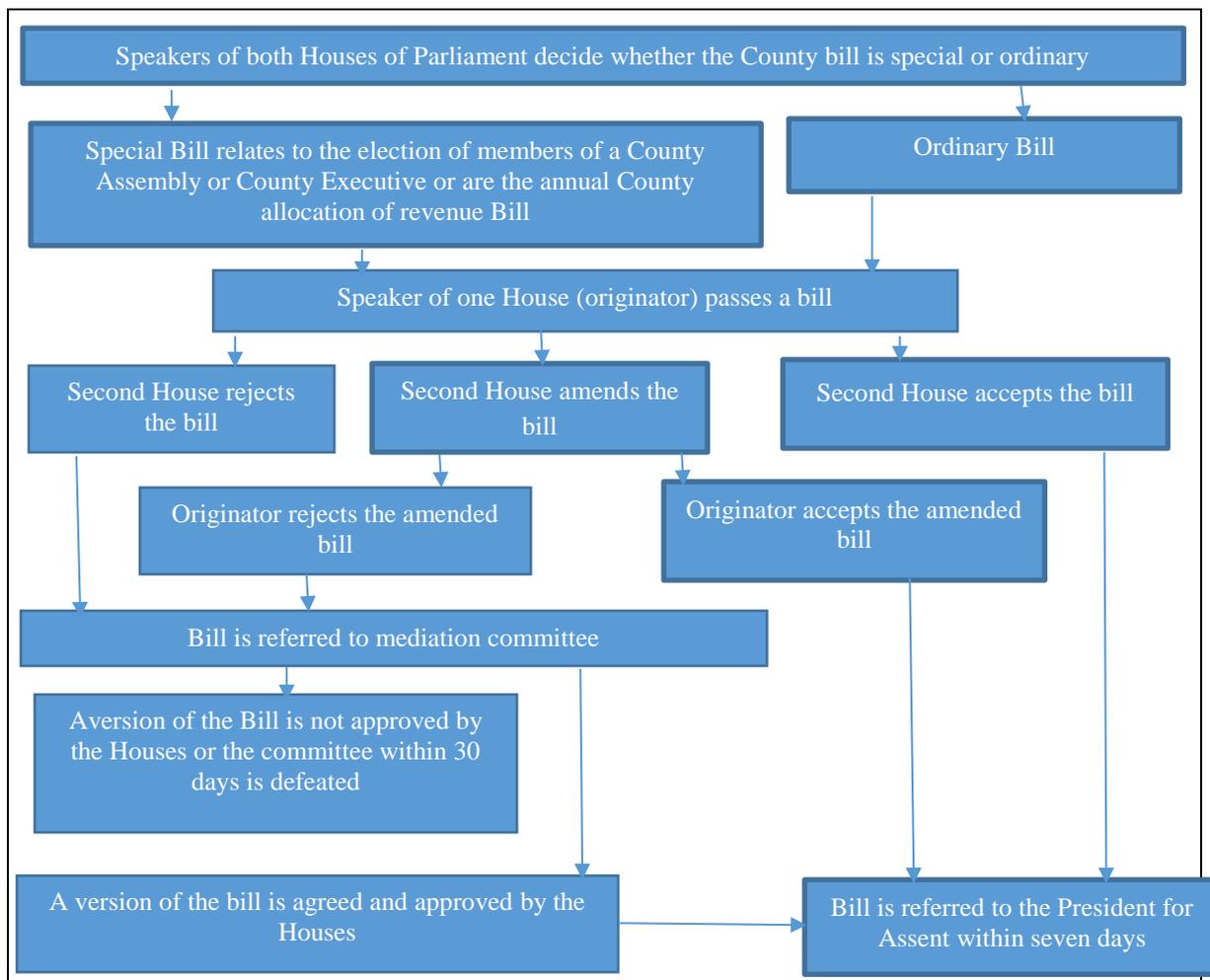


Figure 4: Procedures of passing a county government bill in parliament

Source: Adapted from KIPPRA, Policy Formulation Brochure, 2017

Assent of the bill is a statutory requirement in the legislation process and cannot be delegated. A bill passed by Parliament or County Assembly becomes law once it is assented by the President or the Governor. However, bills may upon publication acquire force of law without assent if the President or the Governor has not assented or returned it back within 14 days (Republic of Kenya, 2010).

These initiatives by government to decentralise government decision-making and implementation process, public policy process at the national and county levels, provide a foundation for use of persuasion and argumentation in public policy especially by participating non-state actors. The governance frameworks also provide opportunities for intense interactions among state institutions and between the state and non-state actors in public policy process. Therefore, this process, which began in the early 60s, has continuously evolved,

improved and appreciated. The perception that the policy process has been closed and exclusive is due to conceptualisation that fails to recognise that public policy process is a dynamic process involving power relations with actors with different interests competing for government attention. Whether persuasion and argumentation approaches have been used by non-state actors and played a significant role in this evolution of public policy process is one of the questions this study attempts to answer. An examination of the conventional policy process enabled the study to identify the stages at which non-state actors made their interventions and contributions. The next subsection discusses the conventional policy process.

2.4.5 Conventional public policy process

Public policy process involves five main phases including policy agenda setting, policy design, policy decision making, policy implementation and policy evaluation. Each of these stages is important in public policy process. Although perceived to be linear, in practical sense the policy process is iterative involving forward and back engagement with several actors. Policy process is a series of political activities that involve problem identification or agenda setting, formulation, legislation, implementation and evaluation (Dye, 2013). Conceptualising public policy as a process is important because it enables us to understand the various activities involved in policymaking.

Agenda setting phase refers to a deliberate planning process through which issues are identified, problems defined and prioritised, support mobilised and decision makers lobbied to take appropriate action. This phase aims at focusing attention on selected policy issues and trying to ensure that those issues receive the attention that is needed according to the agenda setters. It is a process of capturing the attention of policy makers. The policy process normally begins with the identification of a policy issue or problem by one or more stakeholders in society, who feel that the status quo detrimentally affects them or another segment of the society. They mobilise support in order to persuade policy makers to take action to change the status quo in their favour. This phase is important because it determines and prioritises what policy issues are addressed; it determines who influences or controls the policy making process; and how stakeholders influence the policy agenda.

Policy design also known as policy formulation refers to the planning and development of policy content or policy options. It involves devising and selecting policy options. It comprises

the conversion of mainly intellectual and financial resources into a plan of action, including goal and objective setting, prioritisation, option generation and assessment.

Policy decision making is a choice made between alternatives at a given moment. It involves identification of the problem by discernment and judgement, developing the alternatives through creativity and experience, analysing the alternatives using both qualitative and quantitative analysis and choosing the best alternative by discernment and judgement. It involves developing political support; winning parliamentary, presidential or court approval.

Policy implementation refers to the conversion of mainly physical and financial resources into concrete service delivery outputs in the form of facilities and services or into other concrete outputs aimed at achieving policy objectives. It involves creating bureaucracies, spending money and enforcing laws. Policy implementation requires a comprehensive strategy in order to ensure public value. Warwick (1982) observed that implementation means transaction. To carry out a program, implementers must continually deal with tasks, environment, clients and each other. He further observed that while the formalities of organisation and the mechanics of administration are important as background, the key to success is continual coping with contexts, personalities, alliances and events. He concluded “...*crucial to such adaptation is the willingness to acknowledge and correct mistakes, to shift directions and to learn from doing. Nothing is more vital to implementation than self-correction; nothing more lethal than blind preservation*” (Ibid.).

Policy evaluation refers to a systematic assessment of the envisaged or implemented response of a public sector decision maker to improve a perceived societal problem in a specific way. It involves finding out whether policies work, whether they are popular. The valuation can focus on either the content of what should or need to be done (the policy itself) or the implementation of the selected policy intervention (how it is undertaken). Policy evaluation is normally undertaken to measure progress towards the achievement of policy objectives; to learn lessons from the project or programme for future policy review, redesign or implementation strategies; to test the feasibility of an assumption, principle, model, proposal, theory or strategy; to provide political or financial accountability; to advocate a cause in a better way; and for public relations purposes (Cloete and Coning, 2015). Non-state actors’ interventions could be made at any of the five stages. The strength of any non-state actor intervention will also depend on the way that intervention is communicated to other policy actors.

The policy process should be inclusive according to OECD (2015) (Inclusive policy process). Creating conditions for inclusive growth has many implications for governments. For example, this could involve building a government workforce that is more representative of society. It could also mean developing policies in new ways that are based more on evidence, constructive dialogue and the participation of citizens, and that promote increased transparency and accountability. Governments could also try to increase inclusiveness by ensuring that the distributional effects of each policy and decision on income and non-income inequalities are systematically and rigorously evaluated. Traditionally, governments look at the effects of a given policy on particular outcomes in isolation. However, addressing inequality requires a more integrated, “whole-of government” approach that measures the multi-dimensional impacts, trade-offs and synergies of public policies. For instance, fiscal policies may affect environmental, health and education outcomes. Higher public health spending can have potentially positive effects on employment and incomes, but may also imply higher taxation and hence less material consumption. Moreover, the emphasis of these distributional impact assessments should probably be on the distribution points (i.e. the median income) rather than the mean. The release of the OECD multi-dimensional living standard focusing on median household income and on three well-being dimensions (unemployment, household income and life expectancy) goes in that direction (OECD, 2014).

The evidence on the available strategies and tools is incomplete, and more data is needed to better chart the relationship between government action and inclusive growth. Awareness of the stakes for rebuilding citizen trust and improving policy effectiveness, however, is a starting point. Improving access to public services and strengthening the quality and effectiveness of those services, for example, not only have a direct impact on outcomes such as life expectancy and education attainment, but also seem to improve social inclusiveness in other ways such as strengthening labour market access and participation, reducing gender gaps and improving overall life opportunities and social mobility. These are desirable outcomes in and of themselves, but are also increasingly proving to be necessary ingredients to overall improvements in growth and well-being. In order to achieve a better understanding of the public sector’s impact on inclusive growth, governments need to continue searching in this direction, while collecting the evidence necessary to better inform their efforts.

2.4.6 Principles of inclusive design

The Centre for Inclusive Design (see Figure 1) defines inclusive design as a human-centred design that considers the full range of human diversity including ability, language, culture, gender, age and other forms of human difference as part of the design process. The Centre also defines inclusive design in three dimensions including:

- *Recognising diversity and uniqueness:* This implies, inclusive design keeps the diversity and uniqueness of each individual in mind. As individuals spread out from the hypothetical average, the needs of individuals that are outliers, or at the margins, become ever more diverse. Most individuals stray from the average in some facet of their needs or goals therefore, a mass solution does not work well instead, optimal inclusive design is best achieved through one-size-fit-one configurations.
- *Inclusive process and tools:* The process of design and the tools used in design must also be inclusive. Groups that include diverse perspectives, teams that are also diverse and include individuals of varied experience.
- *Broader beneficial impact:* Inclusive design process should trigger a virtuous cycle of inclusion, leverage the ‘curb-cut effect’, and recognise the interconnectedness of users and systems. It should have a broad and wide impact benefiting both the intended and those not intended.

Borrowing from the concept of inclusive design, inclusive public policy process should meet all the three benchmarks. It should recognise the diversity that exist in the policy community and the uniqueness of this diversity. The policy community has both state and non-state actors who have interests. The diversity and uniqueness of each individual or group makes it difficult to satisfy each individual and group interests. The policy process and the tools or instruments used must also be designed in such manner that they do not discriminate any individual or group. They should be able to accommodate groups and individuals of diverse nature. The impact of such inclusive process should be broad enough to benefit both those targeted by the policy and those not targeted. Centre for inclusive design thus makes a very useful contribution to the concept of inclusive public policy process. Figure 5 is a schematic illustration of the concept inclusive design.



Figure 5: Illustration of the concept of inclusive design

Source: Centre for inclusive design <http://centreforinclusivedesign.org.au/inclusive-design/three-principles-of-inclusive-design>

Emphasising the importance of inclusive designs, OECD (2012) observed that moving from an approach that focuses principally on policy measures to one that understands better "how" policies are designed and implemented would help strengthen institutions and in turn promote greater trust between citizens and government. A priority for governments should be to build a policy making process conducive to trust. Concerns over the undue influence of vested interests over decision making has led to increasing demands for more transparency and a greater commitment to safeguarding the public interest. Efforts to guarantee that the policy making process is open, inclusive and fair would improve the quality of policy decisions. A policy-making process conducive to trust is built on informed decisions using reliable and relevant information that are in the public interest, and are carried out with high standards of behaviour.

Of equal important is the concept of inclusive growth policies that move beyond GDP as a measure of success, to target outcomes that matter most to people's lives. Inclusive growth brings the benefits of growth to a larger number of people in different social groups. Inclusive growth policy making evaluates the effects of policies on growth, income, and other outcomes that matter for well-being, e.g., health and jobs (OECD, 2012). Inclusive growth strategies set

in motion a virtuous cycle to build fairer societies and stronger, sustainable growth. Therefore, inclusive growth calls for a better, more informed, more inclusive policymaking process that explicitly targets inclusive growth outcomes. Policy making for inclusive growth requires a whole-of-government approach that leverages informed decision-making and gives all stakeholders a voice without exclusion. Governing for inclusive Growth entails aligning public governance institutions, tools and processes to improve coherence and co-ordination across sectors and levels of government (OECD, 2012.). Inclusive growth begins with a more inclusive policy making process, involving a broader mix of under-served or excluded populations whose voices are too easily overwhelmed by powerful, well-organised interest groups.

2.4.7 Effective communication and persuasiveness

Effective communication in policy process is both warranted and necessary, as the objective of the analyst should be to persuade the decision maker to accept the policy advice. The same is true for the use of argument. The use of argument has the potential to illuminate dimensions of the policy process that remain hidden when policy-making considers only the rationalist lens. Meltsner (1980) observed that the ideal goal of policy analysis is two-fold: to persuade a decision maker of a particular view or course of action; and to provide information in an unbiased manner with the objective of supporting the decision maker in exercising their democratic rights and responsibilities. Public policy is therefore constructed through language, arguments and discourse. Tien et al (2013) in a study, “Participation of non-state actors in formulation of trade policy in Vietnam Hanoi”, concluded that the consultation process of non-state actors did not assure effective two-way communications. They also observed that there was weak capacity in dealing with conflict of interests and the government disclosed information only to satisfy transparency requirement.

In consolidated democracies effective public policy making process is encouraged when various actors both state and non-state actors are encouraged to raise various policy issues. These actors include competitive political parties emerging to articulate alternative policy options; research organisations scientifically analysing various policy problems; non-governmental organisations generating alternative policy options; private sector effectively advising the government on choosing the cost effective alternatives; donor organisations readily available and willing to support government projects and the judiciary, executive and

legislature creating frameworks for inclusive and participatory public policy process. But as Andreassen and Barasa (2013) observed in their analysis of the rise of domestic human rights organisation in Kenya over the last decade, civic action has been able to challenge and transform constraining power structures at local and national levels. They observed that civic action in Kenya entailed social forces that struggle to change power relations in various spaces and at various levels of engagement. Human rights organisations in Kenya attempted to contribute to systematic changes of power by using human rights arguments as they participated in the constitutional reform process. Hence, the adoption of the constitution was a victory of this struggle and that legal and political reforms over the last decade have further opened up spaces of power that used to be limited and hidden hence allowing civic actors to easily attack the domineering power of government. However, a new constitution in itself will not guarantee human rights unless there is constant engagement through civic action and discourses, creating rights awareness and mediating popular quest for social justice and more inclusive public policy process and shared governance (Barasa, 2007). Current literature falls short of identifying persuasive skills that non-state actors have (if at all) employed over the years as they have acquired a central place in public policy studies and analysis.

According to Christian (2014), by mastering persuasion principles, public policy advocates can bring rigor to the business of consensus, win concessions and influence the decision-making process. He emphasised the importance of persuasion in public policy, *“You can master all the techniques, tools and methods in the world, but if you haven’t been taught, learned how to apply basic persuasion principles, and you will never be able to succeed in the field of public policy advocacy. That’s a given.”* He argued that there are six fundamental principles of persuasion that public policy advocates need to apply. These included the principle of liking, uncovering real similarities and offering genuine praise; principle of reciprocity, giving what you want to receive; principles of social proof, using peer power whenever it’s available; principle of consistency, making their commitments active, public, and voluntary; principle of authority, exposing your expertise and not assuming it is self-evident; and principle of scarcity, highlighting unique benefits and exclusive information. Thus, one of the questions this study attempts to answer is how non-state actors have effectively utilised persuasion and argumentation to communicate their views and promote inclusive public policy process in Kenya. The next subsection is also the last one in this chapter and it reviews literature on policy learning.

Objective 4: Evaluate how the non-state actors use policy learning to effect changes to the closed public policy process.

2.5 Policy learning and social learning

2.5.1 Global context

Kemp and Weehuizen (2005) argued that policy learning is different from other types of learning and that although the literature on individual and organisational learning offers many important and useful insights, it needs to be combined with other literature from disciplines such as political science in order to be applied to the full range of policy learning. Kemp and Weehuizen were drawing on the argument made by Hall (1993) when he conceived of policy-making as a form of puzzlement on society's behalf and that much political interaction has constituted a process of social learning through policy. Hall (1993) defined social learning as a process that is intimately affected by societal developments rather than one that takes place inside the state itself. Hall's definition is informed by Hecló's (1974) work, which emphasised that previous policies shape the current policies. Sacks, Weir and Skocpol, (1988) who argued that the interests and ideas that policy makers pursue at any moment in time are shaped by policy legacies or meaningful reactions to previous policies also held this same belief.

The second feature of policy learning according to Hall (1993) is that the key agents pushing forward the learning process are the experts in a given field of policy, either working for the state or advising it from privileged positions at the interface between the bureaucracy and the intellectual enclaves of the society. The third feature is that the state has capacity to act autonomously from social pressure. This view is also supported by Sacks (1980) who argued that accounts of social learning reveal the substantial autonomy of the state from societal pressures in its formulation of policy goals. In this perspective, social learning is a deliberative attempt to adjust the goals or techniques of policy in response to past expectations and new information. Therefore, learning happens when policy changes as the result of such aspects.

Hall (1993) also observed that policy-learning process takes different forms, depending on policies that are involved hence necessitating a process that involves three key variables, which are the overarching goals that guide policy in particular field, the techniques or policy instruments used to attain those goals and the precise settings of these instruments.

Stone (2001) argued that theoretically, knowledge organisations and networks have the institutional capacity to scan the international environment and undertake detailed scholarly evaluation of policy that can help prevent the simplistic and ad hoc copying of policy that leads to inappropriate transfer and policy failure. For Stone (2001), these organisations are not only essential for information generation, but also act as policy entrepreneurs and advocates for policy transfer. Like Hall (1993), Stone (2001) also observed that capacities and intentions of actors differ considerably and they shape the interpretations of policy experience, the lessons drawn as well as how and why they are exported or imported or imposed. He argued that the design, techniques and extent of policy implemented will be shaped by local conditions of existing interests, entrenched institutional structures and political culture of the effect that hybridisation, synthesis and modification is inevitable. Constraints on individual and organisational learning considerably affect how policies are formulated and the policy outcomes.

Jones, et al., (2009) argued that the knowledge policy interface is too complex to encapsulate in any single framework and that it is critical that those seeking to engage in evidence-informed development policy dialogues also use additional tools and frameworks to deepen their analysis including types of knowledge, political context, sectoral dynamics, actors, innovative frameworks and knowledge translation.

Pollard and Court (2005) corroborates Jones et al. (2009) argument by emphasising that in their use of evidence, non-state actors must inspire, inform and improve to generate pro-poor policy. He believed that to inspire is to generate support for an issue or action; raise new ideas or question old ones and create new ways of framing an issue or policy narratives. Inform meant representing the views of other; sharing expertise and experience; and putting forward new approaches. He defined improve as to add, correct or change policy issues; hold policymakers accountable; evaluate and develop own activities, particularly regarding service provision; learn from each other. He also suggested that for non-state actors to influence agenda setting, they might use evidence to build momentum behind an idea until it reaches a tipping point. What is important in this stage is the way evidence is communicated. In influencing the formulation of policy, evidence can be an important way to establish the credibility of non-state actors. The quality of the evidence they use may reflect upon their own reputation, and non-state actors may need to adapt the way they use it to maintain credibility with local communities and with policymakers, combining their tacit and explicit knowledge of a policy

context. Here, the quantity and quality credibility of the evidence that non-state actors use seems to be important to their policy influence.

In influencing the implementation of policy, evidence is critical to improving the effectiveness of development initiatives. Capitalising on the practical knowledge and experience of many non-state actors requires careful analytic work in order that it is possible to understand how technical skills, expert knowledge and practical experience can inform one another. The key to influencing the implementation of policy is often making such evidence relevant across different contexts. In influencing the monitoring and evaluation of policy, it is often important to manage and present evidence clearly. Whether developing evidence internally, through participatory processes or facilities for institutional memory, or garnering the interest of the media or other external groups, communicating evidence in a clear, conclusive and accessible way seems to be critical here. However, the critical crosscutting issue that non-state actors must negotiate in order to influence policy effectively is political context. Evidence must be relevant, appropriate and timely, in a specific social, political and economic context. Furthermore, the position that a non-state actor holds within a particular political system, and its relationships with other actors, affects the ways it can use evidence and the likelihood of it achieving policy influence (Pollard and Court, 2005). More broadly, however, non-state actors' engagement will very much depend on the nature of the political context particularly; the extent of democracy as well as the specific policy stance a government takes on a specific issue.

Appreciating the complexity of policy learning, Raffe (2011) attempted to present a summary of the precepts of policy learning. He argued that policy learning alternative must be based on the following principles: use international experience to enrich policy analysis not to short-cut it; look for good practice not best practice; do not study only successful systems; use international experience to understand your own system; learn from history; and devise appropriate structures of governance. Literature is therefore clear that we can tell whether there has been policy learning by observing change in policy and how the policy legacies have shaped the new policies. It recognises the policy experts in various fields as the main agents that drive policy learning. It also states that policy learning takes different forms. While appreciating this literature, this study attempts to establish the basis of different forms of policy learning that non-state actors have used and whether there has been societal change because of policy learning. The following subsection examines policy learning in the context of Africa.

2.5.2 Continental context

Constraints on individual and organisational learning considerably affect how policies are formulated and the policy outcomes (Fazekas, 2010). On the continent of Africa there has been much policy learning as demonstrated by socio-economic and political changes that have happened in the last three to four decades. Many countries are registering growth in economic indicators as well as sustaining relatively stable governance institutions such as free and fair elections, multi-party politics, democratic institutions, working parliaments and judiciary. However, some scholars do not see these indicators as representing development and happiness for the people of Africa's continent. They argue that regardless of the reasons whether Africa is doing well or badly depends on which indicators are used for analysis. The meaning and objects of economic development evolve and often contested. It means different things at different times on some of its objectives, African countries are doing well, but on others they are not doing so well. African countries differ in their ranking. Whatever indicator is chosen across Africa, North, South, West, East, Central, Madagascar and the small island states, the African people themselves have made an emphatic statement they live a purposeful and happy life (Obeng-Odoom, 2013).

Van Donge, J.K., Henley, D. & Lewis, P. (2009). Argued that the contrast between South East Asia and Africa in development can be explained by specific policy choices. In South East Asia the transition to sustained growth has consistently been associated with policies aimed at macroeconomic stabilisation; improving life in the rural sector by increasing agricultural productivity to ensure adequate supply of food; and liberalising the economy and creating conditions of economic freedom particularly, for peasant farmers and other small actors. In Africa, initiatives in these directions have in some instances been present, but the simultaneous pursuit of all three-policy objectives has not.

Maseng, (2014) observed that although the institutional and legal framework of South Africa provides a democratic and inclusive approach to public policy formulation, the political reality of the dominant party system in South Africa undermined the independence of Chapter 9 institutions and that non-state actors, especially those with a large membership and financial resources have much power and influence on issues of public policy. The reality on the African continent could mean that there has not been much policy learning when compared to other continents like South East Asia. The South African case provides evidence to this claim.

Bhamra et al., (2015) argued that there are three primary functions that non-state actors can perform to enhance monitoring and review mechanisms of post-2015 Agenda. First, the non-state actors can increase transparency in the system through collaborative planning and implementation of development policies or initiatives. Second, they can further act as a connection between the state actors and citizens. Third, they can communicate information from government in the language and format that is relevant for citizens and communicate feedback from citizens to their government for advocating policy change. These three ways are also the primary ways by which non-state actors can contribute to national or societal policy learning.

Non-governmental organisations (NGOs) and the business groups are very important non-state actors that can contribute a great deal to policy learning. NGOs are the most numerous and active non-state actors working on a variety of topics and issues, while the business groups or private membership organisations generally intervene in the policy-making process only when their interests are clearly at stake. Usually their lobbying is of a technical nature and focused on sectoral issues such as commercial agreements. Many NGOs develop different forms of cooperation and tend to coordinate their work as much as possible in order to use their expertise and their resources in the most efficient way.

NGOs use three general approaches in their lobbying and advocacy work. These are access, voice and litigation. Access approach relies on inside lobbying based on the exchange of relevant information outside of the public context. Voice strategies take place in the public sphere to enable visibility of the interaction between the non-state actors and state actors. Litigation approaches make use of legal means to try to bring about policy change. Most non-state actors tend to use different strategies at the same time as a way to increase their chances of success (Votolini, 2012).

Millar (2013) observed that the inclusion of non-state actors in policy-making created opportunities for policy learning in the European Union. At the continental level, efforts to foster inclusive public policy were formally strengthened by the Partnership Agreement between the European Union (EU) and the Africa, Caribbean and Pacific (ACP), signed in Cotonou in June 2000 (Bossuyt, 2000). The Agreement created promising legal opportunities to 'mainstream' the participation of civil society and local governments in the political dialogue and in the formulation and implementation of future ACP-EU cooperation policies and programmes (Ibid). Literature highlights NGOs as important non-state actor, a fact supported

by this study. However, literature falls short of exploring the forms of learning that inform or sustain the strategies. This study not only identifies different strategies used by non-state actors but also explores forms of learning that inform and sustain the strategies. The following subsection examines the policy learning in the context of Eastern Africa Region.

2.5.3 Regional context

The goals and objectives of the East African Community (EAC) can hardly be realised and sustained by the efforts of governments alone (Ngware, 2008). The non-state actors failed to demand greater space and voice in the first EAC and this contributed to its collapse. The three leaders had almost an absolute monopoly on its fate. The more the many and diverse groups of people take active role in the new set up, the more it is socialised among the East African people, the less monopoly the leaders will have on it and the better for all stakeholders.

Ngware (2008) argues that there is much that needs to be done to make non-state actors do more advocacies, policy and dialogue at EAC level. He suggests that an enabling environment is essential to allowing non-state actors to become change agents that influence public policy in favour of democracy, popular empowerment and public sector accountability. He further suggests that non-state actors need to develop skills in lobbying, advocacy and negotiation techniques, participating in legislative work, analysis, presentation, and establishment of networks and organised activities. However, capacity building is also essential for non-state actors.

In the new EAC, priority is given to ensuring that the new integration learns from history and never repeat the same mistakes. The exclusion of non-state actors from participation in the cooperation and integration process and activities was a glaring blunder in the disbanded East African Community. The challenge of representation of EAC interests in health would also appear to demand the following: Coordination in negotiations across different global multilateral actors that influence health issues, to avoid policy incoherence or policy conflict and to draw synergy across the different areas; full disclosure of actual or potential conflicts of interest in any form where public health decisions are under negotiations; and a mechanism for building and tracking accountability for the global resources (Ibid).

The case of East Africa Community reveals two important lessons for this study. First, failure to involve non-state actors in the EAC processes significantly contributed to the collapse of the

Community. Second, for the new EAC to succeed, it must learn lessons from the previous Community. Thus, the case of EAC supports the earlier arguments for policy learning and the importance of non-state actors in public policy process as well as the need to build their capacity for effective policy process. The next subsection discusses policy learning in the context of Kenya in slightly more detailed than discussed in the regional context. This is important because the study is using a case of Kenya.

2.5.4 Kenyan context

The Constitution of Kenya promulgated in 2010 restructured and transformed the state-society relations in several positive ways. It states that the country's governance is based on social contract, an arrangement in which the citizens only delegate their power to the government but retain the sovereign power. The Constitution places the citizens at the centre of development and related governance processes; it provides for public participation as one of the principles and values of governance. Many efforts have been made in the past to improve Public participation in Kenya's governance affairs. The Local Authority Service Delivery Action Plans (LASDAPs), the District Focus for Rural Development (DFRD) and the Constituency Development Fund (CDF) had important mechanisms for engaging the public. However, prior to 2010, public participation was largely nominal and based on the goodwill of the government. The Constitution changed this situation by vesting all sovereign power in the people of Kenya (Article 1, Kenya Constitution) and has made public participation a mandatory provision.

In order to capture policy-learning trajectory in the context of Kenya, it is important to analyse the state of the NGOs sector and civil society and a historical analysis of the nature of politics and public policy process.

Radley (2008) assessed the current state of the NGO sector and civil society in Kenya. Both of these spheres appear to have grown markedly over recent decades, although civil society may have stagnated more recently in a way, which NGO activity has not. Yet following on from the closing note of the previous chapter, both civil society and the NGO community in Kenya are poised to play a significant role in determining the direction and future of the country's new political era. Whether or not this role is a positive one may well depend largely on the degree to which both spheres build on their past successes and current strengths and learn from

previous failures. Yet lessons from the past such as the NGO Coordination Bill of 1990, reported tension between the government and certain sectors of the NGO community, and the bypassing of civil society in the making of political decisions all point towards perhaps the most significant determinant of all; the extent to which the NGO sector and civil society in Kenya are welcomed, accepted and encouraged by the legislative and political processes and institutions within which they operate. Ironically then, their future success may well be largely out of their own hands.

Boi (2016) while highlighting the role of non-state actors in deepening democracy in Africa, observed that Non-state actors have been very instrumental in providing civic education to Kenyans with broad aim of achieving fundamental national transformation through public policy, legal and constitutional as well as institutional reforms and transformation as well as creating public awareness by re-orienting the national paradigm and psyche for mainstreaming constitutionalism and engendering robust public participation and engagement.

The non-state actors play an equally important role in ensuring sustainable information and awareness on the political, social, economic and constitutional issues and challenges affecting the citizens. They enable citizens to actively engage the government – national and county as a core civic duty, always helping the citizens to productively participate in decision-making and policy formulation on all matters that affect them. Through the non-state actors, citizens are helped to inculcate a culture of adherence to the principles of the rule of law and the constitution as key to good governance and public administration, public dialogue and engendering democracy. The non-state actors have always also played a key role in developing a culture of constitutionalism, respect to the rule of law including promotion of the dignity, integrity and visibility of fundamental human rights and freedoms. Equally, non-state actors play a pivotal role in fostering a system that ensures governmental responsiveness to its citizens and citizens' responsibility for keeping the government always in check.

The role of non-state actors in deepening local democracy is thus anchored on Article 1 and Article 33 of the Constitution of Kenya and cannot be undermined by any right thinking and well-meaning government. Whereas Article 1 of the Constitution bestows the sovereign power to the people of Kenya, it goes ahead to state that such power is exercised directly or indirectly through democratically elected representatives. In line with this provision, it is imperative that the citizens are placed at the center of governance and public service. This calls for enhancing

the capacity of the public to effectively exercise their inherent powers contained in Article 1 of the Constitution through active and sustainable civic education and enlightenment program.

Going by the above, it is not in the best interest of the public for the Government to level accusations and counter accusations to any non-state actors for playing a role that is anchored in law. The non-state actors, for instance, have always provided civic education and voter mobilization, as a chief platform to ensure that the citizens are forearmed with advanced relevant and appropriate information, knowledge and understanding as well as ownership of the constitution and its implementation process.

One such key non-state actors with rich historical background for support to the engendering and mainstreaming of democracy across the globe is the International Foundation for Electoral Systems (IFES). Founded in 1987, IFES has been engaged in some of the key historic elections in over 145 countries. In Africa, IFES has worked with Elections Management Bodies in Kenya (ECK, IIEC and IEBC), Nigeria, Liberia, Burundi, South Sudan, DR Congo, Cameroon, Somaliland, Sierra Leone, Mali, Ghana, South Africa, among others. In all these countries, IFES has worked in partnerships with other non-state actors and EMBs to address issues such as Electoral Integrity, Participation and Inclusion, Accountability, Research and Surveys and Women's Empowerment. For the last 25 years now, IFES has been in the frontline promoting what is called, "a vote for every voice" globally with Kenya having started working with IFES through the now defunct ECK in the year 2002.

The nature of politics and public policy process since independence (1963-2015) can be analysed in five phases. Each phase represents policy learning moment. The first phase is the period from 1963 to 1969. The second phase is the period from 1970 to 1981. The third phase is the period from 1982 to 1990. The fourth phase is the period from 1991 to 2002 and lastly, the final and fifth phase begins in 2003 to date. These distinct periods are useful for analytical purposes as they present different governance and public policy process frameworks and how each phase determined the process of public policy.

2.5.4.1 Phase: 1963-1969

During this phase (1963-1969) public policy process was characterised by party politics; the gradual and consistent concentration of power and authority in the presidency; interference

with the development of the civil society; interference of bureaucratic neutrality and professionalism; and weak and inadequate scientific research in policy analysis. The two dominant political parties at the time, namely Kenya African National Union (KANU) and Kenya African Democratic Union (KADU) were bitterly engaged in war of supremacy with KANU taking advantage of its status in government to weaken and destroy KADU. These engagements severely undermined effective public policy process not only the participation of the legislature in the policy process but also the quality of policies formulated by the government (Odhiambo-Mbai, 1999). The gradual and consistent concentration of power and authority achieved through widespread constitutional amendments weakened the supremacy of parliament and directly strengthened the executive particularly, the presidency. Hence, the effective role of parliament in public policy process was shifted to the executive, particularly the presidency.

The struggle for political independence in Kenya was largely accelerated by civil society organisations, which later produced nationalist and political party leaders, hence forming the bulk of non-state actors. Therefore, there is no doubt that at independence Kenya inherited from the colonial regime a relatively vibrant civil society that had great potential for growth and development thereby influencing public policy. This potential was undermined through government intimidation of the civil society, interference with the elections of the leaders of the civil society, co-optation of their leaders, diversion of their original areas of operation and outright banning. Interference of the bureaucratic neutrality and professionalism was manifested in various ways including the president taking the powers of hiring and firing civil servants away from the Public Civil Service thus making the bureaucracy directly accountable to the president, patronage in hiring/appointing and dismissal of civil servants thus subjecting the civil servants to serve at the pleasure of the president. This period witnessed coercive power of the government influencing major policy decisions with the opposition and other non-state actors struggling to mount countervailing power, which was heavily suppressed by state power. This phase therefore does not reveal any significant moments of policy learning as the executive continued to undermine efforts of all other policy actors including those of some state actors such as the legislature and the judiciary.

2.5.4.2 Phase 2: 1970-1981

The second phase which covers the period from 1970 to 1981 was characterised by one party state with KANU consolidating its supremacy over the parliament. Legislators who opposed or even criticised government policies were intimidated and or detained without trial. It was during this time that vocal and veteran politicians including Martin Shikuku, Marie Soreney, George Anyona, and Muliro either were detained or sacked (Daily Nation, June 12-13, 1975). This resulted into members of parliament remaining silent during parliamentary debates for fear of being victimised and detained. Parliament was thus reduced to a mere rubber stamp for the decisions already taken elsewhere by the executive and lost its role in public policy process. The president and his executive monopolised public policy making and worked with a few close friends and relatives who advised him on public policy matters. The civil bureaucracy did the routine work of implementing government programmes and occasionally the cabinet was consulted on some policy issues during cabinet meetings. In this period the state actors continued to be more influential in the policy process and using the state resources, it was able to dominate the policy process as it did in Phase 1. However, the state actors were unable to squash completely the countervailing power of non-state actors including the business and donor communities and the churches. This phase also constrained policy learning as non-state actors were severely restrained from participating in the policy process.

2.5.4.3 Phase 3: 1982-1990

This phase covers the period from 1982 to 1990, which was characterised by one party state and consolidation of power into the presidency of Moi who had become the second president after the demise of Jomo Kenyatta, the first president of Kenya in 1978. Further concentration of power and authority to the presidency was the only option for Moi to control the state (Hyden, 1995). Public policy process increasingly was subjected to the control by the presidency especially through presidential decrees, which included roadside declarations. The civil bureaucracy continued to be relegated to mere policy implementers. Roadside declarations by the President implied that the President did not consult and was acting in his own person. Presidential decrees with no support of research and input from the cabinet overruled all other previous policies under implementation, hence constraining policy learning, especially learning from the previous policies that had worked well for the country and which had stimulated economic growth.

2.5.4.4 Phase 4: 1991-2002

This phase that covers the period from 1991 to 2002 has also been considered as the second multi-party democracy. This can also be considered as democratic opening that increased policy spaces for social resistance and voice to demand for political reforms. Non-state actors created more policy spaces and expanded their civic engagement with the state actors. The emergence of several political parties also altered the nature of public policy process from what it used to be during the period of one party state. Parliamentary debates became more lively, the opposition more critical of government policies and the civil society more vibrant and vocal. These actors were able to challenge and influence the direction of public policy process effectively. Although the presidency and the civil bureaucracy still controlled public policy process as the president continued to be quoted in the dailies for having given directives or decrees on various public policy issues, state actors found it difficult to ignore the views of non-state actors. For example, on February 23, 1996 the Minister for Agriculture, Livestock Development and Marketing announced a government cabinet decision, which had been arrived at through a consultative process that had involved non-state actors to suspend the importation of sugar into the country (Daily Nation, February 24, 1996 and Daily Nation, February 25, 1996). However, as a show of the presidential control, the following day the President reversed the cabinet decision and reinstated the importation of cheap and subsidised sugar into the country hence, hurting the sugar farmers and subjecting them to unfair trade competition. Nevertheless, this was a learning moment, despite the executive constrains, there was societal learning evidenced by many policy actors including state and non-state actors sought to participate in decision making that would bring better change in the governance of the country and development for the citizens.

2.5.4.5 Phase 5: 2003-to date

This phase covers the period from 2003 to date and is characterised by increased democratic rights, radical reforms brought about by the country's second constitution of 2010. The enactment of the 2010 Constitution, particularly, the chapter on the devolved government enhanced citizen participation in public affairs and provide frameworks for inclusive public policy process. Citizens' participation and arrangements of redress incase participation is threatened or denied are clearly entrenched in the constitution. Principles guaranteeing citizens' participation include supremacy of the people; national values and principles of governance;

devolution objectives; individual rights such as freedom of association, political rights, labour rights, access to justice, youth rights, participation in parliamentary processes, petition, recall, elections and participation in budget processes (Constitution of Kenya 2010).

Despite these reforms, dynamic power relations have continued as the presidency supported by political party loyalty and the civil bureaucracy fight to control and dominate public policy process. The executive interests get the backing of the party loyalists while the opposition political parties struggle to articulate alternative policy and build a practice of intra and inter-party democratic processes. Although a section of the civil society organisations also suffers from the same internal problems such as lack of internal democracy, corruption, indiscipline, which affect opposition political parties, the business community has sustained its efforts to create more spaces to influence public policy in its favour. This observation resonates well with the views of Acemoglu and Robinson (2013) “extractive political and economic institutions have emerged and reinforced each other as designed by the executive elite to enrich themselves and perpetuate their power at the expense of the vast majority of the people in society”.

Odhiambo-Mbai (1999) also observed that the nature of public policy process, which was expected from the democratic institutional framework, was one, which involved intense interactions among state institutions on the one hand and between the state and civil society on the other. A process that was expected to strengthen and enhance the effectiveness of public policy in Kenya has often been captured and driven by elite interests at the expense of the public. Recent studies have also shown policy formation in Kenya is intensively subjected to relations of power and that this situation is not expected to end soon (Business Daily Tuesday November 27, 2012; and Munyua, A.W., 2016). This situation raises questions on whether there has been policy learning and if so, what type of learning can be observed. Could it be that the socio-economic and political changes that have been witnessed in Kenya have occurred without policy learning?

Kenyan telecoms market is dynamic and developing rapidly, even by regional standards in Sub-Saharan Africa. It is a regional leader in terms of value-added services, most notably Safaricom's MPESA mobile banking service, which is a global leader. The rapid expansion of leased international bandwidth is also proving an important catalyst for data consumption. Meanwhile, the conventional mobile market still holds growth potential with penetration of just 68.9% in Q212 (Waema, T.M. & Ndung'u, M.N., 2011). However, countering this positive outlook, and perhaps driving innovation are low prices and regulatory uncertainty.

The Kenyan government has constantly intervened on some of the decisions of the country's telecoms regulator, the CCK (Ibid.). These developments raise serious concerns about the CCK's independence and have set a precedent for future government interference in regulatory affairs. In October 2012, the Kenyan parliament was close to passing a new bill that was to replace the current telecoms regulator, the CCK, with a new body with greater independence from political and commercial influence. In September 2012, Essar (YU) confirmed plans to exit the Kenyan mobile market, a view long held by BMI despite frequent denials by the company. Essar had planned to sell its 72% stake in mobile operator YU Mobile due to what it described as a tough operating environment and a continued slide in earnings (Business Daily Tuesday November 27, 2012). Although the MTCs recognise the major role played by the government and the industry regulator in setting the tone, facilitating, incentivizing and promoting bandwidth roll-out to areas that operators would not necessarily build infrastructure out to yet promise other benefits in increasing access to information, education, e-health etc., the MTCs felt their views are not considered by the government and the regulator in the policy making process (Ibid.).

The Communications Commission of Kenya (CCK) withdrew its support for a minimum mobile calling rate, after research by a government think-tank advised against the move, The CCK had asked policy analysts, Kenya Institute for Public Policy Research and Analysis (KIPPRA) to evaluate the possibility of introducing a minimum retail price pegged at 50 percent above the wholesale price (Ibid.). The MTCs led by Orange had approached CCK with the proposal to introduce a minimum calling rate to cut losses caused by the price war, prompting the KIPPRA study. KIPPRA observed that a price floor would be inefficient, as it would create a social cost. Orange Kenya CEO Mickael Ghossein observed that the failure to introduce the floor price would lessen small operator's ability to boost their revenues and move to profitability. Ghossein emphasised that lowering the MTR would help small operators make some savings, which would go towards improving their network quality as the concept had worked in developing markets such as Tunisia (Ibid.).

The MTCs suffer from inadequate technical capacity (Bossuyt & Carlsson, 2002). They have inadequate capacities for developing researched policy options for effective policy dialogue. They also lack capacity for policy research and analysis, as they have no tradition of resourcing research and policy analysis from research institutions. This lack compromises the quality of public policy dialogue poorly researched policy leads to weak policy implementation.

This last phase has witnessed increased participation in public policy process with more and more non-state actors questioning government decisions on matters directly affecting them. For instance, the multinational telecommunication corporations raised issues regarding the way the government has managed the communication industry. It can be argued that heightened policy activities are a result of gradual policy learning that has been happening over the past years as non-state actors have struggled to raise their voice and fight coercive power relations.

2.5 Summary

The literature clearly shows there has been some level of inclusion and participation of non-state actors in public policy process. It has also gone ahead to present reasons for and benefits of involving non-state actors in policy process. In a limited way, literature has tried to demonstrate different ways in which non-state actors participate in policy process and some of the challenges they face in their participation. What is missing in literature is a clear demonstration of how non-state actors have tried to open space for inclusion in public policy process, how they have overcome the coercive power and developed the countervailing power to open spaces for inclusion and participation in public policy process. Literature is scanty on how non-state actors in the policy subsystems and policy communities' network or are connected and how this connectivity enables them influence public policy process.

Policy change is critical in policy process but it can only happen when there is genuine policy learning experienced by policy actors. This aspect is also scanty in literature. The literature does not show how policy learning happens among non-state actors and how they use policy learning to influence policy. Use of policy arguments based on evidence and value judgements is critical to influencing public policy. The literature is almost silent on this and does not show how non-state actors employ the art of persuasion to communicate policy recommendations. This research therefore, attempted to address these gaps in literature on the contribution of non-state actors in public policy process. In addressing these knowledge gaps, this research also provides a platform for discourse on the best practices for inclusive public policy process. In order to attempt to arrive at deeper understanding of these gaps, we constructed a conceptual framework informed by specific relevant theories as discussed in the following chapter.

CHAPTER THREE

CONCEPTUAL FRAMEWORK

3.1 Introduction

This chapter discusses the conceptual framework used in this research. Drawing on four relevant theories, the chapter sets the foundation for analytical model for research. The chapter begins by examining the four relevant theories that inform the conceptual framework. These are power relations theory, social network analysis theory, policy learning theory and rhetorical persuasion theory. These theories were selected because they are relevant to this research; they complement each other as one or two or three theories were found inadequate to operationalize this study; public policy by its very nature is multidisciplinary and makes use of various approaches in its analysis. The chapter then examines the actual conceptual framework in the context of this research.

3.2 Theories informing the conceptual framework

3.2.1 Power relations theory

This is about different groups of people interacting with each other involving control, resistance and force, all played out in different spaces and levels. Though everyone possesses and is affected by power, the meaning of power and how to understand it is diverse and often contentious. Power relations are dynamic; to understand them one needs to do a power analysis. Power analysis is important for understanding the context in which public policy process happens. A more nuanced and relational power analysis can provide insights to the contexts in which public policy decision and delivery process happens. Despite increased new governance and institutional arrangements for citizen engagement in public policy process, these will not necessarily result in greater inclusive public policy process (Gaventa, 2006). To open up spaces where participation and citizens' voice can have influence in public policy process, will depend on the nature of the power relations which surround and imbue these potentially and more democratic spaces. Power relations have strong links with processes of citizen engagement,

participation and deepening forms of democracy. Power relations operate in different spaces, levels and forms.

3.2.1.1 Policy spaces

Although the notion of space is widely used across the literatures on power, policy, democracy and citizen action, our interest is with the notion of space as used in policy. Policy spaces are the moments and opportunities where citizens and policymakers come together, as well as ‘actual observable opportunities, behaviours, actions and interactions sometimes signifying transformative potential (McGee 2004). The policy process is a series of interlinked, overlapping spaces, traversed by different actors, ideas and practices. These policy spaces range from the more traditionally understood official spaces for policy such as largely found in government bureaucracies, legislatures and assemblies to more autonomous spaces created by popular forms of action through social movements, breakfast meetings, round-table forums etc. There are also new invited spaces in which both state and non-state actors are encouraged to come together for more consultative and deliberative forms of interaction. Hence, there is multiplicity of spaces, which are potentially relevant for attempts to influence policy process. However, this multiplicity may create tension between different actors. The actors that create spaces affect who enters it, the forms of knowledge considered appropriate there and how people participate within it. In examining the spaces for participation in public policy, it is important we understand how spaces have been created, with whose interest and what terms of engagement. There are three types of spaces namely, closed, invited and created or claimed (Gaventa, 2006).

With respect to closed spaces, we assume that decisions are made by a set of actors behind closed doors, without any pretence of broadening the boundaries for inclusion. Within the state, the elites (be they bureaucrats, experts or elected representatives) make decisions and provide services to ‘the people’, without the need for broader consultation or involvement. Many non-state actors’ efforts focus on opening up such spaces through greater public involvement, transparency or accountability.

Invited spaces refer to spaces into which people (as users, citizens or beneficiaries) are invited to participate by various kinds of authorities, be they government, supranational agencies or

non-governmental organisations' (Cornwall 2002). Invited spaces may be regularised, that is they are institutionalised on going, or transient, through one-off forms of consultation. Increasingly with the rise of approaches to participatory governance, these spaces are seen at every level, from local government, to national policy and even in global policy forums.

Claimed/created spaces are opportunities, *which* are claimed by less powerful actors from or against the power holders, or created more autonomously by them. Cornwall refers to these spaces as 'organic' spaces which emerge 'out of sets of common concerns or identifications' and 'may come into being as a result of popular mobilisation, such as around identity or issue based concerns, or may consist of spaces in which like-minded people join together in common pursuits' (Cornwall 2002). These spaces range from ones created by social movements and community associations, to those simply involving natural places where people gather to debate, discuss and resist, outside of the institutionalised policy arenas.

Gaventa (2006) observed that spaces exist in dynamic relationship to one another, and are constantly opening and closing through struggles for legitimacy and resistance, co-optation and transformation. Closed spaces may seek to restore legitimacy by creating invited spaces; similarly, invited spaces may be created from the other direction, as more autonomous people's movements attempt to use their own fora for engagement with the state. Similarly, power gained in one space, through new skills, capacity and experiences, can be used to enter and affect other spaces. From this perspective, the transformative potential of spaces for participatory governance must always be assessed in relationship to the other spaces, which surround them. The already empowered elite countervailing power might simply capture Creation of new institutional designs of participatory governance, in the absence of other participatory spaces, which serve to provide and sustain.

The interrelationships of the spaces also create challenges for non-state actors' strategies of engagement. To challenge 'closed' spaces, non-state actors may serve the role of advocates, arguing for greater transparency, more democratic structures, or greater forms of public accountability. As new 'invited' spaces emerge, non-state actors may need other strategies of how to negotiate and collaborate 'at the table', which may require shifting from more confrontational advocacy methods. Research shows that 'invited spaces' must be held open by on-going demands of social movements, and that more autonomous spaces of participation are important for new demands to develop and to grow. Non-state actors must have the 'staying

power' (Pearce and Vela, 2005) to move in and out of them over time, or the capacity to build effective horizontal alliances that link strategies across the various spaces for change.

3.2.1.2 Places and levels of power

Much of the work on public policy spaces for participation involves the contest between local, national and global arenas as locations of power. A great deal of work in the area of decentralisation, for instance, discusses the dynamics of power between the locality and the nation state, while other literature argues for the importance of community- or neighbourhood-based associations as key locations for building power 'from below'. However, a growing body of literature warns us of the dangers of focusing only on the 'local', or the 'national' in a globalising world. Globalisation is shifting traditional understandings of where power resides and how it is exercised, transforming traditional assumptions of how and where citizens mobilise to hold states and non-state actors to account (Tarrow 2005; Batliwala and Brown 2006). Rather than being separate spheres, the local, national and global are increasingly interrelated.

As in the example of the spaces of participation, this vertical dimension of the places of participation should also be seen as a flexible, adaptable continuum, not as a fixed set of categories. For non-state actors, the changing local, national and regional levels of power pose challenges for where and how to engage. Some focus at the global level, waging campaigns to open the closed spaces of groups like the World Trade Organization (WTO). Others focus more on challenging economic power locally. Yet, the interrelationships of these levels of power with one another suggest that the challenge for action is not only how to build participatory action at differing levels, but also how to promote the democratic and accountable vertical links across actors at each level.

3.2.1.3 The forms and visibility of power

There are three forms of power as argued by Vene Klaseen and Miller (2002); Lukes (1974); and Gaventa (2009) these include visible, hidden and invisible power. Visible power includes definable aspects of political power, the formal rules, structures, authorities, institutions and

procedures of decision making. Strategies that target this level are usually trying to change the ‘*who, how and what*’ of policymaking so that the policy process is more democratic and accountable, and serves the needs and rights of the citizens. Certain powerful people and institutions maintain their influence by controlling who gets to the decision-making table and what gets on the agenda. These dynamics operate on many levels to exclude and devalue the concerns and representation of other less powerful groups. Empowering advocacy strategies that focus on strengthening organisations and movements of the people can build the collective power of numbers and new leadership to influence the way the political agenda is shaped and increase the visibility and legitimacy of their issues, voice and demands. This is what is termed as hidden power. Invisible power shapes the psychological and ideological boundaries of participation (Ibid.). Significant problems and issues are not only kept from the decision-making table, but also from the minds and consciousness of the different players involved, even those directly affected by the problem. By influencing how individuals think about their place in the world, this level of power shapes people’s beliefs, sense of self and acceptance of the even their own superiority or inferiority. Processes of socialisation, culture and ideology perpetuate exclusion and inequality by defining what is normal, acceptable and safe. Change strategies in this area target social and political culture as well as individual consciousness to transform the way people perceive themselves and those around them, and how they envisage future possibilities and alternatives.

As in the other dimensions of power, the multiple forms of power also pose challenges for non-state actors trying to change power relations. Some groups may focus on advocacy approaches, challenging the visible forms of power in visible arenas through public debate, informed research and working to influence public representatives. Others may focus on mobilising and collective action strategies, which work to challenge barriers, which prevent certain actors and forms of knowledge from entering public arenas in the first place (Ibid.). Yet, others may focus more on changing the invisible, internalised forms of power, through awareness and consciousness-building campaigns. While often these are different strategies involving different organisations and interventions to change power, in fact strategies are also needed which link across them. For instance, a policy victory in the visible arena of power may be important, but may not be sustained, if those outside the arena are not aware that it has occurred and how it relates to their interests, or are not mobilised to make sure that other hidden forms of power do not preclude its implementation.

Power is often used with other descriptive words. Power ‘over’ refers to the ability of the powerful to affect the actions and thought of the powerless. This is what Lukes (2005) call coercive power and is located in government institutions and large corporations and within social divisions and inequalities such as class, gender, race and age. One of the main features of power ‘over’ is that power is regarded as finite and therefore power struggles entail a zero-sum game where empowerment for some entails disempowerment for others (Bard and Crawford, 2013). The power ‘to’ be important for the capacity to act; to exercise agency and to realise the potential of rights, citizenship or voice. It is generative and infinitely expandable resources (Rowlands, 1998). Power ‘within’ often refers to gaining the sense of self-identity, confidence and awareness that is a precondition for action. Power ‘with’ refers to the synergy which can emerge through partnerships and collaboration with others, or through processes of collective action and alliance building. Apart from power ‘over’, the rest, according to Lukes are positive power.

Thus, power analysis theory is useful for this study as policy process involves different actors with varying interests all articulated, shared and exchanged in dynamic power relationships. However, power relationships do not play out in isolation whether at the individual or organisational levels. Power is relational, recreates itself by empowering others to form even stronger power relations, all played out in different structural frameworks which enable policy actors to interact. Power relations become even stronger and more influential through social networks. Therefore, this study borrows from social network theory to complement power relations theory.

3.2.2 Social network theory

Social network theory may be defined as the disciplined inquiry into the patterning of relations among social actors, as well as the patterning of relationships among actors at different levels of analysis (such as persons and groups). A key feature of a network is a shared problem on which there is an exchange of information, debate, disagreement, persuasion and a search for solutions and appropriate policy responses. In short, networks are a structural framework for policy oriented learning (Knoepfel and Kissling-Näf, 1998). Within such networks, knowledge institutions provide important information and analytic resources.

A policy network approach conceptualizes policy-making as the result of interactions between policy-actors, and assumes that the structure of these interactions explains policy outcomes. A large number of structural characteristics are taken into account in the analysis and explanation of policy networks, but the most prominent one is the notion of centrality (Blanchet and James, 2011). The reason being that public policy analysis is a sub-discipline of political science in which traditionally the principal question has been: “who has the power?” Centrality is considered a good indicator for power in networks, and formalizations of the centrality concept are typically based on degree, shortest paths, or eigenvectors of graph related matrices (Knoepfel and Kissling-Näf, 1998).

Power is a fundamental property of social structures. Social network analysis has developed several approaches to study power, and the closely related concept of centrality. The network approach emphasizes that power is inherently relational. An individual does not have power in the abstract; they have power because they can dominate others. The amount of power varies because power is a consequence of patterns of relations. If a system is very loosely coupled or if it has low density, then not much power can be exerted. However, if it has high-density systems then there is the potential for greater power. Power is both systemic and relational property. The amount of power in a system and its distribution across actors are related, but are not the same thing. Two systems can have the same amount of power, but it can be equally distributed in one and unequally distributed in another. Power in social networks may be viewed either as a micro property when it describes relations between actors or as a macro property when it describes the entire population.

Network analysts often describe the way an actor is embedded in a relational network as imposing constraints on the actor, and offering the actor opportunities (Ibid.). Actors that face fewer constraints, and have more opportunities than others are in favourable structural positions. Having a favoured position means that an actor has more opportunities and fewer constraints. It means that an actor may extract better bargains in exchanges, have greater influence, and that the actor will be a focus for deference and attention from those in less favoured positions.

The more ties an actor has the more power they have. This logic underlies measures of centrality and power based on actor degree. Actors who have more ties have greater opportunities because they have choices. This autonomy makes them less dependent on any specific other actor, and hence more powerful.

Actors who are able to reach other actors at shorter path lengths, or who are more reachable by other actors at shorter path lengths have favoured positions (Blanchet and James, 2011). This logic of structural advantage underlies approaches that emphasize the distribution of closeness and distance as a source of power.

Actors who have more ties to other actors may be in advantaged positions. Because they have many ties, they may have alternative ways to satisfy needs, and hence are less dependent on other individuals. Because they have many ties, they may have access to, and be able to call on more of the resources of the network as a whole (Starkey, 1998). Because they have many ties, they are often third parties and deal makers in exchanges among others, and are able to benefit from this brokerage.

If an actor receives many ties, they are often said to be prominent, or to have high prestige. That is, many other actors seek to direct ties to them, and this may indicate their importance. Actors who have unusually high out-degree are actors who are able to exchange with many others, or make many others aware of their views (UNESCO/CROP, 2002).

Actors who display high out-degree centrality are often said to be influential actors (Blanchet and James, 2011). Focusing on centrality in this study is particularly relevant for two reasons: first, it tells us something about the social or political structure of policymaking and secondly it helps in understanding the outcomes that policy networks produce. The social or political structure of a network indicates which type of actor is involved in which way in the policy-making process; who has access and control over resources and who has a brokerage position (Ibid.). From this perspective, it makes considerable difference whether there is a most important actor in a network and, if this is the case, what type of actor it is. In terms of legitimacy, accountability, justice, etc. it makes a difference whether in the health policy field, for example, the most important actor is a state or a private actor and how important the actor is relative to the others. Moreover, there is evidence that the centrality structure of the network explains why a network was particularly successful in producing certain outcomes, or why policies have failed to come about (Putzel, 2003). A number of approaches have been devised to operationalize “importance”, all of which are equally accepted because they address different dimensions of the intuitive notion.

We limit our exposition to three exemplary measures that are used widely: degree, closeness, and betweenness centrality. Network analysis is therefore used to examine interactions among non-state policy actors and coordination of their policy process efforts. As already pointed, networks are a structural framework for policy oriented learning within which knowledge institutions provide important information and analytic resources for public policy. Thus, this study borrows from policy learning theory to complete the above two theories.

3.2.3 Policy learning theory

In a general way, policy learning refers to a structured, conscious change in thinking about a specific policy issue. The learning may consist of a rethink but most often will be something with an existing frame such as a better understanding of the effects of certain policy instrument (Kemp and Weehuizen, 2005). Sabatier (1993) defines policy learning as “*a relatively enduring alteration of thought or behavioural intentions that are concerned with the attainment (or revision) of the precepts of a policy belief system*”. The advantage of this definition is that it transcends an information-based view of learning, by taking on board alterations in frames, values and meanings. Changes in values, frames and meanings may have very little to do with truth. A second advantage is that it is more conducive to analysis than information-based definitions.

Raffe, (2011) contrasts policy learning and policy borrowing. A policy borrowing approach searches the international experience for example of a unique, transferable ‘best practice’. It claims to show that a unique cluster of policy interventions will produce improvements in any school system at a given point on the spectrum of performance from poor to excellent. By contrast, a policy learning approach supports the development of tailored national policies rather than policies taken off-the-peg. It uses international experience for a broader range of purposes, including learning about one’s own system, identifying policy options, understanding processes of change and anticipating issues that possible policies would raise. A policy learning approach also learns from a country’s own history, and develops forms of governance with effective communication between policy and practice (Ibid.).

The term ‘policy learning’ is used in different ways by researchers in different fields and disciplines. To make it operational and precise in this study, it is useful to distinguish between three types of policy learning:

1. *Instrumental learning*: that is, technical learning about instruments – about effects how the instruments may be improved to achieve set goals (Kemp and Weehuizen, 2005).
2. *Conceptual learning or problem learning*: that is, seeing things from a different evaluative viewpoint (in a ‘new light’); this is when the outlook on a ‘problematique’ changes; it is called conceptual learning because it tends to be accompanied with the development or adoption of new concepts, principle and images (Sabatier, 1993).
3. *Social learning*: that is, learning about values and other ‘higher-order’ properties such as norms, responsibilities, goals, and the framing of issues in terms of causes and effects selected for attention (Hall, 1993).

According to Bennett and Howlette (1992), policy learning raises three important questions: *who* is learning, *what* is learned and *to what effect*? The authors make a distinction between three types of learning: government learning, lesson drawing and social learning. Table 6 presents the three types of learning identified in their review of the literature and their relationship with policy change.

Table 6: Types of policy learning

	Who learns	Learns what	To what effect
Learning type			
Government learning	State Officials	Process-related	Organizational change, change in economic conditions, change in internal learning
Lesson-drawing Policy	Policy Networks	Instruments	Programme Change, change in power relations
Social Learning Policy	Policy Communities	Ideas	Paradigm shift, change in institutional rules

Source: Bennett and Howlette (1992)

Table 6 should not be taken literally. State officials may engage in lesson drawing just as policy networks may be concerned with organisational change besides programme change. Policy networks will be more inclined to lesson drawing than others do because they are facing practical issues of instruments. However, lesson drawing is a more general phenomenon, as are changes in mental models. Policy network actors may experience a paradigm shift, as happened with water authorities that are now concerned with integrated water management.

Policy learning generates knowledge, which is useful for policy process. Knowledge informs policy and may facilitate policy change. Policy change is the most important indicator of policy learning. Policy change can take different dimensions including organisational change, change in economic conditions, change in internal learning, programme change, change in power relations, change in institutional rules and a paradigm shift. Thus, policy learning is also a processing of understanding the truth. However, to understand the truth, but not believe it, is unreasonable. Truth must be shared, communicated in such a way that it motivates people to action to bring about positive change in the society. This study borrows from rhetorical or persuasive theory to understand effective communication of knowledge acquired and shared during the process of policy learning.

3.2.4 Rhetorical and persuasion theory

The use of rhetoric and persuasion can be traced to Aristotle's concern with the art of rhetoric, the act of using public speech to change listener's moods and opinions and, ultimately, to motivate them to action (Rapp, C., 2010). The Greco-Roman tradition of rhetoric distinguished the important elements to be mastered for persuasive communication: audience analysis; invention (developing convincing arguments); arrangement of the arguments; style; delivery or presentation; and memory. While all of these elements are important, the key contribution focussed on here is rhetoric's attention to the interests of the audience. Aristotle identified three means of rhetorical persuasion as logical proof, ethical proof and emotional proof (Ibid.). The logical proof of the argument is what the policy analyst will feel most comfortable with it is the use of evidence and analysis that support the arguments and conclusions.

To establish ethical proof, the speaker must be perceived to be credible, as judged by the audience's evaluation of the speaker's intelligence (authoritativeness), character (trustworthiness) and goodwill (Ibid). Perceived intelligence is largely based on whether the audience's beliefs overlap with the speaker's ideas. Character is a function of the perception of the speaker as a good and honest person, while goodwill rests on the audience's judgement of the speaker's intention or motivation. In the analyst/decision maker relationship, credibility is established through the policy analyst's maintenance of strict objectivity i.e., the belief that by communicating advice that was derived and presented without bias, the analyst will be perceived as a competent professional and thus be judged to be credible. Credibility or ethical

proof is the hardest characteristic to build and easiest to destroy regardless the perspective being positivist or post-positivist.

Emotion proof, the feeling the presentation engenders in the audience, is evident in the degree to which the audience not only understands but also accepts or believes the argument of the speaker (Ibid.). However, it is this element that most distinguishes the persuasion approach from the rational/positivist policy approach. While the logical proof is the primary objective of positivist policy inquiry, and the ethical proof is supposedly attended to by the policy analyst's objectivity, the positivist position is essentially agnostic on the question of whether the decision makers believe the analysis or not. In this regard, the positivist argument goes something like this: 'the analysis is correct (logical proof) and was correctly determined (ethical proof); if the reader chooses not to believe it, that is the reader's failure.

To understand the truth, but not believe it, is unreasonable. Despite the discrepancies between the positivist policy approach and the rhetorical approach, Aristotle's rhetoric essentially rests on the assumption that the receivers of information make rational calculations about the logical, ethical and emotional value of a message. Walter Fisher (1984) has proposed an alternative to this in his narrative paradigm. Rather than rhetoric being a matter of evidence, facts, arguments, reasons and logic, the narrative paradigm (Table 7) proposes that providing a persuasive argument hinge on telling a compelling story.

Table 7: Comparison between Aristotle's rational view and Fisher's narrative view

Aristotle's Rational View	Fisher's Narrative View
People are essentially rational	People are essentially story tellers
People make decisions on the basis of arguments	People make decisions on the basis of good reasons
The situation determines (legal, political scientific) the course of the arguments	History, biography, culture and character determine what are good reasons
Rationality is a function of how much we know and how well we argue	Rationality is a function of coherence and fidelity of a story
The truth can be revealed through rational analysis	The truth is created and recreated from the stories that we choose

Source: Fischer and Fischer, 1993

Fisher's narrative paradigm resonates with the post-positivist policy position. Fischer and Forrester (1993) attempt to bring a narrative and argumentative approach together with the policy analysis approach, yet in doing so appears to reveal a second dilemma for the post-positivist policy analyst. In the first place, the attempt to break away from the positivist paradigm in policy analysis already holds the possibility that the policy advice will be met with a sceptical response from the advice/decision making system because of its divergence from established rational analysis techniques; but to move from the rhetorical position of building a persuasive argument to a narrative approach in line with Fisher which appears to lean even more towards the romantic tradition would, further raise overarched eyebrows in the policy environment.

While it may be true to say that "Chinua Achebe or Ngugi wa Thiongo may have produced more useful social policy analysis than any Memorandum to Cabinet ever has", it seems unlikely that even the most erudite post-positivist policy analyst would be given the latitude to begin a policy brief: *It was the best of times, it was the worst of times*. To adopt a "story-telling" narrative approach under the current policy analysis model would likely diminish the analyst's most important asset, which is their credibility. However, to equate narrative with fictional story telling would misinterpret Fisher's (1987) argument. Under the narrative paradigm, a policy brief can constitute a persuasive story and still qualify as appropriate under the current policy analysis model if it has coherence (or argumentative strength) and fidelity (or believability). To do so require an embrace of the policy analysis and communication principles described thus far, not a rejection of them. Perhaps an even more useful way to consider the narrative paradigm is to think about what the politician does in trying to persuade the electorate of the rightness of a policy direction, whether in the act of seeking office or exercising power.

Aristotle's elevation of the importance of rhetoric diverged from the position of his teacher Plato, who considered rhetoric to be merely a clever form of pandering to an audience's prejudices. Plato's ideal discourse was the one-to-one elite dialogue known as dialectic, aimed at determining truth with certainty, precision and finality (Rapp, C., 2010). Aristotle considered rhetoric to be a modified form of dialectic, in which the rhetorician tries to demonstrate to a large audience a practical argument that has been determined to be probably true. Moving this distinction to the modern context of policy analysis, the Platonic tradition sees the development of "policy truths" through a dialectic process (perhaps extending past traditional discourse

through to the use of modern ICTs such as simulation modelling and computer-supported deliberation systems) involving policy analysts, politicians and citizens.

The rhetorical approach adopted here separates the development of the policy argument (a dialectic process) from its communication to the decision maker in the synthesised form of the briefing note (a rhetorical act of attempting to persuade the reader of the correctness of the analysis), though as Majone argues, the rhetorical persuasiveness of the policy analyst is part of the dialectic of the policy process (Majone, 1989). In recent years, this approach to “knowledge generation” has been conceptualised as an “emergent property” of a system where emergent knowledge is developed as the indirect product of the interactions of components in a complex system, where the product of such interactions cannot possibly be determined in advance (Minsky, 1986). Again, the limited framing of this present discussion leads us to focus on the unidirectional transfer of the briefing document in order to model the policy advice process.

These four theoretical frameworks complement each other. From the power relations theory, this study borrows the concept of policy spaces, places and levels, and forms. From the network theory, the study borrows the concept of network or connectivity as this enables the sharing of knowledge base and resources. From the policy learning theory, this study focuses on the forms of policy learning and from the rhetoric and persuasion theory this study focuses on not only the argumentation and intercommunicative approach to formulating policy but also the logical proof, emotional proof and ethical proof. In the foregoing, we assemble the concepts from the above theoretical frameworks and present the conceptual framework for this study.

3.3 Conceptual framework

Public policy process requires that different actors are involved in the process. Non-state actors are one set of policy actors with interest in public policy process. Power relations between the actors determine public policy formation as part of policy cycle. The power relations involve power-holders, force and resistance all played out in different spaces, places and levels and forms. The study borrows a conceptual basis from Gaventa’s (2003; 2005) power cube which presents a dynamic understanding of how power operates, how different interests can be marginalised from decision-making, and the strategies needed to increase inclusion. This understanding is useful for this research, as it will make it possible to explain how both the state and non-state actors use power across the three continuums of spaces, forms and places.

Non-state actors form policy networks, linking their networks with the state or government and other actors in the policy process. While a policy network is the linking process within a policy community or between two or more communities, policy community refers to a more inclusive category of all involved in policy formulation (Howlette and Ramesh, 1995). This link enables them to dominate in the policy process for a specific issue of their concern. The notion of centrality is considered a good indicator for power in networks, and formalizations of the centrality concept are typically based on degree, shortest paths, or eigenvectors of graph related matrices, the net draw. A network of members shares not only knowledge base, but also some type of material interest allowing or encouraging regularised contact. Policy community members are linked together by epistemic consensus or a shared knowledge base. An understanding of policy networks and policy communities is important as it enabled the study to explain why non-state actors sustain their influence and affect public policy decision and delivery process.

Non-state actors have ability to learn quickly, adapt and respond to the issues affecting them. This involves relatively enduring alterations of thought or behavioural intentions that result from experience and which are concerned with the attainment or revision of the precepts of the belief system of individuals or of collectivities (Sabatier and Jenkins-Smith, 1993). Learning is a deliberate attempt to adjust the goals or techniques of policy in the light of the consequences of past policy and new information to better attain the ultimate objects of governance (Hall, 1989). Learning can also be explained as a less conscious activity, often occurring as governments' response to some kind of social or environmental stimulus (Hecló, 1978). While Hall sees learning as a part of the normal public policy process in which decision-makers attempt to understand why certain initiatives may have succeeded and others failed, Hecló sees policy learning as an activity undertaken by policy-makers largely in reaction to changes in external policy environment. The emphasis is that policy-makers should adapt as the policy environment changes.

The two contrasting conceptions raise the critical conceptual question, whether policy learning occurs endogenously or exogenously. That is, whether policy learning is a process imposed upon policy-makers from outside the policy process or whether it originates within the process as policy makers attempt to refine and adapt their policies in the light of their past actions. Howlette and Ramesh (1995) have differentiated the former from the later. While endogenous learning takes place among small, focused policy networks with the objective of learning about

policy setting or policy instruments, exogenous learning occurs in broad policy communities and may involve questioning the interpretation of the problem or the goal of the policy designed to address it. The conceptual understanding of policy learning was important for this research as it enabled us to understand how non-state actors use policy learning to influence public policy decision and delivery processes.

Non-state actors have the ability to persuade government and convince them to agree to their interests. Persuasion can be explained as the act of making someone agree to do or believe that something is true by giving them good reasons for doing it or believing it. The use of human reason is important in persuasion. Reason is not only a logical process concerned with objective proof or falsifiability, but also with emotional and ethical proof as well as one, which is about reaching understanding in social context (Habermas in Parsons, 1999). Habermas ideas have important implications for both theory and practice of public policy. At the theoretical level, it suggests the need for a greater attention to language, discourse and argument, while at the practical level it suggests intercommunicative approach to formulating and delivering public policy (Fischer and Forester, 1993 in Parsons, 1999). This is important for this research as it enabled us to understand how non-state actors, the independent variable use persuasion to influence public policy decision and delivery processes. The central concepts in this research included *non-state actors and inclusive public policy process*. The conceptual framework (Figure 6) provided a basis for generating key attributes and components of attributes as well as operationalizing inclusive public policy process, the dependent variable of the study.

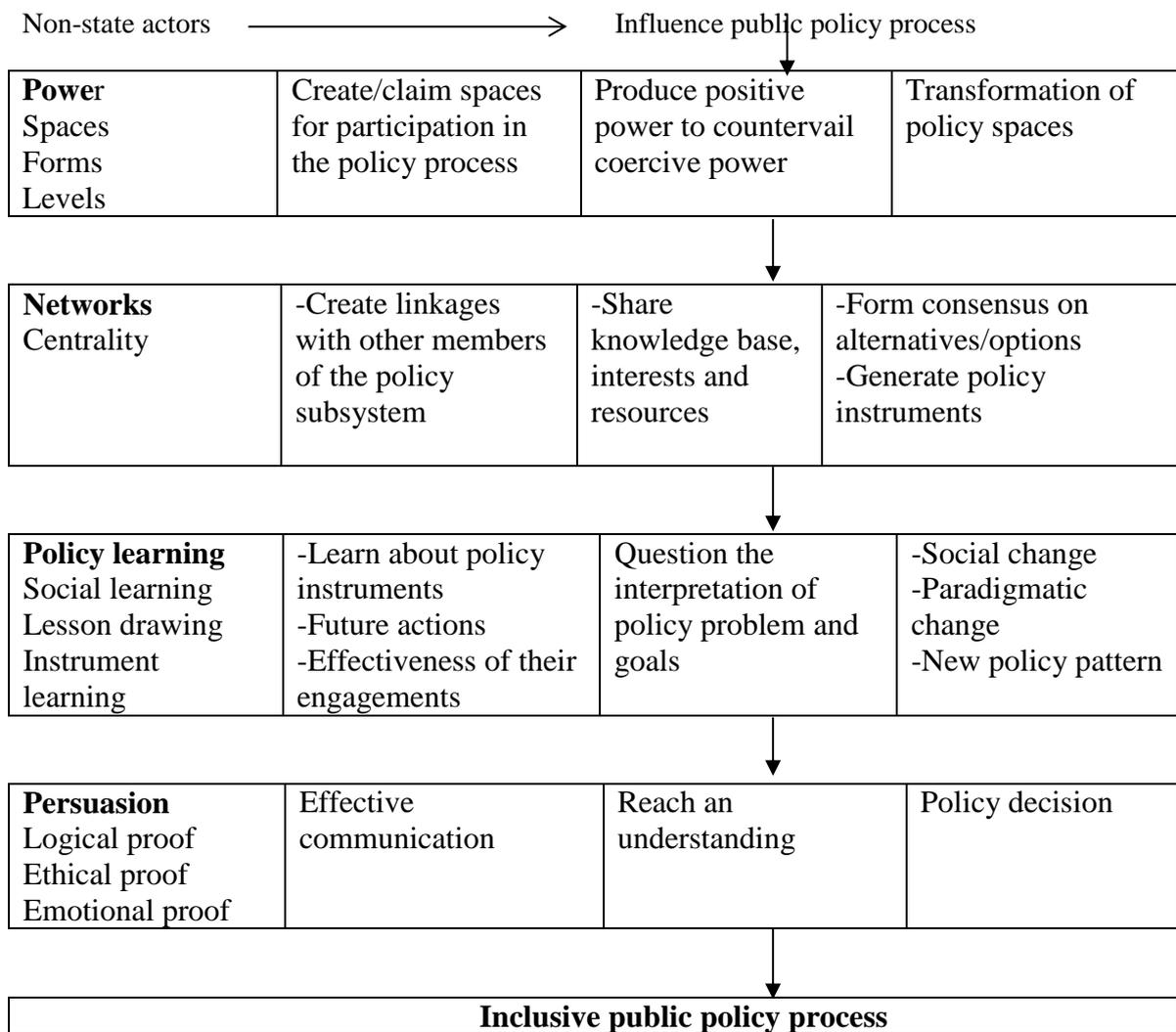


Figure 6: Conceptual model

Source: Author's construct

Power necessitates the formation of network links informed by policy learning which in turn allows effective persuasion to take place. Policy process (policy formation and delivery processes) is influenced by non-state actor's four attributes, which have ten components: spaces, forms, levels, centrality, social learning, lesson drawing, instrument learning, logical proof, ethical proof and emotional proof. The contribution of non-state actors strengthens inclusive public policy process; this in turn strengthens the democratic capacity of non-state actors. The above conceptual framework enabled the development of a typology of influence based on four relations of power, network links, policy learning and persuasion. This typology also provided the study a mechanism for validating the study.

3.4 Operational definitions of key terms

Public policy: A government statement of purpose, including sometimes a more detailed program of action, to perform effects to selected normative and empirical goals in order to improve or resolve perceived problems and needs in society in a specific way, thus achieving desired changes in that society.

Inclusive public policy process: An engagement that involves participation of stakeholders that aims at building strong and sustainable relationships and partnerships in making statement of purpose, including detailed program of action to perform effects to selected normative and empirical goals to improve or resolve perceived problems and needs in society in a specific way to achieve desired changes in society.

Non-State actors: These include the non-governmental organisations both international and national organisations, private sector membership organisations or business organisations, multinational corporations and donor organisations.

Policy decision: A particular course of action or non-action adopted by government in solving a given public problem.

Policy delivery: A process by which governments implement their decisions to solve a given public problem.

Power relations: Involves power-holders, actual employment or threat to use force and resistance all played out in different spaces and levels.

Policy network: A pattern of formal and informal contacts and relationships, which shape agenda and decision-making as opposed to the interplay within and between the formal policy-making organisations and institutions.

Policy Learning: This involves relatively enduring alterations of thought or behaviour intentions that result from experience and which are concerned with the attainment or revision of the precepts of the belief system of individuals or collectivises.

Persuasion: The act of making someone agree to do or believe that something is of benefit by giving them good reasons for doing it or believing it.

3.5 Scope of the study

This study focuses on Kenya, looking at non-state actors operating in Kenya. The study does not include all the non-state actors in the general sense of the term but includes only the following non-state actors: non-governmental organisations both national and international, private sector membership organisations, multinational corporations or enterprises and donor organisations.

3.5 Summary

This chapter has discussed four complementing theories from which a conceptual framework for this study has been derived. Thus, power analysis theory is useful for this study because policy process involves different actors with varying interests all articulated, shared and exchanged in dynamic power relationships. However, power is relational hence the need for social network theory to complement power relations theory. The study limits its analysis to three exemplary measures that are used widely: degree, closeness, and betweenness centrality. Network analysis is therefore used to examine interactions among non-state policy actors and coordination of their policy process efforts. However, networks are a structural framework for policy-oriented learning within which knowledge institutions provide important information and analytic resources for public policy. Hence, the study needs policy learning theory to complement the above theories. Policy learning generates knowledge, which is useful for policy process. Knowledge informs policy and may facilitate policy change. Policy change is the most important indicator of policy learning. Policy change can take different dimensions including organisational change, change in economic conditions, change in internal learning, programme change, change in power relations, change in institutional rules and a paradigm shift. Thus, policy learning is also a process of understanding the truth. However, to understand the truth, but not believe it, is unreasonable. Truth must be shared, communicated in such a way that it motivates people to action to bring about positive change in the society. This study borrows from rhetorical or persuasive theory to understand effective communication of knowledge acquired and shared during the process of policy learning.

These four theoretical frameworks complement each other. From the power relations theory, this study borrows the concept of policy spaces, places and levels, and forms. From the network theory, the study borrows the concept of policy network, connectivity and centrality as this enables the sharing of knowledge base and resources. From the policy learning theory, this study focuses on the forms of policy learning social learning, lesson drawing and instrumental learning and from the rhetoric and persuasion theory this study focuses on not only the argumentation and intercommunicative approach to formulating policy but also the logical proof, emotional proof and ethical proof.

The conceptual framework thus shows the connections and integration of the concepts from the four theoretical frameworks. Power necessitates the formation of network links informed by policy learning which in turn allows effective persuasion to take place. Policy process (formation and delivery processes) is influenced by non-state actor's four attributes which have ten components. This process is likely to result in improved contribution of the non-state actors in public policy processes, which in turn makes public policy more inclusive as well as strengthening the democratic capacity of non-state actors.

CHAPTER FOUR

RESEARCH METHODOLOGY

4.1 Introduction

This chapter discusses the methodology used in this research. It explains the research design, the study area, study population and sample size, sampling procedures, methods of data collection, analytical model, validity and reliability, study limitation and potential bias and ethical considerations. The qualitative approach on the other hand is more process-oriented. It focuses less on the mere structure of interaction between actors but rather on the context of these interactions using qualitative methods such as in-depth-interviews and content and discourse analysis. However, the two methodological approaches are not mutually exclusive but complementary.

4.2 Research design

In investigating the contribution of non-state actors to an inclusive public policy process in Kenya, this research was exploratory utilising a qualitative and quantitative survey design. The qualitative aspect combined two different but complementary methods namely, power analysis, social network analysis and how they are complemented by policy learning and policy persuasion. The non-state actors were sampled to reflect differing organisational contexts: capacity, strategy and thus differential opportunity for action. This was particularly the case because specific nature of policy influence by non-state actors varies depending on particular context, interests, capacity for policy learning and policy persuasion. The quantitative aspect utilised descriptive and diagnostic design, as the aim was to check the findings resulting from the qualitative survey by involving state actors and analysing their perceptions regarding the contribution of non-state actors to inclusive public policy process.

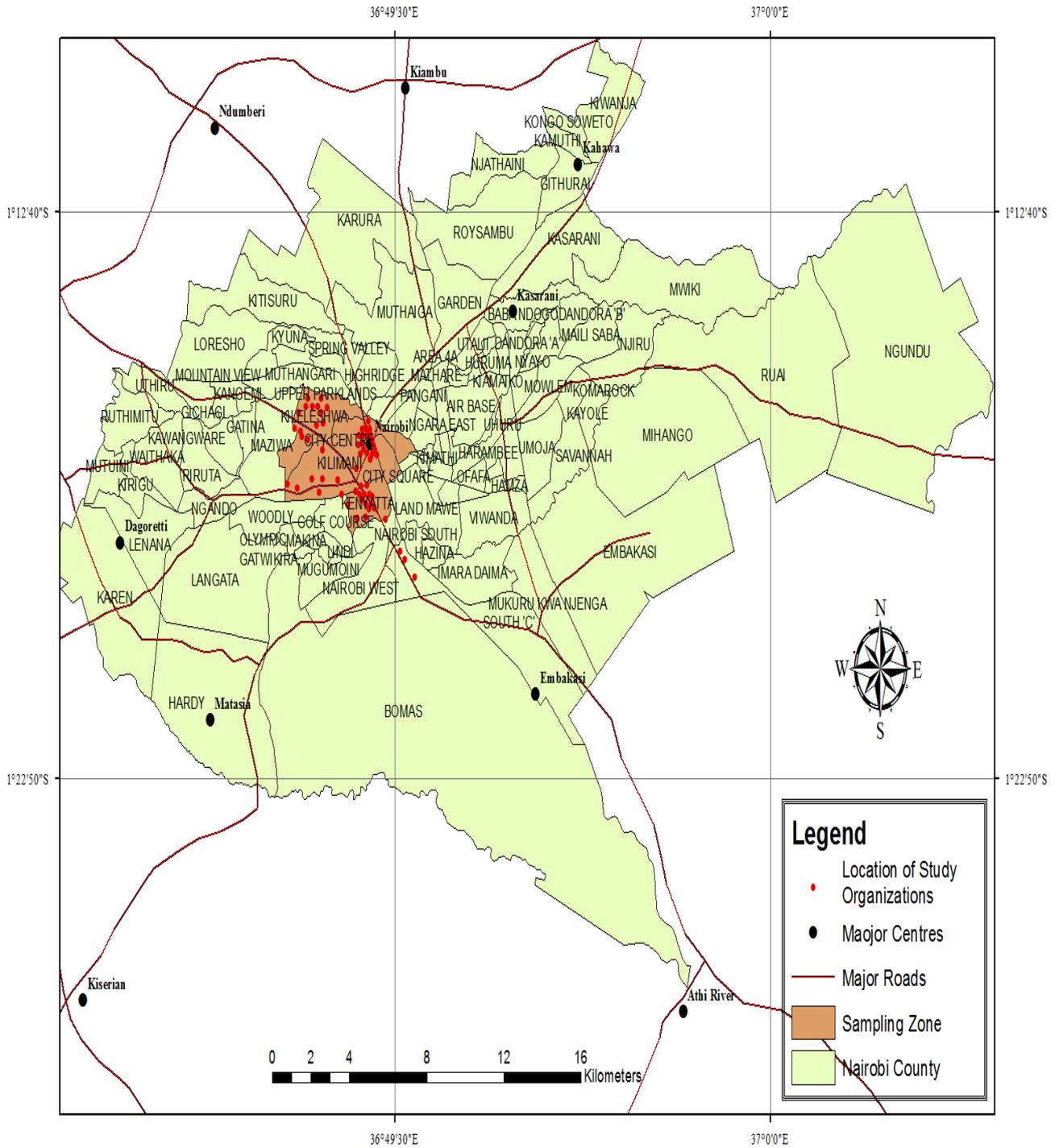
4.3 Study area

This study was undertaken in Nairobi, Kenya, which is the headquarters of the selected organisations. The selected national and international organisations have their head offices in

Nairobi. The private sector membership organisations and donor organisations also have their head offices in Nairobi. (See Map of the Study Area on the Nairobi County Map).

MAP OF THE STUDY AREA

NAIROBI COUNTY, KENYA



4.4 Study population and sample size

The population of study was the non-state actors and state actors in Kenya. The non-state actors who also formed the qualitative aspect of the study were divided into four categories while, the state actors who formed the quantitative aspect of the study were government ministries. These actors were selected because they contribute a great deal to Kenya's development improving the lives of many Kenyans in different ways including through charities, business and donations. The non-state actors included four categories of organisations: the local and international non-governmental organisations, private sector membership organisations, multinational corporations operating in Kenya and donor organisations. As already mentioned, the non-governmental organisations (NGOs) in Kenya are collectively one of the biggest non-state actor in public policy process.

The number of registered organizations has grown from 5,600 in 2008 to over 9,728 organizations registered at the NGO Coordination Board by the end of 2013/14 (NGO Coordination Board, 2014). The Board reported that 7,258 organisations were active by the end of 2013/14, representing 74 per cent of the cumulative number of organisations registered by the Board. The private sector membership organisations are representatives of private business companies operating in Kenya. The total businesses registered (number) in Kenya was reported at 1,000,816 in 2005, according to the World Bank collection of development indicators (World Bank, 2005). The United Nations Human Rights Office of the High Commissioner (2006) classified the donor organisations funding indigenous projects into three categories: Governmental donors and Corporation Agencies; Programmes and Bodies Inter-Governmental Agencies; Foundations, other public and private donors. Stratified sampling was used to select 20 organisations while purposive sampling used to select two senior managers from each organisation who were knowledgeable about public policy process. For quantitative aspect, the study population was all 20-government ministries with one permanent secretary from each ministry answering the questionnaire on behalf of the ministry. 20 permanent secretaries were involved in the study.

4.5 Sampling procedures

Given that non-state actors are a large heterogeneous population, stratified sampling technique was applied to form the four strata from which four organisations were purposively sampled to

allow for an in-depth study of how they influence public policy process in Kenya. The selected organisations included (see Tables 8 and 9) non-governmental organisations including (1) international organisation and (2) national organisations, (3) the membership private sector organisations; (4) multinational telecommunication corporations; and (5) donor organisations.

Table 8: Classification of non-state actors

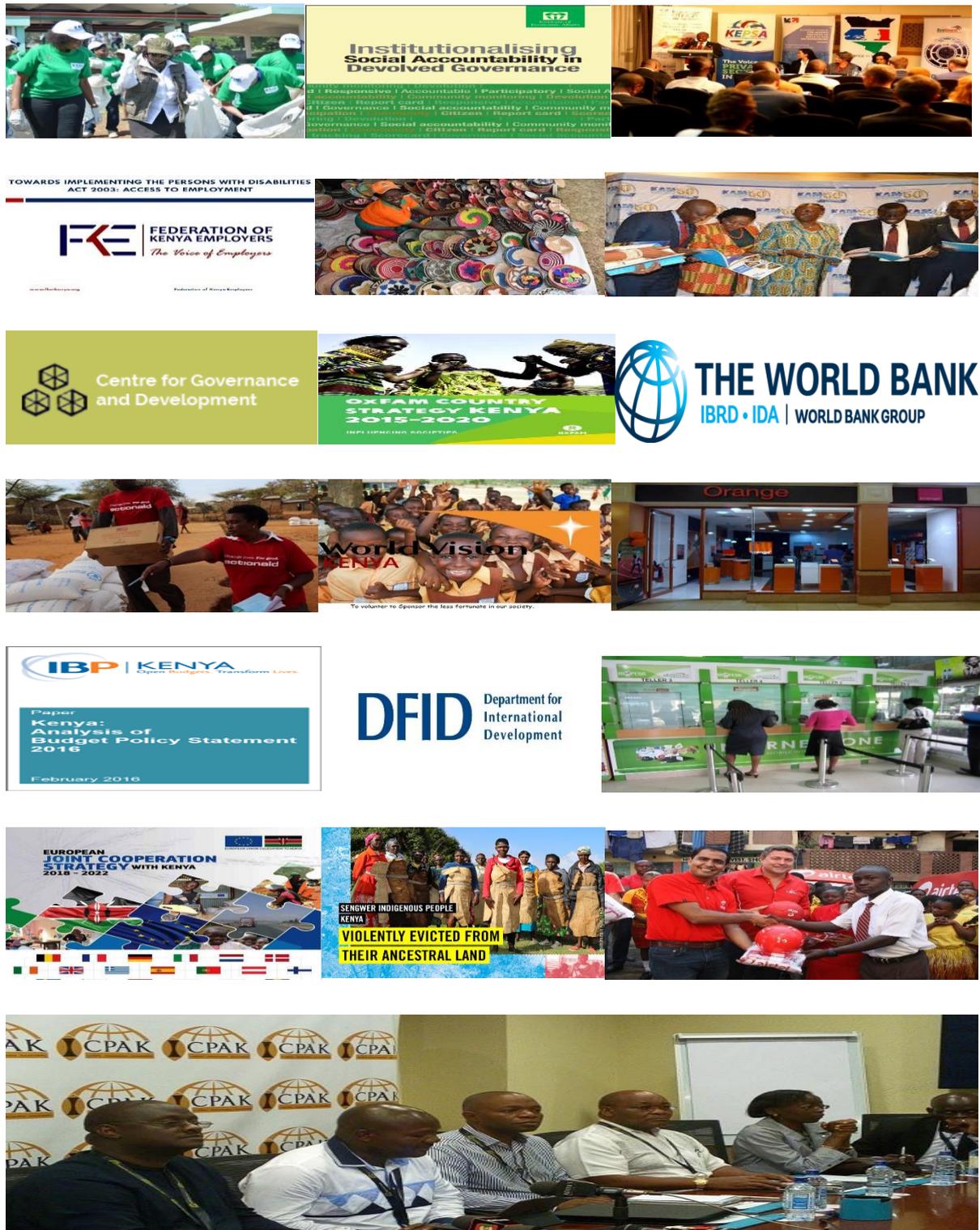
Non-State Actors				
NNGOs 1. Economic and Social Research Centre (Hakijamii) 2. Institute of Economic Affairs (IEA) 3. Centre for Governance and Development (CGD) 4. Institute of Certified Public Accountants of Kenya (ICPAK)	INGOs 1. World Vision 2. Action Aid 3. Oxfam 4. Amnesty International	PSMOs 1. Private Sector Alliance (KEPSA) 2. Kenya Association of Manufacturers (KAM) 3. Federation of Kenya Employers (FKE) 4. Jua Kali Association of Kenya (JKA)	MNCs 1. Safaricom LTD 2. Orange Kenya 3. Airtel 4. Essar Telecom Kenya	Donor Os 1. World Bank 2. European Union 3. Department of Foreign International Development (DFID) 4. International Budget Partnership (IBP)

Source: Author's construction

International non-governmental organisations included World Vision, Action Aid, Oxfam and Amnesty International. National non-governmental organisations include Economic and Social Research Centre (Hakijamii), Institute of Economic Affairs (IEA), Centre for Governance and Development (CGD) and Institute of Certified Public Accountants of Kenya (ICPAK). Private sector membership organisations included Kenya Private Sector Alliance (KEPSA), Kenya Association of Manufacturers (KAM), Federation of Kenya Employers (FKE) and Jua Kali Association of Kenya. Multinational corporations included Safaricom LTD., Orange Kenya, Airtel and Essar Telecom Kenya. Donor organisations included the World Bank and European Union (Programmes and Bodies International Governmental Agencies); Department of Foreign International Development (DFID (Governmental donors and Corporation Agencies); and International Budget Partnership (IBP) (Foundations, other public and private donors)

Apart from the differences in strata, each of these organisations had unique characteristics based on how long it has existed, its interest, its outreach or coverage, affiliations, type of policy focus, type of

Table 9: Photos of selected organisations



Membership, type of ownership, and size. These unique characteristics provided a rationale for their selection in this research.

For quantitative aspect of the study, all the 20 government ministries were surveyed because it was a small universe. It was reasonable to involve all the 20 ministries because their number was manageable and the permanent secretaries were selected because they were better representatives of the ministries and were also in charge of public policy process although, they work under the cabinet secretary.

4.6 Data collection methods

Data collection methods for qualitative aspect of this study consisted of in-depth interviews and a review of key documents in the secondary literature. Data was collected on the following four elements: information on the organisation. These were collected through document analysis and interviews with key staff and management. It included (1) background information on history of the organisation, structure, vision and mission, resources, activities, engagement with government, internal democracy, linkages and changes that have occurred over time as well as the reasons for those changes. (2) Approaches and strategies: This explored and documented a range of approaches and strategies adopted by the non-state actors in influencing public policy process to more inclusive process. The focus here was on strategies and approaches including networks used to overcome coercive power of state actors. Information on approaches and strategies were collected through in-depth interviews with key personnel of the organisations and through document analysis. (3) Obstacles and constraints faced by the non-state actors and success or effectiveness of their initiatives including the art of persuasion in influencing policy process including policy formation and delivery. (4) Evidence of policy learning and its implications for public policy process including policy formation and delivery. Data collected made it possible for the study to analyse and understand the non-state actors' influence in public policy formation in four analytical ways: power analysis, policy networks analysis, policy learning analysis and policy persuasion analysis.

Data collection for quantitative aspect of this study consisted of administering a questionnaire to all the 20 ministries. The questionnaire was designed to interrogate the perceptions of state actors about how non-state actors have used their power, policy networks, policy learning and policy persuasion to contribute to inclusive public policy process in Kenya. Concerning the use of their power, the study asked about: which non-state actors participate with state actors, in which policy area and objectives, at what level, how often they participate, how they get to participate, how they counter coercive power of state actors. As to the use of policy networks,

the study asked about non-state actors' ability to network and constraints non-state actors face when networking. With reference to policy learning, the study asked about: whether non-state actors use policy learning, form/types of policy learning used by non-state actors, implications of policy learning on policy process. Regarding policy persuasion, the study asked about: use of evidence and objective analysis by non-state actors; and the persuasive strategies used by non-state actors.

4.7 Data analysis

The models of data analysis for qualitative aspect of this study included John Gaventa's analytical model of power cube; centrality of actors in the networks, employing software tool UCINET for analysing networks and relations; analysis of the forms of policy learning (social, lesson-drawing, instrumental learning) and use of logical, ethical and emotional proof. The power cube is a framework for analysing the levels, spaces and forms of power, and their interrelationship (Gaventa's 2003; 2005). The cube presents a dynamic understanding of how power operates, how different interests can be marginalised from decision-making, and the strategies needed to increase inclusion. It describes how power is used by the powerful across three continuums of spaces (i.e. how arenas of power are created); power (i.e. the degree of visibility of power); and places (i.e. the levels and places of engagement). UCINET is software for analysing connectivity in social networks.

Analysis of quantitative aspect of this study aimed at establishing measures of central tendency or statistical averages by simple descriptive statistics. This measurement enabled the study to summarise essential features of the respondents and to compare these features. A software analytical tool, SPSS was used to compute the measures.

4.8 Validity and reliability

This study could be judged or evaluated based on the assumption that there can be more than one and possibly several accounts of truth or reality. Hence, the criteria for assessing validity and reliability of this study include but not limited to the following four criteria:

Sensitivity to context: Is the study sensitive to the context of the social setting of research and to relevant theoretical positions and ethical issues?

Commitment and rigour: Does the study provide evidence of substantial engagement with the subject matter, necessary skills of the researchers and thorough data collection and analysis?

Transparency and coherence: Is the research method clearly specified, argument clearly articulated and does it have a reflexive stance?

Impact and importance: Does the research have impact and importance for scientific theory, the community on which the research is conducted, for policy practitioners?

4.9 Study Limitations and potential biases

Although the study has surveyed literature on non-state actor's contributions to public policy process across many regions of the world, the focus of the study is on Kenya. The findings of the study may not be generalised for the whole of Africa or across other regions of the world. However, this study may be replicated in other countries by adopting the same methodology used in the study.

4.10 Ethical considerations

The main ethical principles that were strictly be observed during and after this study included but not limited to (1) not harming the participants in any way. This was observed by handling personal information fairly and processing it lawfully; ensuring that the information was processed for limited purpose; collecting the information that was accurate, up to date, adequate, relevant and not in excess; avoid keeping the information for longer than necessary; processing the information in line with the rights of the participants; protecting confidentiality of the participants by ensuring that transcripts do not include participants' names. (2) Seeking informed consent of the participants by providing information about the study and inviting them to consent that they understand the information about the study and that they are willing to participate freely in the study. (3) Not invading the privacy of the participants by explaining to them how I would like them to participate in the study and asking them to confirm that they agree that during the interview I could use audio recorder. (4) Avoiding any form of deception

by assuring them that this study has been considered by an Ethics Committee at Maseno University and has been given a favourable review. Having worked as a researcher and policy analyst for over ten years, I learned that most participants prefer verbal explanations to study information sheet and they do not like to sign interview consent form. Based on this experience, I provided a study information sheet and interview consent form to participants who requested to have the two sheets.

4.11 Summary

This chapter has discussed the methodology used in this research. Mixed methods (that is, both qualitative and quantitative) is employed because it is important establish the accuracy, validity and reliability of the findings. The study area of research was the City of Nairobi, which is also the headquarters of all the non-state actors involved in the study and government ministries. Stratified sampling technique was applied to form four strata from which four organisations were purposively sampled to allow for an in-depth study of how they influence public policy process in Kenya. The selected organisations include national non-governmental organisations; international non-governmental organisation; the private sector membership organisations; and multinational corporations. Stratified sampling was used to select 16 organisations while purposive sampling used to select two senior managers from each organisation who were knowledgeable about public policy process. For quantitative aspect, the study population was all 20-government ministries with one permanent secretary from each ministry answering the questionnaire on behalf of the ministry. 20 permanent secretaries were involved in the study.

Data collection methods for qualitative aspect of this study consisted of in-depth interviews and a review of relevant key documents in the secondary literature. Data collection for quantitative aspect of this study consisted of administering a questionnaire to all the 20 ministries. The models of data analysis for qualitative aspect of this study included John Gaventa's analytical model of power cube; centrality of actors in the networks, employing software tool UCINET for analysing networks and relations; analysis of forms of policy learning (lesson-drawing, social and instrumental learning) and use of logical, ethical and emotional proof or argumentation and intercommunicative approach.

The validity and reliability of this study was assessed by four-fold criteria including sensitivity to context; commitment and rigour; transparency and coherence; and impact and importance.

The findings of the study may not be generalised for the whole of Africa or across other regions of the world. However, it may be replicated in other countries by adopting the same methodology used in the study. The main ethical principles that were strictly observed during and after this study included but not limited to not harming the participants in any way; seeking informed consent of the participants; not invading the privacy of the participants; avoiding any form of deception.

Using the methodology discussed above, this study explores in the following chapters the contribution of non-state actors in making public policy process in Kenya inclusive. The main argument of this study is that non-state actors have struggled to contribute to inclusive public policy process in Kenya. They have used their power, networks, utilised persuasion, and policy learning in contributing to inclusive public policy process in Kenya. The independent variable for this study is non-state actors while the dependent variable is inclusive public policy process. The foregoing chapter discuss the use of power by non-state actors played out in dynamic power relations. The foregoing chapter examines how non-state actors have used their power to be included to public policy process.

CHAPTER FIVE

INFLUENCING PUBLIC POLICY THROUGH POWER

5.1 Introduction

In the chapter on literature review, we established that several constraints existed to inclusive public policy process in Kenya. These were power relations and structural frameworks for policy process all played out as coercive power or “power over”. All non-state actors have encountered power over though in varying intensities as obstacle to effective participation in public policy process. The main source of power was identified namely, the state. The primary source of power was state and state-related agencies at both national and local levels particularly, the presidency. Given that government is the main duty-bearer with responsibility for promotion of inclusive and effective public policy process, state power can be used to either enhance or impede realisation of inclusive public policy process. The state can actively close and limit policy spaces or can be a passive obstacle to promotion of inclusive policy process through its inaction, for instance by not developing appropriate laws and systems for promoting inclusive public policy process. Based on Gaventa’s (2003) power cube for analysing the levels, spaces and forms of power, this chapter examines the policy area and level of influence of non-state actors, analyses the three forms of “power over” namely, visible, hidden and invisible power, spaces for engagement, countervailing power and strategies non-state actors have used to influence public policy. The chapter also analyses the perceptions of state actors regarding the contribution of non-state actors in making public policy process inclusive.

5.2 National non-governmental organisations

Non-governmental organisations engage largely in advocacy work around human rights in general and in specific groups; promotion of the engagement of various peoples in mainstreaming development; and political participation. They have therefore defied the perception that the participation of non-state actors in public policy process is important only when it reduces government costs (Ackerman, 2004). Instead, they have confirmed the

OECD's (2015) finding that participation is one way for creating conditions for inclusive growth and that this has many good implications for governments.

5.2.1 Policy area and level of influence

The national non-governmental organisations (NNGOs) have each specific policy areas or issues they have tried to influence. The concentration of their influence has been at both national and local or community levels (Batliwala and Brown, 2006). The issues they influenced as shown in Table 10 include land, education, national budget transparency and accountability, trade regulation, urban housing, taxation, policy research and advocacy, electoral governance and campaign financing (Boon and Melby, 2000). The NNGOs have engaged in public policy at three stages: agenda setting, policy formulation and implementation.

Table 10: National non-governmental organisations and areas of policy engagement

	Name of organisation	Area of policy engagement
1.	Economic and Social Rights centre (Hakijamii)	Urban housing and land
2.	Institute of Economic Affairs (IEA)	Trade and competition, national budget transparency and accountability.
3.	Centre for Governance and Development (CGD)	Electoral governance, campaign financing and government accountability to taxpayers.
4.	Institute of Certified Public Accountant of Kenya (ICPAK)	National budget transparency and accountability

Source: Field data, 2014

The decision to engage in these areas emanates from their mandates, visions and missions, which have not changed since their establishment. They also validate Hayward's (1998) argument that participation in public policy process is not only the right to participate, but also the right to define and to shape that space. These organisations have therefore focused on the same issues over a long time and they have developed knowledge and skill in these areas. For example, Hakijamii is a human rights organisation advocating for social and economic rights of people living in slums.

Economic and Social Rights Centre (Hakijamii) has its goal as the promotion of social movements to engage in realizing and promoting human rights centred practices and policies. Hakijamii has focused on the following areas to realize her goals: land and housing, water sanitation and health, social security, education and policy research and budgeting. Hakijamii's core activities include support to community-led campaign actions; strengthening capacity of grassroots movements through training and awareness creation; lobbying to incorporate human rights principles in national policies and laws; conducting policy dialogue through negotiations; conducting strategic litigation to promote the implementation of social and economic rights; dissemination of information on social and economic rights; and media advocacy and publicity.

Institute of Economic Affairs (IEA) is an advocacy organisation focusing on national budget transparency and citizen participation. IEA has four main programmes through which it influences public policy. These include regulation and competition policy, trade information, budget information and futures. IEA contributed a great deal to competition law and policy that was consistent with liberalization and international best practices as well as domestic competition. The budget transparency is a major programme of IEA where it continues to influence public policy a great deal. National budget is conducted every year and hence IEA is involved in the national budget process throughout the year. IEA invites CSOs to give their views about the budget on specific budget items such as education, health, environment etc. It also collaborates with citizens to produce an alternative budget called citizens' budget which is then submitted to the Treasury. IEA also analyses legislations related to public finance such as Public Finance Bill, Competition Bill, Parastatal Reform Bill, Value Added Tax (VAT) Bill and Fiscal Management Act that created budget office and budget committee. IEA level of influence is mainly at the national level but it also influences several CSOs through training, particularly those working at the county level.

“For budget analysis we go to counties to share our analysis, create awareness and monitor the budget implementation. We usually share our proposals with the Ministry of Finance” (IEA Budget Programme Coordinator, 2014).

Centre for Governance and Development (CGD) is an advocacy organisations dealing with accountability of governance institutions with regard to the management and use of public funds. It is a policy research and advocacy, not-for-profit organization. The Centre is active participant in influencing the direction of development and social transformation in Kenya

Africa (Centre for Governance and Development, 2014). CGD has focused its research and advocacy initiatives on electoral governance, campaign financing, knowledge resources and network, legislation of public finance bill, corruption particularly drawing the list of shame about corruption, political parties' bill, Election financing bill and the monitoring of these acts.

Institute of Certified Public Accountants of Kenya (ICPAK) is a professional organization that regulates the activities of all Certified Public Accountants in Kenya. The Accountants Act CAP 531 established it. It has focused on the development and regulation of the accountancy profession in Kenya to enhance its contribution and that of its members to national economic growth and development. ICPAK has been involved in the following policy areas: budget-making process at the national level, legislation on auditing and economic outlook, and public finance. The main policy influence for ICPAK has been in public finance planning and monitoring. It has participated in developing policy recommendations through engagement with national treasury. It has provided analysis of the Medium Term Expenditure Framework (MTEF). It has prepared budget circulars and proposals on issues informing economic stability of the country. It has presented its proposal and analysis to the national Treasury and held discussions with them over the same. ICPAK has engaged directly with the budget office at the national level to interrogate the Finance Bill and parliamentary finance committee. ICPAK has sought to inform the fiscal policy of the country. *“We look at the country’s perspective, taxation, deficits and interest rates. These are items in the budget not analysed by ordinary mwanainchi (ordinary Kenyan)”* (ICPAK Programme Officer, 2014).

5.2.2 State power as constraints to inclusive public policy process

This section identifies the power constraints faced by non-state actors in the form of visible, hidden and invisible.

5.2.2.1 Visible power

Visible power is universally exercised in observable decision-making such as public policies, in procedures and systems the state puts in place to address or respond to public problems and in the use of public authority. Non-state actors encounter visible power as they engage state actors on many public problems and issues. National non-governmental organisations engage

largely in advocacy work around human rights in general and or in specific groups, for example, *Hakijamii* (Eyben, 2003). Others are engaged in promotion of the engagement of various people in mainstreaming development, for example CGD. They work around political participation and are funded by donors. Others are engaged in research, knowledge generation and sharing, for example, IEA. They conduct applied research and policy advocacy. They produce and utilise knowledge and research for advocacy thus, improving policy understanding of groups in private sector (Millar, 2013). They also brokerage and promote utilisation of knowledge by legislature, executives and other NGOs. They support other policy actors with processed applied knowledge useful for policy reflections. Non-state actors mentioned above provide examples of various manifestations of the visible power of the state.

Hakijamii provide various examples of manifestations of visible power of the state. It also works with several national and international community based organizations and state organs. Its goal is to promote social movements to engage in realizing and promoting human rights centred practices and policies. *Hakijamii* has focused on the following areas to realize her goals: land and housing, water sanitation and health, social security, education and policy research and budgeting.

The Centre for Governance and Development also provide another good example of visible power of the state. CGD initiated a discussion around political party funding in 2000, prepared a draft Bill that was highly opposed by the ruling political party, KANU since it was the only political party enjoying public funding of the party. The visible power of the government ensured that the Bill did not pass (Lukes, 1974). The Bill was resisted until CGD was able to lobby and get the support of members of other political parties and non-state actors. The political parties Bill was finally passed in 2005, several years after its initiation.

Similarly, IEA has also experienced visible power when initiating draft Bill on Competition law and policy. IEA observed that the old law on competition was incoherent and overtaken by events in the era of liberalisation hence there was need for new competition law to match international changes regulate domestic competition (Holmes, 2011). IEA collaborated with the Ministry of Industrialisation, created awareness about the significance of the law among the parliamentarians to get their support for the law. Although the law was tabled in parliament, debated and passed, several alterations were made in favour of some business organisations that had connection with some top government officials and politicians. This observation supports (Bridgman and Davis (2004) argument that access to participation is seldom

distributed evenly and that it is always easier to deal with interest groups who can speak authoritatively for their members. Visible power is evident in these examples manifesting in the power of the state, the ruling party, government and the ministries. What is also evident is the IEA, CGD and Hakijamii were able to challenge this power by using various strategies including lobbying, creating awareness and collaborating with state actors. This evidence confirms Vene Klaseen and Miller's (2002) argument that strategies that target this visible power are usually trying to change the 'who, how and what' of policymaking so that the policy process is more democratic and accountable, and serves the needs and rights of people and the survival of the planet.

5.2.2.2 Hidden power

Hidden power relates to the ability to shape and influence state policies behind the scenes, for example by controlling who sits at the decision-making table and what gets into the policy or decision agenda. The power of the state, government in many instances manifest as hidden power. The state and government through its ministries, commissions and agencies control or determine who whose voices are heard, who sits on board of governors of state agencies and what is included in its agenda (Gaventa, 2009). Hidden power is clearly used by the Ministry of Finance, Treasury, and government to control the national budget process. In its quest for transparency and accountability in national budgeting, IEA has experienced many instances of resistance from the Treasury to give Kenyans open budget and citizen's budget, which, require that budget information, is available to the citizens when they need it at no cost and that the national budget primarily benefits the citizens (Barasa and Andreassen, 2013). The Treasury in many instances has failed to provide crucial information for instance on security budget and expenditures. This is not surprising; Mohammed (2015) in Ghana noted that state officials restricted non-state actors' participation in policy process by denying them crucial information. He also observed that marginalised and unorganised groups suffered alienation from policy process. IEA has also advocated for timely release of the budget estimates to allow citizens to analyse the budget and give their views. But The Treasury has in many instances responded that it needs more time to prepare the budget. IEA observed that citizens when they are given an opportunity by the Treasury they usually present their views regarding their needs and changes they expect to be included in the national budget but in most cases their views do not become part of the national budget estimates (OECD, 2009). This is also not surprising because the dynamics of hidden power operate on many levels to exclude and devalue the concerns and

representation of other less powerful groups or perceived by the state actors to be so (Gaventa, 2007).

5.2.2.3 Invisible power

Invisible power means control over people's internalised norms and beliefs achieved mainly through processes of socialisation and the diffusion of dominant ideologies. Although invisible power is difficult to identify (Gaventa, 2009), IEA experience with public policy issues that become overly over-politicised, "These have been subject/theme specific but mostly when the subject is very political it is very difficult to sale it through" (Interview with IEA Official, 2014). Similarly, ICPK had an experience of invisible power when,

"We had a South African institute visiting us but we did not learn much from it because our standards are much better than theirs. However, we have something from the UK particularly benchmarking with international bodies. We have benchmarked ourselves against local players such as Law Society of Kenya (LSK), Kenya Private Sector Alliance (KEPSA). These institutions have maintained constant presence" (Interview with ICPAK Official, 2014).

The case of IEA is quite common among senior state officials who use politics to either trivialise very important issues or exaggerate unimportant matters to the public. The invisible power through political and cultural socialisation enables them to influence many people and divert attention and focus of the people to non-issues. ICPAK invited South African Institute because ICPAK believed that since it is coming from outside Kenya and from a country that is more developed than Kenya, the Institute had something valuable to deliver to ICPAK (Batliwala and Brown, 2006). However, ICPAK members were surprised that some of the local institutes delivered much more than the Institute from South Africa. ICPAK's example shows that non-state actors also have invisible power.

The two examples of IEA and ICPAK clearly show invisible power shapes the psychological and ideological boundaries of participation (Vene Klasen and Miller's (2002). The IEA public policy concerns were over-politicised and kept from the decision-making table and the minds as well as the consciousness of the public who were directly affected by the issues. The state actors thus influenced the thinking of IEA and shaped their beliefs as well as sense of self and acceptance of the status quo. This observation thus supports Gaventa's (2007) argument that processes of socialisation, culture and ideology perpetuate exclusion and inequality by defining

what is normal, acceptable and safe. The experience of these organisations called for challenging the state actors' power using a variety of innovative strategies.

5.2.3 Challenging power

National non-governmental organisations engage with and contest “power over” in several ways and contexts. These ways and contexts are the spaces within which power relations manifest themselves, are subject to contestation, and challenge by non-state actors (McGee, 2004). Have the above organisations been active and successful in opening closed spaces, in participating in invited spaces, in claiming spaces from state actors or power holders, or creating spaces for themselves? Before we focus on each of these spaces, we need to recognise that the mandate, visions and missions of these organisations have necessitated some level of invitation by government to suggest relevant views to include in policy drafts and contribute to policy consultations. This happened after the enactment of the Constitution of Kenya 2010. Not all the organisations have enjoyed same level of invitation. For instance, IEA and ICPAK have been invited by the government in many occasions to contribute views to the annual Finance Bill, while CGD contributed a great deal of ideas during the preparation of the Political Parties Act (Lukes, 1974). Hakijamii had to claim her own space by teaming up with other organisations to inform the Urban Housing Act, which was later, enacted into law

“We created our own spaces for engagement and we became part of the policy process as members of the working groups on urban policy” (CEO Hakijamii, 2014).

These organisations save for ICPAK, had to challenge the arena of limited space where only state actors enjoyed the prerogative of participating in public policy decision-making and to a large extent policy delivery (Cornwall, 2002). In this arena, some of the decisions were made in closed doors mainly involving the elite actors such as government members and bureaucrats, but could also involve high-ranking members of the ruling parties, military leaders and some prominent business elite. This confirms the observation made earlier that opening up closed spaces has been a collective effort of the non-state actors including the rights organisations (Bossuyt and Carlson, 2002; Barasa and Andreassen, 2013).

Hence, each of these organisations began by claiming some space to be recognised by the government. It was not a case of genuine empowerment of these organisations by state actors but rather, it was a struggle for space (Cornwall, 2004). This was the beginning of their

countervailing power, as they tried to open doors so that decision-making is subject to wider public consultation, engagement and influence (Just Associates, 2006). They targeted political representatives and attempted to hold them to account. It was only after these organisations took several initiatives to contribute to their policy area that government began recognising their valuable contributions. For example, IEA is registered as a company limited by guarantee while ICPAK was established through an act of parliament and given mandate by government to monitor and advice government on matters of public funds management. While ICPAK has a direct mandate from government to contribute to government policy, IEA gave itself the mandate to mobilize the views of the citizens on national budget and present to the government as well as providing information to the citizens to enable them participate in the national budgeting process (Laforest, 2013). ICPAK has thus enjoyed “invited space” as it was selected from civil society and invited to participate in policy formation and delivery process. Initially this participation was a one off thing but with time, it has been institutionalised and is now continuous.

5.2.3.1 Spaces for engagement

Spaces for engagement are the means or strategies non-state actors have used to challenge power relations particularly coercive or domineering power of the state, executive and the presidency (McGee, 2004). Despite their differences in the area of policy engagement and level of spaces, non-state actors have used similar approaches and strategies to influence government policy. These strategies and approaches can be understood as the way non-state actors have challenged domineering power or coercive power of state actors that manifests itself in three dimensions: “visible power”, “hidden power” and invisible or internalised power” (Arnstein, 1967). These three dimensions of power are forms of negative power given that they involve authority and coercion (Gaventa, 2007). Organisations have tried to challenge a power that has excluded them from influencing policy decision-making and delivery processes by employing several approaches and strategies. They have opened closed spaces, participated in invited spaces, claimed spaces from power holders and created own spaces. Generally, these spaces include approaches such as direct engagement with government, preparing and presenting position papers to the government on the policy issue of concern, publication and disseminating reports to a wider audience to enable consultation and sharing information. Table 11 presents approaches used by individual organisations. These approaches slightly differ from those

identified by Voltolini (2012) including dialogue, funding, training, provision of information, raising awareness, setting agenda, framing issues, access, voice and litigation.

Table 11: Approaches and strategies used by national non-governmental organisations

	Name of organisation	Approach or strategy
1.	Hakijamii - Economic and Social Rights centre	Direct engagement, position papers, publications and information sharing.
2.	Institute of Economic Affairs (IEA)	Direct engagement with parliament, government, business community and international organisations, conduct in house analysis and share the memos, invites media and civil society to put pressure on government, parliamentary committee chairpersons.
3.	Center for Governance and Development (CGD)	Fact-finding, research, building coalition and using champions.
4.	Institute of Certified Public Accountant of Kenya (ICPAK)	Research, collaboration, position papers, one-on-one discussions with parliamentarians, print media, conferences, partners and CSOs.

Source: Filed data, 2014

5.2.3.1.1 Closed spaces

IEA has several examples of spaces that it has opened. These include direct engagement with parliamentarians to create awareness of the need for competition law in the current era of neoliberalism, one on one meetings and consultations with individual members of parliament (MPs) to enable the MPs understand national budget estimates and dissemination of their research findings particularly, to Treasury, Senate and Parliament (Gaventa, 2009).

“We use parliamentary chairpersons. Some parliamentarians come to us requesting for a write up which they can use to present their position” (CEO IEA, 2014).

Similarly, ICPAK has tried to open policy spaces by identifying key institutions and managing relationships.

“The use of position papers, continued engagement with key actors in government and outsourcing submissions through collaborations has worked well for us” (Programme Officer ICPAK, 2014).

All organisations have used some form of direct engagement with members of parliament and other policy actors, sharing research/fact findings with parliamentarians, position papers and collaboration with other organisations (Votolini, 2012). It appears as if all the organisations favour direct engagement as the most preferred way of opening closed or limited public policy spaces. Direct engagement is recommended by the Constitution (Constitution of Kenya 2010). However, how has direct engagement worked? This has worked in three ways: one-on-one meetings or discussions with members of parliament and the government officials; meeting the chairpersons of parliamentary committees; and identifying a champion among the parliamentarians to present the views of the non-state actors to the other members of parliament and exerting influence. Collaboration with other organisations has also worked well through establishing networks (NGO Coordination Board, 2015).

5.2.3.1.2 Invited spaces

Non-state actors that have been invited by the state actors are those that have gained good public profile and legitimacy in the eyes of the state-actors. This observation supports Luke’s (2002) observation that invitation into closed spaces is not automatic and that it comes either as a direct result of lobbying by non-state actors or of gaining sufficient recognition to warrant state actors, however reluctantly and with whatever motives feel compelled to give them some access to decision-making spaces. For instance, ICPAK’s mandate is to advice government on accountability issues.

“For a long time ICPAK has reacted to Treasury but now we are proactive. The main source of our strength is the human resource we have. We have 13,000 accountants we work with and who are also our members” (Interview with ICPAK Official, 2014).

The main policy space for ICPAK has been in public finance planning and monitoring. ICPAK has participated in developing policy recommendations through engagement with national treasury. It has provided analysis of the MTF framework. It has prepared budget circulars and proposals on issues informing economic stability of the country and discussed the proposals

and analysis with the national Treasury (Bridgman and Davis, 2004). ICPAK has also engaged directly with the budget office at the national level to interrogate the Finance Bill and parliamentary finance committee thereby informing the fiscal policy of the country.

“We look at the country’s perspective, taxation, deficits and interest rates. These are items in the budget not analysed by ordinary mwanainchi” (Ibid).

The government recognised the interest and input of CGD into Political Parties Act 2011 and invited CGD to participate in the process of finalising the Bill. CGD also lobbied to be part of the team that was putting the Bill together, thus the government could not ignore its relevance. These invitations could also be a case of privileging the best-organised groups rather than the most representative ones (Laforest, 2013). It can also be a validation of Gaventa’s (2009) argument that spaces exist in dynamic relationship to one another and are constantly opening and closing through struggles for legitimacy and resistance, co-optation and transformation.

5.2.3.1.3 Claimed and created spaces

The above non-state actors have actively claimed and created spaces within which they have voiced their demands and activities to gain government’s attention. Their demands and activities have included mobilizing community groups; developing position papers to discuss with the government officials; disseminating the outcomes (reports, publications of their research and analysis), wider audience consultation, training, research and fact-finding and building coalition (Votolin 2012). For instance, CGD formed a coalition called Accountable-financing coalition with Transparency International Kenya, Centre for Multi-Party Democracy and political caucus. CGD also identifies champions from different political parties to collaborate with. CGD with other non-state actors created National Taxpayers Association (NTA), which provides them with a forum to monitor the collection and use of taxes.

It is clear from this analysis that three observations can be made. First, individual organisations use a variety of means to challenge power (Bossuyt and Carlson, 2002). Second, although the organisations have been able to create spaces, they have done so most frequently and effectively in claimed and created spaces (Cornwall, 2002; Gaventa, 2009 and Lukes, 1974). Third, spaces have a dynamic nature, for example, created spaces can contribute to claiming spaces (Soja, 1996; Lukes 2002; Gaventa 2007).

5.2.4 Building countervailing power

Positive power manifests in three ways, ‘power to’, ‘power with’ and ‘power within’. Have these organisations been successful in developing countervailing power and challenging the power structure of the state? Again, examples from the experiences of these organisations are quite useful in answering this question. ICPAK has been successful, as government has considered its position papers. ICPAK played a significant role in the national budget (2014/2015) where it informed the Finance Bill leading to its passing with their input (Begine, 2014). ICPAK has a progressive history of informing Finance Bills. It also informed the VAT Bill and Commission on Revenue Allocation formula for sharing revenue between the national and county governments. This experience and success reflect a process of building up ‘power to’

Another example of ‘power to’ is the IEA’s achievement. The successful passing of the competition law and policy by parliamentarians can be attributed to IEA that worked with the Ministry of Industrialization and made the parliament aware of the need for such law and policy (Holmes, 2011). ‘Power to’ also overlaps with the development of ‘power with’. For example, IEA did an analysis of the draft law presented in parliament in 2009 and informed parliament about the usefulness of the law. This was an example of ‘power with’. The law was eventually passed.

The work of IEA on national budget is also another example of successful development of countervailing power. This is another major area or programme of IEA where it continues to influence public policy a great deal. National budget is conducted every year and hence IEA is involved in the national budget process throughout the year. IEA invites CSOs to give their views about the budget on specific budget items such as education, health, environment etc. It also collaborates with citizens to produce an alternative budget called citizens’ budget and submit to the Treasury (OECD, 2009). IEA also analyses legislations related to public finance such as Public Finance Bill, Competition Bill, Parastatal Reform Bill, VAT Bill and Fiscal Management Act that created budget office and budget committee. IEA level of influence is mainly at national level but also influence several CSOs through training particularly those working at the county level.

“For budget analysis we go to counties to share our analysis, create awareness and monitor the budget implementation. We usually share our proposals with the Ministry of Finance” (Interview with IEA Official, 2014).

The work of IEA especially training of CSOs reflects enhancement of ‘power within’ of individuals and can imply a process of empowerment of the CSOs to enable them engage the power holders (Manor, 2004). It is therefore apparent that these organisations have made some achievement whether these achievements are substantial or modest they are partly because of increase in ‘power to’, ‘power with’ and ‘power within’. Therefore, there is no doubt that non-state actors have challenged power and developed alternative sources of countervailing power (Mc Coy and Surlly, 2002).

5.3 International non-governmental organisations

International non-governmental organisations are also known as development non-governmental organisations. They engage in both development and advocacy work on various issues. The senior staffs of these organisations are usually expatriates. They raise resources from outside the country. They provide service delivery among the poor people in both urban and rural areas.

5.3.1 Policy area and level of influence

The international non-governmental organisations have concentrated their policy engagement in areas of economic, social and cultural rights particularly in education, health, food security and livelihood in informal settlements and arid and semi-arid parts of Kenya (Millar, 2013). Table 12 presents the main areas of engagement. Most of these international organisations have dealt mainly with policy delivery issues unlike the national organisations, which have focused mainly on policy formation issues. Policy delivery requires implementation budgets, which most national non-governmental organisations may not have.

Table 12: International non-governmental organisations and areas of policy engagement

	Name of organisation	Area of Policy Engagement
1	Action Aid Kenya	Human rights, livelihood issues, governance, poverty, education, justice and food security
2	World Vision	Education, health, water, livelihood (food security, environment, climate change, and risk reduction), and gender and child protection
3	Amnesty International	Economic, social and cultural rights: poverty, housing and forced evictions in informal settlements.
4	Oxfam Kenya	Livelihood, water, sanitation, social security, climate, governance

Source: Field data, 2014

Action Aid Kenya is involved in human rights issues, livelihood issues and governance particularly democracy and accountability for poverty reduction in local communities (Interview with Project Officer, Action Aid Kenya, 2014). Action Aid works through partners and sometimes directly with communities and government. In 2012 Action Aid begun to shift its strategy from service delivery to justice particularly tax justice and basic human rights such as food security (Action Aid, Kenya, 2014). Action Aid has contributed much influence on Basic Education Act. It pushed for amendments through CLARION work Empowerment Programme funded by DANIDA from 2012 to 2013. National and local partners were involved including *Sauti ya Wanawake*, *Pambazuko la Wanawake Magaribi*, *Kibira*, *Makina*, *Mwari* Paralegal Associations (Women empowerment link). CLARION reviewed basic education Act, met with CSOs and key government officials and presented its position (Interview with Project Officer, Action Aid Kenya, 2014). The government considered its position and incorporated the suggested views in the Education Act. This was at the agenda setting stage and the decision making stage.

World Vision is involved in policy and advocacy for human transformation. It develops service delivery responses to policy gaps in implementation and those that are non-existing (Interview with Project Officer World Vision, 2014). It engages in development to address the root causes of community problems in areas of education, health, water, livelihood (food security, environment, climate change, and risk reduction), and gender and child protection. It also supports the design of programs at the community level, engages policy arena, and works with government, civil society and donors.

World Vision (WV) has technical resources in education sector including well-trained personnel. It has been implementing educational programs together with Kenya Education Sector Support Programme (KESSP) (Project Officer World Vision, 2014). It reviewed the KESSP Sessional paper and gave recommendations to the government. It has engaged directly at the national level with both the government ministries and civil society coalitions. It has also engaged with task force on review of education, it prepared a policy paper and gave submissions to the taskforce, facilitated generation of community views and convened civil society meetings to analyse the task force report. WV also collaborated with *Elimu yet* Framework, which has members including Transparency International Kenya, Agha Kahn Foundation, CONCERN, Save the Child, Goal and Plan International (Ibid). These organisations pulled efforts together to review the report and provided useful comments. World Vision also organized a national conference to influence thematic leaders and groups. It also involved local organizations in collecting views to inform their position.

WV worked with parliamentary committee on education and civil society national conference on education, submitted a policy view to the government and developed a memorandum of understanding with Parliamentary Committee on Education. The current Basic Education Act has a lot of input from the WV and other non-state actors. It also continued to contribute to the regulation of the Bill. WV sponsored the Ministry of Education to draft the framework for the national education support program and involved other stakeholder consultation programs and partners including FIDA, SNV, and USAID (Ibid). It worked on a concept on how to implement education policy within devolved government system and sponsored a workshop on the same. It worked on the structure of education system, conflict of decision-making, and supported county educational strategy development (Philips and Orsini, 2002). WV influence was mainly at the agenda setting stage. It began working at the constitutional level with all rights regarding education, regulation and development of the Bill taking the lead; it has a memorandum of understanding with the Ministry of Education and collaborates with *Elimu Yetu* to set the agenda of education.

Amnesty International (AI): is a global movement of about 2.8 million supporters, members and activists operating in more than 150 countries and territories that campaign to end grave abuses of human rights. Its vision is for every person to enjoy all the rights enshrined in the Universal Declaration of Human Rights and other international human rights standards

(Amnesty International Kenya, 2014). It is independent of any government, political ideology, economic interest or religion and is funded mainly by its membership and public donations.

Amnesty has focused its programmes and activities on economic, social and cultural rights, particularly in the area of poverty, housing, forced evictions, and slums. Amnesty International has been working with the residents of slums and informal settlements in Nairobi particularly, Kibera, Mathare, Korogocho, Mukuru Kwa Njenga and Deep Sea (Ibid). AI has assessed the lives of the people living in these informal settlements and raised concerns to the government as part of demand dignity campaign. It examined the human rights issues faced by the residents of these informal settlements including access to affordable, habitable housing and essential services.

Oxfam in Kenya (Oxfam): In Kenya, Oxfam works with other non-state actors to alleviate poverty and inequality. It works with the most vulnerable communities in the dry and remote northern regions, and in the impoverished slums of the capital, Nairobi. In Kenya, the highest poverty levels are in the northern pastoralist districts with some areas registering 95% of people fall below the poverty line (Oxfam, 2014). Like many developing countries, Kenya is undergoing rapid urbanisation. It is estimated that by 2050 half the Kenyan population will be living in urban areas. This high population presents a myriad of challenges. About 34% of the 17 million poor Kenyans are urban poor and most of them live in informal urban settlements (Ibid). Oxfam aims to address all these challenges by working with local communities and other organisations including the governments. Oxfam aims to help citizens to stand up for their rights.

Since the commencement of its work in Kenya in 1963, Oxfam has: provided long-term development aid and emergency relief. For example, supporting refugees; promoting peace and managing conflicts that exist between local communities; and campaigning for better governance and equitable access to services. In communities living in the dry-lands Oxfam works with Turkana and Wajir Counties, developing market-based alternative and complementary livelihoods, supporting fishermen and traders. In the capital city, Nairobi, Oxfam works with poor urban communities and with partners to run water kiosks, “bio-centres” that turn human waste into usable energy and improves sanitation, and recycling plants for unemployed youth (Ibid). Oxfam’s social protection programs provide cash to help poor families cope with rising costs of food, water, and kick-start small businesses.

Oxfam focuses on enhancing communities' capacity to resolve conflicts and co-exist peacefully. It has influenced national policy through the National Steering Committee on Peace-Building and Conflict Management under the Office of the President. Oxfam is also working closely with other civil society organisations, supporting local civil society to hold the Government accountable for its response to climate change (NGO Coordination Board, 2015). It generates relevant climate change data to inform advocacy positions locally and internationally. All of Oxfam's work in Kenya is rooted in promoting better governance at local, regional and national levels by strengthening poor people's ability to defend and demand their rights. Oxfam works to ensure that its partners and the communities it works with have their voices and concerns heard, and that the Government fulfils its responsibilities to poor Kenyans.

5.3.2 State power as constraints to inclusive public policy process

5.3.2.1 Visible power

The contribution of Action Aid Kenya on Basic Education Act encountered the reality of 'visible power' (Gaventa, 2009). Action Aid pushed for amendment of Basic Education Act. Although the government finally accepted Action Aid position, which was also backed by the support of other non-state actors, the government initially had rejected Action Aid's position. World Vision has also experienced visible power.

"The level of creating awareness and information release from the government has been slow. The government does not easily give documents especially for those who need them for grass root awareness. The government does not assist by producing relevant documents; hence, community members are not able to engage in policy process and build their own capacity for policy analysis and informed participation. Communities do not engage with high-level policy makers. However, WV has established community structures in and has 59 development programs with several wards operating in 35 counties" (Interview with World Vision Official, 2014).

Amnesty International (IA) has also experienced visible power manifest in government resistance to change oppressive laws and enact laws that are likely to improve the lives of the people living in slums and informal settlements (Manor, 2004). IA raised concerns to the

government as part of demand dignity campaign. It examined the human rights issues faced by the residents of informal settlements in their access to affordable, habitable housing and essential services.

5.3.2.2 Hidden power

Action Aid confirms that engaging state actors can be tough,

“Policy advocacy is not easy sometimes we hit a snag, we then work around some platforms. We link local partners to national partners and establish rapport with Members of County Assembly (MCAs), strategic partners, governors and other NGOs. Sometimes their alternatives are successful other times not. We have worked with UNICEF, Goal Kenya, Girl Child Network, Ministry of Education Sweden, and parent’s teachers’ associations (PTAs) (Interview with Action Aid Official, 2014).

Action Aid implies that it sometimes experiences instances of resistance from state actors but it struggles to overcome this resistance by using available platforms. This relates to what Gaventa (2009) referred to as spaces that are constantly opening and closing through struggles for legitimacy and resistance, co-optation and transformation.

5.3.2.3 Invisible power

In July 2013, Action Aid pushed the government to be transparent with its handling of the issue of tax incentives for multinational corporations (MNCs). The government was offering multinational corporation some tax incentives to attract them invest in Kenya. This observation is similar to Laforest’s (2013) finding that in both Canada and EU, inclusion in policy making tended to privilege the best-organised groups, rather than the most represented ones. This would negatively affect tax revenue for the government and in turn, impact negatively on the citizens as it would amount to revenue loss. There were interested parties in government who wanted tax incentives to be given to MNCs and they were busy pushing for government decision on incentives to be adopted. This was a clear case of invisible power working behind the scenes (Gaventa, 2009).

5.3.2.4 Challenging power

Action Aid pushed for amendments to Basic Education Act through CLARION work empowerment programme funded by DANIDA from 2012 to 2013. National and local partners were involved including *Sauti ya Wanawake*, *Pambazuko la Wanawake Magaribi*, *Kibira*, *Makina*, Mwari Paralegal Associations (Women empowerment link). CLARION reviewed basic education Act, met with CSOs and key government officials and presented its position. Action Aid has consistently created spaces for engagement with the government both directly and indirectly. It has engaged the government directly by meeting with government officials to present its position and indirectly by working through local communities and other non-state actors. Contrary to CAADP (2011) observation, these engagements have not been antagonistic and have not undermined trust as well as breaking down the relationships vital for achieving change.

WV struggled to find space for participation through the Ministry of Education and the task force. Nevertheless, later, the Ministry of Education opened doors for participation during the time when the late Mutula Kilonzo was the Minister for Education (2008-2013). Since then the relationship between the Ministry of Education and WV has been good and improved with time perhaps due to realisation on the part of state actors that participation offers input not a veto for individual or group on policy choices (Philips and Orsini, 2002). The WV has created its own space and believes that it is not easy for the state actors to ignore its role in education.

AI created its space for engagement with the government through the support of the international declarations on human rights, it engaged the government to comply and honour human rights for all citizens without discrimination. AI provides oversight of the realisation of the international declarations on human rights reminding the government to honour the declarations, thus supporting Eybon (2003) argument that inclusive public policy process reflects a rights-based approach.

Oxfam has also created its own space for engagement with the government overtime. All Oxfam's work in Kenya is rooted in promoting better governance at local, regional and national levels by strengthening poor people's ability to defend and demand their rights (Institute on Governance, 2005). Oxfam works to ensure that its partners and the communities it works with have their voices and concerns heard, and that the Government fulfils its responsibilities to poor Kenyans (Interview with Project Officer, Oxfam 2014). Oxfam supports civil society

networks to campaign for transparent policies on natural resources such as oil. Oxfam assists urban traders to have access to justice, protection and legal systems. Oxfam campaigns for equitable provision of basic services such as water and sanitation, and access to finance.

All international non-governmental organisations seem to have created their own spaces for policy engagement with the government. Their ability to claim their own spaces and contribute to public policy has also been aided by the resources they have and their visions and missions. Their achievements have also been aided through fostering awareness and education (Watling, 2007). What strategies have these organisations used to create spaces and influence public policy?

5.3.3.1 Spaces for engagement

The international non-governmental organisations have employed various strategies to challenge power relations in various spaces.

5.3.3.1.1 Closed spaces

Partnerships with other non-governmental organisations and lobbying as well as direct engagement are the main strategies used by international non-governmental organisations to challenge power relations. A few examples will suffice to illustrate closed spaces. Amnesty International has challenged closed spaces by using innovative strategies including email petitions and other online actions (Mc Gee, 2004). Table 13 presents various strategies employed by the organisations.

Table 13: Approaches and strategies of engagement for international non-governmental organisations

	Name of organisation	Approaches and Strategies of engagement
1	Action Aid Kenya	Lobbying, one-on-one meetings, collaboration, direct engagement, conferences
2	World Vision	Social accountability, position papers, breakfast meetings, collaboration, boardroom meetings and conferences
3	Amnesty International	Research and publication, public demonstrations, vigils, letter-writing campaigns, human rights education, awareness-raising concerts, direct lobbying, targeted appeals, email petitions and other online actions, partnerships with local campaigning groups, community activities and co-operation with student groups.
4	Oxfam Kenya	Civil society capacity building, local community capacity building, direct engagement, collaboration and direct provisions.

Source: Field data, 2014

The approaches used by Action Aid and CLARION include lobbying, one on one meetings, collaborating with other organizations, direct engagement with government, and conferences.

“Action Aid has also been working with partners to build capacity for advocacy. Action Aid is now changing its strategy from service delivery to empowerment of the communities to demand or claim rights from the government” (Action Aid Programme Officer, 2014). It views this strategy as sustainable given that there is dwindling of funding for their projects.

5.3.3.1.2 Invited spaces

Amnesty International (AI) collects facts on the ground by engaging those affected and listening to their stories. This is then documented and analysed and further informed by other reports and documents related to the issues thus, overcoming information asymmetry (Watling, 2007). Through these activities, state actors for engagement have occasionally invited AI. AI holds meetings with the government officials and other relevant stakeholders thus involving them in policy making early (Millar, 2013). During the meetings, AI presents its concerns in form of recommendations drawn from its fact-findings. AI also disseminates its research

findings to many stakeholders including funding organisations. It consults with people who are affected by the issue under consideration and captures their stories (Mc Coy and Surlly 2002).

Similarly, for a very long time Oxfam has been working in the northern parts of Kenya, where cattle rustling, banditry, and inter-ethnic and cross-border clashes over resources are common. Human development has been slow in these areas. It has also worked in urban centres where there has been an increase in violence due to unemployment and lack of alternative livelihoods among urban poor people. Oxfam focuses on enhancing communities' capacity to resolve conflicts and co-exist peacefully. It influences national policy through the National Steering Committee on Peace-Building and Conflict Management, under the Office of the President (Bossuyt and Carlson, 2002). Oxfam has therefore also occasionally been invited by government to contribute to and inform government decisions on resources handling in northern Kenya and other parts of the country.

5.3.3.1.3 Claimed and created spaces

All international non-governmental organisations have been active in claiming and creating their own spaces for engagement with state actors thus, confirming Bossuyt's (2000) belief that citizens have the ability to change policy environment and increase ownership of public policy process. World Vision (WV) made use of social accountability approach, which enables it to provide community information to government. It also reviews technical documents with the input of other civil society organizations and give submissions to the government. It makes use of breakfast meetings and boardroom meetings with the Ministry of Education personnel and other stakeholders. It participates in conferences and lobby members of parliament to share documents and information on specific policy issues.

Amnesty employs various approaches and strategies to assist stop human rights abuses. It mobilises the public to put pressure on governments through publication and promotion of research findings, public demonstrations, vigils, letter-writing campaigns, human rights education, awareness-raising concerts, direct lobbying, targeted appeals, email petitions and other online actions, partnerships with local campaigning groups, community activities and co-operation with student groups (Soja, 1996; and Peace and Vela, 2005).

Oxfam works closely with others, supporting local civil society to hold the Government accountable for its response to climate change. Oxfam also generates relevant climate change data to inform advocacy positions locally and internationally. According to Oxfam, previous policies have failed to take into account the needs of the poorest and most marginalised communities, a situation which has contributed to the current climate related disasters experienced in Kenya (Oxfam, 2014).

Many areas in the Northern part of Kenya face chronic droughts, the rains failed in 2010 and 2011, pushing up food prices, killing cattle and ruining harvests, causing millions of pastoralists and small farmers to lose their livelihoods (Ibid). In 2011/12 Oxfam responded as millions of people faced desperate food and water shortages and lost their cattle. Oxfam also responded in Dadaab refugee camp, home to over 450,000 Somali refugees who have fled conflict and famine in their homeland. In times of conflict, such as the 2007-08 election violence, Oxfam provided vital water and sanitation to those affected (Ibid).

5.3.3.2 Building countervailing power

All international non-governmental organisations have been successful in developing countervailing power and challenged the power structures. For example, Amnesty International utilised ‘power to’, ‘power with’, and ‘power within’ as it has focused its programmes and activities on economic, social and cultural rights, particularly in the area of poverty, housing, forced evictions, and slums (Vene Klasen and Miller, 2002). Being a global movement with over 2.8 million supporters and members and activists operating in more than 150 countries and territories, Amnesty International has developed ‘power to’ campaign to end grave abuses of human rights. Drawing on its vision, (that is, every person to enjoy all the rights enshrined in the Universal Declaration of Human Rights and other international human rights standards) and independent of any government, political ideology, economic interest or religion and funded mainly by membership and public donations, Amnesty International has developed ‘power with’ as evidenced by immense support from people worldwide.

Similarly, Oxfam has worked with other organisations including local communities to alleviate poverty and inequality in Kenya. Oxfam has worked with the most vulnerable communities in the dry and remote northern regions with the highest poverty levels in the country, and in the

impoverished slums of the capital, Nairobi. Since 1963, Oxfam has provided long-term development aid and emergency relief, for example supporting refugees; promoted peace and managed conflicts between communities; and campaigned for better governance and equitable access to services (Interview with Programme Officer, Oxfam, 2014). Oxfam aims at helping citizens stand up for their rights. Oxfam has developed 'power with' by working with others from government, civil society, communities, international development actors and the private sector (Mc Coy and Sully 2002).

Enhancement of 'power to', 'power with', and 'power within' is apparent in World Vision (Lukes 1974). World Vision has made achievements in Basic Education Bill as it worked with parliamentary committee on education and civil society national conference on education, submitted a policy view to the government and developed MoU with parliamentary committee on education. The current Basic Education Act in Kenya has a lot of input from World Vision and civil society. World Vision sponsored several workshops including the workshop on national education support involved consultation with other stakeholders and partners including FIDA, SNV, and USAID; implementation of education policy within devolved government system and county education strategy development (Interview with Project Officer, World Vision, 2014). These examples provide evidence that international non-governmental organisations have challenged power and developed alternative sources of countervailing power. In this way, they have contributed to inclusive public policy process in Kenya.

5.4 Private sector membership organisations

Private sector membership organisations are business groups with the intention of pursuing the development of favourable environment for business growth. They utilise collective action to create environment for greater corporate gain. There are many business associations in Kenya promoting the interests of industrialist, cordial industrial relations, and private business and of small business in informal sector.

5.4.1 Policy area and level of engagement

Private sector membership organisations have focused their policy influence in areas that affect their members and business community. The main areas are taxation, public finance, procurement, minimum wage, National Social Security Fund (NSSF) and National Health Insurance Fund (NHIF) as presented in Table 14.

Table 14: Private sector membership organisations and areas of policy engagement

	Name of Organisation	Area of policy engagement
1	Kenya Association of Manufacturers (KAM)	Tax policy, Finance Bill, Energy Bill, Procurement Bill, Bills affecting business community
2	Kenya Private Sector Alliance (KEPSA)	Tax (VAT); National Social Security Fund (NSSF); Police Amendment Bill; Public Finance; Taxation Policy; and Monetary and Fiscal Policy.
3	Federation of Kenya Employers (FKE)	NSSF Act, minimum wage Act, Labour relations Act and national budget.
4	Jua Kali Association (JKA)	JKA sector recognition and support, social security policies: NHIF and NSSF.

Source: Field data, 2014

Kenya Association of Manufacturers (KAM) is a business association that serves, as representative of Kenya is manufacturing industry. It was established in 1959 as a private sector body that unites industrialists and serves as a common voice for manufacturing and other value add sectors in Kenya (Kenya Association of Manufacturers, 2014). It is owned, funded and managed by its members. It has its headquarters in Nairobi and regional offices in Mombasa, Kisumu, Nakuru, Eldoret, Athi River and Thika. KAM strives to be an excellent business membership organization effectively delivering services to its members wherever they operate. Its mission is to promote competitive local manufacturing in a liberalized market (KAM Agenda, 2014). Its goal is to transform KAM into a sustainable member focused association delivering relevant, quality, timely and effective services to its members. KAM cherishes values of innovation, effectiveness, responsiveness and resilience.

The strategic objectives of KAM are to: provide proactive, evidence based and result focused policy advocacy services for members; provide quality demand driven and profitable services to the business community; ensure that KAM is the most preferred business organization for

manufacturing value added industries; ensure KAM is financially sustainable and motivates professional and committed staff members and adheres to the highest standards of corporate governance; and deliver timely and effective communication to both internal and external stakeholders (Ibid). KAM is structured around Annual General Meeting (AGM), Executive Committee (Board of Directors), Secretariat, 3 Board Committees, 4 Working Committees, 14 Industrial Sectors and 6 Regional Chapters. KAM has been involved in VAT 2013 policy with an objective of enabling business environment for policy. It also contributed to tax policy (both domestic and external tax) through fact based advocacy research. The focus was on pharmaceutical sector, which is the largest industry in COMESA as detailed in Box 2

Box 2: KAM's Direct Engagement with the Government

“This industry is riddled with issues including taxation, employment, health and competition. KAM has also been involved in devolution particularly financial Bill; procurement Act particularly for local suppliers; Energy Bill advocating for reduction of the price of electricity from the current 85cents the highest in Africa to 9 cents; climate change Bill and all other bills affecting the business community. KAM is a proactive organization but reacted to the first draft Bill on VAT. It initiated meetings with parliamentary committees. The government was at that time holding Kshs. 30 billion monies for business organizations. KAM pushed the government to release this money to the business organizations. KAM assessed the impact of the VAT Bill on business particularly on drugs, on productivity of other business companies. KAM engaged the government at the national level and at the County government level through its chapters strategically located in Kisumu, Thika, Athi River, Eldoret, Nakuru, and Mombasa and in Industrial Area Nairobi. These chapters are important as they enable KAM to reach out to the local level” (KAM Programme Officer, 2014).

KAM received some resistance from the government regarding their recommendations on VAT but not on pharmaceuticals. The time taken by the government to respond to KAM's recommendations has also been long. KAM was then invited by the government to discuss the VAT Bill. It collected the views of the members through a process of “sector specific issues”, prepared a position paper and presented it to the government.

Kenya Private Sector Alliance: There is a common understanding within the private sector in Kenya that at independence in 1963, Kenya adopted a private sector-led development with a strong social spending to increase social and economic equity (KEPSA Programme Officer, 2013). Thus, the private sector understands that one of its main mandates is to steer social

economic development in Kenya. The private sector in Kenya is always referred to as the ‘engine’ of growth (Kenya Private Sector Alliance, 2014). To fulfil this obligation of being the engine of growth, the private sector together with other non-state actors have been actively engaged in public policy process, collaborating with the government to develop and implement public policies.

Box 3: KEPSA Areas of Engagement with the Government

“KEPSA usually looks at the Bills in perspective of their impact to the private sector. For example, KEPSA was very influential in the preparation of the VAT Bill 2012 and provided input on the operational and administration of the Bill. KEPSA also provided input by way of submissions in the preparation of the NSSF Bill. Similarly, to the Police Amendment Bill. KEPSA sponsored Micro and Small Enterprise Act through public private partnership Act. When KEPSA contribution is not adopted, KEPSA uses people and groups to influence. For example, the environment council on climate change group. It also withdraws and waits to interject at a higher level say presidential office. It also employs other formal and informal ways of influencing including asking its members to review the bill and its impact on their business and share their concerns with KEPSA to be channelled to the office of the president. KEPSA provides technical information on the many aspects including tendering in the oil industry, ERC fixing prices that hurt the poor. KEPSA has persisted in telling the government that oil price fixing is hurting the industry and the poor” (KEPSA Programme Officer, 2014).

The private sector has therefore contributed to the various government Bills and public policies including the Value Added Tax (VAT); National Social Security Fund (NSSF); Police Amendment Bill; Public Finance; Taxation Policy; and Monetary and Fiscal Policy.

Federation of Kenya Employers (FKE): The mandate of Federation of Kenyan Employers (FKE) is to influence policy environment; labour laws such as NSSF Act; determine wages especially minimum wage; industrial relations such labour relations Act; and determine national budget that is friendly to business (Kenya Federation of Employers, 2014). FKE has therefore contributed to public policy process in these areas.

Jua Kali Association (JKA) is an umbrella organization of an informal sector in its eighth year of existence (Kenya National Federation of Jua Kali Association, 2014).

Box 4: JKA Significance in public policy process

“JKA has experienced rejection by government but due to unemployment situation in the country the Government has come to recognize the contribution that the sector makes to economy. The government but excluded jua kali in the deliberations formed micro and Small Enterprise Authority (MSEA) partly because the sector has been semi illiterate for a very long time. The sector faces many challenges including inappropriate education programme and difficulties in accessing loans to grow their business. The sector is despised due to informal education of the members. The sector has a strategic plan 2013-2017. The government invites the leaders of the sector to forums to discuss matters of the sector but this happens occasionally. The sector has wanted to be under the Ministry of Labour because of its small size but the government placed it under the Ministry of Industrialization” (JKA Chairman, 2014).

In 2010, the government invited the sector to discuss the issues affecting the sector. The sector seized this opportunity to demand for social protection and not to be harassed by the City County of Nairobi (JKA Chairman, 2014). The sector also demanded for adequate working space, an end to grabbing of its land, funds and expansion. Among the challenges, the sector is facing have to do with the proposed road to pass through the main workstations of the sector in Nairobi.

“Kenya Urban Road Authority (KURA) had proposed a major road to pass through the jua kali land area. The Environmental Impact Assessment (EIA) was not conducted; the proposed road is likely to be constructed because the Nairobi Governor has already received 3 billion shillings to build the road. Our concerns have been presented to the government. Regarding the social security policy, the jua kali members have not seen the importance of contributing to the NHIF, they need to be educated on the importance of this fund” (Ibid).

Inadequate recognition and support for the sector by the government and the many challenges the sector faces undermine the capacity of the sector to contribute effectively to public policy process. The sector is part of the largest informal sector that drives the economy of Kenya and yet its policy capacity has not developed.

5.4.2 State power as constraint to inclusive public policy process

Private sector membership organisations are business groups with the intention of pursuing the development of favourable environment for business growth. They utilise collective action to create environment for corporate gain. There are many business associations promoting different interests including those of the industrialists, industrial relations, all private business and small informal business. These organisations have also used power to contribute to inclusive public policy process in Kenya. They have encountered power constraints under the three dimensions of power over as discussed in the next subsection.

5.4.2.1 Visible power

The case of KAM and VAT Act presents a good example of visible power. KAM initiated meetings with the parliamentary committees to react to the first draft Bill on VAT. The government was at that time holding Kshs. 30 billion, money for business organizations. KAM pushed the government to release this money to the business organizations. KAM assessed the impact of the VAT Bill on business particularly on drugs and on productivity of other business companies (Tarrow, 2005). KAM engaged the government both at the national and county levels through its chapters strategically located in Kisumu, Thika, Athi River, Eldoret, Nakuru, and Mombasa and in Industrial Area Nairobi. These chapters are important as they enable KAM to reach out to the local level (Interview with Programme Officer, KAM, 2014). KAM received resistance from the government regarding their recommendations on VAT Bill but not on pharmaceuticals. Although the government responded to KAM, it took too long to respond to KAM's recommendations.

Similarly, Federation of Kenyan Employers (FKE) has encountered a lot of resistance from government while executing its mandate which is to influence policy environment; labour laws such as NSSF Act; determine wages especially minimum wage; industrial relations such labour relations Act; and determine national budget that is friendly to business. In many occasions, the visible power of state actors rejected the proposals and recommendations of FKE regarding increasing the country's minimum wage. An official of FKE summed up government resistance as follows; *"Sometimes our position is not adopted by government; we accept it but communicate consequences to the government"* (Interview with FKE Official, 2014). In these occasions, the government has gone ahead and increased the country's minimum wage despite

the warning from FKE that the increase will hurt the economy, as labour productivity did not support increase in wages (Bridgman and Davis, 2004).

Another case of visible power is JKA. Kenya Urban Roads Authority had proposed a major road to pass through the jua kali land area, which houses majority of jua kali industries. JKA perceived this action as land grabbing that aimed at collapsing their business. Although the environmental impact assessment had not been done, construction of the road was to take place as the Nairobi Governor had already received 3 billion shillings to build the said road. JKA presented its concerns to both Nairobi County and the National government but were ignored. JKA received a similar response regarding the social security policy, which expected all the jua kali members to contribute to the fund. This experience has made JKA members to feel that state actors particularly, the government are not serious about their issues (Manor, 2004). JKA had not seen the importance of contributing to the NHIF, they needed to be educated on the importance of this fund, but this did not happen (Interview with JKA Official, 2014).

5.4.2.2 Hidden power

Hidden power is manifest in KEPSA's activities with government. KEPSA has experienced conflict of interest between itself and government and between itself and its members (Republic of Kenya, 2018). For example, there was conflict of interest between KPL and IPPs, Oil and gas LPG companies. When conflict is rife, the government has its way due to influence of the big interests. For example, investment in private transport contributed to the collapse of public transport in Kenya. KEPSA members supported the revival of the railway transport sector. Sometimes the private interests override public interests. Examples of areas where KEPSA has experienced conflict of interest include the cement industry, communication sector particularly Safaricom and Orange.

“When Agha Khan comes to Kenya usually there is an issue he comes to settle mainly a threat to media ...When parliamentary committee on Labour and social welfare was taken to Mombasa to discuss and understand the proposed Bill only 3 members understood the Bill” (Interview with KEPSA Official, 2013).

Hidden power is operating in both the government and KEPSA as some KEPSA members shape and influence state policies behind the scenes.

The case of JKA is also a good example to illustrate hidden power. JKA has experienced rejection by government for a long time, but due to runaway unemployment situation in the country, the government has come to recognize and appreciate the jua kali sector. The government but excluded jua kali in the deliberations formed micro and Small Enterprise Authority (MSEA) partly because the sector has been semi illiterate for a very long time. The sector faces many challenges including in appropriate education programme for members (CUTs International, 2009). The sector is despised due to informal education of the members. The government has rarely invited the sector leaders to forums to discuss matters affecting the sector. The sector wanted to be under the Ministry of Labour because of its small size but the government placed it under the Ministry of Industrialization where it has no visibility. The hidden power that constrains the sector can be found within government, KEPSA and KAM, ‘the big shorts’ in the private sector (Bridgman and Davis, 2004).

5.4.2.3 Invisible power

JKA case clearly shows how government to undermine its efforts to participate in public policy decision-making uses invisible power. Biases are used to keep the association away from participating in decision-making process (Boon and Melby, 2000). For instance, the views of the JKA Official show biases and stereotypes,

“Micro and Small Enterprise Authority (MSEA) was formed by the government but excluded jua kali in the deliberations partly because the sector has been semi illiterate for a very long time. The sector faces many challenges including in appropriate education programme. The sector is despised due to informal education of the members” (Interview with JKA Official, 2014).

5.4.3 Challenging power

KAM created its own spaces for engagement with the government. Due to its large membership, sustainable resource pool and the significance of the members in the overall economy, the government has found it very difficult to ignore KAM’s contribution to public policy process (Laforest, 2013). KAM has been proactive although it reacted to the first draft

Bill on VAT. It initiated meetings with parliamentary committees. KAM was invited by the government to discuss the VAT Bill. It collected the views of the members, prepared a position paper, and presented it to the government. There are instances where KAM has initiated discussions with the government without being invited. KAM has been involved with the government at all stages of public policy process. Nevertheless, it has been more involved at the agenda setting stage and the policy formulation stage. KAM has tried to set agenda for the whole year involving the government and following through to monitor the implementation and evaluation.

KEPSA adopted a non-political, non-partisan approach to working with the government of the day through public private dialogue frameworks complementing or supplementing government efforts. KEPSA has unwritten rule about being non-political (Millar, 2013). Through its large membership, KEPSA has used this power to marshal the entire private sector, which has membership of about 95 per cent of the entire private sector affiliated to KEPSA. KEPSA also enjoys power of individual industrialists such as Manu Chandaria, Chris Kirubi and others.

The JKA has enjoyed limited invited space to contribute to public policy process. Although the government has invited the sector to public policy forums, the sector has not benefited much from these forums due to low educational levels of the leadership and the members. The sector lacks adequate capacity to create and claim spaces for engagement in public policy process (Pearce and Vela, 2005). Given that public policy process is, highly knowledge based and unlike their counterparts KAM who are able to generate knowledge through research and members' expertise, JKA sector members lack sufficient knowledge and skills to engage in high-level policy debates especially about business interest-related policies.

5.4.3.1 Spaces for engagement

Private sector membership organisations have also used various means and strategies to challenge power and build inclusive process of influencing public policy. These means and strategies include presidential round tables, individual members of the organisations, forums and position papers as presented in Table 15.

Table 15: Approaches and strategies for engagement used by private sector membership organisations

	Name of Organisation	Approaches and strategies for engagement
1	Kenya Association of Manufacturers (KAM)	KAM Board, Chapters, working committees, individual members, position papers, publicity through media, sharing information and education campaign.
2	Kenya Private Sector Alliance (KEPSA)	Ministerial stakeholder forums, taskforce and presidential round tables.
3	Federation of Kenya Employers (FKE)	Direct participation in policy formulation, memos, capacity development, press releases in media/social media, forums and direct engagement.
4	Jua Kali Association (JKA)	Forums and position papers

Source: Field data, 2014

5.4.3.1.1 Closed spaces

KAM has engaged the government at the national and county level through its chapters strategically located in Kisumu, Thika, Athi River, Eldoret, Nakuru, and Mombasa and in Industrial Area Nairobi. These chapters are important as they enable KAM to reach out to the local level (Interview with Programme Officer, KAM, 2014). While responding to the VAT Bill, KAM received resistance from the government regarding its recommendations on VAT. The time taken by the government to response to KAM’s recommendations has also been long.

KAM has used own existing structures including the Board, Chapters, working committees, individual members in the industry and different sectors to open closed spaces. KAM has been guided by its business development and strategic plan. Other strategies used by KAM to engage the industry players particularly the government and other stakeholders include position papers; media publicity of the issues under considerations; education dissemination of information to its members (Watling, 2007).

5.4.3.1.2 Invited spaces

The power relations between government and KEPSA have been more cordial than restraint. Kenya Private Sector Alliance (KEPSA) is internally organized by sectoral boards on health, education, environment etc. (Millar, 2013). KEPSA has provided technical capacity to policy forums. These forums are the Ministerial Stakeholder Forums (MSFs) through which KEPSA influences various government policies. KEPSA involves sector members to discuss policy issues, drafts and contributes to the MSFs. KEPSA receives communication from the government to provide input to policy drafts. KEPSA sits on the task force for various policy development processes. Its members participate in sector meetings giving high-level representation from the private sector. In the past KEPSA participated in Prime Minister's round table discussions to discuss various policy issues that the Office of the Prime Minister was considering. It also participates in Presidential round table discussion on crosscutting issues of national interest such as security, tax policy, energy, unemployment, regional integration, etc. KEPSA has also strong engagement with the parliament and the senators (Laforest, 2013; and OECD, 2009).

KAM was invited by the government to discuss the VAT Bill. It collected the views of the members through a process of sector specific issues, prepared a position paper and presented it to the government. There instances where KAM has initiated discussion with government without being invited. KAM has been involved with the government at all stages of public policy process. Nevertheless, it has been more involved at the agenda setting stage and the policy formulation stage. KAM has tried to set agenda for the whole year involving the government and following through to monitor the implementation and evaluation.

Similarly, in 2010 the government invited the JKA sector to discuss its challenges with a view to enabling it to be more productive. The sector demanded that the government gives the sector members social protection and the Nairobi County officials from harassing its members. The sector also demanded for adequate working space, an end to grabbing of its land, financial assistance, and expansion. However, in many instances the sector has felt cheated, as the government has sluggishly responded to the sector's demands (Manor, 2004).

5.4.3.1.3 Claimed and created spaces

FKE created its own spaces for engagement through its own initiatives. This has enabled it to participate in public policy process right from the policy formulation stage all the way to policy implementation (Millar, 2013). FKE participates in public policy at national, regional, sector and enterprise levels. FKE makes use of the following strategies in its engagement with government: direct participation in policy formulation, memos, capacity development in relevant areas, press releases in media/social media, host forums for its members, direct engagement with policy makers, public forums (especially on labour day celebrations), engaging through both local and international forums. FKE partners include the government and company employers. Its key approaches to policy interventions include tripartite agreements between employers, government and FKE; presenting interest of employers; maintaining high-level professional standards; use of facts, data supported arguments. (FKE Programme Officer, 2014).

Similarly, KAM created its spaces for both internal and external engagement. It has used own existing structures including the Board, Chapters, working committees, individual members in the industry, different sectors. KAM has been guided by her business development and strategic plan. Other strategies used by KAM to engage the industry players particularly the government include; preparing and presenting position papers; claimed media space to do media publicity of the issues; educating the members to rally their support and providing them with full information (Watling, 2007).

5.4.4 Building countervailing power

Apparently, all the private sector membership organisations have been successful in developing countervailing power to challenging power structures that have constrained their participation in public policy process. They have used their positive power including ‘power to’, ‘power with, and ‘power within’. The biggest achievement of KAM is its contribution to the VAT Act 2013 with an objective of providing an enabling business environment. It also contributed to tax policy through fact based advocacy research. The focus was on Kenya’s pharmaceutical sector, which is the largest industry in COMESA. This industry is riddled with issues including taxation, employment, health and competition.

Another achievement is the example of FKE. Its achievement was summarised by its official as follows: “FKE has been successful in some areas, with a rating of 60-70%. Its milestones include the passing of NSSF Act where it contributed a great deal and the Productivity Bill”. These are clear examples of ‘power to’ as utilised by these organisations. These organisations are membership organisation thus they represent their members interests all the time. Nevertheless, they also educate them and provide them with information regarding the business environment, thus they manifest ‘power with’ and ‘power within’. They not only represent the interests of their members but also empower their members with relevant knowledge and information that is good for the success of their business. There is no doubt that these organisations have challenged power and developed alternative sources of countervailing power.

The success story of these organisations supports Begine’s (2014) and Radley’ (2008) observations that non-state actors have influenced public policy process in Kenya and that they were poised to play a significant role in determining the direction and future of Kenya’s new political era. The success story thus, weakens the view by the Republic of Kenya (2018) that the past and current public engagement programmes and processes have been fraught with diverse challenges including the lack of uniformity of the processes due to gaps in the countrywide frameworks and standards; the slow pace in completion and operationalization of public participation laws, regulations and guidelines; challenges of access to and provision of the relevant information to the public; limited capacity; and inadequate funding to public participation. It held the view that inadequate funding to public participation has affected the establishment of the relevant mechanisms for coordination and management of the processes and their effectiveness in developing appropriate capacity strengthening programmes; planning for public participation and managing the processes and; coordinating public participation and civic education programmes.

5.5 Donor organisations

Donor organisations are involved in development activities; they raise funds and support many other organisations and governments using the money they make through their governments, grant making and others. The way these organisations engage with state actors is different from the way other non-state actors engage with state actors. They are more listened to by

government than any other NGO. This could be explained by their privileged position and being best organised (Laforest, 2013). They are partners with the government and usually referred to as development partners with bilateral and multilateral relationships. They possess decades of development knowledge and expertise, and provide billions of dollars in aid to support development in Kenya. Donor institutions help build the enabling environment for effective, sustainable and inclusive development.

5.5.1 Policy area and level of influence

Donor organisations have concentrated their policy influence at the national government with minimal activities at the county and local levels. Their areas of policy engagement range from supporting devolution and implementation of the Constitution to provision of services as shown in Table 16.

Table 16: Donor organisations and areas of policy engagement

	Name of organisation	Area of Policy engagement
1	World Bank	Devolution, public finance and social accountability
2	European Union	Democratic governance, human rights, Millennium development goals, trade, regional integration and infrastructure
3	Department of Foreign International Development (DFID)	Health, education, poverty and private sector growth.
4	International Budget Partnership (IPB)	Budget transparency and citizen participation in national budget process

Source: Field data, 2014

The World Bank is involved in many policy areas but in this study, we focused on one policy area, devolution. The World Bank has resources, knowledge and expertise. It has been involved in knowledge sharing at both the national and county level, public finance regulation in health and social accountability, collaboration with IBP and IEA on social accountability, generation of county model revenue through collaboration with CRA, Council of Governors, CIC and county governments.

The EU - Kenya relations date back to more than 30 years. Since then, Kenya has established a durable and dynamic partnership with the EU. The cooperation between the EU and Kenya, as well as the other ACP countries has been guided by the principles of the Cotonou Agreement and the Country Strategies (OECD, 2015). The EU Delegation in Nairobi opened in 1976, following the signature of the first Lomé Convention. At the time of the Delegation's establishment, its principal mandate was, close co-operation with the Government of Kenya, and implementation of the development cooperation. Over the years, the role of the Delegation has expanded considerably. EU is now fully involved in political dialogue with the government, as well as in the political co-ordination process with the 19 EU Member States represented in Nairobi. This engagement does not dilute government's power and control of the situation as well as information (Institute on Governance, 2005). The 2008-2013 Kenya Country Strategy Paper and the National Indicative Programme are currently under implementation. The main areas of the EU cooperation with Kenya are infrastructure, rural development and social sector. The ultimate goal of the strategy is to support Kenya in achievement of Sustainable Development Goals through political and economic reforms and integration into regional and world economy.

The EU is strongly committed to cooperation with Africa and over the years has developed solid ties to the continent through various agreements, policy and strategy papers (Interview with EU delegation, Nairobi, 2014). Joint Africa-EU Strategy together with the Lisbon Declaration adopted in 2007 defines the framework for the Africa-EU strategic partnership. This partnership is being implemented in eight areas including; Democratic governance and human rights; Sustainable Development Goals; Trade; and regional integration and infrastructure, with the overall goal reduction and elimination of poverty.

Department of foreign International Development (DFID) in Kenya: In general, DFID has focused on improving health, increasing the quality of education, reducing vulnerability among Kenya's most disadvantaged, and catalysing private sector growth to create more jobs for young people. DFID has concentrated on improving maternal and reproductive health; accelerating the fight against malaria; increasing school access and the quality of education; reducing vulnerability and malnutrition among Kenya's most disadvantaged; supporting refugees, improving governance and accountability; catalysing private sector growth to create more jobs for young people; helping Kenya to develop green energy and adapt to a changing

climate. DFID funds many organisations that are working to end poverty through open competition (Millar, 2013).

International Budget Partnership (IBP): The work of IBP in Kenya has been developed around the strategy developed and approved in 2013. The strategy has four main objectives: national budget transparency or the demand side, productive relationship with the Treasury, Constitution Implementation Commission (CIC) and Commission on Revenue Allocation (CRA) or the supply side, revenue sharing and partnership at the county level (Interview with Project Director, IBP, Nairobi, 2014). The first three are at the national level while the fourth and the last is at the county level.

As part of the implementation of the first objective of the strategy, IBP has focused on increasing demand for budget transparency through collaboration and supporting IEA budget programme. IBP observed that CSOs submissions on budget have not been crafted well to win influence of the Treasury and members of parliament. IBP is shifting towards capacity building of the CSOs to assist them develop better submissions. IBP has hired two people to work full time with the parliamentary budget office to coordinate the work of the parliament.

On the second objective, IBP has tried finding ways of engaging with the Treasury, CIC directly, through IEA, and through working with CABRI. IBP has done training with the Controller of budgets and is moving into doing more work with Auditor General's Office.

On the third objective on revenue sharing, IBP was asked to make a submission to the Commission on Revenue Allocation (CRA) concerning the revisions to the first formula for revenue sharing approved by Parliament in 2012. IBP has also tried to bring in members of civil society organizations to participate in the negotiations with the CRA (International Budget Partnership, 2014). It has also considered working with Media focus on Africa, which has in the past organized some dialogue. IBP is also working with health groups to improve the financing of Level 5 hospitals. It has been mobilizing budget sector working groups to engage in discussions about the financing of these hospitals.

On the fourth objective IBP is working at the county level with NTA, which has national outreach programme, NGOs and members of county assembly. Currently IBP is working in three counties. In Uasin Ngishu IBP is focusing on improving oversight of the county assembly members through training and providing information (Interview with Project Director, IBP, Nairobi, 2014). In Taita Taveta IBP has been supporting the setting up of

economic forum and expanding the structure of public participation. Its work at the county level can also be seen more as the accompaniment of the partners than training.

The IBP work in Kenya is in two dimensions: that is, budget transparency and budget participation. “But I am quite unconvinced by the distinction because having the content enables one to participate effectively. Budget participation and budget transparency is one package the difference comes because one may not work on the two at the same time” (Interview with Project Director, IBP Nairobi, 2014). Transparency and participation can be looked at as two sides of the same coin.

5.5.2 State power as constraint to inclusive public policy process

Donor organisations have also experienced the three forms of power over, namely visible, hidden and invisible power. The next subsection discusses these forms in the context of donor organisation.

5.5.2.1 Visible power

It is not clear that the donor organisations studied in this study have experienced the sharp end of visible state power in Kenya. DFID best summarises the phenomenon of visible power in the context of donor organisations in Kenya.

“We will encourage project partners in government, private sector and non-governmental organisations to abide by international standards of transparency and accountability. We will require them to raise awareness of DFID-supported projects among targeted beneficiaries using appropriate local languages” (DFID Report, 2014).

The language and tone used here depicts little or no visible power of the state. Instead, it depicts the visible power of donors. In this case, donors seem to be more powerful than the state. However, the implication here is that there are norms and standards, which guide power relationships between the state and donors. Compliance is an essential requirement in this case as parties treat each other as equals (Mc Coy and Surlly, 2002). There is a partnership agreement supported by norms and standards communicated clearly to all parties.

The EU example suffices to illustrate this point. The EU and Kenya have been in a relationship for more than 30 years that established a durable and dynamic partnership between Kenya and the EU. The cooperation between the EU and Kenya, as well as the other ACP countries has been guided by the principles of the Cotonou Agreement and the Country Strategies. The EU Delegation in Nairobi opened in 1976, following the signature of the first Lomé Convention. At the time of the Delegation's establishment, its principal mandate was, close co-operation with the Government of Kenya, and implementation of the development cooperation. Over the years, the role of the Delegation has expanded considerably.

"We are now fully involved in political dialogue with the Government of Kenya, as well as in the political co-ordination process with the 19 EU Member States represented in Nairobi" (EU website. Accessed 12/05/2014).

However, the state may experience visible power under the following conditions: when partnership ends usually by revoking the partnership agreement, the prevailing norms are not honoured or respected and when standards are not kept or followed. Under these conditions, the donor organisations may experience the sharp end of visible power of the state.

5.5.2.2 Hidden power

While visible power of the state may be a bit difficult to locate in the relationships between the donors and the state, hidden power of the state can be located within the citizens who benefit from donors' assistance. It is usually in the interest of the donor and the state for the donor to provide development assistance. Each party would do what is possible to ensure that her interests are met. The case of the World Bank provides an illustration of hidden power.

"The Bank's sustainability is based on transparency, understanding government needs, building long lasting relationships with the networks and the government, sharing information and constantly identifying gaps to update the government and support it" (Interview with World Bank Official, 2014).

It is clear that it is within the interest of the Bank to work with the government and respond to its needs. Nevertheless, the government represents the citizens of Kenya. Therefore, if citizens perceive that they do not benefit from the assistance given by the Bank, the Bank may hold the government accountable or the Bank may take responsibility for not achieving its desired

objectives (Manor, 2004). The hidden power of both the government and the Bank is visible in the citizens who are the targeted beneficiaries of the Banks interventions.

5.5.2.3 Invisible power

Invisible power is discernible in the EU Lisbon Treaty of December 2009, which strengthened and consolidated EU's position as an international player (Interview with EU Delegation, Nairobi, 2014). The Treaty sets out common principles and objectives for the Union's external action such as democracy, rule of law, universality and indivisibility of human rights and fundamental freedoms, respect for human dignity, principles of equality and solidarity. These principles underline all EU relations and cooperation activities with third countries. These common principles and objectives form the basis of EU's internalised norms and believes achieved mainly through process of socialisation and the diffusion of dominant ideologies. However, government's invisible power is discernible in similar internalised norms and believes such as the state is sovereign thus, should not be dictated to especially, by other foreign states for fear of diluting power and losing control (Institute on Governance, 2005).

Invisible power of the state is also discernible in what DFID calls, its motivation to work in Kenya. This motivation is summed up in Box 5 as follows:

Box 5: What motivates DFID to work in Kenya

Kenya has the largest and most diverse economy in East Africa, growing at an average rate of over 5% a year for nearly a decade – with the notable exception of 2008, following post-election violence. Its entrepreneurial energy, human capacity and available capital give it huge potential to create jobs and reduce poverty. However, Kenya faces a number of challenges. Although poverty declined from 52% in 1997 to 46% in 2006, inequality remains high. About 25% of Kenyans do not have enough income to meet their basic food needs. Progress on the Millennium Development Goals is patchy, and especially weak on maternal and child health. New approaches to providing basic services such as health and education are needed if the millions of poor Kenyans are to prosper. Kenya is also particularly vulnerable to the impacts of climate change, with increasingly frequent droughts and floods. Above all Kenya is politically fragile, with a risk that its economic potential will not be realised if political stability cannot be maintained. Kenya's development is also constrained by high and stable levels of corruption and impunity among political, government and business leaders. Kenya is ranked 154 out of 182 countries on the Transparency International Corruption Perception Index. (Source: DFID Website accessed in 2014)

The states inability or inaction to address the needs of its citizens also demonstrates the states' power over its citizens. It is one of the primary functions of the state to ensure that its citizens do not live in poverty and in other forms of deprivations such as insecurity, hunger, poor health, ignorance and illiteracy, harsh climate etc. The efforts of DFID focused at changing these conditions are often not complemented by government's interventions for changing these conditions thus; they work against DFID's contribution to inclusive public policy.

5.5.3 Challenging power

The World Bank (The Bank) consults more often with the government and collaborates in many areas. The Bank reaches out to government but sometimes the government invites the Bank to support government programmes and projects. The Bank uses its own human resources where necessary and offer financial support where necessary. However, The Bank has been on constant look out to identify gaps in government activities and engage the government for assistance. The Bank enjoys incredible spaces given its status and resources and often claims its own spaces whenever government delays to invite it to participate in the policy process (Laforest, 2013). The Bank works with both the national and county governments. At the county government level, the Bank is more involved in capacity building of county staff for efficient financial management of the county finances. The Bank has been invited by many county governments to train its staff in proper management of county funds.

The EU created spaces for engagement with third world countries through the Lisbon Treaty on first of December 2009, the European Union has strengthened and consolidated its position as an international player (EU Lisbon Treaty, 2009). The Treaty sets out common principles and objectives for the Union's external action such as democracy, rule of law, universality and indivisibility of human rights and fundamental freedoms, respect for human dignity, principles of equality and solidarity. These principles underline all EU relations and cooperation activities with third countries. The Treaty also has implications for the role of Delegations by giving them more robust political role that is shared with the rotating EU Presidencies.

In accordance with Article 177 of the Treaty establishing the European Community, Community policy in the sphere of development cooperation is to foster: the sustainable economic and social development of the developing countries, and more particularly the most

disadvantaged among them; the smooth and gradual integration of the developing countries into the world economy; and the campaign against poverty in the developing countries (EU Lisbon Treaty, 2009). By virtue of its treaty and mandate, EU also enjoys enormous spaces claimed and invited. The government finds it almost impossible to close space for EU participation in public policy as it depends heavily on EU's financial support for funding of government's development programmes. Given its status and role in public policy process, EU is therefore a special partner with the government.

What motivates DFID to provide financial support to Kenya is that Kenya has the largest and most diverse economy in East Africa, growing at an average rate of over 5% a year for nearly a decade – with the notable exception of 2008, following post-election violence. Kenya's entrepreneurial energy, human capacity and available capital give it huge potential to create jobs and reduce poverty. However, Kenya faces a number of challenges. Although poverty declined from 52% in 1997 to 46% in 2006, inequality remains high. About 25% of Kenyans do not have enough income to meet their basic food needs (DFID, 2014). Progress on the Millennium Development Goals is patchy, and especially weak on maternal and child health. New approaches to providing basic services such as health and education are needed if the millions of poor Kenyans are to prosper. Kenya is also particularly vulnerable to the impacts of climate change, with increasingly frequent droughts and floods.

DFID acknowledges that Kenya is politically fragile, with a risk that its economic potential will not be realised if political stability cannot be maintained. Kenya's development is also constrained by high and stable levels of corruption and impunity among political, government and business leaders. Kenya is ranked 154 out of 182 countries on the Transparency International Corruption Perception Index (Transparency International, 2014). DFID also has financial resources that enable it to participate in Kenya's public policy process. Given its status and mission based on eradicating poverty, DFID also enjoys both claimed and invited spaces for participating in Kenya's public policy process.

As part of the implementation of the first objective of the strategy, IBP has focused on increasing demand for budget transparency through collaboration and supporting IEA budget programme. IBP observed that CSOs submissions on budget have not been crafted well to win influence of the Treasury and members of parliament. IBP is shifting towards capacity building

of the CSOs to assist them develop better submissions. IBP has hired two people to work full time with the parliamentary budget office to coordinate the work of the parliament.

On the second objective, IBP has tried finding ways of engaging with the Treasury, CIC directly, through IEA, and through working with CABRI. IBP has done training with the Controller of budgets and is moving into doing more work with Auditor General’s Office. IBP is making a strategic entry into Kenya’s public policy community through a systematic collaboration with the civil society organisations. IBP hopes to contribute to public policy by working and supporting the efforts of the civil society organisations. IBP is therefore yet to claim its own space for participation in public policy process. It has so far enjoyed limited invited spaces to contribute to national budgeting process both at the national and county levels. With its broad strategic vision, IBP may in the near future also begin to enjoy both claimed and invited spaces to participate actively in public policy process.

5.5.3.1 Spaces for engagement

Donor organisations have used a variety of means and strategies to challenge power relations in various spaces. Although donor organisations have employed various approaches to engaging the government in public policy process, financial support and bilateral agreements remain the main approaches used as show in Table 17.

Table 17: Approaches and strategies for engagement used by donor organisations

	Name of organisation	Approaches and Strategies for engagement
1	World Bank	Research and fact finding, financial support and joint consultation
2	European Union	Diplomatic relations, Financial support and bilateral agreements
3	DFID	Financial aid and bilateral agreement
4	International Budget Partnership	Collaboration with local NGOs and direct engagement with Treasury and parliamentary budget research office.

Source: Field data, 2014

5.5.3.1.1 Closed spaces

It is apparent that fact-finding and research are key approaches used by the Bank before any intervention is made. These approaches help the Bank to open closed spaces to enable it participate in public policy process. Fact-finding and research enable the Bank to gain

knowledge about the issues before it can respond to them. Based on the uniqueness of each county there is more of ownership of strategy and consultation. Joint consultation has proved quite useful as a tool of engagement (Interview with World Bank Official, 2014). The Bank provides financial support for the implementation of government policies, facilitating capacity building, generation and dissemination of information. The Bank's strategy has worked well as far as it has abandoned its old and infamous "carrot and stick" approach (which was predominantly characterised by imposed policies and sanctions). The current joint consultation approach seems to work well as it also brings on board other actors from civil society organisations including the business community (Holmes, 2011). These consultations are structured to allow and respect the views and contributions of different actors and their interests. This approach also allows the Bank to work directly with the national and county governments as well as the civil society organisations including the business community (Interview with World Bank Official, 2014).

Similarly, EU has opened closed spaces by signing bilateral agreements with Kenya to support several programmes that aim to enhance infrastructure, governance, democracy, trade, economic growth, human rights and regional integration. The EU maintains diplomatic relations with Kenya; it has strategic partnerships with key international players, is deeply engaged with emerging powers around the globe, and has signed bilateral Agreements with several states (Arnstein, 1967). In other countries, the Union is represented by a network of 141 EU Delegations, which have a similar function to those of an embassy. European Union development assistance is supporting newborn babies and farmers; devolution and access to justice; roads and energy infrastructure; access to affordable food and clean water; the urban poor and those living in Kenya's remote regions. (Interview with EU Delegation, Nairobi, 2014). The European Union supports Kenya's leadership in the region, as an economic gateway and trade leader, and supporter of good governance. Alongside national policies, the European Union believes that development support is necessary for increasing prosperity. The EU also recognises a growing role of the private sector, trade and investment in development (EU Website, accessed in 2014).

EU has planned to spend Euros 435 million between 2014 and 2020, working closely with the Government of Kenya, to continue to improve key Infrastructure, agricultural development and food security, and to support governance that builds social unity (Ibid). Development assistance is only one pillar of the comprehensive partnership with Kenya. Kenya's Security is

dependent on regional stability and is important to the security of Europe. The European Union is the largest supporter of the peace process in Somalia, including financial support to the African Union Mission to Somalia. EU also supports regional institutions of security and stability. The European Union's Humanitarian Aid and Civil Protection agency, ECHO, responds quickly to emergencies and seeks to tackle the underlying causes of malnutrition, recurring famine and refugee issues in Kenya and the wider region. Above all, Europeans have invested in a relationship with the people of Kenya, a close cultural and social relationship that is expected to last for many decades to come.

5.5.3.1.2 Invited spaces

IBP was invited to make a submission to the Commission on Revenue Allocation (CRA) concerning the revisions to the first formula for revenue sharing approved by Parliament in 2012. IBP tried to bring in members of civil society organizations to participate in the negotiations with the CRA (www.Internationalbudget.org/Kenya). It considered working with Media focus on Africa, which in the past had organized some dialogue (Interview with IBP Official, 2014).

5.5.3.1.3 Claimed and created spaces

DFID has a duty to show that it is achieving value for money in everything it does. Results, transparency, and accountability are its watchwords and it is determined to get value for money for every hard-earned taxpayer pound spent on development. Kenya has seen significant growth in the UK's bilateral aid programme over 2011-2016. DFID spent £70 million in 2010/11, which could reach over £130 million in 2014/16. Its value for money strategy ensures its programmes achieve the maximum impact for the money spent, based on a clear understanding of the unit costs of delivery. Its strategy also strengthens awareness and capacity to improve procurement, and seeks efficiency through effective programme management. In line with the UK Aid Transparency Guarantee, DFID had published the Kenya Operational Plan (2011-2015) online where it is accessible to partners, the public and other stakeholders. Comprehensive project information, including levels of funding, procurement, expenditure,

easy-to-understand project documents and project data are also available on the DFID website. DFID encourages project partners in government, private sector, and non-governmental organisations to abide by international standards of transparency and accountability. DFID requires them to raise awareness of DFID-supported projects among targeted beneficiaries using appropriate local languages.

The European Union is committed to helping deliver the Government of Kenya's development agenda, to help build lasting peace and prosperity in the country. Working in close cooperation with Ministries and officials, the European Union provides assistance in line with the government's Medium Term Plan and ultimately the goals laid out in Vision 2030. From small-scale health community-led projects to long-term investment in energy and transport infrastructure, the European Union is at the forefront of international support to Kenya's growth and development. In 2011, the 28 member states of the European Union disbursed Euros 600 million to Kenya in development assistance. The main approach used by EU is therefore development assistance in form of financial assistance to fund developmental programmes and stable governance. However, this approach is based on EU's diplomatic relations and bilateral agreements with Kenya.

IBP has also claimed and created spaces to enable it engage state actors on national budget transparency issues. The work of IBP in Kenya has been developed around the strategy developed and approved in 2013. The strategy is now in its second year of implementation and it has four main objectives: national budget transparency or the demand side, productive relationship with the Treasury, Constitution Implementation Commission (CIC) and Commission on Revenue Allocation (CRA) or the supply side, revenue sharing and partnership at the county level. The first three are at the national level while the fourth and the last is at the county level. IBP's approach is a multipronged strategic intervention to participating public policy process in Kenya. With this approach, IBP expects to achieve its goals of openness and transparency in national budget process.

5.5.4 Building countervailing power

Donor organisations have also been successful in developing countervailing power and challenging power structures using positive power that is, 'power to', 'power with' and 'power

within'. Major achievements for the World Bank have been in the following areas: knowledge sharing at both the national and county level, public finance regulation in health and social accountability, collaborating with IBP and IEA on social accountability, generated county model revenue through collaboration with CRA, Council of Governors, CIC and county governments (Watling, 2007).

DFID's achievements have been determined to get value for money for every hard-earned taxpayer pound that it has spent on development in Kenya. It has spent increased its bilateral aid for Kenya significantly over 2011-2016. For instance,

"We spent £70 million in 2010/11 which could reach over £130 million in 2014/15. Our Value for Money strategy will ensure our programmes achieve the maximum impact for the money spent, based on a clear understanding of the unit costs of delivery. It will strengthen awareness and capacity to improve procurement, and seek efficiency through effective programme management" (DFID Website accessed in 2014).

In addition, DFID has encouraged her project partners in government, private sector and non-governmental organisations to abide by international standards of transparency and accountability. DFID has necessitated that project partners including the government raise awareness of DFID-supported projects among targeted beneficiaries using appropriate local languages. Therefore, it is clear that donor organisations have also challenged 'power over' and developed alternative countervailing power to promote inclusive public policy process in Kenya.

5.6 Multinational telecommunication corporations

Kenya's telecommunication industry has grown over the years from a small government department to a big industry with multinational corporations. This industry is one of the key industries in Kenya's economy and it has some of the highest revenue generating companies for the government in form of taxation.

5.6.1 Policy area and level of influence

Kenya has more than 31.8 million mobile subscriptions up from 31.3 million recorded during the last quarter. This increase represents a 1.7 per cent growth during the period (ICT Sector Quarterly Report 2013/14). This puts Kenya's mobile penetration to 78.2 per cent after a 1.3 percentage growth as illustrated in Table 18.

Table 18: Mobile subscriptions and company market share in Kenya

Company	Subscription		% Market share	
	December 2013	March 2014	December 2013	March 2014
Safaricom	21,248,287	21,567,388	67.9	67.8
Airtel	5,156,269	5,251,087	16.5	16.5
Orange Kenya	2,255,099	2,453,898	7.2	7.7
Essar Telkom	2,649,362	2,557,630	8.5	8.0
TOTAL	31,309,017	31,830,003	100	100

Source: ICT Sector Quarterly Statistics Report for Q3 Financial Year 2013/14

Safaricom, Airtel and Orange Kenya have majority subscribers. Safaricom and Airtel gained 1.5 and 1.8 per cent subscriptions respectively while Telkom Kenya had the highest gain in subscriptions of 8.8 per cent compared to Essar Telecom's 3.5 per cent loss of its subscriptions (Ibid). Safaricom Limited had 21,567,388 from 21,248,287, Airtel Networks Limited had 5,251,087 from 5,156,269, Essar Telecom Limited had 2,557,630 from 2,649,362 and Orange or Telkom Kenya had 2,453,898 from 2,255,099 totalling to 31,830,003 in March 2014 from 31,309,017 in December 2013 (Ibid). On market share by subscription, Orange or Telkom Kenya saw an increase in shares of 0.5 percentage points to 7.7 per cent up from 7.2 per cent shares while Safaricom Limited and Essar Telecom limited lost 0.1 per cent and 0.5 per cent of market shares to reach 67.8 per cent and 8.0 per cent shares respectively. Airtel Networks Limited shares remained unchanged at 16.5 per cent compared to the previous quarter (Ibid).

The Report showed that mobile money transfer increased by 0.9 per cent to record 26.2 million subscriptions from 26.0 million in the previous quarter while money transfer agents increased by 10.6 per cent to stand at 103,660 agents. MNP increased by 31.2 per cent to stand at 362 in-ports up from 276 in-ports recorded in the previous quarter. On a downward trend was voice traffic and SMS. Local mobile voice traffic dropped by 2.7 per cent to post 7.6 billion minutes down from 7.8 billion minutes while the subscriber average minutes of use stood at

80.3 minutes per month compared to 84.1 minutes registered in the last quarter. Due to smartphone penetration and increasing use of OTT, SMS traffic declined by 1.0 per cent to reach 6.22 billion down from 6.28 billion messages sent during the preceding quarter with each subscriber sending an average of 65.1 messages per month. Internet penetration stood 53.3 per cent up from 52.3 per cent during the preceding quarter. The number of broadband subscriptions increased marginally by 0.9 per cent to reach 1.44 million subscriptions from 1.43 million subscriptions recorded during the previous quarter while the number of domain names grew by 9.1 per cent to 33,381 up from 30,585 in the previous quarter.

Safaricom Limited: is the mobile telephony communication giant, the biggest and most profitable company in East and Central Africa. Safaricom employs over 10,000 people directly or indirectly and is the biggest taxpayer corporation in Kenya (Safaricom Kenya, 2014). The two majority shareholders of Safaricom limited are Vodafone Group Plc. with 39.9 percent and the Government of Kenya 35.0 percent (Nairobi Stock Exchange, 2015). With a subscriber base of over 18 million customers, Safaricom enjoys the giant share of the Kenyan mobile phone voice, internet and data market. Figures from the communication commission of Kenya (CCK, 2015) indicate that 72% of the country's mobile phone subscribers are Safaricom customers. Its biggest competitor, Airtel Kenya has a subscriber base of 17% while Essar's Yu and Telkom Kenya's Orange share the remaining amount. Formed in 1997 Safaricom is a pacesetter in the country's communication industry.

Safaricom Limited, together with its subsidiaries, provides mobile phone, fixed line wireless telecommunication, Internet, and data services in Kenya (Safaricom, Kenya. 2014). It offers mobile voice and data prepaid and post-paid services to consumers and businesses; converged services to businesses, including small and medium enterprises, and corporate. The company also provides a range of voice pricing plans on prepaid and post-paid options bundled with SMS and/or data services; voice services, including national, regional, and international roaming services; Bonga, a customer loyalty program; value added services, such as Skiza, a caller ring back tone service; and M-PESA to send and receive money through a mobile. Safaricom is the largest multinational telecommunication company in Kenya.

Airtel Limited: Airtel provides mobile communications services across 16 markets in Africa: Burkina Faso, Chad, Democratic Republic of the Congo, Gabon, Ghana, Kenya, Malawi, Madagascar, Niger, Nigeria, Seychelles, Sierra Leone, Tanzania, Uganda and Zambia. Airtel's African operations are owned by Bharti Airtel Limited, a leading global telecommunications company with operations in 19 countries across Asia and Africa (Airtel Kenya, 2014). The company offers mobile voice and data services, fixed line, high speed broadband, IPTV, DTH, turnkey telecom solutions for enterprises and national and international long distance services to carriers. Bharti Airtel has over 200 million customers (November 2010) across its operations, including 50 million in Africa. Airtel is driven by the vision of making mobile communications affordable for all to give people the freedom to meet their daily challenges and to drive economic and social development. Airtel is making a positive impact in the communities in which it operates through extending its networks to rural areas and through its education initiatives.

Orange Kenya: Orange is the only integrated telecommunications solutions provider operating in Kenya. It offers mobile telephony services under the GSM and CDMA platforms, fixed line telephone services and internet services (Orange Kenya, 2014). Orange also owns shares in the TEAMS and EASSy cables, in addition to running the National Optic Fibre Backbone Initiative (NOFBI) and its own terrestrial fibre optic network supporting its data carrier-to-carrier business. Orange currently covers the entire country on both the voice and data channels, with comprehensive plans in place to meet the Universal Service Provision's requirements set out by the industry regulator in Kenya, the Communications Commission of Kenya (CCK). Orange is part of the Lower Indian Ocean Network (LION) cable, an under-sea fibre optic cable connecting Kenya to Madagascar and the rest of the world.

Essar Telecom Kenya: Essar (YU) Telecom Kenya is Kenya's fourth mobile cellular network under the brand "yuMobile", launched in December 2008 (Essar yuMobile Kenya, 2014). YuMobile achieved the fastest network rollout speed in the region, by achieving countrywide coverage in approximately 10 months from launch.

"The network has a base of 3 million subscribers and offers best in class rates. YuMobile offers several innovative product and service offerings all targeted at making the subscribers life easier and more convenient. The Essar Group is a multinational conglomerate and a leading

player in the sectors of Steel, Oil & Gas, Power, BPO & Telecom Services, Shipping, Ports, and Projects. With operations in more than 25 countries across five continents, the Group employs 75,000 people, and has revenues of USD 27 billion” (Interview with Essar Telecom Marketing Manager, 2014).

5.6. 2 Spaces for engagement

5.6.2.1 Competition in the industry

Stiff competition within the telecommunication industry has prevailed with some of the companies changing company names and or closing down and exiting the industry all together. Its competitors for unfair competition have on several occasions accused the dominant company Safaricom.

Box 6: Victory of Airtel against Safaricom

The Communications Authority of Kenya (CAK) ruled in favour of Airtel after the company accused its rival Safaricom of anti-competitive practice, a move coming weeks after Safaricom had decided to open up the network. The CAK prohibited the mobile operator from levying extra charges on competitors using its network. This brought to an end a long battle between Airtel and Safaricom over exclusivity of the service, which barred M-Pesa agents from engaging in business with other mobile operators. In a letter signed by the CAK, and sent to Safaricom and Airtel on Friday July 25, 2014 Safaricom was ordered to affect the directive before July 18, 2014. *“All restrictive clauses in the agreements between Safaricom and mobile money transfer (M-Pesa agents) are immediately expunged but in any event not later than July 18, 2014,”* the letter stated. The CAK in its ruling also declared that Safaricom oversight should be limited to its business with the agents. Each mobile money service provider shall also be responsible for ensuring compliance with the Central Bank of Kenya regulations. Source: *(Communication Authority of Kenya Director-General, July 2014).*

In May 2014, Business Daily carried a story about the government preference for Safaricom to build and manage a modern security system in the two major cities, Nairobi and Mombasa. This revelation caused uproar among other telecommunication companies, the opposition coalition and the public. The normal procedures for tendering were not conducted as the government single picket Safaricom. Commenting on this new development, the Chief Executive Officer of Safaricom said,

“The five- year management contract will earn Safaricom Sh2 billion annually for four years. Part of our pitch was that we manage the system for free in the first year.”

Box 7: Safaricom to run the security system

Safaricom will earn Sh2 billion annual fee for its management of the national security communication system, which the government has contracted it to build and operate for a period of five years. Safaricom will build a high-speed fourth generation network also known as Long Term Evolution network and supply the police with radio communication devices (GSM walkie-talkies fitted with SIM cards). Telecoms industry analysts said the deal has effectively tilted the market in favour of Safaricom because it frees the operator’s hands to move to a higher quality platform. Rivals Airtel, Orange and yuMobile must keep using the third generation platform until the State cuts through the maze of regulations it had set around the 4G network. Safaricom savvy offer to the government is being seen as part of the company’s charm offensive meant to win it more frequencies and grant it an easy pass through an impending renewal of its operating licence next month. The mobile operator has also promised to offer free internet connectivity to all public primary schools that will benefit from the government-sponsored laptops project. Source: *Business Daily, Thursday, May 15, 2014.*

Safaricom has resiliently protected its market share by fighting off any new intruder. The recent intruder, Equity Bank, has also introduced similar service to M-Pesa, mobile money service pioneered by Safaricom.

Commenting on the Equity Bank, the CEO of Telkom Kenya Mickael Ghossien said,

“The authority ought to consider the cost of investment put by the existing players and the possibility that MVNOs having not invested as much may engage in competitive practices that would lead to market dumping and lead to fresh price wars.” (CEO, Telkom Kenya, 2014).

Box 8: Control of mobile money market

Safaricom, the country’s largest telecoms operator and Equity, the leading bank by customer base have been battling out for the control of Kenya’s mobile money market since June 26, 2014. Safaricom wrote to the telecoms market regulator claiming that Equity’s thin SIM technology poses a security threat to mobile subscribers. Finseve responded to Safaricom letter, saying that it intends to source the thin SIMs from a reputable technology company, Taisys of Taiwan, which has reputable clients such as the International Finance Corporation the investment arm of the World Bank. (*Mutegi. L., 2014*)

The strongest company, Safaricom has remained in control of Kenya's mobile market. It has continued to enjoy both business and political spaces with the support of the government. The recent favour extended to the company by the government reveals partnership relations existing between the two. This partnership is built on mutual trust and interest. Investing in trust requires providing sufficient assurance as to the protection of the private interest when policy decisions are made and ensuring a level playing field for the corporation and government in the policy making process.

5.6.3 Challenging power

Apparently, the government is finding it difficult to make decisions in the mobile telephony industry, which are acceptable to all the industry players. Strong and dominant corporations seem to have their way and the government seems to support them. We can deduce that the same corporations have greater influence on telecommunication policies in Kenya as two of these corporations are partly owned by the government of Kenya and conduct business with political leadership of the country. Safaricom and Orange Kenya are partly owned by the Government of Kenya and senior politicians in both the former and the current government own significant shares. It is therefore obvious that the government and politicians who have a stake in the companies will protect their interests in the corporations while they are in authority.

It is therefore unlikely that these corporations do not directly influence some key public policies that relate to their businesses. This view has also been echoed by techmoran.com

“Being partly owned by the government, it becomes hard to regulate Safaricom and even harder to allow a direct competitor to its suppliers. Safaricom M-PESA is hosted by Kenya's Commercial Bank of Africa a bank said to have ties with the first family. It would be hard for anyone to let go of their golden goose just like that.” (Interview with Safaricom Corporate Governance Manger, 2014).

The dominance of Safaricom in the mobile telephony industry and the awarding of tenders to it by the government without competitive bidding process can partly be explained by these relationships. From the above discussion, there is no doubt that non-state actors are in a collaborative relationship with state actors in public policy process.

The remaining sections of this chapter discuss the perceptions of the state actors regarding the involvement of non-state actors in fostering inclusive public policy process. This discussion is based on the quantitative survey questionnaire administered to all the 20 government ministries with a response rate of 95 percent. The questionnaire was given to 20 permanent secretaries representing all the government ministries. The permanent secretaries were chosen because they are in charge of government policy in their respective ministries. This section is significant for this study because it strengthens the methodology of this research by combining both qualitative and quantitative analysis or also referred to as mixed methods research. It also validates the findings from the non-state actors' qualitative survey.

5.7 Non-State actors' participation

State actors confirmed that indeed non-state actors actively participate in public policy process. This participation varies from one non-state actor to another as shown in Table 19.

Table 19: Non-State actors' participation in public policy process

Non-state actors	No.	Percentage
National Non-governmental Organisations	17	26.6 %
International National Non-governmental Organisations	14	21.9 %
Private sector membership organisations	13	20.3 %
Multinational Telecommunication Corporations	4	6.2 %
Donor organisations	16	25.0 %
TOTAL	64	100.0 %

Source: Field data, 2016

National non-governmental organisations and donor organisations participate more than the rest of non-state actors at 26.6 percent and 25.0 percent respectively. Percentages notwithstanding, this observation confirms the NGO Coordination Board's (2015) finding that the NGO sector in Kenya has continued to play a vital role in the country's development, contributing an average of approximately KES 87.6 billion per year; employing a total of 46,617 Kenyans. More than 1,757 (62 per cent) NGOs have actively participated in public policy process. International non-governmental organisation and private sector membership organisations also participate, 21.9 percent and 20.3 percent respectively. The Multinational telecommunication corporations do not seem to participate as much as the rest. Table 20 lists

examples of non-state actors' organisations that have participated in public policy process between 2000 and 2016.

Table 20: Examples of non-state actors' organisations that have participated in public policy process between 2000 and 2016

Non-state actors	Specific organisations
National Non-governmental Organisations	Elimu Yetu Coalition, Centre for Social Planning and Administrative Development (CESPA), Water and Livelihood Reform Network (WLRN), Kenya Water Health Organisation (KWAHO), Health NGOs Network, Christian Health Association of Kenya, Kenya Muslims, TEGEMEO Institute, Help Age Kenya, CRADLE, Kenya Alliance of Residence Associations (KARA), Kenya Red Cross, Centre for Governance and Development (CGD).
International National Non-governmental Organisations	Ecotourism Society of Kenya, Community based Tourism organisations, World Vision Kenya, Millennium Water Alliance, International Water Alliance, International Rescue Centre, Transparency International
Private sector membership organisations	Kenya Association of Tour Operators (KATO), Kenya Association of Hotelkeepers and Caterers (KAHC), Tourism Federation of Kenya (TFK), KEPSA, KAM, Africa Water Association, (AFWA), Kenya Healthcare Federation (KHF), Kenya National Farmers Federation, Public Service Vehicle Operators, Kenya Association of Air Operators, Kenya National Chamber of Commerce and Industry (KNCC&I), Kenya Chamber of Mines (KCM), Kenya Federation of Master Builders
Multinational Telecommunication Corporations	Safaricom
Donor organisations	UNICEF, UNFP, UNDP, UNESCO, German Agency for Technical Cooperation (GIZ), Swedish International Development Agency (SIDA), World Bank, AFDB, IMF, DFID, UN Women, World Anti-doping Agency (WADA), JICA, African Development Bank, UNEP and Shelter Afrique.

Source: Field data, 2016

It seems that national non-governmental organisations, private sector membership organisations and donor organisations participate in public policy process more than other non-state actors do. This could also imply that they draw on the power they have to resist the

coercive power of the state actors' forms of exclusions. It could also imply that they have more opportunities to influence public policy than the rest of non-state actors (Laforest, 2013). This observation thus, confirm the earlier observations made in this study.

In the last five years, (2011 – 2016) non-state actors have participated several times public policy process. Majority of non-state actors have participated in public policy process more than five times as shown in Table 21.

Table 21: Number of times non-state actors have participated in public policy process

No. of times	NNGOs		INGOs		PSMOs		MNCs		DOs	
	No.	Percent	No.	Percent	No.	Percent	No.	Percent	No.	Percent
Once	0	00	1	5.3	1	5.3	1	5.3	0	00
Twice	0	00	1	5.3	2	5.3	10	52.6	0	00
Three times	1	5.3	1	5.3	1	5.3	1	5.3	1	5.3
Four times	1	5.3	1	5.3	3	15.8	0	00	1	5.3
Five times	1	5.3	3	15.8	0	00	1	5.3	1	5.3
More than five times	16	84.2	12	63.2	12	63.2	6	31.6	16	84.2
TOTAL					No.	Percent			19	100.0
										%

Source: Field data, 2016

From Table 21, it can be deduced that national non-governmental organisations and donor organisations have participated (84.2 percent) more than five times. Less number of times is observed in collaboration between government ministries and multinational corporations followed by multinational corporations (31.6 percent). This could imply that multinational corporations are less interested in fighting coercive power of the state actors to influence to public policy process.

5.7.1 Policy areas of participation

Non-state actors have participated in various policy areas including education, health, security, agriculture, trade, environment, communication, housing, transport, energy and water as shown in Table 22.

Table 22: Policy areas of participation

Policy area	NNGOs		INGOs		PSMOs		MNCs		DOs	
	No.	Percent	No.	Percent	No.	Percent	No.	Percent	No.	Percent
Education	5	2.5	0	0.0	5	2.5	2	1.0	6	3.0
Health	7	3.5	5	2.5	4	2.0	2	1.0	7	3.5
Security	4	2.0	2	1.0	2	1.0	1	0.5	2	1.0
Agriculture	5	2.5	5	2.5	4	2.0	2	1.0	5	2.5
Trade	1	0.5	3	1.5	4	2.0	3	1.5	2	1.0
Environment	3	1.5	4	2.0	1	0.5	1	0.5	3	1.5
Communication	3	1.5	2	1.0	2	1.0	5	2.5	2	1.0
Housing	2	1.0	0	0.0	4	2.0	3	1.5	2	1.0
Transport	1	0.5	2	1.0	2	1.0	0	0.0	3	1.5
Energy	2	1.0	5	2.5	4	2.0	3	1.5	4	2.0
Water	3	1.5	4	2.0	3	1.5	1	0.5	3	1.5
Other	8	4.0	6	3.0	9	4.5	3	1.5	10	5.1
TOTAL					No.	Percent			201	100.0
										%

Source: Filed data, 2016

Table 22 shows that donor organisations and national NGOs have the highest participation in health (3.5; 3.5 percent) and education sectors (3.0; 2.5 percent), followed by private sector membership organisations and international NGOs in health (2.0; 2.5 percent). Donor organisations and both national and international NGOs have the highest participation (2.5 percent each) in agricultural sector. These figures also imply that the policy areas with highest participation of non-state actors are health, education and agricultural sectors. We have deliberately avoided making comment on the ‘other’ because it contains many policy areas not mentioned. A number of non-state actors also participate in communication and water sectors. The policy area with the least non-state actors participating in the sector is transport. This could imply that non-state actors have less interest in transport sector thus, they do not engage in power relations with state actors over transport issues.

5.7.2 Objectives of the policies

The above policy areas had various policy objectives including achieving sustainable development goals related to water; improving national coverage of water and sanitation

services; enhancing integrated water resources management across economic sectors; enhancing multipurpose infrastructure development. Table 23 summarises the policy objectives. Agriculture, trade and water had the highest number of policy objectives. However, this does not necessarily mean that these policy areas involved more non-state actors in the policy process.

Table 23: Policy objectives

Policy area	Policy objectives
Education	To promote peace education; To mainstream gender in education; To improve the quality of education.
Health	To improving access to quality health care; and To improve health standards and sanitation
Agriculture	To enhance sugar industry's contribution to national economy; To ensure sustainable soil resource management; To enhance food security and nutrition; To promote extension services; To conserve soil and water; To insure national crop and livestock; To promote agriculture education, consumption of organic food, sustainable production and agroforestry.
Trade	To develop special economic zones in industrial parks; To improve business climate; To promote sector value chain and value addition in textile and leather industry; To promote agro processing, agroindustry, job creation, foreign direct and investments attraction. To increase contribution of manufacturing sector to GDP; and To reduce the cost of doing business.
Environment	To conserve the environment
Communication	To ensure government visibility, accessibility and accountability; To promote public trust and confidence; To steer ICT development over a five year plan starting 2014 financial year; and To enhance competitiveness in telecommunication.
Transport	To develop infrastructure; and To ensure road safety and protection
Water	Achieving sustainable development goals related to water; improving national coverage of water and sanitation services; enhancing integrated water resources management across economic sectors; enhancing multipurpose infrastructure development; increasing public-private and community partnership and initiative in water sector; and improve members of county assembly capacity to engage in policy and legislative reforms particularly, water sector reforms.
Gender	To empower women economically; and To promote girl child education
Housing	To increase housing for the urban dwellers; and To reduce the cost of housing.

Tourism	To promote sustainable tourism development
Special programme	To build capacity for response and mitigation
Sports	To improve sports and development; and To promote cultural integration

Source: Field data, 2016

These objectives indeed reflect the main issues of interest to non-state actors observed in the earlier discussion. They also confirm that non-state actors have participated in public policy in different areas of their interest. In the earlier discussion, it was clear that the NGOs, have engaged state actors to influence education policy and that this engagement had episodes of visible, hidden and invisible forms of power which are perhaps well explained by the manner in which non-state actors they get to participate and who determines who among non-state actors should participate. Table 24 shows that non-state actors get to participate through three factors: by invitation; they (non-state actors) request state actors to be involved in the policy process; and they follow the law.

Table 24: How non-state actors get to participate

Method	No.	Percentage
By invitation	15	42.9 %
NSA request to be involved	7	20.0 %
Obedience to the law	13	37.1 %
TOTAL	35	100.0 %

Source: Field data, 2016

Table 24 shows that majority (42.9 percent) of non-state actors are usually invited by state actors to participate in public policy process. Others, (37.1 percent) participate because law that they need to participate so they obey the law dictates it. The law in this case is the Constitution of Kenya 2010. Other non-state actors (20.0 percent) request to participate in public policy process. The implication of these variations is that the Constitution of Kenya makes it possible for non-state actors to participate in public policy process (Constitution of Kenya 2010). Where space for participation is denied or restricted, non-state actors directly request to be involved. Additional frameworks for participation have also encouraged non-state actors' participation in public policy process. These include a guide to legislative process in Kenya and Public participation policy (Kenya Law Reform Commission, 2015; and Parliament

of Kenya, Parliamentary Service Commission, 2017). However, in most situations the determinant of which non-state actors should participate or be involved in public policy process regarding a specific public policy issue(s) are the permanent secretaries in the ministries as revealed in Table 25. Most state actors also coordinate public policy processes, though some play the role of participation.

Table 25: Example of visible, hidden and invisible power of state actors

State actor	No.	Percentage
Cabinet Secretary	8	25.0 %
Permanent Secretary	15	46.8 %
The law (Constitution)	9	28.1 %
TOTAL	32	100.0 %

Source: Field data, 2016

Table 25 reveals that permanent secretaries, cabinet secretaries and the law are used to restrict participation of non-state actors. This also implies that state actors control the policy process despite as they selectively grant privileges to participate in policy process. These forms of power are also evident in the strategies state actors use to ensure that their preferred policy decision or form of action is adopted. In many instances, state actors' views on policies differ from those of non-state actors. In this situations, state actors result to three main strategies to ensure their positions prevail and form the main decision as shown in Table 26.

Table 26: Strategies used by state actors to influence policy decisions in their favour

Strategy	Frequency	Percentage
Appeal to government authority	6	31.6 %
Coerce non-state actors	3	15.8 %
Consensus building	6	31.6 %
Ignore the views of non-state actors	2	10.6 %
No strategy	2	10.5 %
TOTAL	19	100.0 %

Source: Field data, 2016

Appeal to government authority and majority of state actors uses consensus building. The implication of these strategies is that consensus building may be the best strategy as it respects

the views of other actors and tends to generate better policy options. Nevertheless, appeal to government authority may work towards defending the original position of state actors even if the position is unpopular among other policy actors. This observation on strategies supports Cornwall's (2002) argument that policy spaces maybe regularised, institutionalised or one-off form of consultation. It also supports Gaventa's (2009) observation that spaces exist in dynamic relationship to one another and are constantly opening and closing through struggles for legitimacy and resistance, co-optation and transformation.

5.7.3 Level of participation

Majority of non-state actors (67.9 percent) seem to participate in public policy at the national level while the rest participate at the county (17.9 percent) and community (14.3 percent) levels as shown in Table 27.

Table 27: Level of participation

Level of collaboration	No.	Percentage
National	19	67.9 %
County	5	17.9 %
Community	4	14.3 %
TOTAL	28	100.0 %

Source: Field data, 2016

This observation confirms Batliwala and Brown's (2006) observation that the local, national and global are increasingly interrelated. The implication here is that both the national and international non-state actors are all interested in issues happening to humanity, regardless of at what level.

5.7.4 Strategies for countervailing power

To counter the state actors, non-state actors employ several strategies to influence public policy as presented in Table 28. The strategies that are used more often by non-state actors include direct engagement with state actors (63.2 percent), media invites (63.2 percent), building coalitions (63.2 percent), print-media (63.2 percent), conference (68.4 percent), networking (68.4 percent) and breakfast meetings (68.4 percent).

Table 28: Strategies used by non-state actors to influence public policy

Strategy	Not used		Rarely used		Used often		Highly used	
	Freq	Perc	Freq	Perc	Freq	Perc	Fre	Perc
Direct engagement with state actors	0	00	1	5.3	12	63.2	6	31.6
Community mobilisation	1	5.3	1	5.3	9	47.4	8	42.1
Preparing and presenting position papers	2	10.5	2	10.5	9	47.4	6	31.6
Conducting fact findings and publications	0	00	6	31.6	9	47.4	4	21.1
Research	0	00	8	42.1	9	47.4	2	10.5
Information sharing	1	5.3	2	10.5	9	47.4	7	36.8
Media invites	0	00	5	26.3	12	63.2	2	10.5
Using champions	1	5.3	11	57.9	7	36.8	0	00
Building coalitions	2	10.5	3	15.8	12	63.2	2	10.5
One-on-one discussions with legislatures	2	10.5	7	36.8	9	47.4	1	5.3
Print media	1	5.3	3	15.8	12	63.2	3	15.8
Conference	0	00	1	5.3	13	68.4	5	26.3
Networking with other policy actors	0	00	0	00	13	68.4	6	31.6
Social accountability	0	00	6	31.6	9	47.4	4	21.1
Breakfast meetings	2	10.5	3	15.8	13	68.4	1	5.3
Boardroom meetings	0	00	1	5.3	11	57.9	7	36.8
Public demonstrations	0	00	8	42.1	7	36.8	4	21.1
Vigils	6	31.6	5	26.3	5	26.3	3	15.8
Letter writing	1	5.3	4	21.1	10	52.6	4	21.1
Campaigns	2	10.5	3	15.8	9	47.4	5	26.3
Human rights education	2	10.5	3	15.8	10	52.6	4	21.1
Direct lobbying	0	00	6	31.6	10	52.6	3	15.8
Targeted appeals	0	00	7	36.8	11	57.9	1	5.3
Email petitions and other online actions	2	10.5	8	42.1	7	36.8	2	10.5
Partnership with local campaign groups	0	00	9	47.4	10	52.6	0	00
Community activities	1	5.3	11	57.9	5	26.3	2	10.5
Co-operation with student groups	1	5.3	10	52.6	5	26.3	1	5.3
TOTAL			Frequency				19	
			Percentage				100.0 %	

Source: Field data, 2016

There are many similarities between these strategies and those already discussed in the earlier sections of this chapter. It seems that non-state actors have several strategies at their disposal for use. Non-state actors probably prefer some of the strategies because they are less costly, require less time to prepare and are user friendly. The high level of innovative strategies exhibited by non-state actors could be because of what Pearce and Vela (2005) referred to as ‘staying power’. They advised that non-state actors must have the staying power for them to be successful in challenging coercive power in public policy process.

5.7.5 Non-state actors have contributed to opening spaces for inclusive policy process

It is interesting to note that state actors also agree that non-state actors have contributed a great deal in opening public policy spaces for inclusive policy process. They also agree that non-state actors participate effectively in public policy process as presented in Table 29.

Table 29: Percentage of state actors that agreed to the following statements

Statement	No.	Percentage
Non-state actors participate effectively in public policy process in Kenya.	17	20.0 %
The views of non-state actors are ignored in public policy process.	2	2.4 %
Government and other state actors dominate the public policy process in Kenya.	11	12.9 %
There are not enough frameworks to enable non-state actors to participate effectively in public policy process.	6	7.1 %
Non-state actors effectively resist government and other state actors domineering power.	4	4.7 %
Non-state actors have power to influence public policy decisions in their favour.	10	11.8 %
Non-state actors create spaces to influence public policy in Kenya.	16	18.8 %
Non-state actors have contributed great deal in opening policy spaces for inclusive public policy process in Kenya.	19	22.4 %
TOTAL	85	100.0 %

Source: Field data, 2016

There is no doubt that non-state actors participate effectively in public policy process in Kenya as agreed by 20.0 percent of the state actors surveyed. It is also important to observe (18.8 percent) that non-state actors create policy spaces, which they use to participate in public policy and influence decision and delivery processes. Majority of state actors (22.4 percent) also agree

that non-state actors have contributed a great deal in opening up policy spaces to enable inclusive public policy process. These revelations also support the observations of the Kenya Law Reform Commission, 2015; Parliamentary Service Commission, 2017; Radley, 2008; Begine, 2014; and Bossuyt and Carlson, 2002).

5.8 Summary

This chapter has assessed the use of power relations by non-state actors in influencing public policy process in Kenya. The chapter has observed that non-state actors influence public policy at the national and county levels. While national NGOs have struggled to claim space for engagement with the government, their counterparts international NGOs have not struggled as much to claim space for engagement. The private membership organisations have not struggled as much as both the national and international NGOs to find space for engagement, instead they have been invited by government in many occasions to contribute their views to inform various policies particularly, those policies likely to affect their business interests. They have claimed their own spaces in many occasions particularly, where their interests have been threatened by government policy. They have used their “power with” and “power within” to influence government policies. Donor organisations seem to have enjoyed a very good working relationship with the government as they have engaged as partners using formal structures in place that favour and respect the interests of each partner. Partners normally treat each other as equals hence there is mutual respect and trust. In such relationships, it is unlikely that one partner will want to intimidate or coerce the other partner as this may lead to dissolution of partnership. Power relations in multinational telecommunication corporations are more complex as state actors have a stake in the industry and influence major policy decisions for the industry.

State actors have also confirmed that they indeed non-state actors participate in various policy areas and levels. Their participation also varies from one non-state actor to another. State actors collaborate more with national non-governmental organisations and donor organisations than the rest of non-state actors. National non-governmental organisations, private sector membership organisations and donor organisations participate in public policy process more than any other non-state actors do. This could also imply that they draw on the power they have to resist state power and forms of exclusions from participating in policy process. This could also imply that they have more opportunities to influence public policy than the rest of non-state actors.

Most government ministries have collaborated with national non-governmental organisations and donor organisations more than five times. Nevertheless, multinational corporations have had less contact with state actors. All government ministries have collaborated with non-governmental organisations at least once. Nevertheless, state actors have collaborated more with donor organisations in several public policy areas. Health policy area attracts the highest number of collaborations followed by agriculture, education and energy. Transport has the least collaboration.

Invitation and obedience to the law are the main methods used by state actors to get non-state actors participate in public policy process. However, a significant number of non-state actors make official requests to be involved in public policy process. They are driven by the Constitution, which makes it possible for non-state actors to participate in public policy process. Where space for participation is denied or restricted, non-state actors directly request to be involved. However, in most situations the determinant of which non-state actors should participate or be involved in public policy process regarding a specific public policy issue(s) are the permanent secretaries in the ministries.

Majority of state actors collaborate with non-state actors at the national level while a few of them collaborate with non-state actors at country and community levels. Appeal to government authority and consensus building are the main strategies used by majority of state actors. The implication of these strategies is that consensus building may be the best strategy as it respects the views of other actors and tends to generate better policy options. Appeal to government authority may work towards defending the original position of state actors even if the position is unpopular among other policy actors. In contrast to the state actors, non-state actors employ several strategies to influence public policy. The strategies that are used more often by non-state actors include direct engagement with state actors, media invites, building coalitions, print-media, conference, networking and breakfast meetings. It seems plausible that non-state actors participate effectively in public policy process in Kenya. It is also important to observe that non-state actors create policy spaces, which they use to participate in public policy and influence decision and delivery processes. Majority of state actors agree that non-state actors have contributed a great deal in opening up policy spaces to enable inclusive public policy process.

CHAPTER SIX

INFLUENCING PUBLIC POLICY THROUGH NETWORKS

6.1 Introduction

Forming coalitions or networks has been mentioned by almost all the non-state actor organisations as one of the strategies they have used to make their participation in public policy not only possible but also effective. This raises the question of how these organisations work with a view to influencing public policy process. It is therefore important to understand how policy networks conduct their affairs in such a way that they participate in public policy effectively. This chapter examines a network analysis of non-state actors that have been discussed in the previous chapter. The Chapter establishes a policy network. A key feature of a network is a shared problem on which there is an exchange of information, resources, coordination, domination, material interest, debate, disagreement, persuasion and a search for solutions and appropriate policy responses. The chapter visualises the actors and establishes their connectivity and centrality.

6.2 National non-governmental organisations

The organisations appreciate the power of networking and thus have several networks both strong and weak as will be shown later. Organisations usually identify institutions/organisations that have similar or same interest in the issue they are considering and form coalitions around it. These coalitions can either be in form of a memorandum of understanding (MoU) or loose arrangement between the organisations. Organisations with MoUs have shared structured responsibilities and usually a common fund managed by a lead organisation also given responsibility to account to the members and the donor organisation funding the programme or project. Table 30 presents examples of networks used by different organisations.

Table 30: National non-governmental organisations and their networks

	Name of organisation	Networks
1.	Hakijamii - Economic and Social Rights centre	CSOs and NGOs dealing with land and housing issues
2.	Institute of Economic Affairs (IEA)	PIN, SUNY, SID, TI-Kenya, NCCCK, KIPPRA, AfriCOG, IBP and IDA
3.	Centre for Governance and Development (CGD)	IEA, ICPAK, NTA,
4.	Institute of Certified Public Accountant of Kenya (ICPAK)	KAM, PIN, EACIA, ICAEW, IFAC and WCA.

Source: Field data, 2014

PIN= Parliamentary Initiative Network, SUNY= State University of New York, SID= Society for International Development, TI-Kenya= Transparency International Kenya, NCCCK= National Council of Churches of Kenya, KIPPRA= Kenya Institute of Public Policy Analysis and Research, IDA= Institute for Defence Analysis, CSO=Civil Society Organisations, KAM= Kenya Association of Manufacturers, EACIA= East African Community Institutes of Accountants, ICAEW= Institute of Chartered Accountants of England and Wales, IFAC= International federation of accountants, IBP= International Budget Program and WCA= World Congress of Accountants.

The IEA's networks include SUNY Kenya, TI-Kenya, AfriCOG, IBP, and PIN, as already presented above. According to IEA, networks strengthen parliamentary oversight role,

"We use them to mobilize partners on an issue to present to parliamentarians. The existing network for budget groups (that is, Parliamentary Initiative Network- PIN) has been very useful" (Program Officer IEA, 2014).

IEA is the current coordinator for PIN, which is a very strong network working around national budget process advocating for efficient and effective national budget process. IEA has had stable funding that has enabled it build capacity overtime by creating public awareness through media forums and consultation on national budget content through breakfast meetings involving the general public and members of other NNGOs.

The CGD usually identifies institutions that have similar or same interest in the issue at stake e.g. corruption and forms coalitions e.g. National Taxpayers Association (NTA). Over time, CGD has learned that working with coalitions is challenging but it has been successful. There have been tricky issues relate to funding given that one institution is supposed to take whole responsibility for mobilizing and managing the funds.

“CGD has been successful because it has allowed coalition members to run the programmes and activities without itself implementing all the programme activities” (CEO, CGD, 2014).

ICPAK has networked with KAM, which has organized several meetings on devolution and other themes. Controller of Budgets and Auditor General has also organized several meetings, which ICPAK has attended. ICPAK has also held meetings with PIN to share experiences. ICPAK has participated in capacity building workshops at Kenya School of Governance. ICPAK has managed conflicts well, the conflicts that have arisen during the networking process and has continued to deeply engage other networks and constantly reaching out to them.

“We have representation in committees. Our technical teams usually come up with action points driven by something to achieve. We have signed memorandum of understanding with our partners and some coalition members. We have applied performance based achievement” (Programme Officer ICPAK, 2014).

All the organisations appreciate the usefulness of networks in their efforts to influence public policy process. Through the networks organisations have shared responsibilities including material interests (for example CGD with NTA members); mobilised support (for example IEA with other PIN members); and shared knowledge and experience (for example ICPAK with PIN members). However, the main challenge experienced in networks which sometimes leads to conflict between the organisations are the responsibilities for mobilising and management of funds which are normally given to one organisation.

These organisations also display the seven characteristics identified by Pa, (1997) which seem to make networks successful in influencing public policy. They can be referred to as public policy networks, categorised as advocacy networks and other civil society networks (Keck and Sikkink, 1998; and Lundin and Söderbaum, 2002). The networks have influenced public policy at different stages of the policy cycle thus, conforming Perkin and Court, (2005) different ways through which networks struggle to influence public policy.

It is clear that the organisations have faced some challenges including the use of one fund managed by one organisation. This confirms Colgan’s observation that when working within a network, there is a need to adjust to operating outside of a hierarchical structure, with clear lines of control and authority. Colgan’s study showed that within a network the diversity of

actors brings the combined knowledge and resources, which are regarded as crucial components to address problems at a variety of levels. It also showed that in the network setting the differing perceptions, experiences and histories of network actors also introduce a degree of uncertainty and complexity calling for an appreciation and understanding of the structural change that defines a networking arrangement.

6.3 International non-governmental organisations

Action Aid has over 200 partners. It selects its partners based on capacity assessment and then develops a MoU and the deliverables. It has partners who have existed for five to ten years. It builds the capacity of partners drawn on partnership approach and sustains the relationship by being tolerant, respectful and using their expertise. *“Policy advocacy is not easy sometimes we hit a snag, we then work around some platforms”* (Programme Officer Action Aid, 2014). Action Aid links local partners to national partners and establishes rapport with Members of County Assembly (MCAs), strategic partners, governors and other NGOs. Sometimes their alternatives are successful other times not. Action Aid has worked with UNICEF, Goal Kenya, Girl Child Network, Ministry of Education Sweden, and parent’s teachers’ associations (PTAs) as shown in Table 31.

Table 31: International non-governmental organisations and their networks

	Name of Organisation	Networks
1	Action Aid Kenya	UNICEF, Goal Kenya, Girl Child Network, Ministry of Education Sweden, and Parent’s Teachers Associations
2	World Vision Kenya	Transparency International Kenya, Agha Khan Foundation, Concern, Save the Children, Goal and Plan International
3	Amnesty International	Haki Jamii,
4	Oxfam	CSOs and local communities

Source: Field data, 2014

World Vision collaborated with *Elimu yetu* Framework that has members including Transparency International Kenya, Agha Khan Foundation, Concern, Save the Child, Goal and Plan International. These pulled efforts to review the report on the new Education Bill and provided comments. AI networks with other non-governmental organisations working on similar issue. AI networks mainly with the local communities whose human rights are being

violated by the government either due to lack of protection or failure by government to provide the rights. In the capital, Nairobi, Oxfam works with partners to run water kiosks, “bio-centres” that turn human waste into usable energy and improve sanitation, and recycling plants for unemployed youth.

“Our social protection schemes provide cash to help poor families cope with rising costs of food and water and kick-start small businesses. Our advocacy work campaigns for more rights for small-scale traders and better governance and provision of services. Most of our urban projects are pilots that we lobby the government to adopt on a larger scale” (Oxfam, 2014).

Oxfam works to link development and humanitarian practices with policy, to ensure sustainable development and wider national impact. Oxfam’s advocacy work is informed by its development and humanitarian programmes and is done at different levels, from local communities to international level. Oxfam aims to raise the voices of the poorest communities to be heard by decision-makers. Oxfam supports research and key stakeholders to get involved in formulating and implementing policies and legislation that support poor and marginalised communities. Oxfam focuses on peace-building and conflict management, disaster management, food security and nutrition, livestock management and marketing, water, Land and Vision 2030 which articulates Kenya’s plan to replace slums with modern buildings.

International non-governmental organisations also have local and international networks and display same characteristics of networks (Pa, 1997). Their networks are also based upon a specific public policy issue affecting the community but which has also an international agenda (Perkin and Court, 2005). Unlike the national NGOs, the INGOs do not seem to face serious challenges such as inadequate funding in their networks. They can easily pull their resources together to respond to a public policy issue.

6.4 Private sector membership organisations

KAM has held breakfast meetings with heads of parastatals, held dialogue with them and with technical experts in the ministry and government departments. It has also held meetings and dialogue at the regional level and county level particularly, with the governors and their executives. KAM has prepared county profiles, which it uses for networking. KAM’s strong

networks include KEPSA, the government, East Africa Community, Confederation of Industries in both Uganda and Tanzania, Business Membership for East Africa, and local business membership. KAM also collaborates with CIPE, DANIDA, BAF particularly for policy dialogue, French Government particularly funding for renewable energy and policy advocacy, trade Mark East Africa particularly funding research to produce facts.

FKE's networks include International Labour Organization (ILO), International Employer Organization (IEO), East Africa Labour Organization (EALO), Tourism, Investors.

"We also network on the basis of the policy area or issue e.g. industrial court to address conflicts within parties. Conflicts within parties are addressed by finding a common stance. We try to narrow our differences e.g. NSSF Act, the government wanted to implement it in January but we opposed that and requested for legislations to be in place first. We have dialogue on this with government. The industrial court has stopped the implementation until the legislations are in place" (Programme Officer FKE, 2014).

JKA networks with the umbrella organization of Kenya National Federation of Jua Kali Association, Micro and Small Enterprise Leaders' Summit. JKA pressed its concerns through these forums. However, these forums have not achieved much because they lack members and followers who are permanent and committed. These forums are loose associations hence the government does not take them seriously. JKA organized a national conference in collaboration with Council of Governor, Ministry of Industrialization and Kenya National Federation of Juakali Association ((KNFJA) which took place in September 2014. JKA is considered weak; it thus took the conference as an excellent opportunity to share issues affecting the members. KEPSA works with COTU on issues of security, constitution, employment and wages. It also works with religious organizations, the media owners' association, and development partners including the World Bank, IFC, DANIDA, and DFID.

Networks have provided many opportunities for policy learning but the challenge for these organisations has been how to exploit these opportunities for more effective policy influence. Compared to NGO networks which have MoUs, private sector membership organisations' networks are based on loose connections as the only emphasis forums, meetings and one off collaborations. These may weaken their networking and compromise their bonds and ties as well as Pa's (1997) seven characteristics of successful policy networks. It is also not clear what these organisations share. Normally, policy networks share material resources and knowledge

and members are equal. Starkey (1998) argued that networks are important because they can help to share information, further common objectives and make best use of limited resources. He suggests that networks should provide a forum for interactive information exchange and a useful conceptual tool in tackling the problem of how to ensure that such North-South relationships are genuinely equal.

6.5 Donor organisations

The Bank has established network with IBP and IEA on public finance management. It also networks with CSOs on social accountability by strengthening CSOs and asking them to demand accountability from government. The Bank shares knowledge with CSOs. The Bank supports the government's national capacity building framework. It also works with devolution donor working group together with USAID and UNDP. Some county governments have asked for capacity building assistance from the Bank. These counties include Garissa, Mombasa and Homa Bay.

The EU together with its 28 member states makes the largest contribution of development assistance to Kenya and is its largest trading Partner, with the European Union being the biggest consumer of Kenya has exported goods. Nevertheless, EU also networks with civil society organisations.

DFID delivers its programmes through wide-ranging partnerships with UN agencies, non-governmental and civil society organisations (such as Population Services International, and the National Taxpayers Association), private sector organisations, and managing agents. DFID acknowledges that there has been limited channeling of UK aid through Government of Kenya systems due to inadequate measurable improvements in the government's management of public finances. DFID is one of Kenya's largest donors working with a range of bilateral and multilateral partners.

As part of the implementation of the first objective of the strategy, IBP has focused on increasing demand for budget transparency through collaboration with and supporting IEA budget programme. IBP observed that CSOs submissions on budget have not been crafted well to win influence of the Treasury and members of parliament. IBP is shifting towards capacity building of the CSOs to assist them develop better submissions. IBP has hired two people to work full time with the parliamentary budget office to coordinate the work of the parliament.

On the fourth objective IBP is working at the county level with NTA, which has national outreach programme, NGOs and members of county assembly. Currently IBP is working in three counties. In Uasin Gishu, IBP is focusing on improving oversight of the county assembly members through training and providing information (Programme Officer IBP Kenya, 2014). In Taita Taveta IBP has been supporting the setting up of economic forum and expanding the structure of public participation. Its work at the county level can also be seen more as the accompaniment of the partners than training.

Donor organisations display three types of policy networks (Perkin and Court, 2005). These are Global Public Policy networks (Reinicke, 2000); Community of practice (de Merode, 2002); and Public-private policy network (Pattberg, 2004). They seem to be informed by Pertson's (2003) argument that policy network analysis is informed by three basic assumptions: (1) modern governance is frequently non-hierarchical and that governance involves mutuality and interdependence between state and non-state actors. (2) The policy process must be disaggregated to be understood because relationships between groups and government vary between policy areas. (3) Governments remain ultimately responsible for governance, but before policies are set by elected political actors, policy choices are shaped and refined in bargaining between diverse ranges of actors, including some who are non-governmental, all of whom have an interest in what policy is chosen. These organisations have strong connections, ties and bonds as demonstrated by partnerships. In partnerships, all members are equal and respect partnership agreements (Colgan 2015). Contrary to Jessica' (2019) findings that it is local and regional organizations that fill central network leadership positions most frequently, this study shows that the presence of international development organizations is associated with greater overall network coordination. However, this does not reject the view suggested by Jessica (2019) that while resources may be an important factor in overcoming the cost of coordination, social capital among local actors may be more important for developing network leadership.

6.6 Multinational telecommunication corporations

The telecommunication companies have strong networks consisting of both local and international corporations. For instance, Safaricom has networks in Germany and United Kingdom, which provide technical support. Locally, Safaricom enjoys strong network with the Government of Kenya. There is a network of support through which Safaricom has competitive advantage over its competitors in the industry. The type of policy network

displayed here is public-private policy network (Perkin and Court, 2005). The strong networks observed in these organisations support the argument that there are six themes in literature that explain the importance of networks. These themes include globalisation (Castells, 1997); governance (Kickert et. Al. 1997); social capital (Coleman, 1990; and Lin, 2001); organisational or knowledge management (Lipnack and Stamps, 1994; and Hoyland, 2003); and information communications technology (ICT) (Arquilla and Ronfeldt, 1998, 2001; and Hajnal, 2002).

The observation about these corporations also supports the argument raised by Reinicke et al. (2000) that global public policy networks (GPPNs) have risen to prominence as a result of the twin modern-day developments of liberalisation and technological revolution. It validates Reinicke's et al. (2000) view that when both national and transnational networks link up, non-state actors may increase their individual and collective policy influence through sharing knowledge, resources and experience; building solidarity; and accessing policymaking fora previously beyond their reach.

6.7 Relations between organisations

Centrality is considered a fundamental characteristic of policy networks since it gives an indication of the most important, the important and the unimportant actors in the network. In Figure 3, all the organisations are in a form of relationships, with a few organisations sharing strong relationship ties implying that they share information and work on same policy issues. The most important organisations in these relationships are the EIA, KEPSA, ICPAK and CGD. The important organisations are the World Bank, DFID, IBP, KAM and the others. It seems there is no unimportant organisations as each organisation has relations with at least two other organisations. This implies that these organisations do share information, resources and form advocacy coalitions on specific policy issues of their interest.

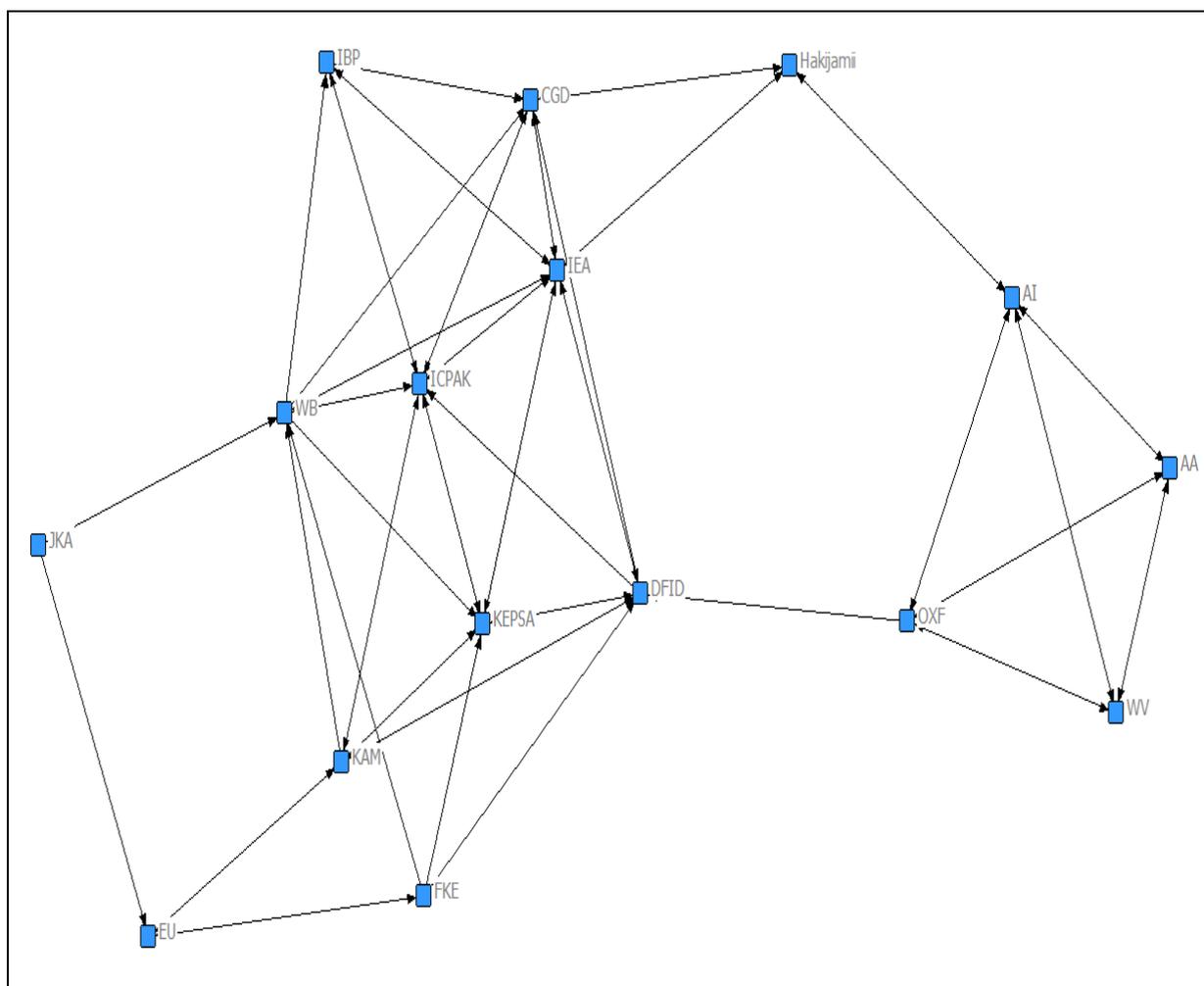
Focusing on centrality in this analysis is particularly relevant for two reasons: first, it tells us something about the social or political structure of policymaking and secondly it helps in understanding the outcomes that policy networks produce (Blanchet and James, 2011). The social or political structure of a network indicates which type of actor is involved in which way in the policy-making process and who has access and control over resources and who has a brokerage position. From this perspective, it makes considerable difference whether there is a

most important actor in a network and, if this is the case, what type of actor it is. In terms of legitimacy, accountability, justice, etc. it makes a difference whether in the health policy field, for example, the most important actor is a state or a private actor and how important the actor is relative to the others (Knoepfel and Kissling-Naf, 1998). Moreover, there is evidence that the centrality structure of the network explains why a network was particularly successful in producing certain outcomes, or why policies have failed to come about. A number of approaches have been devised to operationalize “importance”, all of which are equally accepted because they address different dimensions of the intuitive notion. We limit our exposition to three exemplary measures that are used widely: degree, closeness, and betweenness centrality.

The *Degree centrality* is the number of direct relationships that an entity has. An entity with high degree centrality: is generally an active player in the network; is often a connector or hub in the network; is not necessarily the most connected entity in the network (an entity may have a large number of relationships, the majority of which point to low-level entities); may be in an advantaged position in the network; may have alternative avenues to satisfy organizational needs, and consequently may be less dependent on other individuals; can often be identified as third parties or deal makers. The degree centrality, of a vertex v is the degree of that vertex, the idea being that the degree to which actors are active in relating to other actors is relevant (Ibid). The actors with a high degree centrality are where the action in the network is. In policy networks, these actors are highly visible for the other actors and are recognized by the others as a major channel of relational information.

6.7.1 Visualisation of organisations

Graph 1 was created using NetDraw and is made up of both the actors and the relations among the actors. The relations among the actors (the line segments in a simple graph or the arrows in a directed graph) can also have attributes.



Graph 1: Free hand grouping by attributes configuration of non-state actors’ network

Source: Field data, 2014

JKA – Jua Kali Association; EU- European Union; KAM- Kenya Association of Manufacturers; WB- World Bank; IBP- International Budget Programme; ICPAK- Institute of Certified Accountants of Kenya; KEPSA- Kenya Private Sector Alliance; FKE- Kenya Federation of Employers; DFID- Department of International Development; IEA- Institute of Economic Affairs; CGD- Centre for Governance and Development; Hakijamii – Economic and Social Rights Centre; OXF – Oxfam; AI- Amnesty International; WV – World Vision; AA- Action Aid

The ICPAK is the most highly visible actor and connects other actors to a channel of the relationship. In our diagram above, ICPAK has the highest degree centrality, which means that it is quite active in the network. However, it is not necessarily the most powerful organisation because it is only directly connected within one degree to the organisations in its clique. It has to go through DFID to get to the clique of Oxfam, World Vision and Action Aid.

Closeness centrality measures how quickly an entity can access more entities in a network. An entity with a high closeness centrality generally: has quick access to other entities in a network;

has a short path to other entities; is close to other entities; has high visibility as to what is happening in the network (Blanchet and James, 2011). Hakiyamii has the highest closeness centrality because it can reach more entities through shorter paths. As such, Hakiyamii's placement allows it to connect to entities in its own clique, and to entities that span cliques.

Inverse closeness focuses on how close an actor is to all the other actors in the network. If we consider a policy network where a certain actor has information, which is crucial to all other actors', one would expect this actor to have a high closeness centrality for the network to function effectively. Individuals who are highly connected to others within their own cluster also have a high closeness centrality (Ibid). For instance, KEPSA, IEA and ICPAK have high closeness centrality. High closeness centrality organisations tend to be important influencers within their local network community. They may often not be public organisations to the entire network of a corporation or profession, but they are often respected locally and they occupy short paths for information spread within their network community.

Betweenness centrality identifies an entity's position within a network in terms of its ability to make connections to other pairs or groups in a network (Knoepfel and Kissling-Naf, 1998). An entity with a high betweenness centrality generally: holds a favoured or powerful position in the network; represents a single point of failure; has a greater amount of influence over what happens in a network. Betweenness centrality is also defined as the sum of the ratios of shortest paths between other actors that an actor sits on (Blanchet and James, 2011). It indicates which other actors have control over the interaction between two non-adjacent actors. An actor with high betweenness centrality is between many actors in terms of shortest paths. In policy networks, these actors are considered important because they control the spread of information between actors or sets of actors and thus can influence decision-making processes. Any centrality measure C is normalized to lie between zero and one by dividing its values by the maximum possible score in any graph with the same number of vertices.

In Figure 3, Hakiyamii has the highest betweenness because it is between IEA and AI, who are between other entities. IEA and AI have a slightly lower betweenness because they are essentially only between their own cliques. Therefore, although IEA has a higher degree centrality, ICPAK has more importance in the network in certain respects.

Those who act as bridges between clusters in the network have high betweenness centrality. High betweenness organisations are often critical to collaboration across departments and to

maintaining the spread of a new product through an entire network. Due to their locations between network communities, they are natural brokers of information and collaboration. One difference between high betweenness organisations in a network and actual brokers is that the latter usually have a public profile as part of their business, whereas high betweenness organisations often are overlooked. This occurs because they are not central to any single social clique, and instead reside on the periphery of several such cliques each of which all engender more trust and admiration within rather than outside of the clique.

Eigenvector Centrality: This measure has a complicated name, but it denotes the extent to which an individual is a big fish connected with other big fish in a big pond. Eigenvalue measures how close an entity is to other highly close entities within a network (Blanchet and James, 2011). In other words, Eigenvalue identifies the most central entities in terms of the global or overall makeup of the network. A high Eigenvalue generally: indicates an actor that is more central to the main pattern of distances among all entities; and is a reasonable measure of one aspect of centrality in terms of positional advantage (Ibid). In Figure 3, we can see that World Bank and IEA are closer to other highly close entities in the network. DFID and Oxfam are also highly close, but to a lesser value.

Eigenvector centrality is calculated by assessing how well connected an organisation is to the parts of the network with the greatest connectivity (Knoepfel and Kissling-Naf, 1998). Organisations with high eigenvector scores have many connections, their connections have many connections, and their connections have many connections out to the end of the network. Highly connected organisations within highly interconnected clusters also referred to as 'big fish in big ponds' have high eigenvector centrality.

There exist formal networks supported by memorandum of understanding among the organisations. These networks are important because they enable the organisations to achieve their objectives and influence public policy process. Only one organisation within the network takes the leadership role, mobilises, and manages funds on behalf of other networks, but shares other responsibilities of implementing programme activities with other organisations in the network. All the organisations are important in the network but the most important organisations are EIA, KEPSA, ICPAK and CGD. The important organisations are the World Bank, DFID, IBP, KAM and the others. The most highly visible organisation (actor) and that connects other actors to a channel of the relationship is ICPAK. It is also the organisation with the highest degree centrality, which means that it is quite active in the network.

However, it is not necessarily the most powerful organisation because it is only directly connected within one degree to the organisations in its clique. Hakijamii has the highest closeness centrality because it can reach more entities through shorter paths. As such, Hakijamii's placement allows it to connect to entities in its own clique, and to entities that span cliques. KEPSA, IEA and ICPAK also have high closeness centrality because they are highly connected to others within their own cluster hence they are important influencers within their local network community. Hakijamii has the highest betweenness because it is between IEA and AI, who are between other entities. IEA and AI have a slightly lower betweenness because they are essentially only between their own cliques. Organisations with high eigenvalue are the World Bank and IEA because they are closer to other highly close entities in the network. DFID and Oxfam also are highly close but to a lesser value.

In the above network, ICPAK is more powerful because it has more opportunities and alternatives than other actors do. If DFID decides not to provide ICPAK with resources, ICPAK has a number of other places to go to get it. The more ties an actor has then, the more power they (may) have. Non-state actors who have more ties have greater opportunities because they have choices. This autonomy makes them less dependent on any specific other actor, and hence more powerful. Generally, actors that are more central to the structure, in the sense of having higher degree or more connections, tend to have favoured positions, and hence more power.

The second reason why ICPAK is more powerful than the other actors in the network is that ICPAK is *closer* to more actors than any other actor is. Power can be exerted by direct bargaining and exchange. Nevertheless, power also comes from acting as a "reference point" by which other actors judge themselves, and by being a centre of attention whose views are heard by larger numbers of actors. Actors who are able to reach other actors at shorter path lengths, or who are more reachable by other actors at shorter path lengths have favoured positions. This structural advantage can be translated into power. This logic of structural advantage underlies approaches that emphasize the distribution of closeness and distance as a source of power. The third reason that ICPAK is advantaged in the network is because ICPAK lies between each other pairs of actors, and no other actors lie between ICPAK and other actors.

6.8 Non-state actors' ability to network

The perceptions of state actors as highlighted in Table 32 confirm that indeed non-state actors have established good policy networks amongst themselves which enable them to pull together resources, share knowledge on various policy issues and influence public policy.

Table 32: Non-state actors' ability to network

State actors views	Agree		Disagree	
	Freq	Percent	Freq	Percent
Strong networks	18	94.7	1	5.3
Weak networks.	2	10.5	17	89.5
coordination challenge	12	63.2	7	36.8
NNGOs contribute to policy more than PSMOs.	11	57.9	8	42.1
DOs contribute to policy more than INGOs.	16	84.2	3	15.8
NNGOs contribute to policy less than INGOs.	8	42.1	11	57.9
PSMOs influence policy more than other NSA.	10	52.6	9	47.4
NSA have weak capacity	4	21.1	15	78.9
TOTAL	Frequency		19	
	Percent		100.0 %	

Source: Field data, 2016

Despite their strong networks (94.7 percent), non-state actors face coordination challenges (63.2 percent). According to state actors, national non-governmental organisations participate in policy process (57.9 percent) more than private sector membership organisations (42.1 percent) and donor organisations participate in public policy (84.2 percent) more than international non-governmental organisations (15.8 percent). National non-governmental organisations contribute to public policy slightly less (42.1 percent) than international non-governmental organisations (57.9 percent). Nevertheless, when compared to other non-state actors, private sector membership organisations influence public policy slightly (52.6 percent) more than other non-state actors (47.4 percent) do. Regarding the overall capacity issues, state actors (78.9 percent) believe non-state actors do not suffer from weak capacity for public policy process. This is contrary to CUTs International (2009) which noted deficient capacity and response of non-state actors as well as limited understanding of policy issues.

6.9 Constraints to effective networking of non-state actors

Apparently, state actors believe that non-state actors do not face serious policy network challenges as highlighted in Table 33. For instance, 78.9 percent believe that non-state actors have no limited availability of resources for participation in public policy process, 84.2 percent believe that they have variable capacity to jointly create and implement policy.

Table 33: Constraints to effective networking of non-state actors

State actors views	Agree		Disagree	
	Freq	Percent	Freq	Percent
Difficult to ensure legitimate and accountable representation	11	57.9	8	42.1
Limited availability of resources	4	21.1	15	78.9
Variable capacity for joint action	16	84.2	3	15.8
Limited awareness of policy process and its relevance	1	5.3	17	89.5
Limited access to platforms for ensuring accountability of SAs	6	31.6	13	68.4
Difficulties in ensuring balance of interests (for women, etc.)	10	52.6	9	47.4
Extreme variations in the nature, form, character of institutions	15	78.9	4	21.1
Difficulty in sustaining strong policy networks	7	36.8	12	63.2
TOTAL	Frequency		19	
	Percent		100.0%	

Source: Field data, 2016

Majority of the state actors (89.5 percent) deny that non-state actors have limited awareness of public policy process and its relevance. They also (68.4 percent) deny that non-state actors have limited access to platforms for ensuring the accountability of state actors. The state actors are divided in opinion (52.6 percent versus 47.4 percent) on whether non-state actors face difficulties in ensuring a balance of interest, especially for women, grassroots, consumers, food and nutrition security and environment. In overall, majority of state actors (63.2 percent) deny that non-state actors face difficulty in building and sustaining strong policy networks with capacity to participate effectively in public policy process. These observations therefore, confirm the existence of strong formal networks among non-state actors. These networks have capacity to influence public policy process and they can be strengthened by adopting the recommendations of Perkin and Court (2005) regarding how policy networks can effectively influence public policy process.

6.10 Summary

This chapter has analysed policy networks among the non-state actors and observed that there exist formal networks supported by memorandum of understanding among the organisations. These networks are important because they enable the organisations to achieve their objectives and influence public policy process. Only one organisation within the network takes the leadership role, mobilises, and manages funds on behalf of other networks, but shares other responsibilities of implementing programme activities with other organisations in the network. All the organisations are important in the network but the most important organisations are EIA, KEPSA, ICPAK and CGD. The important organisations are the World Bank, DFID, IBP, KAM and the others. The highly visible organisation (actor) and that connects other actors to a channel of the relationship is ICPAK. It is also the organisation with the highest degree centrality, which means that it is quite active in the network. However, it is not necessarily the most powerful organisation because it is only directly connected within one degree to the organisations in its clique. Hakijamii has the highest closeness centrality because it can reach more entities through shorter paths. As such, Hakijamii's placement allows it to connect to entities in its own clique, and to entities that span cliques. KEPSA, IEA and ICPAK also have high closeness centrality because they are highly connected to others within their own cluster hence they are important influencers within their local network community. Hakijamii has the highest betweenness because it is between IEA and AI, who are between other entities. IEA and AI have a slightly lower betweenness because they are essentially only between their own cliques. Organisations with high eigenvalue are the World Bank and IEA because they are closer to other highly close entities in the network. DFID and Oxfam also are highly close but to a lesser value.

State actors confirm that non-state actors have strong networks though they have coordination challenges. They also believe that national non-governmental organisations participate in policy process more than private sector membership organisations and that donor organisations participate in public policy more than international non-governmental organisations. National non-governmental organisations contribute to public policy almost in equal measure with international non-governmental organisations. Nevertheless, when compared to other non-state actors, private sector membership organisations influence public policy slightly more than other non-state actors do. Regarding the overall capacity issues, state actors believe non-state actors do not suffer from weak capacity for public policy process.

Evidently, state actors believe that non-state actors do not face serious policy network challenges. For instance, they believe that non-state actors have no limited availability of resources for participation in public policy process; they have variable capacity to jointly create and implement policy. Majority of the state actors deny that non-state actors have limited awareness of public policy process and its relevance. The majority also deny that non-state actors have limited access to platforms for ensuring the accountability of state actors. The state actors are divided in opinion on whether non-state actors face difficulties in ensuring a balance of interest, especially for women, grassroots, consumers, food and nutrition security and environment. In overall, majority of state actors deny that non-state actors face difficulty in building and sustaining strong policy networks with capacity to participate effectively in public policy process. These observations therefore, confirm the existence of strong formal networks among non-state actors. These networks have capacity to influence public policy process.

CHAPTER SEVEN

EFFECTING CHANGES THROUGH POLICY LEARNING

7.1 Introduction

For networks to function effectively they require knowledge which is prerequisite for both policy formation and delivery. Non-state actors require knowledge for policy process, which can be generated within or outside the organisations. Knowledge for policy is generated through policy learning and policy learning occurs in policy networks. This chapter examines non-state actors' experience with policy learning. It looks at different forms of policy learning used by non-state actors. It seeks to establish whether non-state actors actually understand the concept of policy learning and how they apply it in their work programmes. The perceptions of state actors regarding the use of policy learning by non-state actors are also discussed.

7.2 National non-governmental organisations

Organisations draw on their experience acquired over time. Each organisation has some form of policy learning mainly, internal learning but also external learning for a few of them. Non-state actors have experienced conceptual learning, lesson drawing and policy borrowing. Conceptual learning or problem learning is seeing things from a different evaluative viewpoint. It is called conceptual learning because it tends to be accompanied with the development or adoption of new concepts, principle and images.

For instance, Hakijamii has a lot of experience on when to engage and how to engage the state actors. Hakijamii has learned over time and has the ability to engage the government at the best time for adoption of the position or issue under discussion. Hakijamii is therefore constantly on the lookout for the best time to engage government. In contrast, CGD conducts desk reviews to find out best practices from other countries. It also learnt lessons from history, culture and documentations. However, CGD has also been quite innovative for instance; the introduction of report cards in the analysis of county government's expenditures. CGD's experience reflects an aspect of policy borrowing and lesson drawing.

Similarly, IEA's experience also reflects both policy borrowing and lesson drawing. IEA has used comparative information on South Africa, Tanzania, Zambia and drawn lessons to avoid bureaucracy. It also demonstrated how competition improves business-using examples of

existing companies such as Safaricom and Airtel. The competition lessons were learned from India, South Africa and Pakistan. Initially IEA used to contract research but now it is building its own capacity for research. IEA conducts national budget analysis because it has capacity to do so. It is also building skills in tax analysis and extractive sector analysis. This is done through short-term training of its personnel. IEA has also been drawing lessons on research skills from other policy institutions such as Global Development Network (GDN) and through media engagement. It also trains interns both local and foreign, conducts desktop research, use technical advisors to provide backstopping and other external persons.

According to ICPAK, “Experience has taught us that we need to value our relationship and manage them well. Our leaning experience has been both internal and external. Our Board learns consistently through the leadership driven by the chair’s ideas and initiatives. Our personnel have undergone training in advocacy and lobbying. We also learn by way of engaging through feedback from partners. We value the information and advice we get from our partners. We had a South African institute visiting us but we did not learn much from it because our standards are much better than theirs are. However, we have learned something from the UK particularly benchmarking with international bodies. We have benchmarked ourselves against local players such as Law Society of Kenya (LSK), Kenya Private Sector Alliance (KEPSA). These institutions have maintained constant presence. With regard to policy makers, one needs to know the policy makers, their point of view. E.g. when dealing with VAT we raised the issue of cautioning the poor but not how to get revenue. One also needs to accept that it is not a must that your idea is accepted or goes through” (Program Officer ICPAK, 2014).

How has policy learning helped these organisations to effect policy change? Each organisation believes it has been successful in influencing public policy and this explains their sustainability. According to the Program Officer, ICPAK has been successful in effecting policy change. However, it needs to improve on many aspects of its policy learning. ICPAK success rate can be estimated at 50% (Ibid). Government has considered its position papers. It played a significant role in the recent budget (2014/2015) and informed the Finance Bill. ICPAK has a progressive history of informing Finance Bills. It also informed the VAT Bill and Commission on Revenue Allocation formula for sharing revenue between the national and county governments.

Hakijamii has technical expertise acquired through long time experience of the organization in preparing position papers and the many grass root organizations it works with. These networks bring credibility and legitimacy to the issues discussed. It also shares knowledge with international conventions and organizations. It conducts action research that enables it to talk directly to the issues such as land.

CGD has been sustainable through persistence and proper timing of interventions. It monitors environment and decides to intervene with its initiative at the time the government is likely to adopt its recommendations. It convenes conferences and retreats for policy makers and presents to them the position they would wish that the Government considered adopting. It also prepares policy digests for members of parliament. The budget expenditure analysis scorecard, an initiative of CGD is a good example of policy learning (CGD, 2010).

IEA is supported financially by several donors including International Development Research Centre (IDRC), Canadian International Development Agency (CIDA), Swedish International Development Agency (SIDA), Centre for Private Enterprise (CIPE), diakonia, International Budget Partnership (IBP), Global Development Network (GDNET) and European Union (EU). This financial support has sustained the activities of IEA since it was established. Nevertheless, IEA has gradually developed advocacy and research capacity overtime through social learning. IEA has organised forums that bring policy community together to discuss public policy concerns affecting the citizens. The main policy concern that IEA has influenced is the national budget process particularly, opening up space for citizens' participation in the budget process. These organisations have also learned that for them to influence public policy process, they need to present positions and policy options that are persuasive.

The observation made here clearly shows that NGOs consist of experts working according to their level of expertise. This supports Hall's (1993) position that the key agents pushing forward the policy learning process are the experts in a given field of policy, either working for the state or advising it from privileged positions at the interface between the bureaucracy and the intellectual enclaves of the society. The NGOs have also observed by Stone (2001), have the institutional capacity to scan both local and international environment and undertake detailed scholarly evaluation of policy that can help prevent the simplistic and ad hoc copying of policy that leads to inappropriate transfer and policy failure. However, capacities and intentions of these organisations differ considerably and they shape the interpretations of policy

experience, the lessons drawn and borrowing as demonstrated by IE, CGD, ICPAK and Hakijamii.

NGOs believe they have been able to effect policy change because they have utilised policy learning to assemble evidence. The use of evidence in policy process resonates with Pollard and Court's (2005) argument that use of evidence enables non-state actors to inspire, inform and improve the policy process and as a result, generate pro-poor policies. It can be assumed that NGOs understand that proper management and presentation of evidence is critical in influencing the public policy process particularly at the phase of policy formation, monitoring and evaluation of public policy.

It is not clear from the NGOs how the contextual factors have affected the quality of their evidence. The effect notwithstanding, and as Pollard and Court (2005) emphasised, evidence must be relevant, appropriate and timely, in a specific social, political and economic context. Furthermore, the position that NGOs hold within a particular political system, and their relationships with other policy actors, affects the ways they can use evidence and the likelihood of it achieving policy influence (Pollard and Court, 2005). While analysing the nature of politics and public policy process in Kenya, it was observed that the five phases represent five different policy learning moments. It can be assumed that NGOs engagement has depended on the nature of the political context particularly, the extent of democracy as well as the specific policy stance each succeeding government has taken on a specific policy issue. The socio-economic and political changes that have happened in Kenya since independence can be very much attributed to policy learning effect. If this is true, then the observation that NGOs have been successful in bringing about change in Kenya is tenable.

This observation also validates Fazekas' (2010) argument that constraints on individual and organisational learning considerably affect how policies are formulated and the policy outcomes and that on the continent of Africa there has been much policy learning as demonstrated by socio-economic and political changes that have happened in the last three to four decades. This is further supported by evidence that many countries in Africa have been registering positive growth in economic indicators as well as sustaining relatively stable governance institutions such as free and fair elections, multi-party politics, democratic institutions, working parliaments and the judiciary (Van-Donge et al 2009; Masend 2014; and Bhamra et al 2015). The observation also validates Millar' (2013) observation that the inclusion of non-state actors in policy-making created opportunities for policy learning in the European

Union and that partnership agreement between the European Union and the Africa, Caribbean and Pacific signed in Cotonou in June 2002 strengthened inclusive public policy and policy learning (Bossuyt, 2000).

7.3 International non-governmental organisations

Action Aid has learned that timing matters very much in influencing public policy. It has also learned that it takes time to influence policy, synergy is important in influencing policy, partners have capacity, “you may have funds but without partners you achieve very little. Action Aid facilitates the efforts of our partners. Our model is unique, of working through partners and our focus on poverty is also unique” (Action Aid Programme Officer, 2014). Action Aid supports women, young people to participate in decision-making and access funding from the government. Action Aid is able to sustain itself by using human rights approach, creating awareness of rights, claiming rights creating spaces for and engaging with the government. Action Aid’s partners also work with other groups at the grass roots who claim their own rights. Action Aid has established structures through which its partners use to engage the government at the national and county levels. Action Aid has a long history and experience of working with grass root communities. This history and experience has enabled Action Aid to appreciate social learning as reflected in its various policy interventions to education, health and livelihood concerns.

World Vision has learned that it drives accountability programs. It has also learned that education sector has a learning platform, which is both internal and external, and there is learning in the larger civil society as people share experience and knowledge. World Vision’s acquired learning has been used in the drafting of child health policy and applied in other programs.

“WV has won awards in the area of policy engagement for Kenya. We have technical expertise, which has enabled us to be sustainable. We have knowledge, experience and we draw lessons from other countries’ experiences. We are able to mobilize financial resources from our sponsors. We have built capacity of our personnel through training, consultations and partnerships” (World Vision Program Officer, 2014).

WV has observed that creating awareness and information release from the government has been a slow process and the government does not easily give documents especially, to those who need them for grass root awareness. The government does not produce relevant documents hence community members are not able to engage in policy process and build their own capacity for policy analysis and informed participation. Communities do not engage with high-level policy makers. However, WV has established community structures in place and it has 59 development programs and several wards operating in 35 counties.

Action Aid has enjoyed a long history of experience of working with the grass roots communities as a non-state actor. This experience is good for policy learning and Action Aid drawn on this experience. The slow pace of production of relevant documentation and information by the Government resonates with Ngwares' (2008) experience of the East African Community where he observed that non-state actors failed to demand greater space and voice in the first EAC and this contributed to its collapse. In a situation Ngware recommended that, much needs to be done to make non-state actors do more advocacies, policy and dialogue at EAC level.

7.4 Private sector membership organisations

KAM conducts both primary and secondary research on specific sector impact. KAM also notes that policy learning is a gradual process that differs from one actor to another (Sabatier, 1993). KAM has not dealt directly with the grassroots or consumers of the industry products. KAM conducts evidence-based advocacy. KAM has learned quite a lot from the Danish manufacturers. KAM has established a Centre for Energy Efficiency, which is wholly owned and run by KAM. The Centre conducts research on energy to inform policy on energy. KAM has a consulting wing, which in the end will be an institute to secure KAM's sustainability. Major policy learning constraints faced by KAM include: time constraint for instance, it takes long for the government to respond or to see the effects, cost implications especially for advocacy and lobbying (one on one basis), securing meetings with legislators and convincing them to accept KAM's point of view, limited expertise to convince the legislators.

“Private sector companies are like the government ministries hence they also lack capacity for policy analysis. They focus on the short time effect as opposed to long-term effects and goals.

They need to see the big picture and invest in the people, build their capacity to engage fully in public policy. They need to link with universities” (KAM Program Officer, 2014).

FKE’s international partners provide information on policy issues through forums and seminars. FKE has board representation on ILO and other international organizations from where they learn best practices. FKE also conducts forums and trainings to keep the members and its human resource updated on critical knowledge and skill areas. FKE has constantly encouraged the government to adopt international laws and standards. FKE has resources and good will of the members. It has credible human resources that are also professional. Its activities are informed by facts. Members finance the activities of FKE through their contributions, dues from direct services offered to clients, consultancy for the members and the public, training and surveys. FKE has been successful in some areas, with a rating of 60-70%. Its milestone includes the passing of NSSF Act where it contributed a great deal and Productivity Bill. FKE faces challenges of limited membership because 80% of employment is in informal sector making a huge number of employers left out in membership. It also has limited resources, mainly from members and it cannot sustain advocacy efforts. “We are not able to hold forums at county level and national level because of limited resources” (FKE Program Officer, 2014).

The JKA has learned that their members have increased productivity through innovation, creativity, attending exhibitions and trade fairs to learn from others. Exhibitions are organized regionally and training is conducted in village polytechnic and other centres of excellence such as Kariobangi in Nairobi. The centres of excellence are established and managed by the Ministry of Industrialization. Members of JKA have not committed themselves fully to the sector. The government is very slow in attending to the needs and demands of the sector. There is lack of market protection for the sector given that Kenyan market is liberalized and countries like China, India, Korea, Malaysia, Singapore and others flood their cheap products in the market to compete with local jua kali products. The liberalized market also makes it very difficult to implement anti counterfeit policy. JKA has appealed to the government to adopt the American policy including strong industrial policies such as stopping people from importing goods to America for more than 100 years. The UK did the same. According to the Chairman of JKA (2014), “The main problem of jua kali industry in Kenya is liberalization policy that has allowed the importation of goods from other countries at the expense of local jua kali manufacturers”.

KEPSA's experience suggests a lesson-drawing form of policy learning (Bennett and Howlette, 1992). KEPSA utilizes its internal resources (policy analysts), staff development. The members attend various workshops to build their capacity. The business advocacy fund supports staff development programs such as seminars and workshops. KEPSA has experienced conflict of interest between itself and government and between itself and its members. For example, there was conflict of interest between KPL and IPPs, Oil and gas LPG companies. When conflict is rife, the government has its way due to influence of the big interests. For example, investment in private transport contributed to the collapse of public transport in Kenya. KEPSA members supported the revival of the railway transport sector. Sometimes the private interests override public interests. Examples of areas where KEPSA has experienced conflict of interest include the cement industry, communication sector particularly Safaricom and Orange. "When Agha Khan comes to Kenya usually there is an issue he comes to settle mainly a threat to media" (KEPSA Programme Officer, 2014). KEPSA observed that when parliamentary committee on Labour and social welfare was taken to Mombasa to discuss and understand the proposed Bill only three members understood the Bill. KEPSA has anticorruption and integrity department, which has developed a code of ethics that has been signed by members to deal with conflict of interest issues. KEPSA wants to move to the next level on failed areas such as self-regulation and standardization. However, for KEPSA and her colleagues, other membership organisations they can move to the next level with confidence only when they sharpen their persuasive skills.

From the private sector membership organisations, it can be deduced that they perceive policy learning in a general way, as a structure, conscious change in thinking about a specific policy issue. Their perception complements Kemp and Weehuizen (2005) who defined policy learning as consisting of a rethink of an existing frame such as a better understanding of the effects of certain policy instrument. These organisations seem to be utilizing two types of policy learning: lesson drawing and conceptual or problem learning (Bennett and Howlette, 1992). However, they face some challenges including capacity-related (for KAM and JKA); conflict of interest-related (for KEPSA); and limited membership for (FKE).

7.5 Donor organisations

The Bank's experience suggests a combination of lesson-drawing and social learning (Bennett and Howlett, 1992). The Bank has learned that it is very important to engage with stakeholders

constantly through consultations. It draws its lessons on what has worked and global experience. The Bank's sustainability is based on transparency, understanding government needs, building long lasting relationships with the networks and the government, sharing information and constantly identifying gaps to update the government and support it. The Bank has observed that most counties request for financial support, which the Bank is not able to provide. Counties also do not clearly understand other functions of the Bank apart from financial support. There are also political economy challenges including timing, relevance of the information, ability to respond to the demands and requests. However, the government has adopted much of the Bank's advice and positions. The Bank influences policy more in the formulation stage but also in the implementation and evaluation stages.

Despite the on-going impact of the economic crisis in Europe, EU continues to believe in the importance of development cooperation for countries around the world. This suggests a combination of lesson-drawing and social learning. The 11th European Development Fund has allocated € 435 million for Kenya. EU Kenya cooperation focuses on food security and resilience to climate shocks in arid and semi-arid areas; sustainable infrastructure and support to accountability of public institutions. The European Union includes sustainability and environmental considerations in all its development programming. The European Union disbursed Euros 100 million to non-government organisations for water, energy, social and environmental development. It also believes that there is an increasing role in international development for the private sector and investment. Grants in aid are being blended with loans to support larger infrastructure projects.

The IBP work in Kenya is in two dimensions: that is, budget transparency and budget participation.

“But I am quite unconvinced by the distinction because having the content enables one to participate effectively. Budget participation and budget transparency is one package the difference comes because one may not work on the two at the same time” (Interview with IBP Kenya).

Transparency and participation can be looked at as two sides of the same coin. The form of policy learning experienced by IBP is mainly lesson drawing.

The policy learning experience of donor organisations shows that these organisations combine all the three types of policy learning discussed by Bennett and Howlett (1992). Government

learning is particularly observable in the EU and World Bank, which utilise lesson-drawing and social learning. IBP seem to utilise both lesson-drawing and social learning as it focuses its policy activities on budget transparency and participation. However, it is difficult to quantify the extent to which their learning has resulted in organisational change, programme change, change in power relations, paradigm shift, change in institutional rules, change in economic conditions and change in internal learning. But going by Fazekas' (2010) argument that constraints on individual and organisational learning considerably affect how policies are formulated and the policy outcomes and that on the continent of Africa there has been much policy learning as demonstrated by socio-economic and political changes that have happened in the last three to four decades, it can be argued that these organisations' policy learning has contributed to the above changes in Kenya.

7.6 Multinational telecommunication corporations

The telecommunication companies have remained competitive because of significant policy learning that goes on in the industry. That is their ability to acquire and or create new knowledge and apply it to subsequent action. This is evidenced by domestic policy learning experiences leading to new products such as MPESA, Lipa na MPESA, MSWARI, OKOA JAHAZI and international policy learning acquired from London-based Global System for Mobile communication leading to third and fourth (3G and 4G) generation of mobile telephony. The form of learning in this industry is mainly instrumental and social learning. New products in the industry influence existing policies and necessitate the generation of new policies. State actors confirm that non-state actors have experienced policy learning but moderately.

The corporations are rated as one of the fastest developing in Africa but facing low prices and regulatory uncertainty. Business Monitor International, BMI (2012) observed that the Kenyan government has constantly intervened on some of the decisions of the country's telecoms regulator, the CCK. Fast Market Research (2012) and Consumers Federation of Kenya (2011) also observed that despite the MTCs recognising the major role played by the government and the industry regulator in setting the tone, facilitating, incentivizing and promoting bandwidth roll-out to areas that operators would not necessarily build infrastructure out to yet promise other benefits in increasing access to information, education, e-health etc., the MTCs have continued to feel that their views are not considered by the government and the regulator in the

policy making process. These perceptions confirm Bossuyt and Carlson’s (2002) argument that the MTCs suffer from inadequate technical capacity, that they have inadequate capacities for developing researched policy options for effective policy dialogue. They also lack capacity for policy research and analysis, as they have no tradition of resourcing research and policy analysis from research institutions. This lack compromises the quality policy learning and public policy dialogue. As a result, poorly researched policy leads to weak policy implementation.

7.7 The utilisation of policy learning by non-state actors

In Table 34, most state actors believe non-state actors have moderately employed the use of policy learning in their engagement with public policy process.

Table 34: Use of policy learning

Measurement	NNGOs		INGOs		PSMOs		MNTCs		DOs	
	Freq	Perc	Freq	Perc	Freq	Perc	Freq	Perc	Freq	Perc
Not at all	0	00	0	00	0	00	2	10.5	0	00
Less extent	2	10.5	3	15.8	4	21.1	3	15.8	0	00
Moderate	14	73.7	8	42.1	9	47.4	8	42.1	7	36.8
Highly	3	15.8	8	42.1	6	31.6	6	31.6	12	63.2
TOTAL	19	100	19	100	19	100	19	100	19	100

Source: Field data, 2016

A few state actors (10.5 percent) believe that multinational telecommunication corporations have not employed the use of policy learning at all. On a moderate scale, national non-governmental organisations seem to have employed the use of policy learning (73.7 percent) more than the rest of non-state actors. They are followed by donor organisations (63.2 percent) and private sector membership organisations (47.4 percent). Nevertheless, on a high scale, donor organisations have employed the use of policy learning (63.2 percent) more than the rest of non-state actors. In overall, if moderate and highly scores are added together, donor organisations become the highest users of policy learning (100 percent), followed by national non-governmental organisations (89.5 percent), international non-governmental organisations (84.2 percent), private sector membership organisations (79.0 percent) and multinational telecommunication corporations (73.7 percent). These observations slightly vary with the earlier observations, which found donor organisations and the multinational

telecommunication corporations to have utilised to great extent policy learning in their efforts to influence public policy more than the rest of the organisations.

7.8 Type of policy learning used by specific non-state actor

The most form of policy learning employed by non-state actors is the lesson drawing. State actors as shown in Table 35 also confirm this.

Table 35: Type of policy learning used by specific non-state actor

Type of policy learning	NNGOs		INGOs		PSMOs		MNTCs		DOs	
	No.	Perc								
Lesson drawing	14	73.7	12	63.2	11	57.9	11	57.9	13	68.4
Social learning	5	26.3	7	36.8	8	42.1	8	42.1	6	31.6
TOTAL	19	100.0								

Source: Field data, 2016

Majority of state actors believe that national non-governmental organisations (73.7 percent) and international non-governmental organisations (63.2 percent) use lesson drawing more than other non-state actors do. The use of social learning is on a lower scale in all non-state actors. Only private sector membership organisations (42.1 percent) and multinational telecommunication corporations (42.1 percent) received a higher rating for using social learning. Although these observations confirm the earlier observations made, they slightly differ with regard to social learning. While in the earlier observations donor organisations utilised social learning more than the rest of non-state actors, in this observation private sector membership organisations (42.1 percent) and multinational telecommunication corporations (42.1 percent) seem to utilize social learning more than the rest of non-state actors. These variations may also be due to lack of clear understanding of the concept of policy learning among state actors.

7.9 Implications of policy learning

It seems clear that there has been some policy learning adopted by non-state actors. Has policy learning improved policy process and produced better policy outcomes? Alternatively, has

there been no positive change in policy hence policy failure? Table 36 highlights the implications of policy learning.

“There has been tremendous improvement in engaging the non-state actors in policy making process owing to the stated required of public participation. We hope to see much more engagement with the non-state actors as we review the many policies in line with devolution process especially, in areas of human rights as per the constitution of Kenya” (Government official, 2016).

Table 36: Implications of policy learning

Implication	Agree		Disagree	
	Freq	Percent	Freq	Percent
Policy learning has resulted in improved policy process	19	100.0	0	00
More inclusive public policy process	19	100.0	0	00
Better policy outcomes	17	89.5	2	10.5
New policy paradigms	16	84.2	3	15.8
Policy change	16	84.2	3	15.8
No change in policy process	3	15.8	16	84.2
Policy failure	2	10.5	17	89.5
TOTAL	Frequency		19	
	Percent		100.0	

Source: Field data, 2016

Apparently, all state actors (100.0 percent) believe that policy learning has resulted in improved public policy process and more inclusive public policy process. Majority of state actors also believe that policy learning has led to better policy outcomes (89.5 percent) and produced new policy paradigms (84.2 percent) and overall policy change (84.2 percent). They do not believe that policy learning has led to no change in policy process (84.2 percent) and that has resulted in policy failure (89.5 percent).

7.10 Summary

This Chapter has distinguished different forms of policy learning used by different organisations. Although many organisations do not seem to have a clear understanding of the

concept of policy learning, all organisations have some experience of policy learning. The major forms of policy learning reflected in organisations' experiences are conceptual learning, policy borrowing, lesson drawing particularly for non-governmental organisations and private sector membership organisations and instrumental learning and social learning particularly for donors and a few private sector membership organisations. Apart from the NGOs and private sector membership organisations, which have used policy learning to great extent, donor organisations and the multinational telecommunication corporations, have also utilised policy learning but to less extent compared to both national and international non-governmental organisations and private sector membership organisations.

Majority of state actors believe that national non-governmental organisations and international non-governmental organisations use lesson drawing more than other non-state actors do. Only private sector membership organisations and multinational telecommunication corporations received a higher rating for using social learning. Although these observations confirm the earlier observations made, they slightly differ with regard to social learning. While in the earlier observations donor organisations utilised social learning more than the rest of non-state actors, in this observation private sector membership organisations and multinational telecommunication corporations seem to utilize social learning more than the rest of non-state actors. These variations may also be due to lack of clear understanding of the concept of policy learning among state actors. However, most state actors believe non-state actors have moderately employed the use of policy learning in their engagement with public policy process. Policy learning has resulted in improved public policy process and more inclusive public policy process. Majority of state actors also believe that policy learning has led to better policy outcomes and produced new policy paradigm and overall policy change. They do not believe that policy learning has led to no change in policy process and that has resulted in policy failure.

CHAPTER EIGHT

SUSTAINING POLICY INFLUENCE THROUGH PERSUASSIVE COMMUNICATION

8.1 Introduction

Knowledge that has been generated through policy learning should inform the entire policy process particularly, the policy formation and delivery processes. It should be communicated to the decision makers in such a way that the decision makers are persuaded to take a certain course of action. This persuasion is a process of mutual learning through discourse. Persuasive communication is therefore a critical factor in sustaining policy influence. This Chapter discusses the experience of non-state actors in sustaining policy influence through persuasive communication and argumentation. It examines how organisations have used language, argument and discourse in policy discussions with a view to providing other policy makers with new insights into their work and increasing awareness of the conditions that shape their actions and choices. The chapter also discusses the perceptions of state actors regarding the use of persuasive communication and argumentation in public policy process by non-state actors.

8.2 National Non-Governmental Organisations

Hakijamii believes it has learnt the art of negotiation and it knows when to give way and when to compromise. CGD has used persuasion to influence the policy makers by providing to them a bigger picture and actual benefits that accrue from the intervention or initiatives. It has also conducted this indirectly by identifying champions among the policy makers and using them to persuade their colleagues. ICPAK uses persuasion by providing facts, use of established formal offices such as parliamentary committees, boardroom meetings and negotiations. IEA employs persuasion through breakfast meetings and one-on-one meetings and through follow-up meetings targeting one person to use as a champion. IEA used persuasion in competition policy. It provided the parliamentarians and the executives with the same MoU used for the Treasury. It also employed dialogue.

“Habermas communicative rationality: did open up and allowed many people to participate including the business firms which were first opposed to competition policy but later came to like and appreciate it. The use of media, publications and forums were also very instrumental in opening up spaces for engagement” (IEA COE, 2014).

Other devices IEA uses to communicate include policy bulletin and policy briefs, research papers, books, policy journals, lectures, presentations and newsletters. It is implied here that CGD, IEA and ICPAK agree with Bench-Capon (2002) that persuasion is a matter of showing the critic that the argument under dispute must be accepted in any coherent position relating to the argument framework.

The persuasive efforts of these three organisations shows that these organisations they somehow understand the two-fold ideal goal of policy analysis as argued by Meltsner (1980), that is, to persuade a decision maker of a particular view or course of action; and to provide factual information in an unbiased manner with the objective of supporting the decision maker in exercising their democratic rights and responsibilities. Unlike Tien et al.'s (2013) study, which concluded that the consultation process of non-state actors did not assure effective two-way communications, the experience of the three organisations here show that there, has been effective two-way communication. What is not clear is whether these organisations had strong capacity in dealing with conflict of interests. Though, the organisations do not explicitly state that changes in the constitutional framework helped create more opportunities that allowed persuasion, it can be argued that non-state actors have taken advantage of the 2010 Constitution that provided for intense interaction between state and non-state actors (Constitution of Kenya 2010). This argument supports Odhiambo-Mbai's (1999) view that a good framework in place allows persuasion to succeed.

8.3 International non-governmental organisation

Action aid has used persuasion as a platform to push public benefits organizations and call on government to be transparent on incentives given to multinational corporations.

“We have held breakfast meetings with government officials, KRA, Integrity Centre, Tax network Africa, and NTA. We have a study on taxation underway; this is part of Global network of tax campaign or tax justice” (Programme Officer, Action Aid, 2014).

World Vision has used persuasion especially in conferences and while talking to influential people. Sometimes this is preceded by telephone calls.

“World Vision needs to improve on her approach to engagement and it finds devolution useful in helping to improve her approach through meetings with the government at the county level with a view to assist them do the right thing” (Programme Officer, World Vision, 2014.).

World Vision would prefer to sign MoU with government at the national level before they engage in any manner regarding particular policy. World Vision would also like to use women members of parliament and wives of governor to share with them so that they can influence their husbands who are in power.

Action Aid and the World Vision seem to be employing all the three proofs of ethos (ethical proof), pathos (emotional proof) and logos (logical proof) in their persuasive strategies. Their persuasive strategies are quite innovative particularly, the idea of reaching out to the wives of the County Governors to influence their husbands. They have adopted value-based argumentation framework to show the strength of persuasion in public policy. They thus, support Lieberman’s (2012) position that source and message variables are critical in policy persuasion. They draw on source variables such as credibility, expertise, trustworthiness, attractiveness, likability; and power and message variables such as issue importance, position, conclusion drawing, use of rhetorical questions, argument quality, argument quantity, positive versus negative framing, use of fear or threat appeals and emotional versus reason-based content.

8.4 Private sector membership organisations

KAM employs persuasion in its advocacy campaigns. It employs technical skills in analysing costs and benefits to all parties involved in the policy issue or decision and sharing the analysis with all parties. While the government wants to focus more on revenue collection KAM notes this but also shows government that the process of revenue generation must be reasonable, fair and convincing. Although KAM has tried using informal lobbying, it has learned that formal ways of lobbying have proved to be successful (750 industries are represented by KAM).

FKE appreciates persuasion and has used it in influencing policy.

“We value the strength of our argument thus we ensure our position paper is well researched and has credible facts. We do not involve ourselves in activism. We constantly review our

positions to identify our weaknesses and sustain engagement with government. We do not always anticipate that the government will adopt our position because we know government takes time to respond to issues and to adopt a position presented to it” (Interview with Official of FKE, 2014).

There is no evidence regarding the use of discourse and argument by KEPSA to communicate policy options and recommendations. This might imply that regularised contact is rare among the private sector and reaching a common understanding is illusive. This can explain the existing observed conflict of interest among members themselves and between the private sector and the government. Dealing with conflict of interest between members is a serious challenge in public policy process. It can be addressed by encouraging regularised contact among the private sector members and fostering forums that reach a common understanding. Similarly, JKA also has no evidence of employing persuasion in its efforts to influence public policy and in addressing their own interests when dealing with the government.

KAM and FKE also seem to agree with Meltsner (1980) that the ideal goal of policy analysis is two-fold: to persuade a decision maker of a particular view or course of action; and to provide information in an unbiased manner with the objective of supporting the decision maker in exercising their democratic rights and responsibilities. These two organisations seem to draw on Bench-Capon (2002) argument that persuasion is a matter of showing the critic that the argument under dispute must be accepted in any coherent position relating to this argument framework. KAM’s position that revenue generation must be reasonable, fair and convincing, is a clear case of a coherent position that is given precision through the notion of a preferred extension, a maximal set of arguments able to defend itself against all attacks on any of its members. Similarly, FKE’s believe that they need to constantly review their positions to identify their weaknesses and sustain engagement with government; and that they do not always anticipate that the government will adopt their position because they know government takes time to respond to issues and to adopt a position presented to it, supports Bench-Capon’s (2002) believes that disagreements about some arguments is possible because there is not in general a unique preferred extension, so any of several coherent positions can be accepted. The two organisations thus, struggle with the view that the task of the persuader is to show that the argument that he or she wishes to advance is in every preferred extension.

8.5 Donor organisations

The Bank uses more of fact finding than persuasion. It also makes use of round table discussions with the government to compel it to see the point of view of the bank. The EU is strongly committed to cooperation with Africa and over the years has developed solid ties to the continent through various agreements, policy and strategy papers. Joint Africa-EU Strategy together with the Lisbon Declaration adopted in 2007 defines the framework for the Africa-EU strategic partnership. This partnership is being implemented in eight areas including; Democratic governance and human rights; Millennium Development Goals; Trade; and Regional integration and infrastructure, with the overall goal reduction and elimination of poverty. The EU is the world largest provider of development assistance in Africa. The Delegation also plays an increasing role in trade issues, notably in relation to the on-going negotiations between the EU and ACP States over future trade arrangements and Economic Partnership Agreements (EPAs).

International Budget Partnership has tried to bring in members of civil society organizations to participate in the negotiations with the Commission on Revenue Allocation (IBP Website, Kenya, 2014). It has also considered working with Media focus on Africa, which in the past has organized some dialogue on reporting public policy. IBP is also working with health groups to improve the financing of Level 5 hospitals. It has been mobilizing budget sector working groups to engage in discussions about the financing of these hospitals. Apparently, IBP does not persuade the government to adopt a position.

Unlike the NGOs which combine all the three proofs in their persuasion strategies, World Bank, European Union and International Budget Partnerships seem to draw on logos more than pathos and ethos in their persuasive strategies. The danger in relying heavily on logical proof was well explained by Majone (1989) and Russell (2016). The two argued that policy analysts should produce policy arguments that are based on value judgments and are used by policymakers in the course of public debate. They warned that the essential need today is not to develop 'objective' measures of outcomes but rather to improve the methods and conditions of public discourse at all levels and stages of policymaking.

The three donor organisations seem to be trapped in a conflict that has existed at the intersection of science and public policy that is, science operates on a standard of falsifiability, whereas legal arguments require a standard of evidence, and political decisions which centre on

sufficient grounds for action requires that public policy problems be addressed with an analysis beyond the purely rational technical approach. The donor organisations do not seem to see persuasion and advocacy as supplements to rationality and efficiency in policy analysis. They do not seem to believe that policy analysis has less to do with formal techniques of problem solving than with the process of argument (Majone, 1989). It will be an uphill task for donor organisations to accept Majone's, Russell's and Goodin, et al.'s position that the purpose of policy analysis is not simply to determine the better or optimal policy, but to work towards getting the recommended policy accepted. With this assumption, the traditional analytical skills are necessary but insufficient, and the absence of the argumentative function in the public policy process reveals major weaknesses in donor organisations' persuasive strategies.

8.6 Multinational telecommunication corporations

Multinational telecommunication corporations have an upper hand in this area, as they are able to easily convince state-actors using economic arguments for increased government revenue generation and creation of new employment opportunities. These corporations' persuasive policy communication relies heavily on logical proof for construction of their evidence. State actors confirm these observations with slight variations as demonstrated in the following subsections. Like the donor organisations, multinational telecommunication corporations also utilise logical proof more than ethical and emotional proofs in their policy persuasive strategies. They therefore share the same danger as donor organisations. That is, the danger of relying heavily on logical proof was well explained by Majone (1989) and Russell (2016). In line with Christian's (2014) principles of persuasion, it can be argued that these organisations are yet to experience what Christian believed to be of great importance in public policy process. That is, mastering persuasion principles as it enables public policy advocates to bring rigor to the business of consensus, win concessions and influence the decision-making process. Russell et al., (2016) reinforced Christian's position by arguing that persuasive skills ensure that policy analysts and makers are better able to make arguments and counter arguments about the moral and ethical desirability of courses of action and that this is likely to lead to a more comprehensive dimension of policy and better policy making process.

8.7 Policy persuasion and non-state actors

State actors believe non-state actors have used combinations of persuasive strategies while contributing to and influencing public policy in Kenya. They have used information and evidence in the analysis of policy issues. They have also used objective analysis and believed that their analysis was true as shown in Table 37.

Table 37: Using persuasion to influence policy

State actors views	Agree		Disagree	
	Freq	Percent	Freq	Percent
Use of factual information and evidence	15	78.9	4	21.1
Understanding, accepting and believing the analysis	11	57.9	8	42.1
Objective analysis	17	89.5	2	10.5
TOTAL	Frequency		19	
			100.0	
	Percent			

Source: Field data

State actors believe that objective analysis (89.5 percent), information, and evidence (78.9 percent) have been widely used by non-state actors. However, the use of persuasion has varied among non-state actors as shown in Table 38.

Table 38: Persuasive strategies

Measurement	NNGOs		INGOs		PSMOs		MNTCs		DOs	
	Freq	Perc	Freq	Perc	Freq	Perc	Freq	Perc	Freq	Perc
Logical proof	10	52.6	0	00	10	52.6	7	36.8	11	57.9
Ethical proof	6	31.6	9	47.4	4	21.1	6	31.6	6	31.6
Emotional proof	3	15.8	10	52.6	5	26.4	6	31.6	2	10.5
TOTAL	19	100	19	100	19	100	19	100	19	100

Source: Field data, 2016

Logical proof has high frequency (38) implying that state actors believe that majority of non-state actors make use of logical proof as the main persuasive strategy. It is followed by ethical proof with a frequency of (31). Donor organisations use persuasion (57.9 percent) more than the rest of the organisations. This is contrary to the earlier observations made that donor

organisations do not seem to persuade state actors because they use agreements to engage state actors. This could also be explained by inadequate understanding of the concept of persuasion among state actors. International non-governmental organisations utilize ethical proof (47.4 percent) and emotional proof (52.6 percent) more than the rest of non-state actors. Other strategies used by non-state actors in persuasion are highlighted in Table 39.

Table 39: Other strategies for persuasion

State actors views	Agree		Disagree	
	Freq	Perc	Freq	Perc
Use various policy instruments	17	89.5	2	10.5
Develop clear goals and strategies to address public problems	15	78.9	4	21.1
Advocate for social values, responsibilities, better policy approaches	19	100	0	00
Regularly change their strategies for engaging state actors	18	94.7	1	5.3
Learn by doing, observation, lesson drawing and research	16	84.2	3	15.8
Impact positively on socio-economic and political environment	14	73.7	5	26.3
TOTAL	Frequency		19	
	Percent		100.0	

Source: Field data, 2016

State actors believe that non-state actors use various policy instruments in public policy process (89.5 percent); they develop clear goals and strategies that address public problems (78.9 percent); advocate for societal values, responsibilities, appropriate ways of interacting and better policy approaches (100 percent); regularly change their strategies for engaging the state actors (94.7 percent); and learn by doing, observation, lesson drawing and commissioning studies (84.2 percent). State actors also believe that the views of non-state actors if adopted by government always bring about policy change and impact positively on socio-economic and political environment (73.7 percent). Table 40 below illustrates these observations further.

Table 40: Use of persuasion by specific non-state actors

State actors views	NNGOs		INGOs		PSMOs		MNTCs		DOs	
	No.	Perc								
Use a variety of policy instruments	13	22.0	14	23.7	11	21.2	6	20.0	11	16.7
Develop clear goals and strategies	13	22.0	11	18.6	13	25.0	8	26.7	15	22.7
Advocate for societal values, etc.	12	20.3	14	23.7	10	19.2	4	13.3	9	13.6
Regularly change their strategies	9	15.3	8	13.6	8	15.4	5	16.7	9	13.6
Learn by doing, lesson drawing, etc.	9	15.3	6	10.2	6	11.5	4	13.3	12	18.2
Their views bring about change	3	5.1	6	10.2	4	7.7	3	10.0	10	15.2
TOTAL	59	100.0	59	100.0	52	100.0	30	100.0	66	100.0

Source: Field data, 2016

Majority of state actors believe that non-governmental organisations use a variety of instruments more than the rest of non-state actors with national non-governmental organisations at 22.0 percent and international non-governmental organisations at 23.7 percent. Donor organisations use the least variety of instruments (16.7 percent). They also believe that multinational telecommunication corporations (26.7 percent) and private sector membership organisations (25.0 percent) develop clear goals and strategies more than the rest of the non-state actors. They also believe that non-governmental organisations advocate for societal values, responsibilities, appropriate ways of interacting and better policy approaches more than other non-state actors do. These observations reveal that apart from the three, logical, emotional and ethical proofs, non-state actors use other strategies in persuading other policy actors to consider their points of views.

8.8 Summary

At least each organisation seems to have used some form of persuasion in influencing public policy. However, there are limitations particularly, for donor organisations and multinational corporations with the way they perceive and utilise policy persuasion. Some organisations do not seem to understand clearly the meaning of persuasion and hence they tend to confuse persuasion with other strategies employed in resisting power over. The strength of persuasiveness varies from one organisation to another. International NGOs seem to have employed a stronger form of persuasion than national NGOs while, private sector organisations seem to have employed stronger persuasive methods than both national and international

NGOs. Donors' organisations do not seem to persuade the government but instead they enter into some form of agreement or memorandum of understanding, which is to be honoured, by both the government and the donors. Multinational telecommunication corporations have a competitive advantage over the other non-state actors because of their strong economic capacity.

State actors confirm these observations but with slight variations. State actors believe non-state actors have used combinations of persuasive strategies while contributing to and influencing public policy in Kenya including use of information, evidence and objective analysis. Although objective analysis, information and evidence have been widely used this has varied among non-state actors.

Majority of non-state actors have used logical proof as the main persuasive strategy followed by ethical proof. The state actor's view that donor organisations have used persuasion more than the rest of the organisations contradicts the earlier observations made that donor organisations do not seem to persuade state actors because they use agreements to engage state actors. This contradiction could also be explained by inadequate understanding of the concept of persuasion among state actors. International non-governmental organisations utilize ethical proof and emotional proof more than the rest of non-state actors. In addition to these three proofs, state actors believe that non-state actors use various policy instruments in public policy process; they develop clear goals and strategies that address public problems; advocate for societal values, responsibilities, appropriate ways of interacting and better policy approaches; regularly change their strategies for engaging the state actors; and learn by doing, observation, lesson drawing and commissioning studies. State actors also believe that the views of non-state actors if adopted by government always bring about policy change and impact positively on socio-economic and political environment.

CHAPTER NINE

SUMMARY, CONCLUSION AND RECOMMENDATIONS

9.1 Introduction

This chapter presents the summary of the thesis findings and analysis, conclusion and recommendations. In the summary section the chapter highlights the main issues discussed in all the chapters beginning with chapter one and ending with chapter eight. It also interrogates the main findings and analysis as they relate to similar or contrary observations found in the literature. The conclusion is drawn upon the analysis of the findings from chapter two onwards while, the recommendations are based on the key findings arising from the analysis of the findings.

9.2 Summary of thesis findings and analysis

Non-state actors play significant role in making public policy process inclusive. Nevertheless, in Kenya it has been unclear how non-state actors play this role. Therefore, this study sought to understand how non-state actors have contributed to inclusive public policy process in Kenya. The overall objective of this study was to explore the contribution of non-state actors in making public policy process in Kenya inclusive. The study also examined how non-state actors apply the concepts of policy learning, policy network and persuasion as they contribute to inclusive public policy process thus democratising the policy process and allowing wider participation of interested citizens and other stakeholders. This study has generated the following findings discussed below as per the objective of the study.

9.2.1 Inclusive and effective public policy process through power relations

The policy process has evolved over time with incremental changes initiated by both the government and civil society during the fourth and fifth decades after Kenya's independence when gradual and meaningful changes in institutional and governance frameworks for policy process occurred. These changes not only widened democratic spaces and enabled citizens to

actively engage with the state actors, but also improved the political capacities of people to demand for, create more spaces and voice their concerns about several issues affecting their lives. Despite the state actors controlling the entire policy process, non-state actors have sustained countervailing power through empowerment, increased citizen participation, civic action and mobilisation and many other strategies. In this way, they have kept public policy process open and inclusive despite the strong effort of the government to monopolise the process. Hence, the nature of public policy process in Kenya has continued to improve as non-state actors have adopted, though with challenges, innovative techniques of sustaining inclusive process and effectively influencing public policy process.

In general, non-state actors have influenced public policy at the national and county levels. They have resisted the coercive power of state actors and produced countervailing power. They have created their own spaces for engagement with state actors using various strategies including direct engagement, research, collaboration, community mobilization and empowerment. The efforts of individual organisations vary. While national NGOs have struggled to claim space for engagement with the government, their counterparts international NGOs have not struggled as much. The private membership organisations have not struggled as much as both the national and international NGOs to find space for engagement, instead they have been invited by government in many occasions to contribute their views to inform various policies particularly, those policies likely to affect their business interests. They have claimed their own spaces in many occasions particularly, where their interests have been threatened by government policy. They have used their “power to”, “power with” and “power within” to influence government policies. Donor organisations seem to have enjoyed a very good working relationship with the government as they have engaged as partners using formal structures in place that favour and respect the interests of each partner. Partners normally treat each other as equals hence there is mutual respect and trust. In such relationships, it is unlikely that one partner will want to intimidate or coerce the other partner as this may lead to dissolution of partnership. These supports the Gaventa’s (2003; 2009 and 2004) argument that inclusive policy process can transform underlying social and power relations and grant citizens full managerial power.

State actors have also confirmed that they indeed collaborate with non-state actors in various policy areas and levels. Their collaboration also varies from one non-state actor to another. State actors collaborate more with national non-governmental organisations and donor

organisations than the rest of non-state actors. National non-governmental organisations, private sector membership organisations and donor organisations participate in public policy process more than any other non-state actors do. This could also imply that they draw on the power they have to resist state power and forms of exclusions from participating in policy process. This could also imply that they have more opportunities to influence public policy than the rest of non-state actors.

Most government ministries have regularly collaborated with national non-governmental organisations and donor organisations. Nevertheless, multinational corporations have had less contact with state actors. All government ministries have collaborated with non-governmental organisations at least once. Nevertheless, state actors have collaborated more with donor organisations in several public policy areas. Health policy area attracts the highest number of collaborations followed by agriculture, education and energy. Transport has the least collaboration representing

Invitation and obedience to the law are the main methods used by state actors to get non-state actors participate in public policy process. However, a significant number of non-state actors make official requests to be involved in public policy process. They are driven by the Constitution, which makes it possible for non-state actors to participate in public policy process. Where space for participation is denied or restricted, non-state actors directly request to be involved. However, in most situations the determinant of which non-state actors should participate or be involved in public policy process regarding a specific public policy issue(s) are the permanent secretaries in the ministries.

Majority of state actors collaborate with non-state actors at the national level while a few of them collaborate with non-state actors at county and community levels. Appeal to government authority and consensus building are the main strategies used by majority of state actors. The implication of these strategies is that consensus building may be the best strategy as it respects the views of other actors and tends to generate better policy options. Appeal to government authority may work towards defending the original position of state actors even if the position is unpopular among other policy actors. In contrast to the state actors, non-state actors employ several strategies to influence public policy. The strategies that are used more often by non-state actors include direct engagement with state actors, media invites, building coalitions, print-media, conference, networking and breakfast meetings. It seems plausible that non-state actors participate effectively in public policy process in Kenya. It is also important to observe

that non-state actors create policy spaces, which they use to participate in public policy and influence decision and delivery processes. Majority of state actors agree that non-state actors have contributed a great deal at pricing open policy closed spaces to enable inclusive public policy process.

This analysis reveals the multi-dimensional view of power and that inclusive policy process is not only the right to participate effectively in a given policy space, but also the right to define and shape that space in the first place. This revelation also negates the assumption that key groupings of policy actors including state and non-state actors are themselves homogeneous and they contain lines of accountability that will allow them to interact with other groupings representatively and legitimately. Instead, the empirical reality reveals that state and non-state actors are heterogeneous often in conflict with varying interests. Powerful actors who are long-term occupants in previous policy processes are often able to retain their predominance as new policy spaces emerge.

This study also confirms Vene Klaseen and Miller (2002) observation that different kinds of power usually operate simultaneously, and that different strategies are required for tackling them. While power relations are always unequal, there are many situations in which those with seemingly less power can overcome those with more especially, if they sustain what Pearce and Vela (2005) referred to as 'staying power' and that they derive their power from: their visions, commitment and values; reputation and evidence gained from years of experience working with their constituencies and communities; legitimacy and credibility based on involving their constituencies; rights-based approach; staff's experience and knowledge; large constituency of supporters; and key relationships with policy makers.

From the empirical analysis, a number of insights emerge about power, space, and their interrelationships. These insights support Gaventa's (2005, 2006), Lukes (1974, 2005), Rowlands (1998) and Giddens (1984) conceptualization of power as a multidimensional phenomenon. First, presence in space does not in itself constitute meaningful participation within it. Instead, any space contains certain formal or informal rules of the game, which enable certain actors with certain forms of knowledge to participate more effectively and more powerfully than others (Gaventa, 2006). For instance, IEA and ICPAK activities are designed around public finance specifically, national budget and taxation. Second, what occurs within policy spaces is also affected by the more hidden forms of power, which surround them. This

is also called backstage of public spaces, which enable decisions to be taken behind the scenes. A good example that supports this insight is the Ministry of Finance, which, despite collecting views from several interested stakeholders throughout the country on what should be included and prioritized in the national budget, rarely considers those views when preparing the national budget statement.

Third, the power to construct boundaries, which surround the spaces, is perhaps an even greater form of power. This is true especially when power relations work to affect who participates, which issues are addressed and which remain latent within certain spaces. Fourth, spaces in turn are shaped not only by the agency of the constructors but also by the historical and political context in which they are made. Fifth, spaces exist not only in relationship to their historical context but also in relationship to each other. Overall, non-state actors have been able to gradually create resistance to the dominant power of the state actors by creating spaces for participation in the policy process and thereby sustaining the transformation of policy spaces and inclusive policy process.

9.2.3 Building and sustaining policy networks

Non-state actors have built and sustained formal networks supported by memorandum of understanding among the organisations. These networks are important because they enable the organisations to achieve their objectives and influence public policy process collectively. Only one organisation within the network takes the leadership role, mobilises, and manages funds on behalf of other organisations in the network, but they all share other responsibilities of implementing programme activities with other organisations in the network. The lead organisation also coordinates the efforts of the members of the network. All the organisations are important in the network but the most important organisations are EIA, KEPSA, ICPAK and CGD. The important organisations are the World Bank, DFID, IBP, KAM and the others. The most highly visible organisation (actor) and that connects other actors to a channel of the relationship is ICPAK. It is also the organisation with the highest degree centrality, which means that it is quite active in the network. However, it is not necessarily the most powerful organisation because it is only directly connected within one degree to the organisations in its clique. Hakijamii has the highest closeness centrality because it can reach more entities through shorter paths. As such, Hakijamii's placement allows it to connect to entities in its own clique,

and to entities that span cliques. KEPSA, IEA and ICPAK also have high closeness centrality because they are highly connected to others within their own cluster hence they are important influencers within their local network community. Hakijamii has the highest betweenness because it is between IEA and AI, who are between other entities. IEA and AI have a slightly lower betweenness because they are essentially only between their own cliques. Organisations with high eigenvalue are the World Bank and IEA because they are closer to other highly close entities in the network. DFID and Oxfam also are highly close but to a lesser value.

State actors confirm that non-state actors have strong networks though they have coordination challenges. They also believe that national non-governmental organisations participate in policy process more than private sector membership organisations and that donor organisations participate in public policy more than international non-governmental organisations. National non-governmental organisations contribute to public policy almost in equal measure with international non-governmental organisations. However, when compared to other non-state actors, private sector membership organisations influence public policy slightly more than other non-state actors do. Regarding the overall capacity issues, state actors believe non-state actors do not suffer from weak capacity for public policy process.

Evidently, state actors believe that non-state actors do not face serious policy network challenges. For instance, they believe that non-state actors have no limited availability of resources for participation in public policy process; they have variable capacity to jointly create and implement policy. Majority of the state actors deny that non-state actors have limited awareness of public policy process and its relevance. The majority also deny that non-state actors have limited access to platforms for ensuring the accountability of state actors. The state actors are divided in opinion on whether non-state actors face difficulties in ensuring a balance of interest, especially for women, grassroots, consumers, food and nutrition security and environment. In overall, majority of state actors deny that non-state actors face difficulty in building and sustaining strong policy networks with capacity to participate effectively in public policy process. These observations therefore, confirm the existence of strong formal networks among non-state actors. These networks have capacity to influence public policy process.

By focusing on the contribution of non-state actors, this research has broadened our understanding of inclusive public policy process. First, it has brought into focus the contribution of non-state actors to sustaining inclusive and effective policy process. Second, it has demonstrated both theoretically and empirically that non-state actors and their networks

have institutional capacity to scan the domestic policy environment and undertake detailed scholarly evaluations of policy that prevent the simplistic, ad hoc policy processes and procedures that lead to inappropriate policy outcomes. Third, non-state actors are essential for generating policy relevant information and they also act as policy entrepreneurs and advocates for inclusive and effective policy process. Fourth, non-state actors' policy networks are vehicles for the spread of ideas and structural location for social learning. They foster common knowledge and common attitudes to policy change. Fifth, political dynamics of non-state actors' networks entail that negotiation; compromise and persuasion are unavoidable in policy process.

The study concludes that there exist formal networks between non-state organisations supported by memorandum of understanding among the organisations. These networks are important because they enable the organisations to achieve their objectives and influence public policy process. Only one organisation within the network takes the leadership role, mobilises, and manages funds on behalf of other networks, but shares other responsibilities of implementing programme activities with other organisations in the network. All the organisations are important in the network but the most important organisations are EIA, KEPSA, ICPAK and CGD. The important organisations are the World Bank, DFID, IBP, KAM and the others. The most highly visible organisation (actor) and that connects other actors to a channel of the relationship is ICPAK.

ICPAK is also the organisation with the highest degree centrality, which means that it is quite active in the network. However, it is not necessarily the most powerful organisation because it is only directly connected within one degree to the organisations in its clique. Hakijamii has the highest closeness centrality because it can reach more entities through shorter paths. As such, Hakijamii's placement allows it to connect to entities in its own clique, and to entities that span cliques. KEPSA, IEA and ICPAK also have high closeness centrality because they are highly connected to others within their own cluster hence they are important influencers within their local network community. Hakijamii has the highest betweenness because it is between IEA and AI, who are between other entities. IEA and AI have a slightly lower betweenness because they are essentially only between their own cliques. Organisations with high eigenvalue are the World Bank and IEA because they are closer to other highly close entities in the network. DFID and Oxfam also are highly close but to a lesser value.

This conclusion reveals that inclusive public policy process links not only non-state actors with one another but also with government in new roles and open up the process to a range of other stakeholders. In this way, we can witness a move from the familiar topography of formal institutions to the edges of organisational activity, negotiations between sovereign bodies and inter-organisational networks that challenge the established distinction between public and private. This finding supports Millar's (2013) theoretical inference that inclusion creates opportunity for learning. By sharing resources, knowledge base and material interest, and non-state actors have been able to form consensus on policy alternatives, create linkages with other non-state actors. This has also enabled them to democratise knowledge base through deliberative process and incorporating knowledge of more different kinds. This finding confirms Hall's (1993) argument that experts in a given field push policy.

However, it also clear that there is no guarantee that non-state actors have been successful in influencing public policy process as their influence lacks quantifiable evidence. Still, when evaluated based on a basic checklist of ways in which networks may overcome their numerous associated problems and capitalise upon their potential to influence public policy, the non-state actors continue to face serious constraints. These constraints manifest as follows:

i) Lack of clear coordination structure and objectives: State actors believe non-state actors have this constrain. This observation supports Stone and Maxwell (2004) observations that networks face constraints due to unclear coordination structure and objectives. In this case, great skill is needed to manage a network so that it maximises its potential for versatility and innovation, but at the same time retains a working structure and unifying objectives. It is important to be wary of deceptive rhetoric: the concept of the network has become a popular buzzword, often used with very positive connotations networks have the capacity to be interactive, dynamic and versatile. However, networks do not achieve such status simply by dint of being a network. It is important to emphasise that a successful network is one that actively creates an atmosphere of interaction and exchange, with the participation of all members, but at the same time retains good coordination and clear objectives (Stone and Maxwell, 2004; Rai, 2003; Rocha de Mendonça et al., 2004). One particular issue for caution is the macro-micro dilemma, which calls for great skill in balancing objectives at different levels. A good example here relates to transnational networks, where it may be that the presence of international donors or researchers is seen to compromise the credibility of national non-

governmental organisations in the eyes of their own governments (Behringer, 2003; and Farah, 2003).

ii) Strength in numbers: Based on the Netdraw, it is clear that some non-state actors have weak linkages and ties. This can result in the weakening of their network structures. As Rondfelt (2000) observed, by linking large numbers of actors through shared interests or values, networks can rally support to boost the political influence of an argument. He recommends the use of Internet in bringing large numbers of actors together to enhance the prestige of an advocacy campaign.

iii) Representativeness: Representativeness is a key challenge facing networks aiming to influence policy. For example, on the one hand, the NGOs networks and Private Sector Membership networks have a particular capacity to develop links with policy stakeholders who may be inaccessible to governments; as such, they have the potential to inform or assist policymakers. However, on the other hand, their degree of success in fulfilling this potential rests in large part on the ability of the network to be genuinely representative (Pollard & Court (2005). Networks with a diverse membership as the case with Netdraw, suffer from an inherent problem regarding cultural and material divides. Reuter (2004) and Foster and Meinhard (2004) recommends that it is important to bridge these divides if the network is to become genuinely interactive, with objectives that are fully supported. In this case, there is need for greater self-evaluation of networks a process that would lead not only to greater all-round effectiveness, but also to greater credibility (Church et al., 2002). A key issue relates to managing power dynamics within a network so as not to misrepresent the weaker members (Provan and Milward, 2001). Notwithstanding the common idealistic view of networks as non-hierarchical systems, in reality all public policy networks including those examined in this study, are inescapably subject to macro-level power dynamics, which may interfere with the sustainability of the intended structure and aims of the network. Rai (2003) recommends that networks need to be self-reflective.

iv) Quality of evidence: It is clear from the findings that majority of non-state actors do not have good research capacity thus resulting in weak research network. This observation relates to Stone and Maxwell (2004) observation that quality of evidence is critical in influencing public policy. This study has approached evidence as ranging from formal research findings to grassroots testimony. For both ends of this spectrum, networks can help to improve the quantity

and quality of the evidence, and hence improve the credibility and legitimacy of arguments put forward by non-state actor's attempting to influence the public policy process. (Ibid). A good research network can enhance the quality of its members' output by linking and coordinating diverse actors. Stone and Maxwell (2004) recommend that, by forming links among actors in different regions and with different experience and resources, networks can help to pool knowledge and expertise. Rai, (2003) corroborates this observation by saying that a successful research network will have developed a suitable communications protocol and system for optimising the benefits of ICT according to local capacity. He believes this will also enhance coordination and ensure that policy-relevant research objectives are clearly defined and assigned to the most capable research teams, without wasting resources through duplication. Regarding grassroots testimony, a number of non-state actors network only vertically. Church et al (2002) recommends both vertical and horizontal networking in order to produce quality evidence of the grassroots people themselves.

v) Packaging of evidence: As observed already, majority of non-state actors face research capacity challenges. These challenges are not limited to the actual designing and conducting research but also packaging and communicating the research outputs. This observation reinforces the EEPSEA (2000) observation highlighting the overall importance of careful packaging of the outputs from a research network. In fact, the policy contributions of some of the non-state actors have suffered credibility issues. This observation relates to the concerns raised by Farah (2003) and James, (2002) credibility may derive from emphasising the fact that the evidence derives from relevant grassroots input and that grassroots testimony itself comes in a language that may differ from the academic discourse of high level policymakers, and as such it risks being overlooked. The observation also corroborates Edelman's (2003) observation that networks face the challenge of how to translate this evidence in such a way that policymakers understand it and yet remains true to its original meaning.

vi) Sustainability: Although state actors believe that non-state actors networks do not suffer sustainability issues, Edelman (2003) showed some of the vulnerabilities of networks by arguing that they may be prone to rise and fall in periodic cycles and when this happens, networks often need to sustain pressure on governments over a long period of time before seeing any tangible results, and in such circumstances it is difficult to maintain member enthusiasm. He recommends that networks may help to sustain non-state actors' action over both time and space although achieving such sustainability presents a considerable challenge.

Bailey (2003) suggested that one of the best ways to strengthen a network's capacity to sustain action is to guarantee a stable source of funding. Stone and Maxwell (2004) who emphasised that one of the ways to maintaining member involvement is the facilitation role played by an innovative and efficient network coordinator also corroborated this.

vii) Presence of key individuals: A number of non-state actors have very influential people as members of their networks, which works well to their advantage. As Granovetter (1963) observed, the possession of links to actors beyond one's immediate close-knit cluster can greatly increase access to opportunities. He emphasised that in the context of non-state actors seeking to influence public policy, this is particularly true if those actors are powerful figures in the policy arena. A large number of authors including Sabatier and Jenkins-Smith (1999); Church et al. (2002); and Keck and Sikkink, (1998) have also highlighted the importance of involving influential individuals in the network.

viii) Making use of informal links: In the previous chapter it was observed that a number of non-state actors use informal personal ties to influence public policy. This observation supports Behringer's (2003), Borzel's (1997) and Karekezi and Muthui's (2003) argument that by making use of informal personal ties among diverse actors, networks can help to: overcome stalemates; increase learning within the network and transmit innovative and subaltern ideas into the formal policymaking process. Wapner (1997) when he argues that by operating in informal arenas, NGOs are empowered to act beyond inadequate governments, and to practise a form of 'world civic politics' also supports this argument.

ix) Complementing national governments: One of the major findings of this study is that non-state actors have continued to complement state actors work. This finding supports the observations of many authors referring to a growing role for non-state actors in collaborating with governmental actors at all stages of the policy process (Clark, 2003; Krizsan and Zentai, 2003; and Kern, 2003). By networking among non-state actors and across government sectors, non-state actors can take advantage of this opening and use their links to channel evidence and expertise into the into specific public policy areas.

x) Improving communications through ICTs: The revealed strong network links of non-state actors supports a key underlying theme in the literature advanced by Soeefstad and Kashwan (2004); Governance Network (2003); that modern ICTs are opening up vast new potential for

non-state actors' networking. It also supports the view that non-state actors' networks are increasingly able to communicate both internally and with external actors across the world. Critical to effective use of ICT is developing IT capacity for non-state actor's networks and developing trust through digital communications (Niombo, 2003).

9.2.4 Effecting policy change through policy learning

Different organisations have used different forms of policy learning. Although many organisations do not seem to have a clear understanding of the concept of policy learning, all organisations have some experience of policy learning. The major forms of policy learning reflected in organisations' experiences are conceptual learning, policy borrowing, lesson drawing particularly for non-governmental organisations and private sector membership organisations and instrumental learning and social learning particularly for donors and a few private sector membership organisations. Apart from the donor organisations and multinational telecommunication corporations, which have utilised to the great extent policy learning in their efforts to influence public policy, the rest of the organisations are yet to utilise effectively the concept of policy learning in their efforts to influence public policy.

Majority of state actors believe that national non-governmental organisations and international non-governmental organisations use lesson drawing more than other non-state actors do. Only private sector membership organisations and multinational telecommunication corporations received a higher rating for using social learning. Although these observations confirm the earlier observations made, they slightly differ with regard to social learning. While in the earlier observations donor organisations utilised social learning more than the rest of non-state actors, in this observation private sector membership organisations and multinational telecommunication corporations seem to utilize social learning more than the rest of non-state actors. These variations may also be due to lack of clear understanding of the concept of policy learning among state actors.

However, most state actors believe non-state actors have moderately employed the use of policy learning in their engagement with public policy process. Policy learning has resulted in improved public policy process and more inclusive public policy process. Majority of state actors also believe that policy learning has led to better policy outcomes and produced new

policy paradigm and overall policy change. They do not believe that policy learning has led to no change in policy process and that has resulted in policy failure.

The evolution of public policy process in Kenya clearly demonstrates that there has been gradual policy learning evidenced by a paradigm shift in policy change. The 2010 Constitution played a key role in institutionalising the new policy paradigm. These increased platforms for non-state actors to contribute significantly to open and inclusive public policy process.

Although most of the organisations analysed in this research do not seem to have a clear understanding of the concept of policy learning, all organisations have some experience of policy learning. The major forms of policy learning reflected in organisations' experiences are conceptual learning, policy borrowing, lesson drawing particularly for non-governmental organisations and private sector membership organisations and instrumental learning and social learning particularly for donors and a few private sector membership organisations. Apart from the donor organisations, which have utilised to the great extent policy learning in their efforts to influence public policy, the rest of the organisations are yet to utilise effectively the concept of policy learning in their efforts to influence public policy.

This conclusion is important because it reveals the type of knowledge non-state actor's use and their ability to project it in a way that speaks to the audiences, which they seek to influence. This conclusion confirms Gaventa's (2003, 2005) conceptualisation of Knowledge as a political currency which can serve to legitimate some voices over others within policy process, but which can also be used to construct boundaries around which actors and scripts enter which policy arenas in the first place. Non-state actor who are less able to mobilise certain kinds of evidence in the official policy arenas in accepted ways have less influence in policy process.

It also corroborates the views of Jones et al. (2009); and Pollard and Court (2005) that types of knowledge, political context, sectoral dynamics, actors, innovative frameworks and knowledge translation all determine policy learning.

Types of knowledge: Majority of non-state actors continue to struggle with policy learning, as they are yet to improve their research capacity. Moving from an analysis of research or evidence, as previous frameworks have emphasised, to knowledge more broadly allows an examination of the political and epistemological dynamics in the production and use of such knowledge, while still including but also reframing the insights gained into evidence and research. Seeing the value of incorporating different types of knowledge from evaluations to

participatory research, moral principles to programmatic knowledge, and the practicalities of doing so is crucial to understanding and improving the knowledge-policy interface.

Political context: The political context in Kenya is more of an authoritarian state thus calling for continuous policy learning. Political context has consistently been identified as the most influential factor in determining the importance attached to knowledge in policy spaces. While a wave of political liberalisation and democratisation in the 1980s and 1990s around the world led to a general rise in participation in policy processes, non-state actors still face barriers to input. Nor has greater participation necessarily led to greater use of evidence, or quality of dialogue or debate. In some cases, there may exist unexpected opportunities for the influence of new knowledge in decision-making processes in authoritarian, fragile state and crisis contexts.

Sectoral dynamics: Knowledge-policy dynamics differ across policy sectors due to divergent actors, demands for new knowledge and capacities to use such knowledge. Some sectors, like trade, require highly technical expertise, while others, like education and natural resource management, involve increasingly extensive consultation processes. Non-state actors working in these areas have experienced wide consultation. Vested economic interests might play more of a behind-the-scenes role in certain sectors, as might international debates. More contested sectors might also find less room for evidence, like in the reproductive health arena.

Actors: NGOs, international agencies and civil servants are often key players in the knowledge-policy nexus, but they should not be privileged in analytical work or policy-influencing efforts at the expense of an understanding of the potential role of other actors, including think tanks, legislators, political parties, intermediaries, the media, private sector actors and networks.

Innovative frameworks: Insights from Complexity and Innovation Systems frameworks highlight that any work with actors at the knowledge-policy interface should be embedded within an understanding of the broader system in which they work, and the relationship between the supply of and demand for knowledge on development policy issues.

Knowledge translation: Knowledge translation and intermediaries play an important role in bringing together knowledge and policy processes. Knowledge translation goes beyond disseminating research and the isolated production of communication products to critically engaging with users of knowledge.

It is also clear in this study that non-state actors find policy learning a complex concept and that this complexity constrain effective policy learning process in their organisations. This observation supports Raffe's (2011) observation and the argument that policy-learning alternative must be based on the following certain precepts and principles including:

Using international experience to enrich policy analysis, not to short cut it. A number of non-state actors including, IEA and CGD have used policy borrowing without distinguishing between learning and borrowing. This supports the observation made by Raffe (2011) that while policy borrowing involves searching the international experience for transferable 'best practice'; policy learning uses this experience for a wider range of purposes, including understanding one's own system better, identifying common trends and pressures that affect all systems, clarifying alternative policy strategies and identifying issues raised by each strategy. He cautioned that policy-makers should use other countries' experience, not to provide 'quick fix' solutions to policy challenges, but to inform a learning process through which they can develop policies to suit national aims, needs and circumstances. He emphasised that they should use it as a source of questions as well as answers to identify different policy options, variables to consider in anticipating possible impacts, typical processes and dynamics of change, practical issues that may arise, and so on.

Looking for good practice not the best practice. The policy learning experience of ICPAK believing that they could learn from South African experts shows that ICPAK was looking for best practices. This is also contrary to Raffe's (2011) suggestion that rather than look for (unique) best practice, comparative enquiry should seek examples of good practice, which vary according to time, place, context and circumstance. He observed that good practice may be transferable, but judgements about transferability should be the conclusion and not the starting point of the research.

Studying only 'successful' systems. A number of non-state actors including NGOs and private sector membership associations reported having sent their members to other jurisdictions including Singapore, China and Switzerland, to learn from them because they perceived these jurisdictions to be having success stories. They did not send their members to those countries they perceived not to be having success stories. This goes against the warning by Raffe (2011) that studying only successful systems is not the best way to discover the sources of their success, as it does not reveal the range of issues and factors to consider when designing or implementing a policy as well as the things that may go wrong.

Using international experience to understand your own system. When World Vision and Action Aid were working to influence education policy, they looked at different education policies from other countries. This was in order as international comparisons can make the familiar strange and help people to understand their own system by illuminating its strengths as well as weaknesses. It also supports Fazekas' (2008) observation that individual and organizational learning capacities play a crucial role in international policy learning as measured in policy formulation. However, the non-state actors pursue a 'deficit' model of reform that tried to correct the presumed weaknesses of the education system without considering the strength of the system. It is equally important to build on its existing strengths such as the institutional uniformity and consistent standards.

Learning from history. Most non-state actors including CDG, KAM, and Hakijamii have used lesson drawing as a form of policy learning. This implies that they have learned from history or their past experiences and practices. This observation supports Hall's (2004) and Raffe's (2011) arguments that a policy learning approach combines cross-national learning with a capacity and willingness to learn from the past. Also, warn that organisational structures may discourage institutional memory, and the culture of innovation could policy-makers unwilling to recognise continuities with the past.

Appropriate structures that encourage continuous policy learning: It is clear from this study that one of the main obstacles to effective policy learning in most non-state actors is weak or lack of appropriate structures that encourage continuous policy learning. Raffe & Spours (2007) observed, effective learning for policy and practice is harder in large, fragmented systems; smaller more uniform system has greater potential for such learning although this potential is not fully exploited. They also suggested, organisational systems should be organised to maximise the opportunities and benefits from continuing policy learning. This will also encourage horizontal learning and vertical learning as well as vertical communications upwards and downwards (McKinsey, 2011).

9.2.5 Inclusive policy process and persuasive communication

Despite the use of at least some form of persuasion by all organisations influence policy, some organisations do not seem to understand clearly the meaning of persuasion and hence they tend to confuse persuasion with other strategies employed in resisting "power over". The strength

of persuasiveness varies from one organisation to another. International NGOs seem to have employed a stronger form of persuasion than national NGOs while, private sector organisations seem to have employed stronger persuasive methods than both national and international NGOs. Donors' organisations do not seem to persuade the government but instead they enter into some form of agreement or memorandum of understanding, which is to be honoured, by both the government and the donors. Regarding the MTCs, it is apparent that two companies dominate the telecommunication industry and that Safaricom Company has superior dominance and influence in the industry. Safaricom domination is not by chance, given its diverse ownership, which includes the government, prominent politicians and individual Kenyans constituting minority shareholders.

State actors confirm these observations but with slight variations. State actors believe non-state actors have used combinations of persuasive strategies while contributing to and influencing public policy in Kenya including use of information, evidence and objective analysis. Although objective analysis, information and evidence have been widely used this has varied among non-state actors.

Majority of non-state actors have used logical proof as the main persuasive strategy followed by ethical proof. Donor organisations have used persuasion more than the rest of the organisations. This contradicts the earlier observations made that donor organisations do not seem to persuade state actors because they use agreements to engage state actors. This contradiction could also be explained by inadequate understanding of the concept of persuasion among state actors. International non-governmental organisations utilize ethical proof and emotional proof more than the rest of non-state actors. In addition to these three proofs, state actors believe that non-state actors use various policy instruments in public policy process; they develop clear goals and strategies that address public problems; advocate for societal values, responsibilities, appropriate ways of interacting and better policy approaches; regularly change their strategies for engaging the state actors; and learn by doing, observation, lesson drawing and commissioning studies. State actors also believe that the views of non-state actors if adopted by government always bring about policy change and impact positively on socio-economic and political environment.

Each organisation seems to have used some form of persuasion in influencing public policy. Some organisations do not seem to understand clearly the meaning of persuasion and hence

they tend to confuse persuasion with other strategies employed in resisting power over. This is not surprising because even in literature on public policy on persuasion, what has been emphasised is the logical proof and rationality. These findings support Habermas's (in Parson, 1999) conceptualisation of reason not only as logical proof but also as a process of society reaching understanding over issues affecting the society. This is what he also referred to as "intercommunicative rationality". Fischer and Forester (1993) also support this view. The strength of persuasiveness varies from one organisation to another. International NGOs seem to have employed a stronger form of persuasion than national NGOs while, private sector organisations seem to have employed stronger persuasive methods than both national and international NGOs. Donors' organisations do not seem to persuade the government but instead they enter into some form of agreement or memorandum of understanding, which is to be honoured, by both the government and the donors. However, the use of persuasion, discourse, argument and intercommunicative action is rather weak in many organisations due to lack of capacity to develop strong persuasive skills and lack of attention in literature on persuasive communication. This has led to irregular contacts with state actors and more often constrain mutual understanding of public problems.

Despite these observations, a number of non-state actors seem to have applied Christian's (2014), principles of persuasion which include the principle of liking, reciprocity, social proof, consistency, authority and scarcity. Organisations such as CGD, KEPSA, and ICPAK have drawn on the principle of liking to influence public policy. They have emphasised two factors of similarity and praise. By similarity, they have emphasised shared political beliefs, social values, age and common goals to bring other non-state actors together. One good example of this is the taxpayer's network. This observation thus, supports Christian's (2014) argument that public policy advocates can use similarities to create bonds. Non-state actors have tried to establish their bond early before they even begin their targeted advocacy campaigns because it helps to create a presumption of good will, and trustworthiness in every subsequent encounter. As partners in the network, non-state actors have also praised one another and this has reliably generated affection, both charms and disarms. Positive remarks about the strengths, attitudes, values and performance of their partner organisations has generated liking in return, as well as willing compliance with the wishes of the partner organisation offering the praise. However, this can be attributed to a few non-state actors as the majority still need to cultivate fruitful relationships can also be used to repair those that are damaged. They need to develop better

lobby strategies by enlisting peers, colleagues of the legislators, those in his/her party, those with similar backgrounds/perspectives to help make the case.

Non-state actors that have forged strong partnerships with other either non-state actors or state actors have also benefited from the principle of reciprocity. For example, multinational corporations and donor organisations have enjoyed good working relationship with state actors because they support many government projects through payment of taxes and grants. State actors have treated these organisations the way they expect these organisations to treat them. By applying the principle of reciprocity, these organisations have elicited the desired behaviour from state actors. This observation also supports Christian's (2014) argument that reciprocity confers a first-mover advantage on anyone who is trying to foster positive attitudes and productive relationships. It also supports his suggestion that whether it is a sense of trust, a spirit of cooperation or a pleasant demeanour, public policy advocates should model the behaviour they want to see from others. This implies that if non-state actors lend government support in whichever manner, they will significantly increase their chances of being heard by state actors. In this case, it may be helpful for non-state actors to think about what help or support (e.g., information, data, endorsements, implementation of government projects) they are prepared to offer the government. This does not imply favours of any kind.

Both national and international non-governmental organisations have found it easy to collaborate in many areas of their activities. This is because they are peers and have used the principle of social proof. Christian (2014) observed that persuasion can be extremely effective when it comes from peers and that influence is often best exerted horizontally rather than vertically. This has been the case with both national and international non-governmental organisations.

Non-state actors that have MOUs and partnership agreements have shown high level of commitment to their goals and objectives and have been more effective in their engagement with their counterparts and state actors. This implies that they have won public commitment and this has made their policy influence successful. Christian (2014) argued that people need not only to like you but to feel committed to what you want them to do. He emphasised that public commitment should be won from the people and that even a small, seemingly trivial commitment can have a powerful effect on future actions. However, non-state actors can strengthen their partnerships horizontally and vertically by considering the view that a choice made actively, one that is spoken out loud or written or otherwise made explicit is, considerably

more likely to direct someone's conduct than the same choice left unspoken. They need to make more written agreements and MOUs as these will greatly increase the odds that the other person fulfil the commitment because as a rule, people live up to what they have written down. Nevertheless, these commitments must be voluntary for them to be lasting and effective. Otherwise, if an undertaking is forced, coerced or imposed from the outside, it is not a commitment, rather, it becomes an unwelcome burden.

Quite a number of the organisations observed have expertise in their areas of focus but lack expertise for persuasive communication. This is also true for research expertise. These deficits compromise their ability to continuously influence public policy. Thus, they have not fully considered the principle of expertise. Many scholars have emphasised this principle as basic requirement for influencing public policy (Meltsner, 1980); Tien et al., 2013); Majone, 1989) & Fisher and Forrester, 1993). A well-selected expert offers a valuable and efficient short cut to good decisions. They all agree that public policy advocates need to establish their own expertise before they attempt to exert influence and that people should not assume that others recognize and appreciate their experience. Christian (2014) reinforces this point when he opines,

“In the course of the preliminary conversations that precedes most meetings, there is always an opportunity to touch lightly on your relevant background and experience as a natural part of a sociable exchange. This initial disclosure of personal information gives you a chance to establish expertise early in the game, so that when the discussion returns to this business, what you have to say will be accorded the respect it deserves. Involving someone (or groups) that really know the issue and can articulate supporting data may be helpful. Keep in mind that the ‘experts’ may also be people who know an issue from first-hand experience and not just research.”

This also implies that the tasks for public policy advocates who want to establish their claims to expertise is somewhat difficult and requires adequate expertise or competence. When framing their arguments for advocacy, majority of non-state actors do not seem to consider the principle of scarcity, which states that people want more of what they can have less of. For example, it was observed that the advocacy strategies used by majority non-state actors are the same and there are little variations in the framing of their arguments. This is contrary to Fisher's (1987) suggestion that rather than rhetoric being a matter of evidence, facts, arguments, reason and logic, providing a persuasive argument hinges on telling a compelling story. Public policy

advocates should remember that exclusive information is more persuasive than widely available data. Fisher's (1987) point support Christian's (2014) view that opportunities to influence public policy are more valuable as they become less available. The implication here is that the persuasive power of exclusivity can be harnessed by any public policy advocate who comes into possession of information that is not broadly available and that supports an idea, or initiative he/she would like the decision maker to adopt.

However, no offer of exclusive information, no exhortation to act now or miss the opportunity should be made unless it is genuine. Deceiving decision makers is not only ethically objectionable, it is foolhardy. If the deception is detected and it certainly will be, it will not only snuff out any enthusiasm the offer originally kindled, but also, invite dishonesty toward the deceiver. At this point, it suffices to emphasise the ethical proof (Fisher, 1987). The rules of ethics must apply, not only is it ethically wrong to trick or trap others into assent; it is also ill advised in practical terms. Dishonest or high-pressure tactics will work only in the short run, if at all as their long term effects are malignant, especially in the field of public policy advocacy, which cannot operate properly without a bedrock level of trust and cooperation. The principles above, if applied appropriately, can steer decisions correctly. Legitimate expertise, genuine obligations, authentic similarities, real social proof, exclusive news, and freely made commitments can produce choices that are likely to benefit both non-state actors and state actors.

Public policy advocates should use informal, social conversations to establish their credentials. While they show they have the skills, experience and competence, their work problems demand, they can also learn about the decision maker's background, likes, and dislikes, information that will help them locate genuine similarities and give sincere compliments. By letting their expertise surface and establishing rapport, they double their persuasive power. Besides, if you succeed in bringing their interlocutor on board, they may encourage other people to sign on as well.

9.3 CONCLUSION

This study confirms that non-state actors have been indeed instrumental in broadening policy spaces thereby contributing to inclusive and participatory public policy process in Kenya. They have variedly used their power, network links, policy learning and persuasion to contribute to public policy decision and delivery process in Kenya. The findings do not essentially support

the simplistic observations held in literature that public policy process in Kenya has been closed and exclusive. Instead, they confirm that public policy process in Kenya has evolved gradually with actors appreciating that it is a dynamic process that involves non-state actors challenging the coercive power of state actors in a dynamic power relation, policy networking among non-state actors; policy learning resulting in societal change; and policy persuasion sustaining effective policy communication among policy actors. The process has been open and inclusive and that non-state actors have made incremental contribution towards this reality. Based on these conclusions, this study makes the following recommendations. Therefore, public policy process in Kenya has not been closed rather; it has evolved incrementally to become more inclusive as non-state actors have challenged coercive power of the state actors by creating/claiming more policy spaces and mobilizing their countervailing power as well as moderately drawing on their policy networks and to a less extent, on policy learning and persuasion.

9.4 RECOMMENDATIONS

This study recommends that non-state and state actors work together as partners; build strong networks; enhance their policy learning capacity; and build capacity for policy persuasion.

9.4.1 Non-state and state actors working as partners

The analysis in this research sheds light to state-society relations generally. It suggests that the stark dichotomy between state and society often drawn by state-centric theory should be revised in order to allot a significant role to the political system defined as the complex of non-state actors that stand at the intersection between the state and society in democratic polity. Relations of power between the state actors and non-state actors can be improved through partnerships. This will involve change in perceptions of both state actors and non-state actors from state actors perceiving non-state actors as the “watchmen” looking out for mistakes to raise a red flag or non-state actors perceiving state actors as dishonesty persons in public office to enrich themselves to partners interested in what each other is doing and have same rights and obligations. It will also involve treating each other as equals and building mutual respect and trust. It will also involve creating partnership and structured dialogue as essential building blocks for meaningful and successful engagement between state and non-state actors.

Partnerships and dialogue will contribute towards strengthening engagement between state and non-state actors by creating and promoting linkages involving counties in determining policy gaps; respecting and treating others views fairly; identifying key stakeholders for involvement; involving local communities; creating laws and frameworks that promote inclusion.

9.4.2 Building strong networks

Mutual respect and trust can also be built by forming policy networks around specific policy issues. The networks should be supported by memorandum of understandings and regularised meetings between organisations, parliament and the executive. There are some initiatives such as presidential round table and parliamentary budget initiatives in place, which should be strengthened. Instead of the government having monopoly of control of the policy process, this study recommends a networked participatory process by which various policy actors' influence and share control over priority setting, policy making, resource allocations and programme implementation. This will also involve enhancing accessibility of information on public policy by using technology; timely sharing of information; and timely communicating priorities. In addition, it will involve creating awareness on inclusive public policy process by promoting transparency; and developing feedback-reporting mechanisms.

9.4.3 Enhance policy-learning capacity

Non-state actors can improve the quality of their engagement with state actors by increasingly and effectively enhancing their policy learning capacity. This is highly technical and requires specific research and analytical skills, which many non-state actors do not have. It will involve mobilising funds to build capacity in research and analysis. Many organisations use one form of policy learning that is, conceptual learning or policy borrowing because they lack adequate capacity to do instrumental and social learning, which are more rigorous and informative. Non-state actors need to act as policy entrepreneurs and interact among themselves as well as with state actors to generate ideas and information for policy process. In this way, they will facilitate the creation and transfer of knowledge for policy process through policy research, analysis and dissemination. Conducting quality policy research and analysis will involve using information; data; developing capacity for policy research and analysis; adopting lesson drawing and social learning. Developing capacity for public policy will involve developing structures for policy process; building consensus on policy issues; supporting training in public policy. These

interventions will require that the Treasury allocate adequate budgets for consultation processes and enforcing accountability laws.

9.4.4 Building capacity for persuasive communication

Save for donor organisations, all other non-state actors face a challenge of weak persuasive policy communication. Effective communication in public policy process is both warranted and necessary. The objective of non-state actors should be to persuade the decision maker to accept the policy advice. Non-state actors need to improve their skills for persuasive policy communication especially, the three means of rhetorical persuasion: logical proof, ethical proof and emotional proof. Non-state actors need to move beyond emotional proof to ethical proof and most importantly to logical proof.

These recommendations support Voltolini (2012) observations that the non-state actors can be involved in the policy process through dialogue, funding, training, provision of information, raising awareness, setting the agenda, framing issues and changing policies. The non-state actors could also use approaches such as access, voice and litigation. The recommendations also support the observations of CUTS International (2009) that inclusive policy process is characterised by i) identification of all the key stakeholders; ii) equal opportunity to participate in the policy process; and iii) none of them should be allowed to disproportionately influence the process and outcome in favour of its own interest. These recommendations can also address the challenges observed in literature which include: lack of formal channels for non-state actors to influence public policy; limited trust between the government and non-state actors; restricted consultative process; limited outreach to rural areas and grassroots; deficient capacity and response of non-state actors; lack of respect for views of non-state actors by the governments; limited understanding of policy issues among non-state actors; inadequate funding for research and advocacy activities; failure of non-state actors to provide alternatives; lack of engagement among the non-state actors; lack of government interest and sustained commitment to involve non-state actors in policy process.

9.5 Further research

This research focused on Kenya, which is one of the countries in Eastern Africa. It is possible therefore that the research could be replicated to any of the other countries in Eastern Africa and beyond. In this case, the methodology will remain the same. This research has focused on non-state actors; it is also possible that the same methodology could be applied to study the contribution of state actors in Kenya or in any of the countries in Eastern Africa. This research has raised other important research questions that could be followed up particularly on the issues of policy networks, policy learning and persuasion. Research on these issues could focus on addressing policy networks, policy learning and policy persuasive gaps in public policy process. For example: How to improve effective coordination of policy actors in policy networks. Explaining policy intervention outcomes (for example, education outcomes) using the concept of policy networks. Assessing governance in Kenya using policy network approach. Impact of policy networks on the formulation of a country's development plan (for example, vision 2030). Applying the concept of social learning to assess devolution effectiveness (for example case of Kenya). Explaining variations in the utilisation of the concept of policy learning among non-state actors in a specific policy area (for example, agriculture). The use of research evidence in healthcare policy implementation. Either use of persuasion or the enactment of social situations in public policy making or applying value-based argumentation frameworks to public policy making.

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APPENDICES

APPENDIX I: IN-DEPTH INTERVIEW GUIDE

A. Background information on history of the organisation:

1. How do you describe your organisation/company in terms of its structure, vision and mission, resources, activities, engagement with government, internal democracy, linkages and changes that have occurred over time as well as the reasons for those changes?

DISCUSSION 1: *Could you describe any public policy your organization/company/institution has been involved in the last five years indicating how your organization contributed to the policy process; at what level; what resources it used; whether it was invited to participate or it forced itself through the process; and what stage of policy it participated?*

Questions for further probing

B. Power relations with domineering power:

2. How does your organisation/company use its power and resources to contribute to public policy process in Kenya?

3. At what level of power (level refers to different layers of decision making and authority held in a vertical scale global, national and local) does your organisation/company contribute to public policy process in Kenya?

4. What forms of power or ways in which power manifests itself (there are three forms of power including visible, invisible and hidden) does your organisation/company use to contribute to public policy process in Kenya?

5. What spaces (spaces refer to the potential arenas for participation and action including closed, invited and claimed) does your organisation/company use to contribute to public policy process in Kenya?

6. What stage of policy process (there are five stages including Agenda setting, policy formulation, decision making, policy implementation and policy evaluation) does your organisation/company contribute to?

DISCUSSION 2: *Could you describe various approaches, who you collaborated with, who did what and how, strategies you adopted or used to prepare, articulate your agenda and ensure your agenda/position/objectives is considered by the government?*

Questions for further probing

C. Approaches and strategies: *This will explore and document a range of approaches and strategies adopted by the non-state actors in contributing to public policy formation and delivery. The focus here will be on strategies and approaches including networks used to overcome domineering power relations.*

6. In which ways does your organisation/company sustain her contribution in affecting public policy process in Kenya?

7. Which network links does your organisation/company have or use to contribute to public policy process in Kenya?

DISCUSSION 3: *Could you discuss any lessons learned by your organisation during your involvement in public policy process, how do you learn, when do you learn and how and where do you use what you have learned?*

Questions for further probing

D. Evidence of policy learning: *The questions in part will find out whether there is any policy learning and will explore the nature of policy learning as well as its implications for public policy decision and delivery processes.*

8. In which ways does your organisation/company use policy learning to effect changes to public policy process in Kenya?

DISCUSSION 4: *Could you discuss any obstacles and constraints you faced while participating in public policy process? How did you succeed in persuading the government and other policy actors accept your position or support your views?*

Questions for further probing

E. Obstacles and constraints:

This part will explore the constraints and obstacles faced by the non-state actors and success or effectiveness of their initiatives including the art of persuasion in influencing policy decision and delivery.

9. How does your organisation/company use persuasion to contribute to public policy process in Kenya?

F. Conclusion:

10. Would you like to discuss any other ways that your organisation/company uses to contribute to public policy process in Kenya?

APENDIX 2: STATE ACTORS SURVEY QUESTIONNAIR

STATE ACTORS SURVEY QUESTIONNAIR

INTRODUCTION

The study seeks to examine the actual contribution of non-state actors in public policy process in Kenya. The participation of selected state actors in this study is very important for its completion. Therefore, this questionnaire seeks to obtain the views of state actors regarding the contribution of non-state actors in public policy process in Kenya. We very much appreciate your participation in this study. We would like to assure you that your views will be used only for the purpose of this study, which is academic. We request you to take a few minutes to read and complete this questionnaire as honestly as possible. In case you have any question regarding this study, please feel free to contact Tiberius Barasa on 0770120805 or email: tibsrasa@yahoo.com.

A. Basic information

1	Name of Ministry _____ Name of Department _____	2. Title/Position of the official completing this questionnaire _____
3	Name of the official (optional)	
4	Number of years in the Ministry	
5	Number of years in the department	
6	Date	Day () Month () Year ()
7	Research site	Nairobi

INSTRUCTION: In the following sections please use the code to answer unless requested otherwise. For example,

Example 1.

How did they come to collaborate with you?	(Please pick the appropriate) They were invited (1) ✓ Requested to be involved (2) Pushed to be involved (3) It is required by law to involve them (4)
--	---

Example 2.

Which type of policy learning has been used by the following organisations?

		Please pick all that is appropriate
1	National non-governmental organisations (1,2)	1. Lesson drawing
2	International non-governmental organisations (2)	2. Social learning
3	Private sector membership organisations (1)	
4	Multinational telecommunication corporations (2,1)	
5	Donor organisations (1,2)	

B. Collaboration with state actors

1	National non-governmental organisations () =1
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	Which category of non-state actors have you collaborated with in public policy decision and delivery process in the last five years? (Please pick all that apply).	International non-governmental organisations () =2 Private sector membership organisations () =3 Multinational telecommunication corporations () =4 Donor organisations () =5
2	How many times have you collaborated with the said non-state actors?	(Please pick the most appropriate) once (1) Twice (2) Three times (3) Four times (4) Five times (5) More than five times (6) National non-governmental organisations () International non-governmental organisations () Private sector membership organisations () Multinational telecommunication corporations () Donor organisations ()
3	What was the policy area you collaborated?	(Pick all that apply) Education (1) Health (2) Security (3) Agriculture (4) Trade (5) Environment (6) Communication (7) Housing (8) Transport (9) Energy (10) Water (11) Other, please indicate (12) _____ National non-governmental organisations () _____ International non-governmental organisations () _____ Private sector membership organisations () _____ Multinational telecommunication corporations () _____ Donor organisations () _____
4	What was the objective of the policy?	Policy area () _____ Policy area () _____ Policy area () _____ Policy area () _____

		(Please feel free to add more)
5	How did they come to collaborate with you?	(Pick the appropriate) They were invited (1) Requested to be involved (2) Pushed to be involved (3) It is required by law to involve them (4)
6	Who determined which non-state actors should be involved or participate in policy process?	(Please pick the appropriate) I decide (1) The Cabinet Secretary (2) The Permanent Secretary (3) It is already determined by law (please indicate the law) (4)

C. Specific non-state actors organisations

1	Please list the names of five non-state actors' organisations that you have collaborated with in public policy decision and delivery process in the last five years.	2. What stage of policy did you collaborate?
		Please pick all that is appropriate Agenda setting (1) Policy formulation (2) Decision making (3) Implementation (4) Evaluation (5)
		1 ()
		2 ()
		3 ()
		4 ()
5 ()		
3	What was your role during the collaboration?	Coordinator (1) Participant (2) Other, please specify _____ (3)
4	At what level have you collaborated with non-state actors in public policy process?	Please pick all that is appropriate National level (1) County level (2) Community level (3)
5	Have you experienced situations where your views on a public policy issue differ from those of non-state actors?	Yes () No ()
6	If yes, what strategies did you employ to ensure that your views prevail to form the policy agenda or decision?	Please pick the appropriate I appeal to authority of government (1) I coerce non-state actors (2) I ignore the views of non-state actors (3) Other, please specify (4)

D. Which of the following statements do you agree or disagree with? **(Please tick (√) the appropriate).**

		Agree	Disagree
1	Non-state actors participate effectively in public policy process in Kenya		
2	The views of non-state actors are ignored in public policy process		
3	Government and other state actors dominate the public policy process in Kenya.		
4	There are not enough frameworks to enable non-state actors to participate effectively in public policy process.		

5	Non-state actors effectively resist government and other state actors domineering power.		
6	Non-state actors have power to influence public policy decisions in their favour.		
7	Non-state actors create spaces to influence public policy in Kenya		
8	Non-state actors have contributed great deal in opening policy spaces for inclusive public policy process in Kenya.		

E. Which strategies are most used by non-state actors in influencing public policies?

			Pick the most appropriate for each strategy 1. Not used 2. Rarely used 3. Used more often 4. Highly used
1.	Direct e engagement with state actors	()	
2.	Community mobilisation	()	
3.	Preparing and presenting position papers	()	
4.	Conducting fact findings and Publications	()	
5.	Research	()	
6.	Information sharing.	()	
7.	Media invites	()	
8.	Using champions	()	
9.	Building coalition	()	
10.	One-on-one discussions with parliamentarians	()	
11.	Print media	()	
12.	Conference	()	
13.	Networking with other non-state actors	()	
14.	Social accountability	()	
15.	Breakfast meetings	()	
16.	Collaboration, boardroom meetings and conferences	()	
17.	public demonstrations	()	
18.	Vigils	()	
19.	Letter-writing	()	
20.	Campaigns	()	
21.	Human rights education	()	
22.	Direct lobbying	()	
23.	Targeted appeals	()	
24.	Email petitions and other online actions,	()	
25.	Partnerships with local campaigning groups	()	
26.	Community activities and co-operation with student groups.	()	
27.	Co-operation with student groups.	()	

F. Which statements do you agree or disagree with? (Please tick (√) the appropriate)

		Agree	Disagree
1	Non-state actors have strong networks for influencing inclusive public policy process		
2	Non-state actors' have weak networks for influencing inclusive public policy process		
3	The coordination of non-state actors is a serious challenge to their effective participation in inclusive public policy process.		
4	Non-governmental organisations have contributed to inclusive public policy process more than private sector membership organisations		
5	Donor organisations have contributed to inclusive public policy process more than international non-governmental organisations		
6	National non-governmental organisations have contributed to inclusive public policy process less than international non-governmental organisations.		
7	Private sector membership organisations influence public policy more than other non-state actors.		

8	Non-state actors have weak capacity to contribute effectively to public policy process.		
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G. Which of the following statements do you agree or disagree with? (**Please tick (√) the appropriate**).

		Agree	Disagree
1	It is difficult to ensure that non-state actor constituencies have legitimate and accountable representation.		
2	Non-state actors have limited availability of resources for non-state actor participation.		
3	Non-state actors have variable capacity to jointly create and implement policy		
4	Non-state actors have limited awareness of public policy process and its relevance to them.		
5	Non-state actors have limited access to platforms for ensuring the accountability of state actors.		
6	Non-state actors face difficulties in ensuring a balance of interests, especially for women, grassroots, consumers (food and nutritional security) and the environment.		
7	The main challenge in engaging non-state actors is the extreme variation in the nature, form, interests and character of their institutions.		
8	Non-state actors face difficulty in building and sustaining strong policy networks with capacity to participate effectively in policy processes.		

H. How have the following organisations employed policy learning in influencing public policy process?

		Please pick the most appropriate
1	National non-governmental organisations ()	1. Not at all
2	International non-governmental organisations ()	2. Less extent
3	Private sector membership organisations ()	3. Moderate
4	Multinational telecommunication corporations ()	4. Highly
5	Donor organisations ()	

I. What type of persuasive strategies has been used by non-state actors in influencing public policy? (**Please tick (√) the appropriate**)

		Agree	Disagree
1	Using factual information and evidence in the analysis of policy issues (logical proof)		
2	Understanding , accepting and believing that the analysts is saying the truth (emotional proof)		
3	Objective analysis (ethical proof)		

J. Which persuasive strategies are used mostly by the following organisations?

		Please pick the most appropriate
1	National non-governmental organisations ()	1. Logical proof
2	International non-governmental organisations ()	2. Ethical proof
3	Private sector membership organisations ()	3. Emotional proof
4	Multinational telecommunication corporations ()	
5	Donor organisations ()	

K. Which of the following statements do you agree or disagree with? (Please tick (✓) the appropriate)

		Agree	Disagree
1	Non-state actors use various policy instruments in public policy process		
2	Non-state actors develop clear goals and strategies that address public problems		
3	Non-state actors advocate for societal values, responsibilities, and appropriate ways of interacting and better policy approaches.		
4	Non-state actors regularly change their strategies for engaging the state actors.		
5	Non-state actors learn by doing, observation of others or lesson drawing and commissioning studies.		
6	The views of non-state actors if adopted by government always bring about policy change and impact positively on socio-economic and political environments.		

L. Which of the following statements are true of the following non-state actor organisations?

		Please pick all that applies
1	National non-governmental organisations ()	<ol style="list-style-type: none"> 1. Use various policy instruments 2. develop clear goals and strategies 3. Advocate for societal values, responsibilities, etc. 4. regularly change their strategies 5. Learn by doing, observation of others or lesson drawing and commissioning studies. 6. Their views always bring about policy change.
2	International non-governmental organisations ()	
3	Private sector membership organisations ()	
4	Multinational telecommunication corporations ()	
5	Donor organisations ()	

M. Which type of policy learning has been used by the following organisations?

		Please pick all that is appropriate
1	National non-governmental organisations ()	<ol style="list-style-type: none"> 3. Lesson drawing 4. Social learning
2	International non-governmental organisations ()	
3	Private sector membership organisations ()	
4	Multinational telecommunication corporations ()	
5	Donor organisations ()	

N. What has been the implication of policy learning? (Please tick (✓) the appropriate)

		Agree	Disagree
1	Policy learning has resulted in improved policy process		
2	More inclusive public policy process		
3	Better policy outcomes		
4	New policy paradigm		
5	Policy change		
6	No change in policy process		
7	Policy failure		

O. Suggest ways in which participatory and inclusive public policy can be enhanced in Kenya. (Please list them in the table below)

1	
2	
3	

4	
5	
6	
7	
8	

P. What else would you like to add? **(Please list them in the table below)**

1	
2	
3	
4	
5	
6	
7	
8	

END

THANK YOU VERY MUCH FOR YOUR TIME AND RESPONSE

APPENDIX 3: LIST OF NON-STATE ACTORS' INSTITUTIONS AND OFFICIALS INTERVIEWED

1. Institute of Economic Affairs (IEA), Budget Programme Coordinator, 2014
2. Institute of Economic Affairs (IEA), Chief Executive Officer, 2014
3. Institute of Certified Public Accountants of Kenya (ICPAK) Programme Coordinator, 2014
4. Institute of Certified Public Accountants of Kenya (ICPAK) Official, 2014
5. Hakijamii Chief Executive Officer, 2014
6. Hakijamii, Programme Coordinator, 2014
7. World Vision, Programme Coordinator, 2014
8. World Vision, Official, 2014
9. Kenya Association of Manufactures (KAM) Programme Coordinator, 2014
10. Kenya Association of Manufactures (KAM) Official, 2014
11. Action Aid, Programme Coordinator, 2014
12. Action Aid, Official, 2014
13. Oxfam, Programme Officials, 2014
14. Kenya Private Sector Alliance (KEPSA), Programme Officials, 2013
15. Jua Kali Association (JKA), Chairman, and Deputy Chairman, 2014
16. Jua Kali Association (JKA), Deputy Chairman, 2014
17. Federation of Kenya Employers (FKE), Programme Coordinator, 2014
18. Federation of Kenya Employers (FKE), Official, 2014
19. Department of Foreign International Development (DFID), Officials, 2014
20. World Bank Official, Programme Coordinators, 2014

APPENDIX 4: MINISTRIES AND PRINCIPAL SECRETARIES THAT PARTICIPATED IN SURVEY QUESTIONNAIRE

1. Ms. Josepheta Mukobe
Principle Secretary, Special Programmes
Ministry of Interior and Coordination of National Government

2. Mr. Saitoti Torome
Principal Secretary, Planning & Statistics
Ministry of Devolution and Planning

3. Dr. Kamau Thugge
Principal Secretary
Ministry of Finance & National Treasury

4. Amb. Peter K. Kaberia
Principal Secretary
Ministry of Defence

5. Amb. Dr. Monica Kathina Juma
Principal Secretary, Foreign Affairs
Ministry of Foreign Affairs & International Trade

6. Dr. Belio Kipsang
Principal Secretary, Basic Education
Ministry of Education

7. Mr. Nicholas Muraguri
Principal Secretary
Ministry of Health

8. Mr. Wilson Nyakera Irungu
Principal Secretary, Transport
Ministry of Transport and Infrastructure

9. Mr. Sammy Itemere
Principal Secretary, Broadcasting & Telecommunications
Ministry of Information, Communication and Technology

10. Ms. Aidah Munano
Principal Secretary, Housing and Urban Planning
Ministry of Land, Housing and Urban Development

11. Amb. Richard Ekai Titus
Principal Secretary, Sports Development
Ministry of Sports, Culture and the Arts

12. Dr. Khadijah Kassachon
Principal Secretary, (Labour)
Ministry of Labour & East Africa Affairs

13. Eng. Joseph Njoroge
Principal Secretary, Energy
Ministry of Energy and Petroleum

14. Mr. Richard Lesiyampe
Principal Secretary, Agriculture
Ministry of Agriculture, Livestock and Fisheries

15. Mr. Julius Korir
Principal Secretary
Ministry of Industrialization and Enterprise Development

16. Zeinab W Hussein
Principal Secretary, Gender Affairs
Ministry of Public Service, Youth & Gender Affairs

17. Ms. Fatuma Hersi
Principal Secretary
Ministry of Tourism

18. Dr Mohammed Ibrahim Mahmud
Principal Secretary
Ministry of Mining

19. Mr. Fred Sigor
Principal Secretary, National Water Services, Ministry of Water & Irrigation

**APPENDIX 6: SCHOOL OF GRADUATE STUDIES LETTER OF ADMISSION
AND CLEARANCE FOR FIELD WORK**

APPENDIX 7: ETHICS COMMITTEE PERMIT