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Advocating for dissent: An investigation into why and how sections of civil society advocate for dissent in Kenya from 2013 – 2019

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Abstract

The concept of civil society in Africa attracts large criticisms that hold the ostensible notion that it is purely western and incompatible with African societies. Efforts and activities of sections within civil society have been brandished illegitimate owing to the vast track of foreign funding they receive to commence the said activities. This raises questions when one looks at the dissenting activities of sections within Kenyan civil society; of whether these activities stem from legitimate issues within the communities or activities are a response to the available donor funds. Thus, the following study employed an exploratory case study of Inform Action Kenya to understand why and how sections within civil society advocate for dissent. The above was sufficed by employing a reflexive decolonised ontology and epistemology of knowledge on civil society and dissent. This was done to separate analysing civil society and dissent from different philosophical theories or standpoints. From the findings, the study noted that the political environment, shrinking civil space, good working relationship with communities amongst others, played a great part in driving sections of Kenyan civil society to engage into dissenting activities. The investigation revealed that sections of Kenyan civil society use films, publications, legal actions and protests, as how they advocate for dissent. The political environment among others emerged as a key challenge affecting the activities of sections of Kenyan civil society. The study managed to respond to the criticisms that challenge the legitimacy of civil society activities, by providing a justification about civil society activities in various communities. The justification proved that the activities of sections of civil society are legitimate and draw from the good relationship they have with their communities. The study concluded by recommending the tolerance of dissent within Kenya given that the precolonial Kenyan societies were based on a system of governance that tolerated dissent. The study noted that the main findings should not be used as conclusions of the heterogeneous Kenyan civil society, but to be used as an understanding of what occurs within sections of Kenyan civil society.

Key words: dissent, civil society, decolonisation, Kenya, advocate.

Acknowledgements

Dedication

This thesis is dedicated to my sister Georgia Kurai Rushwaya, who left for glory a month after I had moved to Norway – on the day that coincided with my graduation protest. May your soul rest in peace.

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Abbreviations

HRDs – Human Rights Defenders

IAK – Inform Action Kenya

ICC – International Criminal Court

IDP – Internally Displaced Persons

Jubilee Coalition – coalition government established in 2013

GALCK – Gay and Lesbian Coalition of Kenya

NCHRD – National Coalition of Human Rights Defenders Kenya

Chapter 1   Introduction

The ongoing discussions on civil society credits it with the role of service provision, advocacy, watchdog, building active citizens, and participation in global governance processes. These roles are further branched into the political, social and economic aspects of any given society [including African societies] (Maingi, 2016: 1) . In Africa, the role of civil society has expanded across the various political, social and economic phases. Politically civil society merged as the front runner to nonviolent resist the authoritarian repressive regimes spread across Africa in the late 1980s to early 1990s (Makumbe, 1998: 307). The efforts of civil society focused on providing a platform for citizens to express themselves against the towering influence of the state; and successfully assisted in the transition from authoritarian regimes to multiparty democracies within African countries (Dicklitch, 1998: 10). The above comes from the fact that sections within civil society are benevolently closer to the grassroots communities than most African governments, and have an aided advantage when it comes to mobilising community views as they work from the local, provincial and state level (United Nations Economic Commission for Africa, 2004: 21). Economically these roles focused on the provision of alternative employment of citizens through formal employment and independent projects. Socially, civil society in Africa proved to be an alternative avenue for the provisioning of healthcare, and alternative education amongst the poor masses across many African countries.

This study follows that civil society is the section free from the state and the family that performs political, economic and social functions aimed at improving the development status of the various communities where they are located. Being cognisant of the above, this study noted that every superhero has a weakness owing to the extensive criticisms against African civil society. The first criticism dismisses the efforts and activities of civil society within any field given that concept is incompatible and does not fit into the contemporary African societies, since it is a western construct (Lewis, 2002: 571). The second foremost criticism captures the motive of civil society activities as a ploy to loot and devour cheap money coming from foreign donors (Bukenya and Hickey, 2014: 326). It holds that sectors within African civil society engage in their activities only for the money; than representing the plights and concerns of their constituents. This precipitates the need to understand the occurrence and motivation of dissent if critics see civil society as incompatible and only in for the money.

This study notes that the movement, displacement and formation of new ethnic groups during the precolonial period explain the existence of dissenting activities in Africa and Kenya before the advent of colonisation (Isichei, 1997: 123). The advent of colonisation precipitated new dissenting activities across the African continent [including in Kenya] that culminated in waves of violent armed struggles aimed at destabilising these colonial hegemonies. For instance, the violent Mau-Mau uprisings that took place during the late 1950s to early 1960s serve as the fountain of dissenting activities against colonial domination in Kenya (Hansen, 2009: 2). Furthermore, the nonviolent political struggles from early the 1970s to late 1990s were dominated by dissent activities against Jomo Kenyatta and Daniel arap Moi's government's authoritarianism and continued repression on individual freedoms (Stamp, 1991: 205). Sections within civil society such as professional organisations, student groups and labour organisations led much of the dissenting activities through demonstrations, strikes, marches, publications and hunger strikes (Press, 2015; Waruiru, 2003). These activities were aimed at mounting pressure on the repressive regimes of Kenyatta and largely Moi who were intolerant to dissent; and later subsidised in the late 1990s following the destruction of the repressive regime of Moi and the subsequent establishment of democratic values (Lugano, 2020: 312). This research paper identifies dissent as the peaceful non-violent actions that disagree with commonly held positions that have been common in African political societies that include demonstrations, publications, and petitions to mention only a few [to be discussed in length in chapter 4].

The elevation of the Jubilee coalition highlights what Wood (2016: 533) notes as a shrinking civil society space amid widespread dissenting activities. This shrinking civil society space follows the repressive machinations and modus operandi aimed at curtailing civil society space and supressing any form of dissent. Of particular importance, this study notes the attempt to amend the laws that govern civil society within the country silently without the knowledge of many civil society organisations bent on limiting the operating space for civil society, instil fear and limit their functions (Wood, 2016: 533). All these measures were meant at silencing voices of dissent in the country but has still received dissenting opinions and activities from civil society forces.

1.1   Problem statement

Regardless of the above, there is still an absence of academic authority on why and how sections of civil society advocate for dissent. Existing literature on civil society analyses how it advocates for human rights, development, land access and health issue and few or none

mentions dissent. The silent academic voice thus needs redress to expose the underlying reasons that draw sections of civil society into dissent; if one of the criticisms against it hold that they only do it for money. The revival of dissent in the current Jubilee government requires greater attention to see if there is a correlation with the critics; or there are underlying reasons that might be of equal importance.

1.2   Study purpose and significance

Thus, to suffice the above gap, this study embarks on a journey to investigate the reasons that draw civil society into advocating for dissent in 33 counties spread across Kenya, using Inform Action Kenya as a case study. The need to track the 33 counties emanates from the fact that they cut across the various ethnical divisions in Kenya and thus provide equal representation of views. Inform Action Kenya is a human rights organisation within the broad landscape of Kenyan civil society that uses films and discussion to get ordinary citizens to speak up and initiate [dissenting] action. The organisation has activists spread across different regions of the country who act as representatives of the main organisation in their local communities. This research identified the above organisation as the main case study and focuses on their activities and other supplementary activities of the advocacy section of Kenyan civil society found within Kenyan communities from 2013-2019.

Being cognisant of the nature and form of civil society, this study focuses on the advocacy section of civil society that have fought running battles with the authoritarian and repressive regimes in Kenya and seeks to present in what ways they have advocated for dissent. This study does not intend to study the whole plurality of Kenyan civil society based on one organisation. Instead it looks at the reasons that motivate sections of advocacy related organisations that make up the umbrella term of civil society into advocating for dissent. By sections of civil society, this study relates to the different actors within Kenyan civil society that are involved in advocacy work. In addition, the significance of this study emanates from the need to highlight the importance of dissent within communities as the best alternative way of solving disputes. The study also aims to highlight the important role played by sections within Kenyan civil society in their quest to advocate for peaceful nonviolent dissent within Kenyan communities.

1.3   Research questions

1) What are the reasons that urge civil society to advocate for dissent in Kenya?
2) What can the level of dissent explain about Kenyan democracy?

3) What challenges has civil society met and how has this affected advocating for dissent?

1.4   Motivation for the research project

The motivation to pursue this research originates from this researcher's initial engagement with civil society during this researcher's previous study on Zimbabwean civil society. The reason this study selected Kenya and not any other country lies in the fact that Kenya went through a period of repressive regimes that later culminated in a democratic society. These democratic principles have since been put at risk with the advent of the Jubilee government, and from this research's perspectives these need to be exposed. Furthermore, the motivation to study why and how civil society advocates for dissent in Kenyan communities emanates from this researcher's ardent support of dissent owing this researcher's human rights activist status in Zimbabwe. Over and above, this study is motivated by the zeal to strengthen knowledge on civil society in Africa and acquire an understanding of the concept from different African dimensions.

1.5   Chapter overview

This study is organised into the following chapters described below:

Chapter two discusses the methodology and the methods of this study, highlighting where this study collected data, the various methods employed to collect the data and the challenges met during the process.

Chapter three sets out the conceptual framework that follows a reflexive and decolonised ontology and epistemology of the concepts of dissent and civil society.

Chapter four provides the literature review of this study whereby a discussion of the leading scholars on civil society and dissent in Kenya will be engaged at length.

Chapter five presents the research findings of this study, presenting what this study acquired from the research interviews and the supplementary documentary evidence.

Chapter six discusses the research findings of this study and provides the overall conclusions of this study, by summing up the investigations of this study and providing how this study covered the research gap.

Chapter 2   Methodological framework

2.1   Introduction

The following chapter constitutes a discussion of what happened during the fieldwork and the issues surrounding the ontological and epistemological leaning of this study, since these cannot be separated from the founding qualitative methodology. I aim at providing a justification of the philosophical orientation of this study, noting how it helped me select different literature form the start of the study until completion. I will also go in length to explain the different methods used in the data gathering process and how I conducted my data analysis. In the last segments of this chapter I will discuss about the insider and outsider roles, how they influenced how I collected and accessed data; and take the opportunity to highlight the limitations/challenges I encountered during the whole research process.

Figure 1 below provides a synoptic index of this chapter as it shows the cycle, I followed during the research process. A much-detailed discussion will be provided in the subsequent following sections discuss in detail each stage of the research process giving the justification for each section as to be shown in sections to follow.
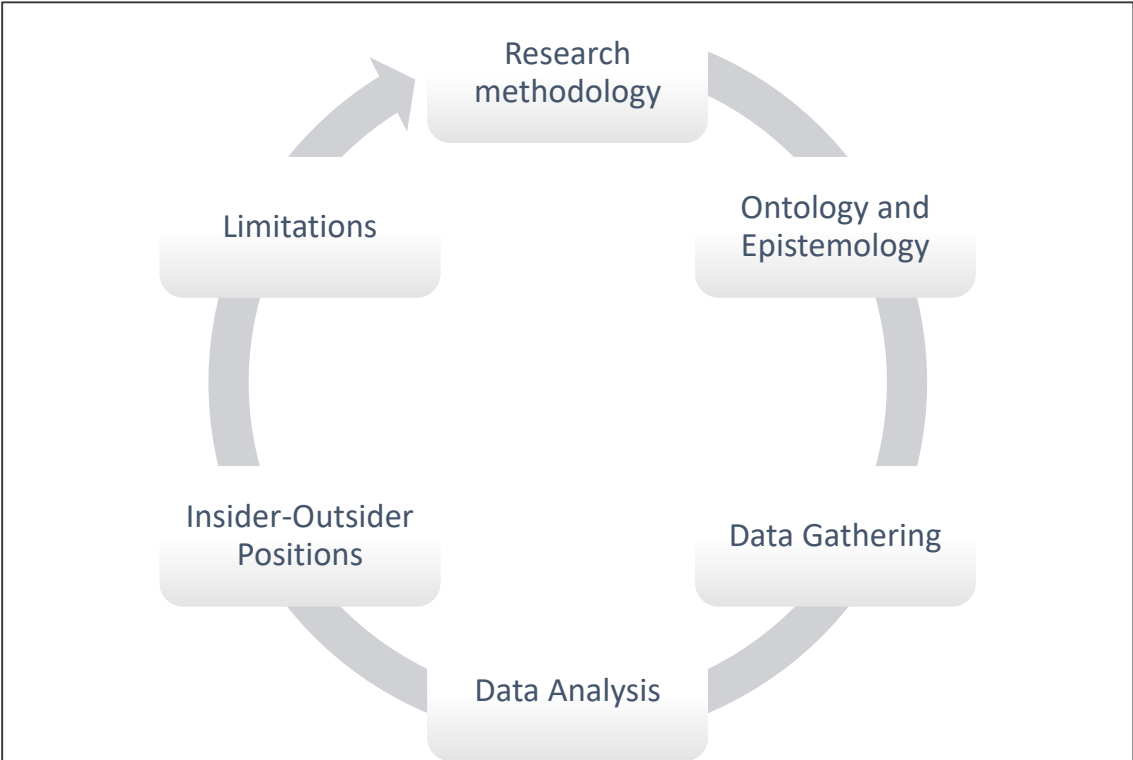
Figure 1Research Process

2.2   Research methodology

For this study, I followed a qualitative orientation of research motivated by the fact that qualitative research acts as a way for exploring and understanding the meanings attached to social or human problems by people (Creswell, 2009: 4). Within the qualitative research, I embarked on an exploratory research of Kenyan civil society advocating for dissent. An exploratory research is the process whereby little understood issues or phenomenon are carefully examined with the intention of developing preliminary ideas about it (Neuman, 2014: 38). My exploratory stance emanated from the desire to expose how and why civil society advocate for dissent since my research gap shows that there are less scholarly voices on the subject matter. I supported my exploratory research with a case study of a civil society organisation Inform Action Kenya, since I was interested in understanding how sections within civil society engage into dissenting activities (refer to section 5.1.1). I decided to frame my research as a case study because case studies clarify thoughts and further link abstract ideas with the specific concrete cases being observed during a specific time or period (Neuman, 2014: 42). Since I am interested in understanding how and why civil society advocate for dissent; Inform Action Kenya links my case to the abstract concept of civil society and attempts to explain how entities within [the abstract idea] civil society engage in dissent action during a period of time.

Furthermore, in the hope of gathering an in-depth understanding of the research questions I triangulated the data collection methods within this qualitative methodology. Triangulation refers to the practise of using multiple sources of data or multiple forms of qualitative research methods in order to enhance credibility of research (Denzin, 2012: 82). Denzin (1979) as cited by Hastings (2010: 1538) formulated four suggestions for triangulation namely data triangulation with multiple sources, investigator triangulation, theory triangulation and methodological triangulation. From these four, I selected data triangulation with multiple sources and investigator triangulation as I saw them fit for use within my study. Data triangulation with multiple methods involves the use of different data collection methods within the qualitative research framework. This involves using interviews, observations, and or documentary analysis to build credibility within the researched phenomenon. Investigator triangulation refers to the use of two or more participants in the same study as a way of providing multiple observations and conclusions of the researched phenomenon (Archibald, 2015: 228). Thus, as to be noted later in coming sections, this study identified two sets of

participants who were interviewed to understand their views on what brings civil society into dissent.

2.2.1   Ontology and Epistemology

Ontology is regarded as the philosophical branch of research that deals with the nature of being or what really exists and seeks to understand the real fundamental categories of reality as they are in the social world Neuman (2014: 94). Ontology questions whether social entities should be considered objective entities that have a reality external to social actors or whether they should be considered social constructions built from the perceptions of social actors (Bryman and Becker, 2012: 32). Neuman (2014: 95) regards epistemology on the other hand as an area of philosophy that is concerned with the production of knowledge focusing on how we know, what we know or understanding the most valid ways of getting to the truth.

Epistemology is the branch of social research that is mainly concerned with answering what is or what should be regarded as knowledge in social research and whether social problems can be studied in the same lens as the natural sciences (Bryman and Becker, 2012: 27). I used the ontological considerations in this study to explore the reality about civil society in Kenya branching from civil society in Africa and what should be known about these two. The epistemological consideration of this study aims at proving how knowledge production about African civil society, should be context specific and should not be compared with other philosophical viewpoints about civil society elsewhere.

Having defined these terms, I thus used a decolonisation ontology for this study as I was chiefly interested in understanding the concepts of civil society and dissent within Africa [in general] and Kenyan [in particular] discussed in chapter 3 and 4. I embarked on a decolonisation ontology since what needs or should be known about something, should be presented in a way that is free from the excess of colonised western philosophical thought. I took the decolonisation stance since African philosophy and social science have been reduced to a double bind that castigates their contributions in two regards. The first regard holds that African philosophy is either similar to Western North Atlantic philosophy and social sciences such that it makes no distinctive contribution and effectively disappear. The second regard castigates African philosophy as different to such an extent that its credentials to be genuine philosophy or social science [as defined by western academia] will always be in doubt (Bernasconi, 1997: 188).

The decision to take a decolonisation stance emanates from appreciating the submissions made by Hoppers and Richards (2012: 7)'s assertion that, the advent of colonisation gave birth to two

generations of colonialism. The first generation was the colonisation of physical spaces that characterised many African states where settler communities established dominion on land that was not theirs. The second generation concerns the colonisation of the mind through western influenced education systems. The colonial administrations within many African states destroyed precolonial education systems and established what they saw fit as the acceptable education for the colonised Africans. Within this set of education systems, knowledge production and consumption came from one standpoint, and to this date the colonised education system still stands.

The second colonial generation produced what I put forward as western academia bullying; whereby scholars with a western orientation are ostensibly credited manufacturing of knowledge and information. The bullying I infer refers to situations when certain concepts are understood outside of their context mainly because a certain western scholar first wrote about them before, and thus no need to understand it in the indigenous context. Such has occurred with concepts of democracy, civil society and the many other different concepts. It is more acceptable to discuss about individual liberty by referring to John Stuart Mill's (1859) *On Liberty*, than referring to precolonial Kikuyu individuality.

Taking a decolonisation ontology and epistemology came out to be the best position I could take for this study since I am looking at producing multiple perspectives. This is supported by claims borrowed González y González and Lincoln (2006: 201) emphasising the importance of producing research driven by the needs and questions of local people. Supporting the above, I intend to expose how different African perspectives on the concept of civil society should not be dismissed nor understood mainly to be an offshoot of western education; but should be understood from the way people in Africa define and understand them. I provide a clear decolonised conceptualisation of the above in chapter 3 and further give an understanding of these concepts in practice in section 4.4 to section 4.8 as to be shown later.

2.3   Data Gathering procedures

The following sections provides the different data gathering procedures that I followed during the field work. These sections provide a discussion on the study area, the subjects, sampling techniques, interviews, documentary search, and how I negotiated access with the research participants.

2.3.1 Study delimitations and area

The study was limited to information on African civil society activities in Kenya alone. The main reason for the above owed to the fact that there are 54 African civil society contexts given the 54 countries on the continent. Thus, trying to incorporate the understandings of 54 civil society contexts to the case of Kenya would be tedious and confusing. In addition, the study area was based on the 33 Kenyan counties where Inform Action Kenya engages its work on advocating for dissent. The advent of the 2010 constitution broke Kenya into 47 counties from the previously held 8 provincial structure (see Appendix A). The 33 counties mentioned, incorporated the parts of areas that used to make up the old 8 provinces, meaning that there was a fair representation of most of Kenya's ethnic groups. In addition, the counties covered the various urban and rural setups within the country, thus reducing fears of possible rural-urban bias where I would focus on either the rural communities more than the urban communities.

2.3.2 Sample size and site

Debates within qualitative researchers on the number of selected participants or sample sizes varies accordingly across the field. Creswell (2014: 231) notes that the number of people and sites sampled vary among the different qualitative studies; and further notes that it is typical to study a few individuals as the in-depth picture of the problem under study diminishes by the addition of more participants. Cueing from the above, I followed Crouch and McKenzie (2006: 493)'s postulations that limits the participants to less than twenty because of the limited time and the amount of available resources at hand. My total participants for the study were four informants, divided between participants from the main case study and participants from a group of civil society experts as earlier mentioned. The four participants managed to augur the research data given that their inputs managed to shed convergence as to be shown in the findings chapter. The site for this study was in Nairobi, Kenya where the researcher managed to conduct three research interviews between 18 May 2019 – 24 May 2019. Another research interview was conducted on 11 June in Johannesburg South Africa, following relocation of one respondent from the civil society experts' group (see Appendix B).

2.3.3 Gaining access

Gaining access proved to be a bit challenging given that civil society organisations where operating on high alert as a result of the continued attacks and closure of civil society organisations in Kenya. It took me a considerable amount of time negotiating access to my main research participants; four months to be precise (November 2018 – March 2019), until I finally

got their consent to participate in my study. In addition, my study background, and my Zimbabwean nationality in a way affected gaining access to majority of my participants. I was a Zimbabwean student studying in Norway proposing to research an organisation in Kenya, which by that time was operating on high alert. Had I been a local residing in Kenya, I would have gone straight to the organisation's location and easily negotiate access with them on a face-to-face basis as opposed to negotiating over the internet. The main issue here lay within the fact that I used emails to try and negotiate access, which in my own view downplayed how fast I got access to this organisation.

Regardless of the above stumbling blocks, I managed to gain access to the key informants using emails sent with high priority and confidential features between (November 2018 to March 2019). This study employed these features as a way of showing importance and adherence to information protection. In addition, throughout the field work process, I accessed the informants using English as a medium of communication. This helped me a lot especially with the interviews as I got my information without need or use of translation services.

2.3.4   Subjects and sampling method

For this research I identified a total of four participants whom I divided into two groups; that is one group for informants from Inform Action Kenya and the other group consisting of informants with expertise knowledge on civil society in Kenya. By informants possessing expertise knowledge, I refer to people who have been involved in civil society work or any person who from their work activities have acquired knowledge about civil society through working as activists, advisors, directors and or academics. The first group of informants came from the main case study as I sought to understand what drives their organisation into dissenting activities. The second group was chosen for the sole that they assumed an outsider role in providing their take on the position of civil society and its involvement in dissent. Their role was mainly to give an external eagle's eye view of how and why sections within Kenyan civil society engage in dissenting activities. The main thrust was to venture into the organisational perspectives and supplement it with perspectives drawn from civil society experts, as a way of aiding the final analysis of potential similarities or differences.

I employed a two-way sampling approach by using purposive and snowball sampling techniques to identify and select potential participants for the interviewing process. Creswell (2014: 228) notes that purposive sampling is a sampling technique or method of choosing participants based on their specialist knowledge of a research issue and their ability to contribute

appropriate data in a way that will help the researcher understand their problem and the research question. I used this method to select and contact by email, two participants from Inform Action Kenya staff; purposively sampling them because as I wanted to know the reasons that attracted their organisation into dissenting activities. I selected the above sampling method as a way of drawing key information on how and why civil society advocate for dissent in Kenya,

Furthermore, I conducted a snowball sampling technique also known as the chain referral, whereby already contacted participant(s) will refer the researcher to people within their networks who might participate or contribute concerning the said matter (Creswell, 2009: 217). I asked the two participants (emails sent during January-March 2019) drawn from the purposive sample to help me identify other participants who might be helpful in providing information that will aid in answering the research question. These two respondents referred me to numerous participants whom I contacted using email, and others that the respondents themselves contacted through forwarding my initial email requesting for their participation in my research study. From the above process, two participants responded confirming their willingness to participate in the study. This proved beneficial as it saved me a considerable amount of time trying on identify which participants to pick for the interview; leading me directly to people with relevant information that were able to assist in answering the research questions.

2.3.5   In-depth interviews open ended questions

I employed in-depth qualitative interviews – whereby a set of open-ended questions were posed to each participant in order to gather the valuable data needed to answer the questions asked. I used the above methods being cognisant of Miller and Glassner (2011: 137) views that qualitative interviewing is a particularly useful method for examining the social world from the participant's point of view.

I followed Bryman and Becker (2012: 475)'s advice and designed an interview guide in a systematic order with the idea of establishing flow when asking the questions during the interview process. I structured the interview questions following a conversational format so that the preceding question formulated the grounds for the next question. This is different from the structured interviews where the questions are basically the same and are structured in the same sequence and are not tailored to any specific situations or people. I employed note taking during the interviews where I took notes of the participants' response in a notebook as opposed to having them recorded using different instruments. I did this following the subjects' will of not

having the interview audio recorded as they perceived the issue of civil society to have garnered a lot of sensitivity in Kenya during the time, I conducted the fieldwork.

I conducted the above being cognisant of King and Horrocks (2010: 47) suggestions that note taking is the best important option when the subject has vetoed the use of audio recording equipment during the interview setting. Davies (2010: 19) further supports this method by stating that it is less time consuming and leaves the participant(s) with no concerns or fears of being recorded. However, some information might be lost during the note taking process as the researcher would not write statements word for word but rather input their own understanding (Davies, 2010: 19). To reduce the above concern, I created a feedback loop with the research participants and sent the original transcripts of the interview(s) for the participants to relay any additional information that might have been lost during the note taking process.

2.3.6   Documentary search and analysis

Equally important, I used extensive documentary search which encompasses all the written texts published and unpublished relating to dissent and civil society in Kenya and Africa to gather information on the research questions of this study (refer to section 1.3). I selected documentary analysis mainly because it is used in combination with other qualitative research methods as a way of triangulating data sources (Bowen, 2009: 28). In addition, I appreciated Creswell (2009: 180)'s claims that documents represent thoughtful information given that the authors will have given due attention to compile the data and enables the researcher to obtain the participant's language by reading their publications.

Researchers are faced by the need to provide multiple sources of evidence as a way of establishing convergence and corroboration from their researched phenomena (Bowen, 2009: 28). Thus, Eisner (1991: 110) notes that by engaging the triangulation of data, the researcher lays foundation on attempts to build confluence of evidence full of credibility. In addition, this research borrowed from Bowen (2009: 28)'s assertion that by examining information gathered from multiple sources, a researcher is able to corroborate findings and eliminate the impact of possible potential bias that can exist in a single study. Furthermore, triangulation of data helps guard against accusations that a study's findings are simply an artefact of a single method, a single source or a single investigator (Bowen, 2009: 28). Documentary analysis to this end should not be a ploy of extracting documentary excepts to convey whatever idea comes to mind to the researcher. Instead it should be regarded as a process of evaluating documents in a way that produces understanding and empirical knowledge (Bowen, 2009: 33).

For this part, I used CIVICUS (2015), Rothmyer (2018), Amnesty International annual reports from 2013-2019 and Human Rights Watch Reports from 2013-2019 to address my research questions on the reasons that urge civil society into dissent, focusing on the political environment in Kenya. I also used NCHRD-K and GALCK (2018), Inform Action Kenya (2018) NCHRD-K and Privacy International (2018), Namwava et al. (2018), Ogemba (2015), Lagon and Dickinson (2016) to answer why civil society advocates for dissent. In addition, I used, Njogu (2018), Kabeberi (2016), Ichim (2020), Cornell and D'Arcy (2016) and D'Arcy and Cornell (2016) as other contributory documents in addressing the research questions on the level of dissent and the challenges faced by civil society in Kenya.

The main problem with conducting documentary search lies in the fact that, some of the sensitive materials are not published on the different organisations' websites and one can acquire them only when they have asked for them or have gained access to these organisations. Furthermore, some of the information must be transcribed if it came in physical state that is books, leaflets and pamphlets; thus, adding more tasks to be done by the researcher (Creswell, 2009: 180). The above concerned the two reports from NCHRD-K and GALCK (2018) and NCHRD-K and Privacy International (2018) which had to be analysed using transcription before being fed into NVivo 12 for analysis.

2.3.7   How this research analysed data

Upon completion of collecting the data, I was faced with a task of analysing the data, which is a process whereby data is organised, integrated and examined in order to establish patterns and relationships with the data one would have collected (Neuman, 2014: 477). By analysing, one seeks to connect data to concepts and identify themes, that emerge from the collected information. Lapadat (2010: 926) defines thematic analysis as the process whereby identified qualitative data is coded and classified according to themes with the aim of seeking common relationships, patterns or theoretical constructs. She further stress that thematic analysis uses coding as an analytic strategy, whereby text is carefully inspected with the aim of looking for recurrent themes, topics, or relationships (Lapadat, 2010: 926). For this study, theme refers to the pattern in the information that describes and organises and interprets possible observations of the studied phenomenon (Boyatzis, 1998: 161).

This then built momentum for my next stage of qualitative thematic content analysis to analyse the acquired data from the research interviews and the reviewed documents through the processes of open coding and selective coding using NVivo 12. I used a template in the form

of codes made from a codebook as a way of organising text for interpretation (see Appendix C). I did the above being cognisant of Fereday and Muir-Cochrane (2006: 83)'s advice that when using the template, a researcher defines the template before commencing the analysis; stating that the template can be constructed from the research questions. Thus, the codes for this study were developed from the research and the interview questions that were later designed into NVivo nodes. NVivo 12 as a software for data analysis helps bundles data sets into nodes that are easily accessible to the researcher. Silverman (2013: 277) notes that using specialised computer software such NVivo 12 helps speed up the process of sorting and searching through a data set in qualitative research.

Thus, I transferred the interview responses from the note format I wrote during the interviews into Word 2016 documents. This was done with the aim of loading the four interview transcripts into NVivo 12 for further analysis. I then conducted an open coding process on the four research interviews, whereby qualitative data is condensed into preliminary analytic categories or codes (Neuman, 2014: 481). Through this method, I categorically placed their responses in the corresponding question for instance grouping all the interview responses under the code such as why they advocate for dissent. I conducted this method to note how the different research participants relayed their responses for final analysis and conclusions. The above proved helpful during the analysis process of my research as I managed to code and analyse the large text from the interview transcripts easily on the software.

Boyatzis (1998: 4-5) notes that qualitative researchers use thematic analysis for five purposes namely a way of seeing, a way of making sense, a way of analysing, as a way of systematically observing a case, and as a way of quantifying qualitative data. From these five, this study particularly focused on the first four and given that it did not seek to quantify the qualitative data gathered. From the above, I used the first three purposes as my three viewpoints for using thematic analysis for analysing my collected data. I firstly used thematic analysis in order to see what the data I gathered said about the research questions, what each participant and supplementary document said about the different research questions. The second viewpoint was to make sense to what I had gathered from the field; in a way trying to understand what the findings meant to study's research questions. The third viewpoint concerned carefully analysing the data I had gathered, in order to see if I could connect the responses to the identified research gap and other founding provisions of this study. The fourth stage meant the systematic analysis of the problem whereby I incorporated all the gathered views from the interviews and the documents as a way of seeking answers to the research questions.

Over and above, I arrived at the decision of using thematic analysis following the advantages noted in Nowell et al. (2017: 2) highlighting the usefulness of thematic analysis as a way of summarising key perspectives of different research participants. They further stress that, this helps the researcher identify and understand what a certain concept or question mean to each research participants under their study. I noted that one major disadvantage with thematic analysis relates to how it can be seen as a poorly branded method because it does not appear to exist as a named analysis in the same view as methods such as narrative analysis, discourse analysis and grounded theory (Braun and Clarke, 2006: 79). However, this did not deter this study to continue with the method, given that this study followed a decolonised method of understanding and producing information.

2.4   The ethical considerations of this study.

Before commencing the fieldwork process, I used emails to first establish contact with the key informants from Inform Action Kenya and asked for permission to use their organisation as a case study. Following approval to use their organisation as a working case study, I then sought and acquired clearance from the Norwegian Centre for Research Data by submitting a detailed project proposal outlining the different ways I would acquire and process data. I then sent consent forms to the already made contacts asking for their consent to partake in the interviews to acquire information and data from them. Upon getting signed consent from the participants, I immediately devised pseudonyms for all the research participants to protect them from being easily identified in the research. The two participants from Inform Action Kenya were anonymised as INAK1 and INAK2, while the civil society experts where anonymised as CSE1 and CSE2.

I was particularly encouraged by postulations made in Creswell (2007: 142) noting that a qualitative researcher conveys to participants their participation in a research and explains the research's purpose. This is done as a way of clearing thoughts of unwarranted deception in tricking subjects to partake in something they are not aware of. He further notes that a researcher protects the identity of their subjects by assigning them numbers or aliases so that their responses cannot be directly identifiable. In support of the above Silverman (2013: 184) also highlights that principles of ethics such as voluntary participation, protection of research participants and obtaining of informed consent; should be followed to the maximum when one is conducting research. In addition, from the consent forms signed by the participants, aspects to do with the organogram, size, or funding commitments, where not to be included in the

interview questions or this study's discussion on findings. Participants from Inform Action Kenya and civil society experts regarded such as sensitive information not to be publicly shared; such that the discussion on Inform Action Kenya in section 5.1.1 did not include these details at length.

2.5   Insider-Outsider positions

Understanding the different personal characteristics possessed by a researcher before they enter the field, has a great bearing on how they will access the researched and how they will collect data from the researched. These characteristics gives a researcher an insider or outsider status, or in most cases might constantly change giving the researcher both status in the field they are researching. Hellawell (2006: 484) defines an insider as an individual who possess priori intimate knowledge of the community and its members. He further expands that the word community is regarded as a much wider concept than just organisation and possessing intimate knowledge does not necessarily mean the same as being a member of the community being researched. Fay (1996: 9) understands an insider as someone who is part of the group that is being investigated owing to his solipsism theory. He defines solipsism as the understanding that one can be aware of nothing but one's own experiences, states, and acts; expanding that one is not limited to a single person reference but might refer to a bigger wider group.

I identified myself as an insider based on my acquired knowledge on civil society and learned history of Kenya and Africa at large. Being a scholar of African origin, studying African politics, gave me an insider perspective since my ontological and epistemological bearings all point towards acquiring and manufacturing knowledge from an insider perspective. Having this insider bearing helped me identify the research gap, the correct literature to use for this study and identifying the potential research participants I wanted for this study. Furthermore, Zimbabwe [where I come from mentioned earlier in 2.3.3] and Kenya share the same settler colonial struggles having been colonised by a settler colonial administration from Great Britain. This led to the adoption of some similar traits as a result of British colonisation such as: using English as the medium of instruction, playing cricket, playing rugby and having tea breaks right before midday among other things. These created grounds for me to tag along as an insider since I could use English as a language to conduct the interviews without worrying much about the need for a translator or worrying that information might be lost in translation or interpretation.

Being an insider based on the above assertions helped me reduce aspects to do with fear and suspicion from my participants during my fieldwork. Burgess (1984: 23) highlights that being an insider helps reduce suspicion and fear of the research participants since participants can easily identify you as one of them; and might not withhold information had they discovered you are an outsider. Dwyer and Buckle (2009: 58) support the above and further note that participants are more open with insider researchers and relay their information to allow the insider researcher to acquire deeper meaning of their responses. Given that I had knowledge about civil society in Africa and Kenya, and I was an African researcher researching about African issues; my research participants identified me as an insider and were more open with their responses and allowed me to gather the deeper meaning of their responses when I used the probing method. To me it became more clear that the length in time to respond to some of my emails was in part of their suspicion on my position as an outsider and in part might had influenced whether they were willing to be more open with me or not.

Looking on the other leaf, an outsider is understood to be a researcher who has little background information of the people they are researching (Hellawell, 2006: 485). Dwyer and Buckle (2009: 57) further stress that researchers in most cases engage in research about people or groups that they are not part of and thus adopt the outsider status when they engage in such. The community which I was researching did not consider me an insider since I am not a Kenyan, but a Zimbabwean educated in Zimbabwe, partly in South Africa and at the time of the research in Norway. Furthermore, the people I interviewed came from different ethnic groups in Kenya and spoke different dialects, which I did not speak nor understand whatsoever. At that point language made me a complete outsider; and I had to learn some etiquette phrases to show my willingness to belong to them, even though I am a Zimbabwean. In addition, the research gap I identified left me with a lot of questions that made me pursue this research project. My pursuit for the answers to these questions made me an outsider since my main interest was to acquire the answers from the organisation itself rather than assuming or taking what other people might say concerning the reasons why sections within civil society engage in dissent activities at large.

However, the fact that I was an outsider also built momentum within the civil society experts, who saw it as an opportunity to tell their stories to someone who is not part of them. They welcomed the idea that I was sharing their stories in an African perspective even though I was studying in Norway; a trait they mentioned was rare given that many students in the western universities get tangled into western liberal ideology and would not dare want to go against it. In addition, being an outsider also helped me gain access to Inform Action Kenya when I arrived

in Kenya, because they trusted my genuine position as a researcher. They suggested that I conducted the interviews at their own locations as they wanted to guarantee my safety given the general mistrust with the state security apparatus at that time. Had I been an insider this might have proved difficult for the level of mistrust within the country would have had them refusing to give me access from the word go on the suspicion that I might be a state security agent working undercover.

Furthermore, my outsider status came in handy during the interviews as I was able to use probing as a way of getting a clearer understanding of what my participants had relayed to me. Stevenson (2011: 741) defines probing as a way of enquiring and exploring into something thoroughly. Equally important, Brannick and Coghlan (2007: 69) postulate that insider researchers tend to assume too much that they fail to probe as much as if outsiders would have done. In support of the above, Fay (1996: 21) highlights that researchers with an insider exposure tend to expose their experiences and their enthusiasm on the researched problem and often ignore the perspectives of the people they are interviewing. He further notes that an outsider might be able to see through these complexities and is able to appreciate the wider perspective of the phenomena studied than someone with an insider experience (Fay, 1996: 21). Cuing from the above, my outsider status helped me set delimitations on how I interacted with my interview participants, often keeping it professional and making sure that they understand how I valued the information they gave me. Instead of using my own enthusiasms about civil society and dissent activities in Africa; I took the interview sessions as a learning platform to understand the motives that influence organisations to engage in dissent activities.

Being cognisant of the above positionality, I designed a reflexive journal, which I used throughout the fieldwork and research process to jot entries on methodological decisions and reasons supporting such. A reflexive journal stems from the term reflexivity, which relates to the deep self-examination of oneself with regards to the people they are researching, such as exposing one's personal beliefs, education background, ethnicity, immigration status, professional occupation and many more (Dodgson, 2019: 221). I found this practice to be the best method, in order to avoid bias and limit any chances where my position as the researcher might affect the process of the research process; since I had a dual status of being an insider and outsider at the same time.

2.6   Limitations/challenges

Safety was one concern during the fieldwork process mainly because researching on civil society had attracted a certain level of sensitivity and on the advice of the research subjects; this researcher could not stay for long in Kenya. In addition, gaining access proved to be a challenge for this research, as it took more than five months to establish trust and gain accessibility into the key respondents of this research. The said access challenge came from unanswered emails I sent to prospective participants, in the hope of courting them for an interview. I sent a lot of emails to various participants, but only four managed to respond to my overall emails.

There were disturbances during the interview process at one of the interview's site; where one of the organisation's director would constantly drop in the interview room unannounced or would request for the research subject's time while conducting the interview. This did affect the flow of the interview process; but did not affect acquiring the much-needed information as it gave this research time to reflect on the next questions and mark sections which had not been clearly explained before. It is entirely expensive to travel to Kenya coming from Norway owing to its tourist destination status; as flight prices alone could equal the total fieldwork support given by the Centre for Peace Studies. As such I had to embark on a multi city travelling plan laying over in Johannesburg before and after collecting the data (refer to Appendix B for more). In addition, the travelling and accommodation costs within Kenya hindered the length of days I could stay in Kenya to possibly recruit more informants to this study. Had I opted to stay longer than I wished for, the onus to support and facilitate my upkeep was going to be entirely on my person – a feat I could not possibly manage alone.

Apart from the fieldwork, the study encountered underlying challenges towards the end of the analysis part as a result of the global corona virus pandemic. The pandemic led many states to initiate lockdowns, as a way of curtailing the spread of the virus, leading to the closure of physical spaces such as school libraries. As such, closure of these physical spaces delayed the access to physical materials from the library given that previously employed hard copy books could not be found online. This research had to wait for a long time until the library began providing access to hard copy materials.

2.7   Conclusion

Thus, in conclusion, this chapter highlighted the main methodological framework followed by thus study. This chapter highlighted that this study used a qualitative research methodology that was backed by a decolonised ontology and epistemology of understanding and manufacturing

knowledge. The chapter highlighted the various methods employed during the data gathering process and highlighted how this study analysed data. The chapter also discussed the ethical considerations followed by this study and noted the limitations and or challenges faced during the whole research process.

Chapter 3   Conceptual framework

The concept of civil society and the concept of dissent guides the orientation of this study in providing a conceptual framework for this study. The study will dive into the various definitions of the two concepts and provide a comprehensive understanding of what it operationalises as civil society and as dissent. The first part of this conceptual framework – sections 3.1 to 3.3 will operationalise civil society within Africa and Kenya; while the later part – section 3.4 discusses and operationalises the concept of dissent. These concepts will guide the orientation of this study in reviewing materials on civil society and dissent in Africa and Kenya to be shown in chapter 4, particularly in sections 4.4 to 4.8.

3.1   Philosophical underpinnings on the study of civil society in Africa.

It should be on record that many studies that have covered much area and focus on civil society do not fail to mention aspects such as liberal, Gramscian, modern, and or Marxist orientation in the study and understanding of civil society. Much of these philosophical underpinnings are done in good faith as a way of exposing the researcher's ontological and epistemological orientation. However, these orientations end up limiting the dimensions of understanding the concept of civil society in African terms. Such limitations result with statements that dismiss the concept as alien to African societies or results in the narrow definition of the term such that too much is left out. Such narrow definitions as advanced by Kasfir (1998: 4-7) which only limits the understanding of civil society only when the non-state actors are challenging the state leaves a lot to be desired. It renders worthless precolonial evidence of African communities that were in harmony with each other exercising their civil society duties without challenging the state, since some of the societies in the precolonial period were stateless – Kenya in particular. This establishes the need to remind such scholars that African civil society should not be seen and understood in the same western liberal thought and should not be presented in their own liberal thoughts.

3.2   What is civil society in African terms?

The concept of civil society draws attention to an ongoing tug of war on the correct meanings and origins of the term; with the western liberal school of thought coming victorious for coining the term (Laine, 2014: 59). However, ostensibly true as it may, this study asserts that the concept of civil society should be understood in different ways owing to the geographical location one is at as to be discussed. In order to arrive at a clear understanding of the concept in the African

lens, a rigorous review of all the leading African scholars on the matter in discussion including their critics is key. Such will help us drive home, a clear understanding of what civil society means in Africa and will in principle shape the operationalisation of the concept by this research.

Bratton (1989: 411) maintains an important aspect of understanding civil society in Africa by acknowledging that, the absence of states in most precolonial cultures in the region does not mean lack of civil societies in the broad sense of institutions for protecting collective interests. These institutions presented in associational life which occurs in arenas beyond state control and influence – thereby making up what he understands as African civil society. Bratton (1994: 11) further deepens the definition of civil society by defining it is an arena of associational life. He asserts that a healthy democracy is established on the plurality of organised social groups through which citizens learn and interact together and express their interests to the policy makers (Bratton, 1994: 11). Equally important, Makumbe (1998: 305) sums up the ideal type of civil society in Africa, noting that civil society in Africa presented itself in apolitical people's organisations that comprised of burial societies to various community organisations within the various communities. These views are supported by Lewis (2002: 1)'s understanding of civil society as the population of groups formed for the collective purposes outside the state and the marketplace situated beyond the household or the family (see Appendix D). He holds that civil society is not just about associational life but is also about individuals and associations taking part in rule setting activities.

This study selected the above definitions mainly because they define civil society with regards to the context in which it appears in Africa and capture the salient features of African societies without comparing them to other societies. Thus, this study incorporates the oasis of the above definitions to define African civil society as the arena of associational life that comprises apolitical groups working outside the confines of the state, serving the interests of their communities.

3.3   Defining Kenyan civil society

Just like the definition of African civil society, Kenyan civil society attracts a multiplicity of definitions that will take a whole book to discuss about them. This study was interested in capturing what it understood as the best representation of civil society in Kenya and thus selected the following definitions.

Wanyande (2009: 9) defines civil society in Kenya as any organised non-state actor that pursues the political, social, and economic wellbeing of its members and the general public. They pursue their interests by attempting to limit the freedom and capacity of the state to encroach on the interests and freedoms of citizens. Kanyinga (2011: 89) on the other hand, defines Kenyan civil society as a heterogeneous field comprising non-governmental organisations partaking in development work, community-based organisations, professional associations self-help groups trade unions and faith-based organisations. His sentiments are expressed and supported by Munene and Thakhathi (2017: 2)'s understanding of civil society as the manifestation of various institutions that include NGOs, FBOs cooperatives, self-help groups and trade unions. These definitions provide a broad understanding of Kenyan civil society as they define it in its location and the form to which it occurs.

From these definitions, this study thus operationalises Kenyan civil society as the organised arena of non-state actors pursuing interests of their members [citizens] by limiting the excesses of the state from encroaching to the freedoms of the state. Within this arena of non-state actors, are various sections that engage and advocate for dissent as to be shown in section 5.1.1(see Appendix D for a further visual explanation on sections of civil society).

3.4   Dissent

There is need to tackle the golden question of why civil society or people at large engage in dissent activity in Kenya. Answering the question helps magnify the definition and the understanding of the concept of dissent and establishes working ground for further articulation into the deep underlying layers of political activity that draw people and organisations into dissent activity. I will further expand the knowledge on dissent being cognisant that much of the seminal contributions come from western scholars; but what they conceptualise remains important to my study at length.

3.4.1   Understanding dissent

Stevenson (2011: 255) define dissent as expressing disagreement with a prevailing view or official decision. Falk (2016: 44) dissects the above definition, stating that dissent is the highest form of political participation where existing political ideas are openly challenged. Ritter and Conrad (2016: 86) take an eagle's eye view and assert that dissent occurs when non-state actors collectively threaten to impose costs on the ruling entity seeking change in the status quo policy, power allocation or resource distribution; through strikes protests, and boycotts. From the above

this study operationalises non-state actors as citizens and interest groups within a country; and their dissent action comes with their discomfort with a policy, law, or government action.

Furthermore, this study is drawn to attention by Oduor (2011: 22)'s remarks that, what is considered democracy today incorporates a system of governance in which dissent is an integral part. He further holds that some states claim to be democratic, yet they ignore, muffle and repress political dissent which leads to increased intensity of expressions of dissent. Thus, from the above statement this study holds that dissent is a provision of democracy making importance to Kenyan democracy. Waruiru (2003: 4) defined Kenyan democracy as a system of governance based on the consent of the governed; whereby those in power respect the provisions set out in the constitution and exercise their functions without excluding anyone based on whatever difference they have. Thus, this study will use the above definition to refer to democracy [Kenyan] throughout the study as a way of avoiding continued repetition of definition. The richness of the above definition encapsulates the fact that dissent is seen as political participation that seeks to question or advance a different opinion to the commonly held norms and or laws.

This study understands the concept of dissent from three standpoints that have occurred across Africa and in Kenya which will be expanded in the following sections 3.4.2 to 3.4.4; and will link with discussions in sections 4.4. These standpoints shape out what this study understands by the concept of dissent, and they greatly influence the outcome of findings to be later discussed in the findings chapter. The three standpoints understand dissent as: civil resistance, civil disobedience, and demonstrations and protests.

3.4.2   Dissent as resistance to civil government

Roberts and Ash (2009: 2) define civil resistance as the political action that relies on the use of nonviolent methods aimed at challenging a power, force, policy or regime resulting in the term resistance. They further explain that the civil part pertains to the citizens or society implying that the aims and goals are civil in the sense that they are widely shared and are non-military or violent in nature (Roberts and Ash, 2009: 2). Civil resistance as argued by Randle (1994: 9) operates by mobilising the population to withdraw consent as a way of undermining the opponents' sources of power, using protests, non-cooperation, and intervention. Demonstrations, vigils, and organisation of petitions characterises actions associated with protests and persuasion; while strikes, go slows, boycotts, and civil disobedience host non-

cooperation methods. Sit ins, occupations and the creation of parallel government institutions as methods of nonviolent intervention.

Civil resistance links with the ideas of Etienne de la Boetie's *The Politics of Disobedience: The Discourse of Voluntary Servitude* (1577) sighted by Oduor (2011: 36), which holds that no government can continue to hold when its citizens have withdrawn dissent. It suggests that repressive governments rely on the fearful submission of their citizens, and that the submission of people to tyrannies is more related to their consent than their fear (Oduor, 2011: 36). He asks, 'why in the world should people consent to their enslavement?' if the same consent they give the tyranny can be withdrawn for their total liberation and emancipation. Furthermore, Oduor (2011: 36) understands Boetie's submissions noting that if individuals give more power to a tyrant, the stronger and mightier they become. He further notes that people should not shed blood but advocate for nonviolent resistance and mass civil disobedience since it is the source of fodder for the tyrant. He quotes Boetie's views that; 'I do not ask you place hands upon the tyrant to topple him over, but simply that you support him no longer' (Oduor, 2011: 36). In his views, he advocates for nonviolence as the best avenue to recapture liberty since nonviolent civil disobedience means engaging in behaviour considered as dissent to challenge the laws or actions of a government without using violence or physical force.

In Kenya, civil resistance can be understood in the emerging opposition to Daniel arap Moi's authoritarianism that spanned from 1978- 1992 when the first incidence of multiparty election was recorded in the country. Resistance to Moi's dictatorial tendencies came from student demonstrations and protests in 1979 following the decision by government to bar Oginga Odinga – a prominent opposition figure; and three other politicians from participating in the general elections (Atieno-Odhiambo, 2002: 227). Coupled with student demonstrations, pulpit resistance was another avenue for resisting Moi's authoritarianism, whereby church leaders used their sermons as a way of resisting the repression suffered by citizens in the country (Atieno-Odhiambo, 2002: 226; Sabar, 2012: 1). They were influential in calling for nationwide boycotts to the 1986 elections when the president removed secret ballot provisions and introduced open voting procedures where people would line behind their preferred candidate (Press, 2015: 214). From this study's understanding, the above demonstrations against the Moi administration constitutes withdrawal of legitimacy that reveal that citizens did not agree with the fact that Moi had the right to rule.

3.4.3   Dissent as civil disobedience

Civil disobedience is understood as the collective refusal of citizens to comply with the laws or government policies or decisions, through nonviolent ways. Elliston (1982: 23) understands dissent from a civil disobedience perspective, which regards civil disobedience as the protest actions of the citizens against the laws or the actions of their government as another form of dissenting action by the citizens. Civil disobedience and civil resistance have been closely understood together; but the striking difference between the two being – the former [civil disobedience] is an intentional act of breaking the law. Civil disobedience was a term coined by Henry David Thoreau in his essay running under the same title (Thowfeek, 2014: 549). To him the term meant his refusal to pay the state poll tax imposed by the American government to prosecute war over Mexico and the enforcement of the Fugitives Slave Law. The term was later developed by John Rawls' 'A Theory of Justice', which notes civil disobedience as a public, nonviolent, conscientious yet political act; that is contrary to law done with the aim to effect change. Rawls notes that by acting in this way one addresses the sense of justice of the majority and declares that in one's opinion the principles of social cooperation among free and equal persons are not being respected (Oduor, 2011: 34).

In Kenya, civil disobedience surfaced greatly with people's withdrawal of compliance to certain laws and regulations in the country that traced back to the colonial civil disobedience activities regarding the emergence of independent schools in Kenya in the late 1920s protesting against the dominance of mission led education (Matanga, 2002: 79). The above is further expanded in Tignor (1976c: 262) documentation that the reason to protest the mission schools emanated from the fact that the dissenting African voices did not allow their children to be taught by missionaries who had taken a vow against female circumcision. Their protest action resulted in several mission schools closing as a result of low attendance as most Kenyans forbade their children from partaking in these schools. In addition, student actions of refusing police orders to disperse during Moi's repressive regime also adds to the incidences of civil disobedience in Kenya.

3.4.4   Dissent as protests and demonstrations

Civil disobedience and civil resistance actions lead to actions that can be defined as protests and or demonstrations. These actions largely shape this study's understanding of the concept of dissent and will influence how it will draw conclusions on the research findings.

Protest is defined as the action or statement showing disapproval towards something, while demonstration is defined and conceptualised as an act of showing by a large number of people – be it showing support for a particular idea or policy, or showing their disapproval of that policy or idea. In Africa protest action traces back to the colonial era, where many countries violently and non-violently protested the colonial domination within their countries. Mati (2014: 215) holds that, protest activities against perceived social political and economic injustices the world over are not new, as they are linked to the increasing precariousness of social life. In his view, protest activity is linked to the difficulties faced by citizens in their daily lives, and it is these difficulties that draw people into protest activity. In Kenya, protest activity follows the dissenting activities discussed in section 4.4.1 and section 4.4.2, including demonstrations, go slows, and hunger strikes. Dissent as protest in Kenya also relates to the widespread demonstrations against corruption, for human rights and among other things as found in Khalid and Thompson (2019: 15).

Thus, the above clarifies the founding definition of dissent within this study, noting that dissent can be understood from three notable standpoints. These three standpoints serve as an explanation of how this study applies the discerning views into practice – how the opposing views occurs in practical terms. I thus incorporate the above understandings and define dissent as a way of disagreeing with the relevant authorities and or the laws of the state, through non-violent actions such as mass demonstrations, strikes, petitions, sit-ins, public declarations and a lot more actions; that are entirely non-violent.

3.5   Solving the dissent to violence conundrum

Dissenting actions in Africa are marred with bouts of violence especially when one notes the armed resistance struggles against colonialism that swept across the continent from as far as 1945-1990. Dissenting activities in Kenya do not fall short of mentioning the violent Mau-Mau uprisings that rocked the country from 1952-1960 as presented by Hansen (2009: 2). These violent movements brought independence and emancipation to eight African countries; thereby noting their successes. What is of importance is to not that most of these violent movements took a lengthy time before their intended success and resulted in the considerable loss of lives. Chenoweth and Stephan (2011: 201) later argued that violent campaigns as compared to nonviolent campaigns work in the short run than in the long run, given that there are likely to degenerate in repressive regimes that lack democracy and the respect of people's rights. Hence from this background, this study suggests that instead of focusing on violent dissent action, it

is worthwhile to note the salience of nonviolent dissent as the suitable form for citizens to engage. Nonviolent dissent solves the dissent to violence conundrum since it allows for peaceful ways of either resisting or disobeying repression or authoritarianism.

3.6   Conclusion

In a nutshell, this chapter provided the founding conceptual framework for this study. In this chapter, this study managed to operationalise the concepts of dissent and the concept of civil society considering what this study aims to understand later in the analysis part. The concept of civil society was defined from an African and Kenyan definitive point of view, while a reflexive approach was done to define the concept of dissent. These concepts will in turn guide the flow of the following review on Kenyan literature regarding civil society and dissent.

Chapter 4   Literature review

This chapter provides the key literature texts on Kenya's history, civil society, and dissent. Sections 4.1 to 4.3 navigate the precolonial Kenyan society to the period of colonial conquest. This is done mainly to show what kind of society prevailed before the country was colonised. Section 4.4 discusses the main texts about dissent in Kenya, while section 4.5 to 4.6 discusses key literature on civil society in Africa and Kenya. Section 4.7 discusses the criticisms attached to African and Kenyan civil society, while section 4.8 presents a discussion on the revival of dissenting activities in Kenya. Presenting the historical background of Kenya is of importance in aiding the understanding of dissent and civil society in the country. Following this historical trail, exposes the different salient features that led to the initiation of dissent and the subsequent formation of civil society. Above and all, the historical trail serves to establish what this study understood as civil society and dissent as discussed in chapter 3.

4.1   Historical background of Kenya

Ochieng (1990: 1) presents that any historian charged with providing an evolution of Kenya before 1900 is faced with several difficulties regarding the uneven availability of monographic materials. This however does not mean an acute shortage of these materials given the availability of materials from Ogot et al. (1976); Roland and Gervase (1963) and Fadiman (1978), among others that aptly explain the historical origins of present-day Kenyan societies in their above seminal work.

Many East African ethnic groups (including Kenya) are composites of people who came to the area at different times gradually adopting language, custom and tradition, and assuming identity (Isichei, 1997: 123). Thus, the trail of the first people in Kenya points to the Khoisan speaking hunters and gatherers who were displaced south by the modern-day ancestors of the Maasai and Somali pastoralists (Isichei, 1997: 124; Spear, 1981: 16). The hunter gatherers where later followed by waves of Southern and Eastern Cushite, Southern and Eastern Nilotes and Bantu groups (Fortes, 2013: 13; Isichei, 1997: 125).

Cushites

Fortes (2013: 15) records that the Cushites were the second earliest known inhabitants of Kenya who migrated from what is now known as present day Ethiopia. The Cushitic people moved in two groups, with the first groups being the Southern Cushites comprised of the Dahalo people who migrated from Ethiopia into the Kenyan highlands (Fortes, 2013: 15). The second group

were the Eastern Cushites comprised of the Borana, Somali, Gabra, Rendile, and the Burji who later migrated into Kenya from Somalia around 1000AD (Fortes, 2013: 18). They engaged predominantly in pastoral activities and were organised according to age sets that later developed into clans. The clans were led by a council of elders that presided on the interests of all the clans. Pastoralism was the overwhelming dominant economic activity for the Eastern Cushites and Nilotes

Nilotes

The Nilotes entered Kenya from the north and the north-east in the regions just above Lake Turkana, where they subdivided into three subgroups namely the Highland Nilotes, the Plains Nilotes and the River and Lake Nilotes (Fortes, 2013: 20). Ochieng (1990: 10) highlights that the above group of people is believed to have lived-in south-western Ethiopia and moved southwards into Kenya following spells of droughts, diseases and in search of greener pastures. He further notes that the Highland Nilotes included sections of the Kalenjins, whereas the Plains Nilotes comprised mainly of the pastoralist groups of the Maasai, Turkana, and Samburu. The River and Lake Nilotes comprised mainly of the Luo who were cattle-keepers and engaged in crop cultivation (Ochieng, 1990: 10).

The Bantu

First recorded Bantu groups occupied Kenya in the periods ranging from 100AD going forward and occupied the Western, Central and Coastal areas of Kenya. The Abaluyia, Abagusi and the Abakuria; comprised most of the groups who occupied the western parts of Kenya (Ochieng, 1990: 3). The Kamba, Kikuyu, Embu, Mbere, Meru, and Tharaka people comprised most of the Bantu groups that settled within the Central cluster of the region, while the Pokomo, Mijikenda, Taita and Taveta groups chiefly occupied the coastal region (Fortes, 2013: 30-34). These Bantu speaking groups engaged in various forms activities that ranged from agricultural cultivation, livestock production, fishing, iron work, pastoralism.

4.2   Stateless precolonial society

Much historical evidence of the people of East Africa and Kenya in particular, draw attention to the prevalence of stateless societies established along family units. Centralised political structures such as the Shongai Empire in Western Africa or the Kingdoms of Buganda and Arikole reported by Michalopoulos and Papaioannou (2013: 115), did not feature in the historical process of Kenyan political systems. Even though they had noticeable differences,

most first people groups in Kenya placed particular importance on the family and to them it is where all civil life existed, and to them it was where the aspect of civility that many western philosophers give much praise; originated from. For instance, Lambert (1956: 1) notes that in the Kikuyu setup, the basic unit of society was drawn in the *mbari* which refers to a cluster of related families. He further notes that *mbari* units exercising control over certain piece of land formed what are known as *githaka.* A *githaka* with its inhabitants thus formed an *itura (matura in plural)* which formed a political unit within the Kikuyu (Lambert, 1956: 1). The *itura* was the focus of the social and political interaction of everyday life and was presented itself in a closely knit like community (Muriuki, 1969: 50). The matura lined up together formed the *mwaki* – which refers to those who assisted each other with hot embers to light fire (*mwaki* means fire). The mwaki lined up together will in turn form the *rugongo* meaning ridge and it was by far the largest administrative unit under normal circumstances within the Kikuyu setup (Muriuki, 1969: 50). To this end, these stateless political systems presented a high degree of democracy and individual liberty given the absence of centralisation. The absence of centralised states meant that members within a group did not pay any taxes, lived in less fear of being policed; and if anyone was not happy with the group –they could leave and create their own perfect society that they saw fit (Waruiru, 2003: 6).

Historical evidence proves that there were numerous incidences of constant intergroup clashes in the precolonial Kenyan society; and not all these clashes were chiefly a result of the difference in ethnicity. Larick (1986: 166) states that, across north-central Kenya occurrence of clashes between different tribal groups ranged from raids on livestock, to pitched battles that displaced groups from their settled territories. Clashes between groups in Kenya is not a new phenomenon but is something that has been there from the ends of time, and chiefly explains why there was a change from hunter gatherers to present day Bantu speaking people. This disclaimer stands mainly for the purposes to clarify that dissent in precolonial societies were a common sight banking from the above inter group clashes.

4.3   Settler colonial domination

The establishment of East African Protectorate by the British Foreign Office in 1895, gave British claims in Kenya to William Mackinnon's Imperial British East Africa Company (Tignor, 1976b: 18). It was through this company, that the settler imperialists established colonial domination on Kenya from 1895 until final granting of independence in 1963. The colonial administration in Kenya premised on British traditions and western civilisation,

established a system of governance led by a governor and accompanying secretariat. To effectively exercise complete domination on the newly established colony, the Colonial Office partitioned Kenya into small provinces, districts, divisions, and locations(Onyango, 2015: 186).Onyango (2015: 185) elucidates that through Sir Elliot Charles' governorship the need for self-sufficiency was greatly encouraged, leading to the enactment of hut and poll taxes and the occupation of Kenyan highlands. He further notes that the settled British colonialists who had ostensibly embarked on a journey of civilisation, Christianity and commerce; created a vacuum that ignored and forgot the people who had occupied the land they now referred to as 'white man's land' (Onyango, 2015: 185).

Tignor (1971: 342) notes that precolonial stable African societies were disturbed by the advent of the British colonialists who found it very difficult to appreciate the decentralised political systems that prevailed in the land they had captured. He further adds that, they gathered ample evidence about the Kikuyu and other political societies and discovered that prior to their coming into Kenya these people had no chiefs (Tignor, 1971: 342). Their quest to locate a chief, alerted them of the existing council of elders that governed most Kenyan societies; and within these councils, the British created a system of chiefs that allowed them to indirectly rule the African population (Tignor, 1976a: 42). Although the institution of chiefs had an African originality, Mamdani (1996) argues that they became agents of the colonial administration on the local population.

This study appreciates the above precolonial markers and the colonial legacy that serve as proof of the undisturbed political society that was in harmony with its own people before the advent of colonisation. Precolonial Kenya show the existence of a purely African democratic society based on membership to one's clan, family unit or bigger tribal group. Belonging to such groups meant people had the ability to exercise their individual freedoms without fear of being policed by the state. Thus, this study builds the understanding of civil society in Kenya based on the precolonial conditions that existed before the wave of contested Western academic definitions and theories. This study also notes that the colonial settler administration was chiefly responsible for much of the destruction of precolonial Kenyan societies, through the creation of new boundaries and the violent thuggery of Kenyan land. These colonial incidences later created grounds for waves of protest activity – to be discussed further.

4.4 Dissent in Kenya

Work on dissent in Africa has focused on religion (Ranger, 1986), academia (Hugo, 1977), labour (Mothibe, 1994) to mention only a few. These leading sources highlight the manufacturing of information and knowledge on dissent and have greatly shaped how dissent is understood and conceptualised. The following sections 4.4.1 and 4.4.2 trace dissent in Kenya from the colonial onset until the end of the authoritarian regime years; and in section 4.8 link its revival with civil society in the Jubilee Coalition regime. These sections on dissent aim to highlight how the earlier operationalised definition of dissent presented itself in the literature.

4.4.1 Colonial resistance

Accounts of colonial resistance follow different paths within Kenya, with indigenous religious leaders being one source of rebellious activities. Mahone (2006: 246) recalls the influence of one such religious leader; Ndonye wa Kauti a little-known indigenous prophet in the Machakos District of colonial Kenya. His famous sermons on the arrival of a European God with the ability of banishing Europeans and subsequently destroying the tax system in Kenya, attracted much attention of the colonial administrators and the local Kenyan people. The attempts to have him certified under the lunacy laws that governed the colony worked to his benefit, as it severely affected tax collection within the district as a result of people adhering to his prophecies.

Furthermore, Dini ya Msambwa meaning Religion of Ancestral Customs was another notable political religious movement that emerged as a way of fighting against colonial domination. De Wolf (1983: 265) notes that the group was led by Elijah Masinde who the colonial Kenyan administration certified 'insane' as a result of his actions assaulting a local chief's assistants on duty of recruiting men for compulsory employment. As a result of his actions, he was arrested and served as an inmate at the Mathare mental health institution. Vermouth (1980: 313) highlights that following his release, he revived the group's tenets that called for the departure of Europeans from Kenya, and the call for people to revert to their precolonial ways and religious practices of their ancestors. De Wolf (1983: 268) further adds that, his calls were based on his visions that following the departure of the Europeans, an African King and administration would be restored [much to which happened in 1963 when Jomo Kenyatta was elected the country's first black president.]

Apart from the religious activities, the formation of independent indigenous schools in Kenya during the colonial period presents the people's dissenting views regarding western education. A ban on female circumcision in Kenya by three leading missionary communities prompted

widespread discontent amongst the Kikuyu people (Stanfield, 2005: 82). Through the formation of various organisations such the Kikuyu Independent Schools Association and the Kikuyu Karinga Education Association; development of purely African schools swept across the country at blitz speed. Stanfield (2005: 82) further notes that the need to develop independent schools led to the establishment of the first independent teacher training institution at Githunguri in 1939. The reason behind formation of the above institutions was grounded on the fact to resist the influence and dominance of European education on the Kenyan population.

In addition to independent schools, this study appreciates Obudho and Aduwo (1989: 18)'s remarks that development of urban centres in Kenya was a product of colonisation, that precipitated squatting and slum activities across these urban centres. Srinivas (2012: 703) defines a squatter as a person who settles on public land without title or authorisation from the relevant authorities; or takes unauthorised possession of unoccupied places. Obudho and Aduwo (1989: 19) note that during Kenya's colonial period, slum dwellings mushroomed across many urban centres as a result of housing shortages. For instance, in 1939, Nairobi had more than 40 000 legitimately employed Africans against 9000 housing units (Obudho and Aduwo, 1989: 18). This meant that the remaining 31 000 had to look for other alternative means of accommodation [with this study pointing towards slum dwellings].

Sprouting slum dwellings prompted the government to launch massive slum clearing programs dating to the 1953 Mathare slum demolitions, Operation Anvil of April 1954, and the destruction of slum dwellings in Eastleigh Nairobi in the 1970s (Klopp, 2008: 297; Obudho and Aduwo, 1989: 20). These slum demolitions left many unhoused, landless, severely violated and deprived of their dignity. In as much as they cleared the slums, the demolitions did not deter the rate at which the slums occurred in urban areas given that at one point a third of Nairobi's population once resided in slums. The resistance to continue with slum dwellings and disobey calls to vacate land, borrows form Vasudevan (2011: 283)'s analogy of squatting in Berlin as a dramaturgy of dissent. The analogy presents squatting as a protest or rebellious symbolic action of showing by those without much power. It also follows Atia (2019: 1)'s postulations of slum dwellers in Morocco resisting cities without slums. These analogies are central in understanding the slum activity in Kenya as a way of dissenting action against the authorities – since in most cases housing shortages prompted slum activity.

4.4.2   Dissent during the repressive era

The post-colonial Kenyan government was established on the premise of *harambee* Swahili term meaning let us pull together. following the election of Jomo Kenyatta as the country's first president, *harambee* became a national slogan framed to denote to the collective effort and all forms of collective reliance among the people of Kenya (Mbithi and Rasmusson, 1977: 13). The harambee tenet did not live long before the state turned the gains of independence into an authoritarian repressive state. Ndegwa et al. (2012) in their book *History of Constitutional Making in Kenya,* highlight that Kenya went through a series of constitutional amendments in the years preceding attainment of independence. These constitutional amendments transferred much power in the hands of the president, and in the gave the president a fair deal of emergency powers Ndegwa et al. (2012: 14). For instance, the sixth amendment gave the president powers to detain a person without trial, limit freedoms of expression, association, movement, and assembly (Angelo, 2019: 243; Widner, 1993: 67). Solidifying the county's laws into his hands empowered the president the ability to control and manipulate political opponents, such that in 1969 the president announced an umbrella ban on all political opposition and assumed de facto one-party status in the country (Nepstad, 2011: 97). This did not sit well with the people of Kenya and instigated widespread dissenting activities.

Bienen (1969: 10) notes that the first taste to dissenting actions came in 1969 when students at the University College protested the banning of opposition figures on campus. The students had organised a meeting with prominent opposition political figure Jaramongi Oginga Odinga, but their meeting subsequently disallowed following the restrictions that had been imposed on the politician barring him from university premises. Students engaged in en *masse* boycott of lectures and other university activities as a way of expressing their discontent with the ban (Bienen, 1969: 10). Students also protested the assassination of Josiah Mwangi in 1975 in what they believed to be foul play from Kenyatta. Mwangi was a well-known critic of Kenyatta who was not charitable with the regime's corruption and negligence of the Kenyan people. His assassination drew attention to Kenyatta's abuse of security forces and his clampdown on dissent (Oduor, 2011: 29).

Furthermore, following the death of Jomo Kenyatta in 1978, his successor Daniel arap Moi continued the repressive and authoritarian tactics that had been initiated by his predecessor. Akivaga (2002: 27) notes that Moi premised his tenure on oppression, repression and marginalisation of Kenyan people aimed at creating a culture of crippling fear meant to create passive silent spectators. He governed through what Gimode (2007: 239) classifies as violence,

harassment, intimidation and the casual use of state security organs for self-preservation. These conditions prompted widespread discontent with his leadership style, resulting in junior members of the Kenyan Air Force attempting a coup d'état in 1982 (Press, 2015: 212). News of the coup drew attention to the student community, who immediately engaged in protests and demonstrations in support of the attempted government takeover. The coup attempt failed as had been planned and gave Moi the grounds to justify continued suppression and intolerance to dissent.

Furthermore, the transport sectors presented another key avenue for dissent during the repressive years of Moi. Within the transport sector, are what Mutongi (2006: 549) refers to as *matatu* – which refers to small minibuses that ordinary Kenyans use for their daily transportation. The *matatu* emerged in Kenya in the late 1950s following the failures of the colonial government to provide adequate transportation to the ever-growing African population; and were considered illegal (Rasmussen, 2012: 418). Jomo Kenyatta however declared their illegality null and void when he announced in 1973 that *matatu (matatus* in plural)* could carry passengers without obtaining approval from Transport Licencing Board and Public Transport Service (Khayesi, 1999: 3). This decree however did not live long, following the death of Jomo Kenyatta in 1978. Moi initiated different ways aimed at suppressing the *matatus*, reference being the 1986 Moi's administration raise on safety regulations standards aimed at forcing matatu drivers off the road (Nepstad, 2011: 107). In response to the safety standards, the Matatu Vehicle Owners Association embarked on a nationwide go slow that left many people stranded and unable to report for work (Mutongi, 2006: 554). The *matatu* also played a significant role promoting protest activity during the repressive years of Moi. Matatu drivers were the first to greet each other with a two-finger greeting – that symbolised the ripe time to switch to multiparty elections (Khayesi, 1999: 4). Furthermore, Khayesi (1999: 4) remarks that the matatu were instrumental in the protest activities in Kenya; whereby they would collude with the political activists planning demonstrations by attending any planned demonstrations and as a result paralyse the whole transport system in Kenya.

Equally important, Moi's administration continued with its repressive stance into the late 1980s to early 1990s, attracting mounting dissenting actions. For instance, in 1989 the Green Belt Movement led by the late Professor Wangari Maathai initiated a peaceful protest to block plans to erect a statue and a sixty-two-storey office park, in the open Uhuru Park in the middle of Nairobi (Press, 2015: 216). Through planting of trees, and mounting international pressure on

the regime, the movement managed to halt the proposed construction of the of statue and office park, to the delight of many Kenyans.

Waruiru (2003: 29) remarks that the joint press conference by former Moi cabinet ministers calling for the reversal to multiparty politics that once prevailed in the founding years of Kenyan independence, marked the beginning of Moi's authoritarian regime's downfall. A series of preceding events led to mounting pressure from within and from the international leading to the abolishment of the Moi's one-man rule and the switch to multiparty politics. From this study's view the end of the Moi's authoritarian years marked the flattening of dissenting activities amongst the Kenyan people, given that in 2002; Moi lost his presidential election to a united opposition led by Mwai Kibaki.

The Kibaki regime brought many hopes to the local Kenyan people as it introduced economic recovery and revival strategies aimed at improving the overall outlook of Kenya. The government drafted long term plans and improved tax collection and administration – that led to self-sufficiency without external aid (Muchai and Muchai, 2016: 11). Although the election of the new Kibaki regime brought hope and assumed prosperity on the Kenyan hopefuls, it did not take time until it lost it with mounting accusations against grand corruption and favouritism (Murunga and Nasong'o, 2006: 10). The Kibaki administration largely welcomed dissent from both the citizens and the cabinet members, with Kibaki losing a referendum after the members of his cabinet decide to campaign against it (Jeevan, 2005: 17). Bouts of violence following the disputed 2007 elections shed a dark picture for Kibaki although these emanated from ethnic disturbances that were not linked to dissent.

4.5   Understanding civil society in Africa

There is a substantial body of literature discussing the emergence of civil society in African politics, some of which looks particularly at the Kenyan scene and in part explains the importance of civil society and its relevance to society. For this study to present civil society in Kenya, it would be of best interest to discuss some parts of African civil society as a way of creating the link between African societies and their local communities. This section provides an overall understanding of the functions done by what this study defined as African civil society in section 3.2.

Maingi (2016: 1) further notes that the contributions of civil society in Africa cover much work in the political, social and economic aspects of a given society. From an economic and social stance, the absence of viable state or markets within most African countries precipitated

sections of civil society to act as the most important alternative for promoting economic development (Makoba, 2018: 32). Furthermore, the political contributions portray the emergence of civil society, as a response to the growing wave of democratisation that swept through Africa in the late 1980s (Helliker, 2012: 80; Makumbe, 1998: 305). Soon after independence ruling elites in Africa favoured state sovereignty through establishment of one-party military regimes aimed at blocking participation (Bratton, 1994: 5). In addition, Chazan (1992: 282) saw civil society in Africa as the crucial agent bent on check authoritarian rule. This allowed African citizens to autonomously engage in activities that were bent on pressuring the repressive authoritarian regimes(Bratton, 1994). These standing activities of civil society later led to the destruction and complete fall of most authoritarian regimes with Kenya being a reference. In the aftermath of these repressive regimes, civil society in African acted as a key agent in the democratisation process, as it made states more transparent and accountable. Transparency and accountability came as a result of democracy education; a socialisation mechanism used by civil society organisations to familiarise citizens with the ethos of democracy and political accountability through civic education programmes (Bodewes, 2010: 547).

Thus, the above provide a synopsis of the concept of civil society in the general context of African societies. It will be unfair to assume and apply the above context on the plurality of African societies. All the above does is capture the leading discussions on African civil society and present the way in which they conceive about it.

4.6   The context in which civil society operate in Kenya

The discussion on civil society in Kenya includes discussion on the role of civil society in the colonial era with the charitable organisations, self-help associations, and women organizations of the late 1930s and 1940s identified as the dominating force of civil society in the long-protracted struggle against colonial domination (Kameri-Mbote, 2000: 2). In the post-colonial era, the academic field, professional associations, trade unions, farmers' unions and student movements have been identified as important actors in Kenya's civil society (Makumbe, 1998: 305). These civil society actors will be used in this discussion to refer to the umbrella term of Kenyan civil society [to be discussed further in the conceptual framework]. The discussions under this section aim to show the context in which Kenyan civil society operates as defined in section 3.3 of this study.

The expanding literature on Kenyan civil society credits it with the role of challenging state hegemony, mobilising citizens against tyranny, advocating for human rights, democratic governance, public service provision and human development (Bodewes, 2010: 548; Wanyande, 2009: 14-15). The discussion continues by crediting Kenyan civil society as the critical voice that broke the chains of one-party state rule in the late 1990s following mounting pressure on the Moi administration (Wanyande, 2009: 15). During the repressive tenure of Moi's government, civil society organisations were the only credible alternative voice available for citizens to air their views or initiate discussion (Okuku, 2002: 62; Wanyande, 2009: 25). Since his repressive stance meant the absence of formal political organisations, civil society organisations emerged as the next alternative for the citizens to advance their political ideas.

Furthermore, Kenya like many African states went through the phase of economic instability and as a result adopted policy prescriptions in the form of structural adjustment policies conditioned by the Bretton Woods institutions. This created an imbalance in society as the government failed dismally to provide for the needs of its own citizens (Makoba, 2018: 38). These mounting woes created what Makoba (2018: 38) referred to as the fertile environment for the independent organisations to fill in the recognisable gaps. As the repression continued, international donors pulled their funding towards state institutions and transferred it to the newly emerging independent organisations focusing on a wide array of issues amongst them human rights and governance issues (Asingo, 2003: 28). In addition, Kenyan civil society emerged as a solution to the continued marginalisation and exclusion of the general population from the country's abundant natural resources (Munene and Thakhathi, 2017: 3). Kenyan civil society has fiercely fought against this continued marginalisation of the people through spirited campaigns aimed at enhancing community beneficiation from natural resources of the country (Nyamu-Musembi and Musyoki, 2004: 7;11)

Religious institutions in Kenya have played an important role as part of Kenyan civil society. From the colonial religious movements such as the previously Dini ya Msambwa to the post-colonial Kenyan religious organisations; these institutions provided the arena free from state control for citizens. Religion is a sacred institution in Kenyan politics, and the church became a fertile ground for associational life since the repressive laws curtailing freedom of association and assembly did not extend to churches (Sabar, 2012: 10). For instance, the National Council of Churches of Kenya (NCCK) which was an umbrella organisation consisting of over 50 church groups within Kenya which evolved as one of the leading critical voice against the state

in the 1980s to late 1990s (Ndegwa, 1994: 24). They were instrumental in the opposition of the opening voting system that was introduced by Moi and rallied most of their members to organise mass resistance against the open voting system. Munene and Thakhathi (2017: 4) note that civil society in the aftermath of the 2007 political disturbances, have engaged in numerous activities that enhance participation of citizens in local government affairs. For instance, the violent 2007 elections are highly attributed to the governance issues that affected the country in the run up to these elections. In the aftermath of the violent elections, civil society managed to play an important role in encouraging peacebuilding and wider governance within the country.

The above presentation presented a synopsis of the context in which civil society in Kenya operates. The above context highlights the heterogeneity of the concept of civil society given that sections within civil society are involved in various issues as presented. The importance of the above synopsis emanates from showing the varied context in which sections within civil society engage in their activities. It would consume much time divulging in each and every section, hence the synopsis highlighting the areas important to this study.

4.7   Criticisms of civil society in Africa and Kenya

However, in as much as scholars have attributed positively to the concept of civil society, others have stood out strong to castigate it for its shortcomings. Leading authority on the criticism against the neo-liberal model of civil society point towards it being western and thus cannot fit well in the African scene. Of interest to this study, Dicklitch (1998: 6) notes that very few organisations qualify and quantify as people organisations, primarily because of their reliance on western funding and the lack of self-sufficiency. They further refer to some sections of civil society in Africa as briefcase organisations because they have questionable origins and questionable objectives (Dicklitch, 1998: 8). Chabal and Daloz (1999: 19), corroborate the above by stating that flourishing civil society arguments are not indications of vibrant civil society, rather as a pragmatic response to the flow of donor funds. They hold that civil society organisations form a new structure of elitism where Africans seek to establish profiteering positions. Mamdani (1996: 13) criticises African civil society for its weakness to bridge the divide between the urban citizen and the rural subject since many civil society organisations operate in urban areas conducting projects in rural areas.

Kenyan civil society has not been spared from the rod of mounting criticisms. Wanbali (2001) as cited by Orvis (2003: 248) criticises civil society in Kenya in a rather harsh tone, regarding

it as puerile nonsense and opportunist traders that masquerade as civil society activists in a bid to cheat millions of dollars from western donor funders. The criticism notes that Kenyan civil society are all in for money that comes from donors and in most aspects do not connect their rural peripheral communities. Ndegwa (1995: 15) also suggests that the political actions of Kenyan civil society might not reflect the preferences of their rural grassroots communities, with Chemengich (2009: 28) suggesting that there is little evidence that activities of civil society have benefitted local communities. This stems from the fact that the multiple democratic programs that were advanced by Kenyan civil society organisations then and now are just a response of the civil society organisations to the available funds than the genuine concerns of the people in various communities (Chemengich, 2009: 28). Equally important, the reliance on donor funding has led critics to believe that Kenyan civil society is accountable to external forces than the local people they serve. In as much as they engage in projects and activities within communities, their accountability lies to those who fund them than to the locals [more like knowing where their bread is buttered] (Wanyande, 2009: 18). In addition, (Wood, 2016: 539) was of the view that donor funding results in upward accountability than horizontal accountability necessary to the local people they serve. Their criticism owed to the fact that in as much as local sections of civil society receive funding externally, they report more to these donors than they report to the people they are serving.

These criticisms thus add to the aims of this study in the quest to answer the research questions concerning why civil society engages in dissent. From the criticism it might appear as if the study has got its answers on why civil society engages in dissent; but a further discussion in chapter five will lead to the final conclusions on whether critics make valid suggestions or not.

4.8   Civil society and revival of dissent in Kenya

Dissent has since resurfaced in the current Jubilee coalition led government. People have resorted to airing their views using satire in the highly unregulated arena of social media. Kenya is amongst the continent's countries with more than 78% of the total population being actively connected to the internet (Muthoki, 2018: 18). This has opened new sources and pathways for people to express themselves, with Haugerud et al. (2020: 275-276) noting the swift transition to Twitter and the use of political satirical cartoons as one commanding feature. Coupled with the above, a growing wave of discontent has crept within advocacy related groups resulting in numerous dissenting actions within the country. These groups have engaged in demonstrations against corruption, inequality, land access, freedoms, and human rights violations among others

within various parts of the country (Khalid and Thompson, 2019: 15). In as much as these activities have been tracked, the underlying reasons that draw these organisations into these dissenting activities, remains either unknown or highly assumed. To this end, this study thus seeks to clarify this silent academic gap and understand the various reasons that draw sections of civil society in dissent in the discussion to follow in chapter 5.

4.9   Conclusion

This section provided the extensive literature review of dissent and civil society in Africa and mostly in Kenya. This chapter provided an understanding of the precolonial Kenyan society and the subsequent colonial legacy; and how it affected society. Dissent and civil society in Kenya where part of the precolonial society establishments and were pretty much distorted by the advent of the colonial masters. The advent of colonisation influenced much dissenting activities from the local people and continued in liaison into the post-colonial independent state. The importance of these clarifications stems from the need to make claims of the existence of civil society and dissent within African societies before colonisation.

Chapter 5   Research findings and analysis

This chapter seeks to provide the various reasons that draw civil society into advocating for dissent in Kenya. In the hope of fully understanding the various reasons that draw civil society into dissent, this study analysed the political environment in which Kenyan civil society operate. By political environment, this study refers to the state actions that affect the operations of organisations within Kenya. By looking at the political environment, this study sought to see how the actions of the state affected civil society [if any]. From the political environment, this study noted that the environment had since turned hostile, coupled with shrinking civil space and heightened devolution of corruption. These findings are discussed at length in section 5.2.

In addition, the carefully analysis of the political environment, led this study to see if the political environment can explain about the level of dissent within Kenya. This exploration was conducted to suffice this study's question on: 'What can the level of dissent explain about Kenyan democracy?' This study pursued this question to understand if the level of dissent in Kenya could give interpretations about Kenyan democracy from the analysed hostile environment. The question did not seek ways of measuring the level of dissent, but present that the previously discussed flattened dissenting curve under Kibaki, had since started to rise in the new Jubilee Coalition. The findings to this question are discussed in length in section 5.3.

After carefully understanding the political environment and the level of dissent, this study then sought ways to understand what exactly draws civil society in advocating for dissent. The quest to understand this was done using this study's research question on: 'What are the reasons that urge civil society/Inform Action to advocate for dissent in Kenya?' The question was branched to address the various issues that respondents from Inform Action Kenya and the civil society experts saw as the beacon for drawing civil society into advocating for dissent. Furthermore, within this question, this study sought to understand if the civil society experts, and the informants from Inform Action Kenya corroborated of the existence of a working relationship between civil society and the communities they operate in. From the findings, shrinking civil space, conducive working relationship, raising awareness, educate, and working relationship with communities came as the main reasons why they engaged in dissent. These findings will be discussed in length in section 5.4. Equally important, this study further sought ways to understand how Inform Action and the civil society experts thought civil society advocated for dissent. The main thrust was not to show only why they advocate for dissent, but also to present in what way they do so. The discussion on the above, is thoroughly conducted in section 5.5, with films, protest activity, publications, and citizen journalism as the main findings.

This study thus arrived at the final stage of the research findings, by asking the respondents: 'What challenges has civil society met and how has this affected advocating for dissent? The main motive of this question was aimed at showing the various stumbling blocks that civil society in Kenya goes through in their quest to advocate or dissent. The question sought to address that civil society in Kenya might be a superhero when it comes to dissenting activities, they also face challenges that deter their work. The main challenges sighted where the political environment, funding, mental health, security challenges, and disorganisation as to be shown in section 5.6.

The views incorporated in this chapter were gathered from two participants from Inform Action Kenya anonymised as INAK1 and INAK2, and two civil society experts where anonymised as CSE1 and CSE2; as well as documentary material (refer to section 2.3.6).

5.1   Inform Action Kenya

To understand and comprehend how civil society advocates for dissent in Kenya, this study employed Inform Action Kenya as a handle on understanding how sections of civil society advocate for dissent (refer to section 2.2). Inform Action Kenya is a human rights organisation formed in 2007 after the occurrence of violence in the country following disputed elections (INAK1, interview 21 May 2019). Inform Action uses film and community engagement to get ordinary citizens to speak out and act. Their journey started when they screened films to the most affected communities in Kisumu and the Coastal provinces, in the hope of clearing animosities between people (INAK1, interview 21 May 2019). Since 2010, they have empowered hundreds of thousands of Kenyans throughout the country with their innovative films. Their vision seeks to see an informed and empowered society that speaks truth to power by demanding social justice and accountability; coupled with the motto Watch, Discuss, Act (INAK1, Interview, 22 May 2019). Their mission aims at informing and empowering Kenyan communities in order to catalyse public debate and action for a just and accountable society (Inform Action Kenya, 2019).

The views from Inform Action Kenya where supplemented with responses gathered from civil society experts within Kenya, who have expertise knowledge on Kenyan civil society. As had been mentioned in the methodology chapter, their responses where used to triangulate views gathered from Inform Action in the hope of getting a clearer picture on the reasons that drive sections within Kenyan civil society into dissenting activities. The views from Inform Action Kenya and civil society experts were not used to generate conclusions on the heterogeneous

Kenyan civil society, but where only used to understand how the advocacy section within Kenyan civil society engages in dissent activities.

5.2   Navigating through Kenya's political environment

Kenya's political environment during the period under review exurbs extensive repressive means towards civil society and the general public. Reports obtained from Amnesty International and Human Rights Watch, paint a gloomy picture regarding Kenyan political environment. The reports documented how Kenyan authorities have intensified measures to restrict and control the activities of civil society organisations focusing on human rights and governance issues (Amnesty International 2014, 2015, 2016, 2017,2018). The above document findings suggested that, these machinations were designed to instil fear within the various civil society organisations working with human rights within the country.

Interestingly, interview participants gave similar accounts of sections of civil society living in fear as a result of the crackdown. In an interview with a civil society expert CSE1 (Interview, 20 May 2019), s/he said that: 'many civil society organisations in Kenya are operating in fear as they do not know what will happen to them the next day.' On living in fear, respondent CSE2 (Interview, 11 June 2019) mentioned that: 'the current political environment in Kenya left two faces as there are issues one cannot talk of lest they want to land in trouble'. In his/her opinion, the other face pertained the supreme court electoral judgement that nullified the elections held on 8 August 2017 in the country (CSE2, Interview, 11 June 2019). The documents and interview respondents further identified two themes within the political environment, to be discussed in the following sections 5.21 and 5.2.2.

5.2.1   Shrinking civil space

Research findings also pointed that there was a noticeable trend in the shrinking of civil space in Kenya. Concealed efforts of a united civil society force alerted the international community on the involvement of Uhuru Kenyatta and William Ruto in the violent 2007 electoral violence that left many dead and displaced (Njogu, 2018: 14). Their efforts led to the indictment of the two politicians before the International Criminal Court (ICC) in 2011 – an event which marked the beginning of their resentment towards civil society organisations (Kabeberi, 2016: 28). The indictment meant the two politicians in their next electoral campaign led an anti-foreign narrative that was directed at attacking foreign agents [civil society] that had sought ways to divide the nation by indicting them to the ICC. Kabeberi (2016: 28) and Njogu (2018: 14)noted

that the anti-foreign narrative later transmogrified into 'evil society' which has continued to date regardless of the ICC dropping the charges in 2014.

In addition, research participants acknowledged the shrinking civil space and went to lengths in explaining what they believed were the salient features of the shrinking space. CSE1 noted that: 'civil space shrunk when they moved the NGO regulation board from the Development ministry to the Security and Interior ministry' (Interview, 20 May 2019) S/he noted that since the board's transfer, there has been heightened targeting of advocacy organisations tagging them terrorist groups, leading to their forced closure. Research participant INAK2, mentioned that: 'the state resorted to using legal and administrative ways to curtail civil space in Kenya' (Interview, 22 May 2019). In his/her view, the state used laws against some advocacy organisations resulting in either their licences revoked or dragged before courts for partaking in alleged terrorist activities. S/he noted how the state used sections of the PBO Act to shut down two prominent human rights and advocacy groups in 2014, gripping a wide section of civil society with unending fear.

5.2.2 Devolution of corruption

Research findings also acknowledged the devolution of decision making, following adoption of the 2010 constitution. With this devolution, most of the previously centralised decisions such as health care, road maintenance and primary education; have been shifted to the new established county governments (Cornell and D'Arcy, 2016: 3). These county governments work at the bottom of the political structure and presents a situation whereby the government reaches to its own people. In an interview with INAK1, they stated that: 'devolution of governance structures created space to build up dissent from the bottom', (Interview, 22 May 2019). Their remarks concerned how it was now possible for people to direct their concerns to the newly created county governments rather than having to go to Nairobi and lodge their complaints there.

When one looks at it, this might present a very good positive progression of the political environment, where the state adheres to its constitutional obligations. On another angle, devolution created problems that surpassed its intended benefits. Research participants bemoaned the devolution of corruption from the top echelons of power to the newly created devolved county governments. Corruption has spread like wildfire at the bottom and has created greater implications for civil society work (CSE2, Interview, 11 June 2019). Respondent INAK2 was of the view that: 'corruption has penetrated the communities we work in and it now

affects our work', (Interview, 22 May 2019). S/he mentioned that in numerous times county officials had intensified their rent seeking behaviour that they require certain sections of civil society to pay cutbacks if they wish to conduct any program in their county areas (INAK2, Interview, 22 May 2019). Another respondent, CSE1 saw devolution as an intensified plot of what s/he referred to as: 'their time to eat' (Interview, 20 May 2019). What this respondent had in mind corroborated D'Arcy and Cornell (2016: 264)'s conclusions that devolution intensified rent seeking within the newly established county governments.

From the above findings, this research noted that the political environment was laden of layers of activities within the various structures of political life in the country. Statements from the research participants and the analysed documents, reveal a divided political environment with progression noted in some areas, and digression in other areas. When one digs deep into the surface, the political environment presents itself in a hostile like environment, bent on curtailing freedoms and spreading corruption as presented.

5.3   Level of dissent

Understanding the political environment helps build the case on understanding what the level of dissent explains about Kenyan democracy. By level of dissent, this study refers to the occurrence of dissenting activities defined in the conceptual framework understood as either high or low (see paragraph 2 in section 5.1). This study thus conceptualises a high level of dissent as the constant occurrence of dissenting actions such as demonstrations, petitions, and publications that do not agree with the official position of the government; while a low level of dissent refers to the sporadic occurrence of the above dissenting actions.

A report by Rothmyer (2018: 16) noted how previously enjoyed freedoms, opinionated columns, and rigorous public debates had since disappeared on the Kenyan political scene following election of the Jubilee Coalition in 2013. In addition, she noted that during the said times previous times, 'dissent seemed to carry no danger'; highlighting how dissent formed part and parcel of the day to day political order (Rothmyer, 2018: 16). In a seemingly fashion, the election of Uhuru Kenyatta has been regarded as the slump back into pre-Moi times where repression and continued dissenting actions where the order of the day. The incumbent government has sort ways to stifle and muzzle dissent in the country through legislation, constant attacks on civil society, and forced closures on civil society organisations (Ichim, 2020: 395). This has prompted sections of civil society to engage in increased dissenting action,

including participation in protests, marches, reports, and demonstrations aimed at resisting government advances in silencing dissent.

5.3.1 The two faces of dissent in Kenya

Furthermore, this study discovered that respondents' views gave an impression of two faces of dissent in Kenya. CSE1 noted that: 'increased dissenting actions could be used as evidence of a democratic society in Kenya; since people can express themselves freely', (Interview, 20 May 2019). In another interview with CSE2, s/he noted that 'some issues in Kenya will land you in trouble if you decide to the pursue them in courts or in the media'. In his/her view:

> Issues such as corruption, human rights violations, elections, and state brutality on civil society are issues that one does not openly discuss in general public', (Interview, 11 June 2019).

Another respondent, INAK1 noted an increase in dissenting activities from people who came from regions where the presidents came from. S/he noted that: 'these areas are experiencing waves of continued dissenting actions because they believe that, their fellow homeboys have forgotten about them' (Interview, 22 May 2019).

Thus, cuing from respondents' views, on one face dissent presents as a cursor to a healthy democratic state where constitutional provisions are met, judicial independence is respected and new ways of expressing oneself are provided. [From this study's conception a healthy democratic state follows submissions earlier made in section 3.2 (paragraph 2) and the definition of Kenyan democracy given in section 3.4.1]. Within this face, the discerning opinions of the citizens are heard than dismissed, and it is not a crime to hold such discerning views. On the other hand, dissent in Kenya occurs as a result of an unhealthy democratic state laden with police brutality, shrinking civil space and open attacks on civil society, due to increased discerning views. The increased dissenting activities might signal withdrawal of consent (refer to section 3.4.1 and 3.4.2) in the country, since oppression and tyranny [from this study's point of view] are the main reasons for withdrawing consent. This study notes that the democratic health status is critically ill, if people are scared to discuss about issues affecting them in public, if there are continued attacks on civil society to this day. Civil society is the space free from state control, and once a state pursues to stifle it, the healthy democratic state disappears on the horizon.

5.4   Why they advocate for dissent

The political environment and the level of dissent enabled this study to further examine why civil society engage in dissent. The discussion in section 4.6 highlighted that civil society engaged in dissenting activities mainly to fight colonialism, fight the repressive authoritarian government of Kenyatta and later Moi and advocating for the multiparty political system. However, evidence gathered from the respondents' views and the analysed documents reveal that there are numerous reasons why civil society advocate for dissent. The following sections thus seeks to discuss the reasons that draw civil society into dissenting activities at length as had been highlighted in section 5.1 earlier before.

5.4.1   Shrinking civil society space

One main finding from the respondents' views noted the heightened shrinking civil space in the country following the election of Uhuru Kenyatta. By civil society space, this study refers to the space where civil society and its members can interact on matters of common interest with the inclusion of the state. CSE1, stressed that the continued shrinking of civil space meant that they engaged in dissenting actions to, 'fight the evil tag on civil society', (Interview, 20 May 2019). S/he noted that the evil tag on civil society had enabled the government to institute repressive and punitive measures bent on making it difficult for them to operate in Kenya (Interview, 20 May 2019). In addition, INKA1 provided the same regards and noted that, 'the civil space is shrinking from the continued vilification of civil society by the state', (Interview, 22 May 2019). Their views corroborated the above sentiments regarding referencing civil society as evil and s/he noted that: 'these instances have allowed the government to shrinking the civil space in the name of fighting the evil society', (Interview, 22 May 2019). Furthermore, CSE2 noted that the shrinking civil space had drawn sections of civil society to engage in dissenting as a way of defending their platform. S/he said:

> Civil society is an arena free from the state, and once the state pursues ways of shrinking this space, there is no option left for civil society than to defend it (Interview, 11 June 2019)

S/he noted that civil society has engaged in various legal battles challenging the state regarding the shrinking civil space where s/he noted that they took the government to court over its draconian laws (Interview, 11 June 2019).

Equally important, the documentary sources gave supporting evidence regarding the shrinking civil space as had been suggested by the interview respondents. The election of the Jubilee

Coalition in 2013 brought hopes and aspirations for a bright Kenyan democratic society laden with unity, tolerance, cooperation. The Jubilee Coalition pitted past political opponents in the 2007 elections namely William Ruto and Uhuru Kenyatta. In similar fashion of Lord Acton's 'power corrupts; absolute power corrupts absolutely', the newly elected government embarked on a mission to shrink civil society space, through drawing up of repressive draconian bills.

For example, CIVICUS (2015: 4) reported that the Kenyan government sought unsuccessfully attempted to amend 22 sections of the Security Laws Act (2014). The amendments allowed for provisions that empowered senior government officials, the powers to designate areas and times for public gatherings, and processions. The provisions also set in line ways of criminalising publication of what they regarded offensive material that could cause fear and alarm to the public (CIVICUS, 2015: 4). Furthermore, additional sections within the proposed amendments, sought to give vast discretionary powers to the security departments allowing them the ability to arrest and detain any accused person for up to 90 days without charging them (CIVICUS, 2015: 4). These proposals gave grounds for numerous protests and demonstrations denouncing the government's position regarding the said matter. Sections of civil society challenged the government in the High Court; and resultantly won the case when the proposed amendments were declared ultra vires to the constitution (Ogemba, 2015).

In addition to the above, the Kenyan government embarked on a mission to amend the Private Benefit Organisations Act (2013) by seeking to place a 15% external funding cap (Amensty International, 2015: 215). It is not a secret that most sections of Kenyan civil society and Africa in general receive their funding from external sources. Thus, the above regulations sought to limit the functions and activities of civil society by tactically reducing their financial base, leading to crippled organisational activities. From this study's point of view, these measures were designed to break the momentum within civil society, and where aimed at curtailing civil society activities in the country.

5.4.2   Conducive working environment

Most dissenting action by civil society organisations in Kenya aim at advancing a conducive working environment, where people can criticise the government openly without fear. CSE1 noted that: 'the working environment for civil society pushed some sections of civil society into dissent' (Interview, 20 May 2019). S/he mentioned that, 'some human rights organisations still engage in protest activity against the government because it does not want to provide a conducive environment for civil society in Kenya', (Interview, 20 May 2019). S/he further

noted that calls for the release of civil society activists arrested by on trumped up charges, help explain the need for a safe conducive environment for civil society in Kenya (Interview, 20 May 2019).

In addition, the security situation in Kenya has brought numerous challenges on the operations of civil society within the various communities in the country. The current security situation in Kenya is volatile due to increased terrorist activities from groups linked to neighbouring Somalia. The state has done an extensive and commendable job, regarding limiting terror related events. On the other hand, it has used the security of the country to limit the working environment of civil society. For instance, Lagon and Dickinson (2016) note that the state controlled Non-Governmental Organisation Board, deregistered more than 500 organisations on trumped up charges of participating in terrorist activities. In an interview with CSE1, s/he noted that the above actions met considerable dissenting action from civil society organisations including a high court petition against the state (Interview 20 May 2019). CSE2 further buttressed the above point highlighting that: 'the high court decision proved that, the indicted organisations were not terrorist groups, but where organisations conducting their obligatory duties', (Interview, 11 June 2019).

5.4.3   Raise awareness

Social injustice issues have been at the core of dissenting actions of various civil society organisations in Kenya including Inform Action. Dissenting activities of Kenyan civil society aim to raise awareness of pertinent issues that exist and affect various communities in Kenya. In an interview with INAK1 from Inform Action, they said that; 'we engage in dissent as a way of raising awareness of the unseen bits of Kenyan society'. In their view, certain communities are not aware that the problems they face – have been faced and solved by a certain community within Kenya. The solution that a certain community used for solving their problems, is of importance as it sets the foundations for other communities to learn. In addition, INAK1 referred to a case where Inform Action Kenya's field teams were invited in Isiolo community following reports of missing funds for a stalled irrigation project meant to benefit the community (Interview, 22 May 2019). The field team went to Isiolo and screened film footage of past dissenting activities recorded in another community in a different county within Kenya; and the subsequent action that community took as a way of addressing the problems they faced. After screening the films, s/he said that, the community collectively agreed to demonstrate against the stalled project and demand a response from the concerned authorities (Interview, 22 May 2019). Equally important, CSE1 noted that: 'some sections of Kenyan civil society engage

into dissent as a way of raising awareness on the important role played by human rights organisations in the country', (Interview, 21 May 2019). In his/her view, the general perception regarding human rights organisations in the country is tarnished by the state narratives that attack and dismiss their legitimacy before the citizens (Interview 21 May 2019).

Information from the analysed documents revealed that Kenyan civil society engaged in dissenting activities as a way of resting authoritarianism and violation of human rights. For instance, Namwava et al. (2018)'s *They want to Silence Us,* raises awareness on the human rights situation regarding environmental activists from Lamu community. They rightly capture the brutality subjected to human rights activists and alert various responsible authorities on the above matter, and document the lackadaisical stance from the government regarding addressing the said matter (Namwava et al., 2018: 25). The slow approach to solve the human rights situation thus prompted the various organisations involved to write a report and call out the government that it wants to silence them.

Furthermore, this study noted that some sections of civil society engaged in dissenting activities, with the need of raising safety awareness among Kenyan communities. For instance, NCHRD-K and GALCK (2018) produced a safety and protection guide for the lesbian, gay, bisexual and queer people (LGBQ). These key populations remain at risk in Kenya, and the production of such materials highlights the dissenting action aimed at raising awareness on the importance of safe guiding key populations (NCHRD-K and GALCK, 2018: 11). In addition, NCHRD-K and Privacy International (2018) produced a detailed report that raised awareness on the various spying mechanisms that the government conducted on various human rights defenders (HRDs). HRDs for this study refers to a people who, individually or with others act to promote or protect human rights. The publication raised awareness over the covert operations of the government on HRDs, and served as a way of alerting the citizens to be aware of the covert tactics used by the government to spy and track down activists (NCHRD-K and Privacy International, 2018: 7). Thus, the above elucidates how the dissenting activities of civil society raise awareness of various important issues in the country.

5.4.4   Educate

Research findings also noted that the dissenting activities of Kenyan civil society and Inform Action lean towards educating citizens about their rights and various ways to engage in nonviolent dissenting action. CSE1 stressed that: 'the education activities are designed to equip citizens with the best armoury against the vices of the state', (Interview, 21 May 2019). S/he

further asserted that: 'we saw the need to educate human rights defenders on how to conduct themselves during their dissenting activities, so that their action is always nonviolent and peaceful', (Interview, 21 May 2019).

Furthermore, INAK2 stressed that:

> Inform Action and another human rights organisation, collaborated on a massive human rights education drive in Lamu county, through the production of a film entitled "Project Lamu". The film discusses the injustices felt by communities when they are not consulted on development projects within their counties, and educates the community members on the various dissenting they [citizens] can engage to alleviate the injustices they face, (Interview, 22 May 2019).

INAK2 added that:

The post film discussions engage most citizens to seek dissenting action, following exposure to the educative bits of other communities dissenting activities; and it is at this stage that Inform Action Kenya educates the people on the various nonviolent dissenting actions they can pursue (Interview, 22 May 2019).

Equally important, findings from the documentary sources also show that civil society engages in dissenting activities aiming at educating the people to know their rights and responsibilities. For instance, Inform Action Kenya (2018) produced publication entitled My Right to Protest, aiming at educating the citizens on their right to protest as enshrined in the Kenyan constitution. The booklet appears to this study as a bible of all things protest in Kenya, given that it documents the rights and obligations of each Kenyan when partaking in a protest (Inform Action Kenya, 2018: 6). The booklet further provides the various nonviolent ways in which Kenyans might pursue when conducting a protest, and provides key contact information for use when the protest has been violated (Inform Action Kenya, 2018: 7;12).

Furthermore, NCHRD-K and GALCK (2018) and NCHRD-K and Privacy International (2018) educated citizens on their rights and obligations regarding safety issues in the country. The NCHRD-K and GALCK (2018: 14) highlights that everyone is equal before the Kenyan law, including LGBQ people. The safety guide further provides educating sections regarding the various mechanisms that one can pursue if their rights have been violated (NCHRD-K and GALCK, 2018: 24). In addition, NCHRD-K and Privacy International (2018: 7) noted that the sophisticated surveillance techniques used in tracking terrorist activities had been used for

arresting HRDs, their torture and their disappearance. Thus, the report aimed to educate HRDs on the various ways they can avoid these tracking mechanisms, and reduce incidences in which they are exposed to these techniques (NCHRD-K and Privacy International, 2018: 27). From this study's understanding, these techniques where not only used on HRDs, but are likely to be used on all citizens in the country, and the report might come in handy in educating all the citizens on how to be safe.

5.4.5 Working relationship

One of the long-standing criticisms about Kenyan civil society concerns the absence of a connection with the communities they serve (refer to paragraph 2 under section 4.7). Findings gathered from the respondents emphasised the good working relationship between civil society and the various communities they work in. INAK2 from Inform Action noted that: 'their organisation had strong deep roots in the various communities they work in', (Interview, 22 May 2019). S/he noted that the good relationship stems from the composition of the organisations field that are drawn from the various communities where they hold most of their film screenings and community discussions (Interview, 22 May 2019). INAK1 buttressed the above noting that 'the field teams are part of the community and help link up with the community since they know the problems affecting the communities and who the problems should be directed to for solutions', (Interview, 22 May 2019).

Equally important, CSE1 a civil society expert noted that:

> Majority of human rights organisations work with HRDs and these make a big section of their constituency. By working and assisting these activists, civil society organisations show that their working relationship with their community is fruitful and based on mutual understanding, (Interview, 21 May 2019).

Judging from the above, this study appreciates that there is indeed a good working relationship within civil society and their communities. This working relationship in a way precipitates greater chances of dissenting activities given the connection between the communities and civil society and or sections within civil society.

5.5 How they advocate for dissent

Findings from the interviews and documentary analysis highlighted that civil society and Inform Action Kenya used five ways of advocating for dissent namely films, protests, publications, citizen journalism, and legal action. These activities were in line with what this

study understood as dissent [as had been discussed in sections 3.4] and managed to add more activities that shape the concept of dissent as to be presented in the following sections.

5.5.1 Films

Inform Action being the main case study among others, uses films as their main source of advocating for dissent in various communities spread across Kenya (see Appendix E). Inform Action Kenya records social, political, economic, and legal challenges experienced by Kenyan citizens in different communities; and compile these documented challenges into a film (INAK1, Interview, 22 May 2019). The organisation then ventures into different communities where they hold film screening events for their films, as a way of seeking people to pick up issues; with their motto being Watch, Discuss and Act (Inform Action Kenya, 2019). In addition, INAK1 from Inform Action Kenya stressed that the organisation does not visit any community and screen a film because they feel mandated to do so. S/he noted that:

> The organisation's field team drawn from the various communities in Kenya act as the foot soldiers of the organisation as they gather all the problems affecting their communities. In gathering the problems, they engage the community leaders alerting them of their work leading to the screening of our informative films. In some cases, community leaders invite our organisation based on work done elsewhere, (Interview, 21 May 2019).

Buttressing the above, INAK1 highlighted that in 2016 Inform Action Kenya screened the film 'No Man's Land' in Ikorongo community. The film focuses on the socio-economic, and political injustices felt by people in Northern Kenya and highlights in depth how they feel about their treatment. During the post-screening discussion, community members expressed their dissatisfaction about their own situation in Ikorongo and agreed to protest, (Interview, 22 May 2019).

In addition, INAK2 highlighted that 'the content of their films venture on telling Kenyans and the world over about various unseen bits of life amongst within Kenyan communities', (Interview, 22 May 2019). S/he added that the organisation has made the films accessible to through distribution at local county markets, and distribution on their various social media platforms (Interview, 22 May 2019). This study thus appreciates the above efforts as they shape Inform Action Kenya's commitment to have people, watch, discuss and therefore act.

5.5.2 Protest activity

Views gathered from the respondents from Inform Action highlighted that their organisation advocates for dissent through participation in various protest activities within various communities. For instance, INAK1 noted that they assist communities organise peaceful nonviolent protest activities; and in the process record these protests and later compile them into a film (Interview, 22 May 2019). In addition, s/he added that

> We assist the communities by encouraging them to form community action teams (CAT) – a team of members drawn from the community designed to provide a link between the community and the responsible county authorities. Once a CAT is formed, the members in the CAT are then trained and educated with knowledge and information about human rights and their freedoms as enshrined under the Kenyan constitution, (Interview, 22 May 2019).

INAK2 chipped in stating that: 'in most cases CAT decisions lead to dissent, leading us to educate them on the various nonviolent ways they can engage allowed by the Kenyan constitution', (Interview, 22 May 2019). Buttressing the above, INAK1 and INAK2 noted that their field team in Nyeri screened the film Unfinished Business at Ruringu Stadium which was adjacent to Nyeri camps for internally displaced people (IDPs); displaced as a result of the 2007 electoral violence. Unfinished Business is a film that documents what it means to be poor in the areas where the country's leadership hail from and exposes the continued neglect of many Kenyan poor people. The film agitated the IDP community and stirred their anger and frustration towards the government, as they questioned the continued government neglect (INAK1, Interview, 22 May 2019). The Inform Action Kenya Nyeri team then motivated the IDPs to act on their frustrations and encouraged them to form CAT which will be responsible for taking their frustrations to the responsible authorities (INAK1, Interview, 22 May 2019). The newly formed CAT agreed on their course of action – a peaceful march to submit their petition to the county government seeking redress of their situation (INAK2, Interview, 22 May 2019).

Civil society experts CSE1 and CSE2 also noted the participation of civil society in country wide demonstrations as another way in which civil society advocates for dissent. CSE1 noted that: 'sections of civil society participated in demonstrations such as Not in My Country, #KnockOut Corruption, #MyDessMyChoice and many more', (Interview 21 May 2019). CSE2 noted the protest by civil society against the proposed amendments to the PBO Act (2013) as,

another example of how civil society advocates for dissent (Interview, 11 June 2019). S/he noted that majority of these demonstrations, [including the ones referred to by CSE1] focused on voicing civil society's disapproval to the state's repressive tactics.

5.5.3 Publications

Findings from the interviews and documentary sources consulted by this study revealed that civil society and Inform Action Kenya advocates for dissent through publishing materials, such as reports, booklets, among others. A civil society expert CSE1, highlighted that: 'most organisations publish materials that either expose the ills of the government or encourage people to engage in protest activities', (Interview, 21 May 2019). S/he referred to the report produced by Human Rights Watch and the National Coalition of Human Rights Defenders entitled 'They Just Want to Silence Us'. The report documented the abuses against environmental activists within Kenya's coastal region; and sought ways to amplify subjugated activists' voices and expose the treatment they had been subjected to by their county governments.

Furthermore, INAK2 highlighted that their organisation produces a monthly newsletter that documents the various issues affecting certain communities, and the various actions that these communities took to responded to a certain issue. S/he further stressed that:

> These newsletters aim to provide a recap of what took place within a certain community following screening of films. They also serve as a way of capturing attention to a wider audience who might have had the opportunity to attend our film screenings in the various communities where our organisation operates, (Interview, 22 May 2019).

In addition, INAK1 stressed that Inform Action Kenya published '*My right to Protest',* a booklet that gives citizens an insight on the right to protest enshrined under section 37 of the Kenyan constitution (Interview, 22 May 2019). The booklet documents the rights of the people regarding demonstrations and went an extra mile giving tips on how to conduct a successful demonstration (Inform Action Kenya, 2018). Equally important, the earlier mentioned in 5.4.3, the safety guide produced by NCHRD-K and GALCK (2018) presented to this study as another form of advocating for dissent using publications, given that key populations within Kenya still face mounting challenges as discussed in 5.4.3. Thus, these selected publications appeared as the ways in which sections of civil society use publications for advocating for dissent.

5.5.4 Citizen journalism

Views gathered from participants from Inform Action mentioned how the organisation supports dissent through encouraging citizen journalism (see Appendix E as well). INAK1 highlighted that his/her organisation, encourages community members to collect, analyse and share eyewitness reports of events as they occurred in their various communities (Interview, 22 May 2019). S/he mentioned that 'media house owners were bought by the government to supress any information that exposes their wrong doings in return for certain business favours', (Interview, 22 May 2019). INAK2 buttressed the above stating that, 'the above meant relevant community stories do not make it to the public due to the filter imposed on certain topics by these media house owners' (Interview, 22 May 2019).

Thus, as a counter response to the above, s/he mentioned that his/her organisation saw it best to initiate citizen journalism where citizens share first-hand issues as they happened in their various communities (INAK1; INAK2, Interview, 22 May 2019). The shared stories are then authenticated by the field teams who are in close contact with the various community leaders where the story might have occurred. INAK1 highlighted that the main reason behind the verification process emanated from the need to produce authentic reports free from false information (Interview, 22 May 2019).

5.5.5 Legal action

Civil society experts noted with great concern that taking legal action stemmed to be another avenue in which civil society in Kenya advocates for dissent. CSE1 noted that: 'on numerous occasions civil society took the government to court and won against its decisions', (Interview, 21 May 2019). In their view they expressed that: 'the court challenge following the implementation of proposed amendments to the PBO Act (2013) serves as the best example to explain how legal action is another way of advocating for dissent', (Interview, 21 May 2019). In addition, CSE2 was of the view that the Supreme Court rulings reversing the 2017 elections show the greater signs in which legal action is a sign of dissent. S/he further added that: 'the court ruling showed that when citizens are not happy the courts are the next avenue where they can vent their frustrations'. (Interview, 11 June 2019). Furthermore, CIVICUS (2015: 5) highlighted that the High Court of Kenya halted plans to implement repressive communications legislation, thanks to the concealed efforts of civil society. This shows that Kenyan civil society used the courts as a way of dissenting against the hegemonic tendencies of the state as explained above.

5.6   Challenges faced

This section discusses respondents' views on the challenges affecting civil society in Kenya during the study period. Respondents noted with concern various challenges that their organisation and civil society face in Kenya, and these will be discussed in the following sections.

5.6.1   Political environment

Findings from the interviews raised considerable claims on how the political environment challenged the work of Kenyan civil society and Inform Action Kenya. For instance, INAK2 bemoaned that that devolution brought corruption to the bottom, which has not only affected county governments; but has crept into civil society activities (Interview, 22 May 2019). S/he added that 'corruption saw a dent into their activities as people engaged the habit of asking for sitting allowances for attending organisations' events', (Interview, 22 May 2019). S/he further noted that: 'because of corruption some organisations engaged the habit of paying sitting allowances for people to attend their events'; thereby affecting their efforts to educate and raise awareness in communities since Inform Action Kenya does not pay sitting allowances (Interview, 22 May 2019).

Furthermore, CSE1 noted that the continued attacks on civil society drove many sections within civil society into fear. S/he further mentioned that:

> The fear brought by the deregistration of sections within civil society by the government in 2014 signalled that, in as much as they are working with their communities; the state can do whatever it likes with civil society (Interview, 21 May 2019).

Adding to the above, INAK1 stressed that the attacks on civil society affected the perception in which people regard civil society in Kenya. S/he added that:

> The evil tag attached to civil society in Kenya created an atmosphere where genuine civil society activities are dismissed because of an ongoing perception that they are doing it to milk donors dry (Interview, 22 May 2019).

Thus, from the above, this study noted that the earlier navigated political environment still posed as a challenge to civil society as witnessed from the above submissions.

5.6.2 Funding

Funding issues emerged as another stumbling block that affects Kenyan civil society, be it in general or in the pursuit of advocating for dissent. In an interview with INAK2 from Inform Action Kenya, s/he stressed that 'funding was moving away from certain human rights issues as donors where interested in other issues than those that affect civil society', (Interview, 22 May 2019). In his/her regard, this meant some issues are being left out as funding has moved away from these issues and has gone to other areas that might not be 'important' at hand (Interviews, 22 May 2019). S/he further added that, some organisations face difficulties conducting their affairs, as they must struggle with the budget constraints brought by the migration of funding (Interview, 22 May 2019). Furthermore, CSE1 a civil society expert noted that due to funding capabilities, HRDs organisations find it difficult in assisting their members who might have been arrested during dissenting activities (Interview, 21 May 2019). S/he added that: 'the government resorted to using high legal fees against prominent HRDs and in most cases some of the fees might tally a certain organisation's yearly working budget' (Interview, 21 May 2019). In their view, this meant that the various HRD organisation might not be able to pay for these high legal fees as they might not have been included in their yearly budgets (Interview, 21 May). The above was further buttressed by CSE2 another civil society expert, who gave the case of John Githiongo as a working example. They noted that John Githiongo was a corruption whistle blower who got slapped with a Ksh27 million for defamation against a former senior government official (Interview, 11 June 2019).

5.6.3 Security challenges

Mounting security challenges within the country continue to pose huge threats and challenges to various civil society organisations and their respective work for dissent. INAK1 from Inform Action bemoaned the continued security challenges within the country following the ravaging impacts caused by Al-Shabaab in previous years. S/he highlighted that 'some areas are still regarded as hot security zones and deter any plans of civil society to work in these areas', (Interview, 22 May 2019). CSE2 a civil society expert buttressed the above point mentioning 'that the security environment and terrorist attacks made certain areas inaccessible and have posed a huge threat if civil society wants to access them', (Interview, 11 June 2019). CSE1 another civil society expert noted that the security challenges have been arm twisted by the government as an open avenue to restrict and oppress civil society organisations. S/he referred to the instance where the government used provisions found within the Security Act to tag certain civil society organisations as 'terrorists' (Interview, 21 May 2019). They further added

that the above instances 'poses a challenge for civil society, as they are likely to be tagged terror groups if they keep on challenging the state', (Interview, 21 May 2019).

5.6.4 Disorganisation

CSE2 lamented on the disorganisation amongst civil society in Kenya as one stumbling challenge affecting their work. S/he mentioned that instead of working together, 'civil society seems to be competing against each other, which usually results in backbiting in order to secure grant funds', (Interview, 11 June 2019). S/he mentioned that the terms such as 'donor-prenuers' and peaceprenuers surfaced as some of the backbiting tactics within the bracket umbrella of Kenyan civil society. In their view, these backbiting tactics pose a huge challenge within the activities of Kenyan civil society given people will likely not take them seriously if they engage is such practices (Interview, 11 June 2019).

Equally important, CSE1 noted that 'some sections of civil society pursued similar or duplicated roles', thus exposing the disorganisation within the arena of Kenyan civil society (Interview, 21 May 2019). S/he noted that there were various projects being pursued by civil society in various areas that were all similar in content and in execution. In addition, S/he further added that duplication of roles not only exposes disorganisation, it also exposes that resources are being wasted as they are being used for the same problem twice (Interview, 21 May 2019).

5.6.5 Mental health

Participants from Inform Action Kenya highlighted the rising mental health issues across Kenyan civil society as another challenge affecting Kenyan civil society. In an interview with INAK2, s/he mentioned how underlying mental health problems within Kenyan civil society posed challenges that affected the momentum of civil society's work, given that most organisations do not want to open up to these issues (Interview, 22 may 2019). S/he held that:

> Most people working in civil society organisations are faced with mounting mental health problems and are either in denial or in a bad state as they cannot get help from those around them (Interview, 22 May 2019).

In addition, INAK1 buttressed the above adding that, civil society actors are faced with huge family problems as the nature of their work is regarded 'risky' within the country. S/he mentioned that 'some family members either disown or pressurise civil society actors to quit working in the civil society fraternity', (Interview, 22 May 2019). In their view, the above kills

the momentum for civil society work as many foot soldiers are either scared or not willing to engage in some of their activities.

5.7   Conclusion

In summation, this chapter managed to provide the key research findings from the research interviews and the supplementary documentary analysis. The chapter managed to establish why civil society engages in dissent and managed to track in what ways they do so. From the findings, the political environment is hostile to the operations of civil society activities. The level of dissent presents itself in a two-face view and depends with which way one is looking at it. The research participants also gave their opinions on what they conceived as the mounting challenges to their activities, with mental health being one key aspect that caught this study's interest. These findings will be analysed in detail in chapter 6.

Chapter 6   Discussion and conclusions

This chapter discusses and addresses the key findings from Chapter 5, noting how the findings addressed the research questions and how it responded to the study literature. This chapter also adds to the empirical knowledge about civil society and dissent in Kenya [Africa], and provides a remarking response to the leading critics of Kenyan civil society. The findings analysis was conducted using a qualitative decolonised ontology and epistemology of African civil society and dissent. The main reason stemmed from arriving at conclusions that are not premised on a western liberal thought; but conclusions that are shaped by the African context in which they appear in the research. Furthermore, the decolonised ontology and epistemology meant that this study manufactured information on African civil society free from any philosophical underpinnings, other than a clear African philosophical orientation.

6.1   Restating study purpose and research questions

The purpose of this study aimed at investigating the reasons that urges civil society into advocating for dissent within Kenyan communities. The following three research questions anchored this study's quest to understand fully the reasons that draw civil society into dissent activities:

1. What are the reasons that urge civil society to advocate for dissent in Kenya?
2. What can the level of dissent explain about Kenyan democracy?
3. What challenges has civil society met and how has this affected advocating for dissent?

The findings managed to address the above research questions and managed to link and contrast with the literature findings discussed in chapter 4 as to be presented.

6.2   Findings discussion

From the findings research question 1 led the study to the political environment, shrinking civil space, raising awareness, and a good working relationship as the main answers. These findings managed to collude with the views espoused by Kanyinga (2011: 89); Wanyande (2009: 14) among others that fighting repressive and authoritarian regimes spread within Kenya emerged as one of the founding reasons for emerging Kenyan civil society. The documentary sources and the views gathered from respondents INAK1, INAK2 (Interviews, 22 May 2019), CSE1 (interview, 21 May 2019), and CSE2 (Interview, 11 June 2019), further highlighted that the political environment was laden with hostile machinations such as crackdown on civil society, and devolution of corruption. This study noted that the hostile environment in Kenya regarding

civil society relations, precipitated an increase in the level of dissenting activities against the state in general. From this end, this study proffers that, the political environment and dissent have an inverted relationship; whereby the hostile the environment, the more the dissent as gathered from the research findings. In similar fashion, views gathered from the research participants and analysed documents suggest a possible link to substantiate that the reasons why civil society engage in dissent stem from need to fight authoritarian tendencies. The study noted that the shrinking civil space noted appeared in both the political environment and the reasons why civil society advocates for dissent. The study also noted that these findings corroborated with Wood (2016: 539)'s claims of a shrinking civil space. The only standing difference was the fact that this study presented shrinking civil space as part of the political environment and as part of the reasons why civil society engages in dissent, which the former did not do.

Equally important research question 2 led this study to a dual understanding of dissent in Kenya noting that at one end dissent could be used as an explanation of a democratic society, while on the other hand it could be a case of a dilapidating ailing democracy. These findings suggested a possible link with the discussion done under section 3.4.2 concerning withdrawal of consent as civil resistance to government, with attention to Randle (1994: 9)'s submissions regarding dissent as withdrawal of consent. Furthermore, this study reflected on the above dual faces of dissent in Kenya and concluded that present day Kenyan democracy is ailing given the increasing dissenting activities. The study reached the above conclusion by reflecting to Waruiru (2003: 4)'s earlier definition of Kenyan democracy that regards it as governance premised on the consent of the governed. From this study's understanding, if the governed no longer consents to the governors – this clearly signals that the people no longer agree with commonly held views of the governors and their actions might tantamount to tyranny. In addition, this study also reflected on Bratton (1994: 11)'s submission on a healthy democratic state being one premised on the multiplicity of organised social groups through which citizens learn and interact together. If these groups are repressed or subjugated as highlighted in 5.2.1 and 5.4.1 then clearly the health status becomes critically ill, since the space for citizens to learn and interact no longer exists.

On another note, the findings on how civil society advocates for dissent established a link with what this study defined as dissent [discussed in section 3.4]. Respondents from Inform Action and civil society experts expressed their views on dissent noting the nonviolent techniques that included publications, films, petitions, demonstrations amongst others. This corroborates with the founding provisions under section 3.4.4 and adds to the definition suggested by this study

that dissent is an act of expression that does not agree with commonly held norms or laws of those in power. The only notable difference with the findings on dissent concerned the difference in approaches and understanding of dissent than those suggested by this study in section 3.4.3 of the conceptual framework. Even though findings did not mention aspects to do with civil disobedience; the findings gave accounts that matched with the discussion in section 3.4.2 and 3.4.4 as discussed earlier. This however does not mean, that the proposed meanings were rendered incompatible with the study. They remain important to this study given that the dissenting activities widespread civil resistance to the colonial government.

From the findings under research question 3, funding within civil society still emerged as a common problem as a result of reliance on donor funds. Respondents from Inform Action Kenya (Interview, 22 May 2019) noted that funding is migrating to certain areas; and attempts to establish ground in these new areas appears to this study as possible 'dancing to the tune of their master'. This further leans towards Wanyande (2009: 18) and Wood (2016: 539)'s earlier criticisms on foreign funding. The criticisms question the legitimacy of civil society; because grants donated by donors have a certain standard set out that leaves civil society being accountable [in an upward direction] to the people who fund it (Wanyande, 2009: 18; Wood, 2016: 539). In addition, findings noted that external funding gave the government an opportunity use the evil tag as a way of criticising and branding Kenyan civil society as an extension of western influence in Kenya affairs as noted by Kabeberi (2016: 26); Njogu (2018: 14). From the above, this study asserts that the flow of external funding presents as a form of global solidarity to the people of Kenya, other than as an extension of external influence. The above is premised on this study's appreciation of Makoba (2018: 38)'s remarkable credit to the commendable work done by civil society in Kenya [using the external funding]; in covering gaps and fissures that were created as a result of weak economic policies.

Furthermore, this study noted that the formation of local field teams and CATs within the various communities, highlight that accountability within Kenyan civil society is not only upward; it follows a horizontal trail as well. In addition, the publication of safety guides and reports by Inform Action Kenya (2018), NCHRD-K and Privacy International (2018) among others, show the concealed accountability efforts of Kenyan civil society to the communities it serves. On that note, this study argues that being donor or foreign funded does not reduce or eliminate the legitimacy of the issues pursued by civil society; neither does it make it an extension of a western hand in the affairs of the local people as used by the government officials under the evil tag.

Equally important, the findings managed to respond to the criticisms posted against civil society in Africa and in Kenya discussed in section 4.7. Critics referred to African civil society as briefcase organisations, who travel to the rural communities when they want to hold a workshop, an organisational meeting, or chow donor funds (Dicklitch, 1998: 9). Critics further labelled Kenyan civil society as purely urban based organisations that are divorced from their rural communities (Orvis, 2003: 248). However, the activities of Inform Action Kenya inches away from these criticisms given that the organisation works in different communities [see appendix A]. These communities are spread across urban and rural areas, and the activities of Inform Action Kenya do not select or favour the urban more than the poor.

From this juncture, the above elucidates that in as much as there are urban based sections of civil society, majority of them are working mostly in the various rural and urban communities; with Inform Action Kenya being a working example. Of important note, the above justifications do not entirely mean that this study dismisses the rural-urban problem within Kenyan civil society, with the activities of Inform Action. Instead all it does is create a link to understand that when giving criticisms, scholars such as Wanbali 2001 in Orvis (2003: 248) should be charitable enough to say that some sections are purely urban, while sections cover both rural and urban communities. This creates a clearer picture of understanding the efforts done by Kenyan civil society since the criticism will directly highlight which section of civil society they refer to.

6.3   Justifying working relationships

On the contrary, information from the interviews supported the existence of a fruitful working relationship between communities and civil society as another reason why they engage in dissent discussed in section 5.4.5. A recap of these findings noted that Inform Action Kenya engages in dissenting activities because of the good relationship it has with its communities (Interview, 22 May 2019); while civil society experts noted that HRDs and human rights organisations provided a clear link of a good working relationship between the two (Interview, 21 May 2019). These findings were important for this study, because they aided in responding to Wanbali's (2001) views cited by Orvis (2003: 248) that dismisses any relationship between civil society and their communities. For instance, the views gathered from INAK1 and INAK2 (interview, 22 May 2019), supplemented that activities engaged by Inform Action Kenya highlight that the organisation is deeply rooted within the community and has a very good working relationship with the various communities they operate in.

This study thus asserts that existence of such a working relationship helps explain that; the ability of civil society to advocate for dissent stems from the good working relationship it has with its community as to be show in the following diagram. The diagram does not serve as a comparison between civil society organisations but stands as a reference point to the ongoing criticisms of Kenyan civil society. It answers the presupposed conclusions regarding the criticisms of Kenyan civil society by giving a visual representation of what this study conceives the critics might be referring to.
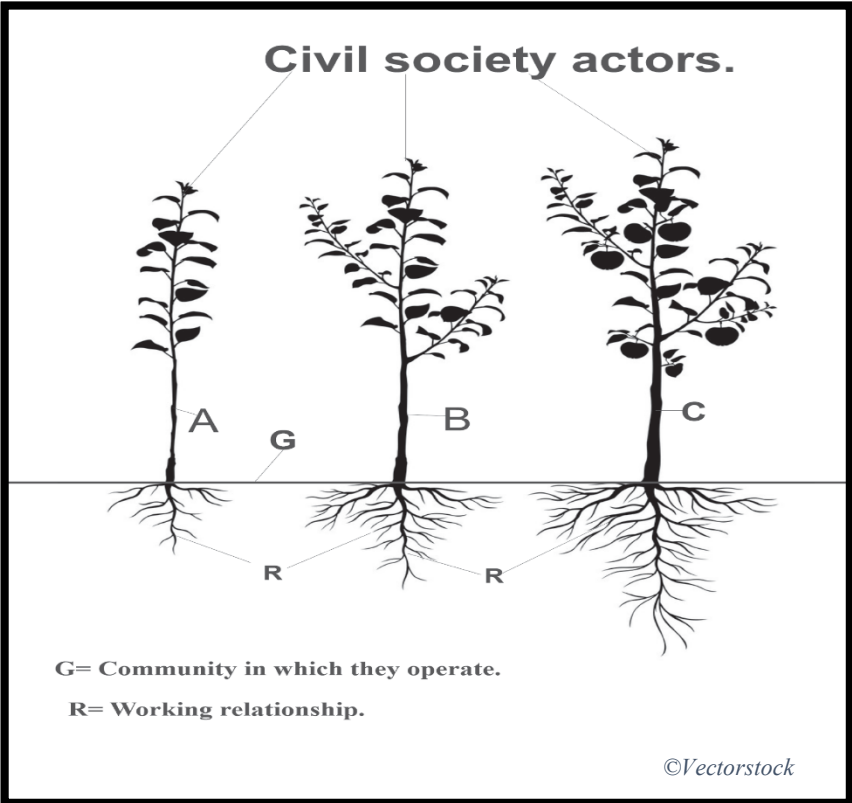

Civil society actors.

A   G   B   C

R   R

G= Community in which they operate.

R= Working relationship.

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Figure 2 Visual presentation of working relationship

Figure 2 shows three plants that act as a representation of three civil society actors operating within a community in Kenya. The three plants explain that, civil society actors in Kenya operate as trees growing in the forest. The plant with the deepest roots gets the sufficient minerals and reaches the underground water table much quicker than the tree with shorter roots. The roots depict the length or the level of the working relationship they have with the community they operate in. Plant C is what this study believes to be an actor or organisation with a good working relationship with its community for instance Inform Action Kenya. From the diagram, plant C has more branches, longer roots and produces more fruit than plants A and

B. The same can be said about civil society organisations with good working relationships with their communities. They can expose the underlying problems affecting the various communities they work not because they are civil society and know everything about advocacy work; but mainly because they have a good working relationship with the community. From this study's perspective, the two trees A and B, present what the critiques of Kenyan civil society refer to as organisations that do not have any relationship with their communities.

The above clarification adds the visual understanding and conceptualisation of what critics fail to expose when preferring their criticisms. From this study's appreciation, the above thus adds to the pool of knowledge on civil society and dissent, by showing that results from sections within civil society come as a result of the depth it has. Even though it is impossible to track the physical roots of each civil society actor, the invisible roots such as members drawn from the community, exposing community problems, working in sync with community leaders among others are signs of the deep roots exposed by the above diagram. This study suggests that scholars might conceptualise the above presentation in their critical reflections of civil society in Africa.

6.4   Summary of discussion

Thus, the findings managed to fill out the literature gap by answering how and why civil society advocate for dissent in Kenya. The findings managed to answer the leading critics of civil society in Kenya and presented that sections within Kenyan civil society tirelessly work to raise awareness of problems affecting the various communities in which they operate. The study thus added a visual conceptualisation to aid in understanding what critics might refer to when passing judgements regarding Kenyan civil society. The findings, on how civil society advocates for dissent managed to add a voice on the understanding of this study's definition of dissent. The use of films, petitions, protest activity and publications amongst others adds to the oasis of nonviolent dissenting activities discussed by this study under section 3.4.4. The two faces of dissent, led this study to conclude that the democratic status in Kenya is ailing, following the foundations laid in the definition of a healthy democratic state as discussed.

6.5   Overall conclusions

This research took off in chapter 1 seeking to investigate the reasons that urge or draw sections of civil society to advocating for dissent in Kenya. This study employed a decolonised ontology and epistemology discussed in length in chapter 2, with the aim of drawing attention to what

African [Kenyan] scholars understand as civil society. This study used Inform Action Kenya as a case study, to understand how sections within the umbrella term of civil society engage in dissent. This study followed a purely qualitative research method for gathering and analysing data. From the qualitative methods, this research employed triangulation of methods and participants to eliminate single participant bias. This study analysed the gathered data using thematic analysis with the aid of NVivo 12. Data obtained from the interview participants managed to answer the ways in which sections within Kenyan civil society advocates for dissent, and the reasons why they advocate for it. Document sources also provided a voice in answering why and how these sections of civil society advocates for dissent. The above decolonised ontology and epistemology was employed in chapter 4 when this study reviewed the literature on Kenyan history, dissent and civil society. This study also noted the importance of taking a reflexive approach on the definition of dissent since it has not been defined at length by African scholars. From the extensive literature review on civil society and dissent, this study identified the absence of academic authority on why and how sections within civil society advocates for dissent in Kenya. From the identified gap, this study then employed a reflexive decolonised ontology and epistemology to define the concepts of civil society and dissent as shown in chapter 4. The above reflexive and decolonised approach led to this study operationalising dissent as any nonviolent action that does not agree with commonly held views; and civil society as the heterogeneous arena free from the state discussed in chapter 4.

The main research findings from field interviews and analysed documentary materials where presented in length in chapter five. The findings managed to answer the research questions of this study discussed in chapter 1, and briefly in chapter 5 and in section 6.1. The main findings concluded that sections of civil society engaged in dissenting action because of the hostile political environment, raising awareness and educating the various communities. The findings noted that screening of films, publications, protest activity among others where the various ways how civil society advocated for dissent. The political environment, funding, security challenges among others emerged as some of the key challenges that affect sections within civil society to advocate for dissent. These findings where discussed in length in this chapter (chapter 6) as shown from the preceding sections. During the data gathering process, this study was guided by the ethical guidelines from NSD regarding protection of informants in the research by assigning each participant a pseudonym. This research also encountered challenges during the process of acquiring data, with issues relating to gaining access, travelling commitments, the time frame allowed to conduct the research and the COVID-19. The global pandemic

occurred at a time when this study was finalising the research analysis and affected this study from accessing physical materials from the university library as it remained closed for a lengthy time.

6.5.1 Implications of overall findings

This study thus seeks to highlight that the above presented findings are not insulated from scrutiny nor criticisms. The above findings should not be as an analysis of the whole umbrella Kenyan civil society, given that it is heterogeneous and covers many sections. When this study refers to Kenyan civil society, it refers to the progressive section of Kenyan civil society involved in advocacy and governance. These are the main sections that carry out much of the dissenting activities as can be seen from the study findings. The other implication relates to the understanding of dissent as defined from a reflexive approach. The study set off on a high note of a decolonised ontology and epistemology of understanding concepts, meaning understanding knowledge from a position that is free from the influences of western thought. When one looks at the funding problem highlighted by the respondent from Inform Action Kenya; it might appear that in as much as this study followed a decolonised methodology – results still came from institutions that follow a westernised approach. True as it may be, this study still maintains that the findings were gathered following a decolonised methodology, with emphasis on the significance of knowledge gathered without following a certain philosophical point. The overall significance of this study from the above implications stems from the fact that, a decolonised approach of understanding why and how sections within civil society advocates for dissent produces results that are free from philosophical underpinnings. The findings do not show whether a certain theory made it possible for civil society to advocate for dissent – but highlighted that within a context there are underlying reasons that draw sections of civil society into dissenting activities.

6.6   Recommendations

From these findings, this study calls for the need to appreciate the nature and occurrence of nonviolent dissent in Kenya. This study does not recommend dissent as a way for people to overthrow their governments or their administrations but notes that dissent should be regarded as a golden opportunity for solving disputes. By allowing dissent, any authority out there allows people to voice their displeasure and their disagreements with whatever policy they might have implemented or are planning to implement. Dissent should not be criminalised, muzzled or stifled, instead authorities should use it to their advantages. Dissent should be a critical

reflection of those in power such that if there are high levels of dissenting activities – it should ring a bell that their actions are not in line with the needs of the people.

Precolonial societies were indeed stateless as noted in section 3.2 of this study, further holding that being stateless did not render them existing civil society. They were full of life and within each society existed certain small societies that presented what is understood as civil society today. It was the advent of colonisation that distorted these societies and created systems that appear incompatible with the previous way of life. These claims are meant to help future scholars who research on African political systems to always reflect on the precolonial societies. Reflection on these societies will create a reflexive approach in understanding how concepts should be applied within the African context. In addition, this reflexive approach will help solve the debate on whether certain ideas are foreign or akin to African political societies, especially regarding civil society.

In addition to the above, precolonial Kenyan political systems were premised on a purely democratic governance that operated on the needs of the people. The current leadership should be cognisant of this society in their execution of their duties and should always know that dissent was part and parcel of these societies. The constant reminder regarding the origins of present-day Kenya helps guide their [leadership] understanding of dissent and their understanding of what civil society does. Marcus Garvey, a leading stalwart of Pan Africanism once said: "A people without the knowledge of their past history, origin and culture are like a tree without roots". The above sends a clear reminder to those governing Kenya that, possessing a clear understanding of the precolonial society will serve as a guide to the future of society if they appreciate and adopt some practices of governance similar to those carried out during the precolonial system such as tolerating dissent. This does not recommend total disregard of the existing political structures into the itura or rugongo system; all it does is recommend the leaders to reflect the way the forefathers of Kenya dealt with governance aspects especially dissent.

End

References

Akivaga S. K. (2002). Towards a National Movement for Democratic Change in Kenya. In: Kioko W., Mute L. M. and Akivaga S. K. (eds) *Building an open society: The politics of transition in Kenya*. Claripress.

Amensty International (2015). Amnesty International Report 2014/15. The State Of The World's Human Rights.

Angelo A. (2019). Ruling over a Divided Political Family (1965–1969). In: Angelo A. (ed) *Power and the Presidency in Kenya: The Jomo Kenyatta Years*. Cambridge: Cambridge University Press, pp.219-249.

Archibald M. M. (2015). Investigator Triangulation: A Collaborative Strategy With Potential for Mixed Methods Research. *Journal of Mixed Methods Research* 10(3): 228-250.

Asingo P. O. (2003). The Political Economy of Transition in Kenya. In: Wanyande P., Oyugi W. and Odhiambo-Mbai C. (eds) *The Politics of Transition in Kenya: FROM KANU To NARC*. Nairobi, Kenya: Henrich Boll Foundation pp.15-50.

Atia M. (2019). Refusing a "City without Slums": Moroccan slum dwellers' nonmovements and the art of presence. *Cities*.

Atieno-Odhiambo E. S. (2002). Hegemonic Enterprises and Instrumentalities of Survival: Ethnicity and Democracy in Kenya. *African Studies* 61(2): 223-249.

Bernasconi R. (1997). African philosophy's challenge to continental philosophy. In: Eze E. C. (ed) *Postcolonial African philosophy : a critical reader*. Oxford: Blackwell, pp.188.

Bienen H. (1969). Kenya and Uganda: When Does Dissent Become Sedition? *Africa Report* 14(3): 10.

Bodewes C. (2010). Civil society and the consolidation of democracy in Kenya: an analysis of a Catholic parish's efforts in Kibera slum. *The Journal of Modern African Studies* 48(4): 547-571.

Bowen G. A. (2009). Document analysis as a qualitative research method. *Qualitative research journal* 9(2): 27.

Boyatzis R. E. (1998).*Transforming qualitative information : thematic analysis and code development.* Thousand Oaks, Calif: Sage Publications.

Brannick T. and Coghlan D. (2007). In Defense of Being "Native": The Case for Insider Academic Research. *Organizational Research Methods* 10(1): 59-74.

Bratton M. (1989). Beyond the state: Civil society and associational life in Africa. *Journal of World Politics* 41(3): 407-430.

Bratton M. (1994).*Civil society and political transition in Africa.* Institute for Development Research Boston, Mass.

Braun V. and Clarke V. (2006). Using thematic analysis in psychology. *Qualitative research in psychology* 3(2): 77-101.

Bryman A. and Becker S. (2012). Qualitative research.

Bukenya B. and Hickey S. (2014). NGOs, Civil Society, and Development. In: Obadare E. (ed) *The Handbook of Civil Society in Africa*. New York, NY: Springer New York, pp.311-335.

Burgess R. G. (1984).*In the field : an introduction to field research.* London: Allen & Unwin.

Chabal P. and Daloz J.-P. (1999). Africa works: Disorder as political instrument (African Issues). *James Currey, Oxford*.

Chazan N. (1992). Africa's Democratic Challenge. *World Policy Journal* 9(2): 279-307.

Chemengich M. K. (2009). The prospects of civil society driven change in Kenya. *Discourses on Civil Society in Kenya* 20.

Chenoweth E. and Stephan M. J. (2011).*Why civil resistance works : the strategic logic of nonviolent conflict.* New York: Columbia university press.

CIVICUS (2015). Attacks on Civil Society Undermining Democracy and Development in Kenya. 1-10.

Cornell A. and D'Arcy M. (2016). Devolution, Democracy and Development in Kenya. *ICLD Swedish International Centre for Local Democracy, Research Report*.(5): 28.

Creswell J. W. (2007).*Qualitative inquiry & research design : choosing among five approaches.* Thousand Oaks, Calif: Sage.

Creswell J. W. (2009).*Research design : qualitative, quantitative, and mixed methods approaches.* Los Angeles: SAGE.

Creswell J. W. (2014).*Educational research : planning, conducting, and evaluating quantitative and qualitative research.* Harlow: Pearson.

Crouch M. and McKenzie H. (2006). The logic of small samples in interview-based qualitative research. *Social Science Information* 45(4): 483-499.

D'Arcy M. and Cornell A. (2016). Devolution and corruption in Kenya: Everyone's turn to eat? *African Affairs* 115(459): 246-273.

Davies J. (2010). Practical Research and Evaluation : A Start-to-Finish Guide for Practitioners. London: SAGE Publications Ltd.

De Wolf J. J. (1983). Dini ya Msambwa: Militant Protest or Millenarian Promise? *Canadian Journal of African Studies/La Revue canadienne des études africaines* 17(2): 265-276.

Denzin N. K. (2012). Triangulation 2.0. *Journal of Mixed Methods Research* 6(2): 80-88.

Dicklitch S. (1998).*The elusive promise of NGOs in Africa: lessons from Uganda.* Springer.

Dodgson J. E. (2019). Reflexivity in Qualitative Research. *Journal of Human Lactation* 35(2): 220-222.

Dwyer S. C. and Buckle J. L. (2009). The Space Between: On Being an Insider-Outsider in Qualitative Research. *International Journal of Qualitative Methods* 8(1): 54-63.

Eisner E. W. (1991).*The enlightened eye : qualitative inquiry and the enhancement of educational practice.* Toronto: Macmillan Publ. Co.

Elliston F. (1982). Civil disobedience and whistleblowing: A comparative appraisal of two forms of dissent. *Journal of Business Ethics* 1(1): 23-28.

Fadiman J. A. (1978). The Meru Peoples.

Falk B. J. (2016). The History, Paradoxes, and Utility of Dissent: From State to Global Action. In: Dorfman B. (ed) *Dissent! Refracted*. Peter Lang AG, pp.23-50.

Fay B. (1996).*Contemporary philosophy of social science: A multicultural approach.* Blackwell Oxford.

Fereday J. and Muir-Cochrane E. (2006). Demonstrating Rigor Using Thematic Analysis: A Hybrid Approach of Inductive and Deductive Coding and Theme Development. *International Journal of Qualitative Methods* 5(1): 80-92.

Fortes T. (2013). *Kenya Cultural Center: A proposed architectural design symbolizing national identity*. Master's, University of Nairobi.

Gimode E. A. (2007). The role of the police in kenya's democratisation process. In: Murunga G. R. and Nasong'o S. W. (eds) *Kenya: The struggle for democracy*. pp.227-262.

González y González E. M. and Lincoln Y. S. (2006). Decolonizing Qualitative Research: Nontraditional Reporting Forms in the Academy. In: Denzin N. K. and Giardina M. D. (eds) *Qualitative Inquiry and the Conservative Challenge.*: Routledge, pp.193-214.

Hansen T. O. (2009). Political violence in Kenya: a study of causes, responses, and a framework for discussing preventive action. *Institute for Security Studies Papers* 2009(205): 24-24.

Hastings S. L. (2010). Triangulation In: Salkind N. J. (ed) *Encyclopedia of Research Design*. Thousand Oaks, California, pp.1538-1540.

Haugerud A., Ference M. and Mahoney J. D. (2020). Satire, social media, and cultures of resistance. In: Cheeseman N., Kanyinga K. and Lynch G. (eds) *In The Oxford Handbook of Kenyan Politics*. Oxford University Press.

Hellawell D. (2006). Inside–out: analysis of the insider–outsider concept as a heuristic device to develop reflexivity in students doing qualitative research. *Teaching in Higher Education* 11(4): 483-494.

Helliker K. (2012). Civil society and state-centred struggles. *Journal of Contemporary African Studies* 30(1): 35-47.

Hoppers C. O. and Richards H. (2012).*Rethinking thinking : Modernity's "other" and the transformation of the university.* Pretoria: University of South Africa.

Hugo P. J. (1977). Academic Dissent and Apartheid in South Africa. *Journal of Black Studies* 7(3): 243-262.

Ichim I. (2020). The protection and promotion of human-rights. In: Cheeseman N., Kanyinga K., Lynch G., et al. (eds) *The Oxford Handbook of Kenyan Politics*. Oxford University Press, pp.385-398.

Inform Action Kenya (2018) My Right to Protest.

Inform Action Kenya (2019) *About Us*. Available at: https://informaction.tv/index.php/about-us (accessed 20.04.2019).

Isichei E. (1997).*A history of African societies to 1870.* Cambridge: Cambridge University Press.

Jeevan V. (2005). Snubbed leader sacks entire Kenyan cabinet. *The Guardian*, 24.11.2005, 17.

Kabeberi N. (2016). The Role of the State in Shrinking Political Spaces for CSOs in Kenya. In: Luckscheiter J., Ben-Zeev K. and Al-Zubaidi L. (eds) *Under Pressure Shrinking Space for Civil Society in Africa*. Heinrich-Böll-Stiftung e.V., pp.40.

Kameri-Mbote P. (2000).*The operational environment and constraints for NGOs in Kenya: strategies for good policy and practice.* Advocates Coalition for Development and Environment.

Kanyinga K. (2011). Stopping a conflagration: The response of Kenyan civil society to the post-2007 election violence. *Politikon* 38(1): 85-109.

Kasfir N. (1998). The conventional notion of civil society: A critique. *Commonwealth & Comparative Politics* 36(2): 1-20.

Khalid H. and Thompson T. P. (2019). Conflict Prevention in Kenya

Combating Corruption through Nonviolent Action. DOI: 10.2307/resrep20229.

Khayesi M. (1999). The struggle for regulatory and economic sphere of influence in the Matatu means of transport in Kenya: A stakeholder analysis.

King N. and Horrocks C. (2010).*Interviews in qualitative research.* London: Sage.

Klopp J. M. (2008). Remembering the Destruction of Muoroto: Slum Demolitions, Land and Democratisation in Kenya. *African Studies* 67(3): 295-314.

Lagon M. P. and Dickinson E. (2016). When Civil Society Is attacked, Kenya's Democracy is Imperiled (accessed 08.09.2019).

Laine J. (2014). Debating civil society: Contested conceptualizations and development trajectories. *Int'l J. Not-for-Profit L.* 16: 59.

Lambert H. E. (1956).*Kikuyu social and political institutions.* London: Oxford University Press.

Lapadat J. C. (2010). Thematic Analysis. In: Mills A. J., Durepos G. and Wiebe E. (eds) *Encyclopedia of case study research*. Los Angeles, Calif. ;,London: SAGE, pp.926-927.

Larick R. (1986). Iron smelting and interethnic conflict among precolonial Maa-speaking pastoralists of north-central Kenya. *African Archaeological Review* 4(1): 165-176.

Lewis D. (2002). Civil society in African contexts: Reflections on the usefulness of a concept. *Journal of Development Change* 33(4): 569-586.

Lugano G. (2020). Civil society and the state. In: Cheeseman N., Kanyinga K., Lynch G., et al. (eds). Oxford University Press, pp.311-324.

Mahone S. (2006). THE PSYCHOLOGY OF REBELLION: COLONIAL MEDICAL RESPONSES TO DISSENT IN BRITISH EAST AFRICA. *The Journal of African History* 47(2): 241-258.

Maingi M. M. (2016). *Role and impact of civil society on Kenya's development agenda.* Master's, University of Nairobi.

Makoba J. W. (2018). Non-Governmental Organizations and the African State. In: Kieh J. G. K. (ed) *Contemporary Issues in African Society: Historical Analysis and Perspective.* Cham: Springer International Publishing, pp.29-46.

Makumbe J. M. (1998). Is There a Civil Society in Africa? *International Affairs* 74(2): 305-317.

Mamdani M. (1996). Citizen and subject: Contemporary Africa and the legacy of late colonialism.

Matanga F. K. (2002). *Non-governmental organizations, the state and the politics of rural development in Kenya with particular reference to Western Province.* PhD, Rhodes University.

Mati J. M. (2014). Neoliberalism and the Forms of Civil Society in Kenya and South Africa. In: Obadare E. (ed) *The Handbook of Civil Society in Africa.* New York, NY: Springer New York, pp.215-232.

Mbithi P. M. and Rasmusson R. (1977).*Self Reliance in Kenya: The Case of Harambee.* Nordic Africa Institute.

Michalopoulos S. and Papaioannou E. (2013). Pre-Colonial Ethnic Institutions and Contemporary African Development. *Econometrica* 81(1): 113-152.

Miller J. and Glassner B. (2011). The "Inside" and the "Outside". In: Silverman D. (ed) *Qualitative research : issues of theory, method and practice.* 3rd ed. ed. Los Angeles, Calif: Sage, pp.132-148.

Mothibe T. H. (1994). AFRICAN WORKERS' MILITANCY AS A BASIS FOR POST-WAR NATIONALISM IN COLONIAL ZIMBABWE, 1945-1953. *Transafrican Journal of History* 23: 158-183.

Muchai D. N. and Muchai J. (2016). Fiscal Policy and Capital Flight in Kenya *African Development Review* 28(S1): 8-21.

Munene J. W. and Thakhathi D. R. (2017). An analysis of capacities of civil society organizations (CSOs) involved in promotion of community participation in governance in Kenya. *Journal of Public Affairs* 17(4).

Muriuki G. (1969). *A history of the Kikuyu to 1904.* PhD, SOAS University of London.

Murunga G. R. and Nasong'o S. W. (2006). Bent on self-destruction: The Kibaki regime in Kenya. *Journal of Contemporary African Studies* 24(1): 1-28.

Muthoki M. (2018). How many Internet users are in Kenya? *Business Daily*, 10/01/2018 18.

Mutongi K. (2006). Thugs or entrepreneurs? Perceptions of matatu operators in Nairobi, 1970 to the present. *Africa* 76(4): 549-568.

Namwava O., Shetty A. and Nduta S. (2018) 'They just want to silence us': Abuses against environmental activists at Kenya's coast region. USA, 77.

NCHRD-K and GALCK (2018).*Safety and Protection Guide: For LGBTQ persons, SOGIE HRDs and Human Rights Organisations working on Sogie Issues in Kenya.* NCHRD.

NCHRD-K and Privacy International (2018).*Stop Watching Me.* Myner Ltd.

Ndegwa S., Mwagi P., Kasera S., et al. (2012). History of Constitution Making in Kenya. *Media Development Association and Korad Adenauer Foundation, Sankt Augustin.*

Ndegwa S. N. (1994). Civil society and political change in Africa: The case of non-governmental organizations in Kenya. *International Journal of Comparative Sociology* 35(1): 19.

Ndegwa S. N. (1995). Civil society and the promise of political development: The political impact of indigenous non-governmental organizations in Kenya.

Nepstad S. E. (2011).*Nonviolent Revolutions: Civil Resistance in the Late 20th Century.* United States: Oxford University Press.

Neuman W. L. (2014).*Social research methods : qualitative and quantitative approaches.* Harlow: Pearson.

Njogu K. (2018). Confronting Partisanship and Divisions in Kenya. In: Brechenmacher S. T. C. (ed) *Examining Civil Society Legitimacy*. Carnegie Endowment for International Peace Publications, pp.14-19.

Nowell L. S., Norris J. M., White D. E., et al. (2017). Thematic Analysis: Striving to Meet the Trustworthiness Criteria. *International Journal of Qualitative Methods* 16(1): 1609406917733847.

Nyamu-Musembi C. and Musyoki S. (2004). Kenyan civil society perspectives on rights, rights-based approaches to development, and participation.

Obudho R. A. and Aduwo G. O. (1989). SLUM AND SQUATTER SETTLEMENTS IN URBAN CENTRES OF KENYA: TOWARDS A PLANNING STRATEGY. *The Netherlands journal of housing and environmental research* 4(1): 17-29.

Ochieng W. R. (1990). Migrations and Emergence of Societies. In: Ochieng W. R. (ed) *Themes in Kenyan history*. Nairobi: Heinemann Kenya, pp.1-13.

Oduor R. M. J. (2011). Justifying Non-Violent Civil Disobedience within the Kenyan Context: A Moral Perspective. *Thought and Practice: A Journal of the Philosophical Association of Kenya* 3(1): 59.

Ogemba P. (2015). Security laws illegal, declares High Court. *Daily Nation Kenya*, 23.02.2015.

Ogot B. A., Ehret C., Sutton J., et al. (1976). Kenya before 1900.

Okuku J. A. (2002). Civil society and the democratisation processes in Kenya and Uganda: A comparative analysis of the contribution of the church and NGOs. *African Journal of Political Science* 7(2): 81-97.

Onyango M. (2015). Post Colonial Politics in Kenya. In: Omeje K. (ed) *The Crises of Postcoloniality in Africa*. CODESRIA, pp.183-237.

Orvis S. (2003). Kenyan civil society: bridging the urbanrural divide? *J. Mod. Afr. Stud.* 41(2): 247-268.

Press R. M. (2015). Individual Resistance against Repression. In: Press R. M. (ed) *Ripples of Hope : How Ordinary People Resist Repression Without Violence*. Amsterdam, NETHERLANDS, THE: Amsterdam University Press, pp.205-232.

Randle M. (1994).*Civil resistance.* Fontana London.

Ranger T. O. (1986). Religious Movements and Politics in Sub-Saharan Africa. *African Studies Review* 29(2): 1-69.

Rasmussen J. (2012) Inside the system, outside the law: operating the Matatu sector in Nairobi. *Urban Forum.* Springer, 415-432.

Ritter E. H. and Conrad C. R. (2016). Preventing and Responding to Dissent: The Observational Challenges of Explaining Strategic Repression. 110(1): 85-99.

Roberts A. and Ash T. G. (2009).*Civil Resistance and Power Politics : The Experience of Non-violent Action from Gandhi to the Present.* Oxford, UNITED KINGDOM: Oxford University Press, Incorporated.

Roland O. and Gervase M. (1963).*History of East Africa : I.* Oxford: Clarendon Press.

Rothmyer K. (2018). Is Kenya Sliding Toward Dictatorship? *The Nation*, 16.02.2018, 15.

Sabar G. (2012).*Church, state and society in Kenya: from mediation to opposition.* Routledge.

Silverman D. (2013).*Doing qualitative research.* Los Angeles, Calif: Sage.

Spear T. (1981).*Kenya's past : an introduction to historical method in Africa.* London: Longman.

Srinivas H. (2012). Squatter Settlements. In: Carswell A. T. (ed) *The Encyclopedia of Housing*. 2 ed. Thousand Oaks

Thousand Oaks, California: SAGE Publications, Inc.

Stamp P. (1991). The politics of dissent in Kenya. *Current History* 90(556): 205.

Stanfield J. (2005). Kenya's forgotten independent school movement. *Economic Affairs* 25(4): 82-82.

Stevenson A. (2011) Oxford Dictionary of English. 3rd ed. / edited by Angus Stevenson. ed. Oxford: Oxford University Press.

Thowfeek M. (2014). Concept of civil obedience and disobedience: a comparison of the work of Etienne De La Boetie and Sayyid Qutb.

Tignor R. L. (1971). Colonial Chiefs in Chiefless Societies. *The Journal of Modern African Studies* 9(3): 339-359.

Tignor R. L. (1976a). Colonial Chiefs. *Colonial Transformation of Kenya: The Kamba, Kikuyu, and Maasai from 1900-1939*. Princeton University Press, pp.42-72.

Tignor R. L. (1976b). Early Contacts Pacification and Land Losses. In: Tignor R. L. (ed) *Colonial Transformation of Kenya: The Kamba, Kikuyu, and Maasai from 1900-1939*. Princeton University Press, pp.15-41.

Tignor R. L. (1976c). Education and the Kikuyu in the 1930s. In: Tignor R. L. (ed) *Colonial Transformation of Kenya: The Kamba, Kikuyu, and Maasai from 1900-1939*. Princeton University Press, pp.255-272.

United Nations Economic Commission for Africa (2004) ADF IV Governance for a Progressing Africa, . *Fourth African Development Forum,.* Addis Ababa, Ethiopia: Economic Commision for Africa, 88.

Vasudevan A. (2011). Dramaturgies of dissent: the spatial politics of squatting in Berlin, 1968–. *Social & Cultural Geography* 12(3): 283-303.

Vermouth P. (1980) Rural Rebels: Audrey Wipper and Dini ya Msambwa. JSTOR.

Wanyande P. (2009). Civil Society and Transition Politics in Kenya: Historical and Contemporary Perspectives. In: Okebe M. A. and Wanyande P. (eds) *Discourses on Civil Society in Kenya*. 1 ed. Nairobi: African Research and Resource Forum, pp.12.

Waruiru M. (2003). *The struggle for democracy in Kenya*. Masters, University of Wyoming

Widner J. A. (1993).*The Rise of a Party-State in Kenya: From Harambee! to Nyayo!* : Univ of California Press.

Wood J. (2016). Unintended consequences: DAC governments and shrinking civil society space in Kenya. *Development in Practice* 26(5): 532-543.

Appendix A **Map of Kenya**

The map below shows the 47 counties in Kenya, and the selected 22 where Inform Action Kenya's dissenting activities take place.

Figure 3 Map of Kenya

© Map adapted from Inform Action Kenya Maps 2019

Appendix B   **Johannesburg interview**

All the participants who had agreed to the interviews (the four I mention about) had confirmed their interview dates in Nairobi before I left Norway. Once I arrived in Nairobi on the 18th of May 2019, one respondent sent an email explaining that s/he was going to South Africa for some meetings and seminars there. S/he mentioned that s/he would return to Kenya possibly around June 30, which happened to be 9 days after my scheduled return to Norway. So, I asked him/her if we could meet and conduct the interview in Johannesburg and s/he agreed and gave me a date for that interview. After I finished the Nairobi interviews, I went back to Johannesburg and had the interview with him/her there, whilst awaiting my return flight to Norway. (I selected the cheapest route to get me to Nairobi, thus resulting in a multicity travel itinerary as follows: Tromsø-Oslo-Johannesburg-Nairobi-Johannesburg-Oslo-Tromsø. This route had layovers between Johannesburg to Nairobi [9 days] and between Johannesburg to Oslo [21 days] and it is within the latter layover where I managed to conduct the Johannesburg interview).

Appendix C   **Code template**

Figure 4 Code template

© *Adapted from my own work in NVivo 12*

The study designed the above code template from the research questions as earlier mentioned. The above code template was transferred into NVivo 12 and became the main nodes for grouping and further analysing information from the respondents.

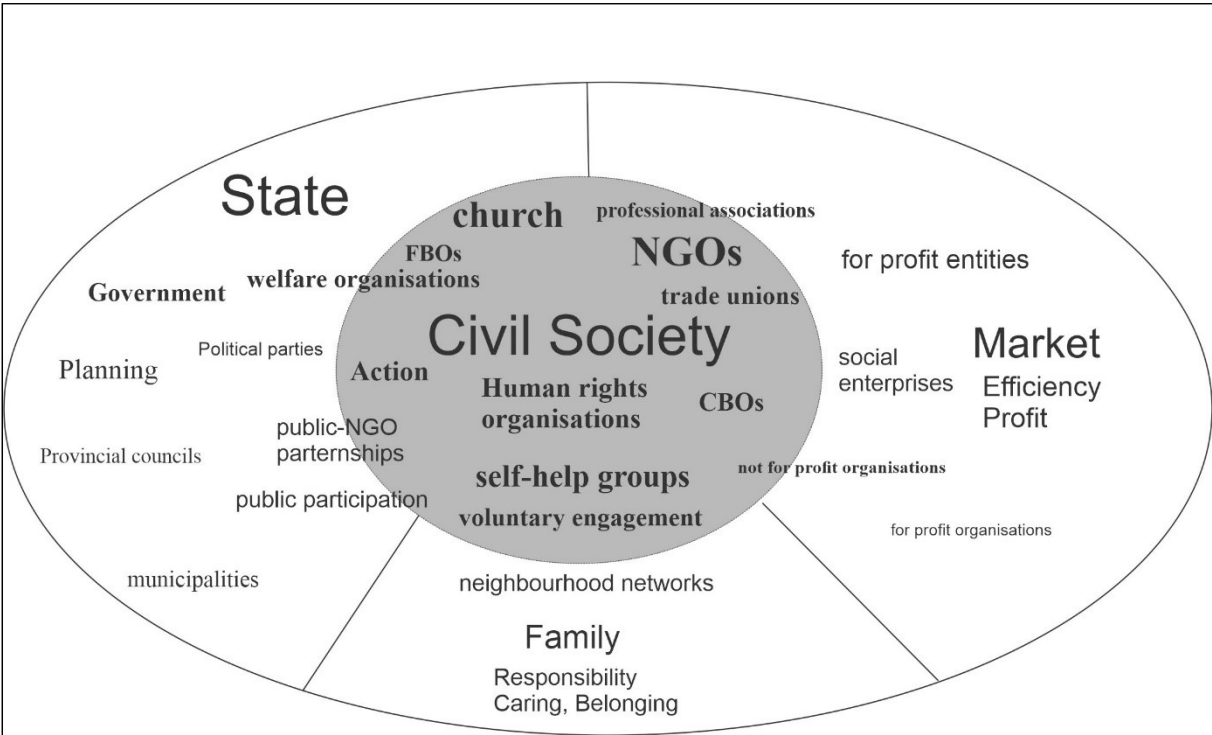Appendix D   **Civil Society diagram**

Figure 5 Civil society diagram

Without causing much distraction, the above diagram seeks to provide the various distinct features found within civil society. Neither does this study assume clearly demarcated boundaries between civil society, the state, and market; nor does it hold that civil society is between the state, the family and or the market. All this diagram does is show that outside the confines of the state, the family and the market civil society exists, and further exposes the various partnerships that exist between civil society and the three identified fields. In addition, there are various sections of civil society that focus on various issues such that fitting them into the civil society diagram will result in a rather complex and difficult diagram. Instead the above introduces some of the sections within civil society referred to during the earlier sections of this study and introduces the heterogeneous nature of Kenyan civil society from an eagle's eye.

Appendix E   **Inform Action Kenya films and citizen journalism**

Below is a list of films produced by Inform Action Kenya, showing the various ways in which they engage with their communities. Majority of their films can be accessed on their YouTube page https://www.youtube.com/user/INFORMACTIONTV/featured, where they show an extensive list of their materials. This study selected a few from the vast pool of films as it would consume much space trying to mention all of these when they can be found on the user account mentioned above.

Films

Community Screenings in Rift Valley available at
https://www.youtube.com/watch?v=zl7YTd0qqrs

Community Screening in Eldoret-Turbo available at
https://www.youtube.com/watch?v=KKQG5qc2-yc

Disputed Fields available at https://www.youtube.com/watch?v=5dNaRYkkZ7c

Getting Justice available at https://www.youtube.com/watch?v=nXS_UR4Ml00

Ikorongo community takes action available at
https://www.youtube.com/watch?v=mGeBUwAGYbM

Mbuyuni village takes action available at https://www.youtube.com/watch?v=fe54Ij-RR_k

No Man's Land available at https://www.youtube.com/watch?v=y10h3Bjpx8M

Nyamira tea farmers protest over poor management available at
https://www.youtube.com/watch?v=bMuwTeyRRLM

Project Lamu available at https://www.youtube.com/watch?v=NWy_a4z19ec

Unfinished Business available at https://www.youtube.com/watch?v=0s7xrRSVp5s

Citizen Journalism

 Majority of the citizen journalism articles can be found on
https://informaction.tv/index.php/citizen-journalism