

Strengthening the roles of political parties in Public Accountability : a case study of a new approach in political party assistance

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Strengthening the roles of political parties in Public Accountability

A case study of a new approach in political party assistance¹

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Abstract

Donors in development cooperation increasingly emphasize the importance of public accountability in developing countries for the good functioning of democratic institutions, governance and the effectiveness of their aid. Political parties are prime actors in a democratic society that have essential roles to fulfil in public accountability. However, only few donors work with them. As a result, there is relatively little knowledge and experience available. This paper aims to contribute to this body of knowledge by assessing how and to what extent a new approach of so called 'Centre's for Multiparty Democracy', national platforms for and by political parties, assist parties in their key roles between citizen and state to enhance public accountability. This is done in a case study on Kenya. The paper also explores the main constraints to public accountability and to what extent cooperation between parties and civil society has been enhanced. A new conceptual framework that differentiates political party's roles in public accountability in four domains and three phases of the accountability process is used to assess CMD-Kenya's contribution. The paper concludes that CMDs' approach explores interesting new ways to strengthen the roles of parties in public accountability. Its main contribution lies in enhancing mutual trust and strengthening politicians' awareness of the value that parties have to add to a democratic society in providing them with a platform that helped them to establish their identities as parties. At the same time societal trust in parties was strengthened by organizing joint projects between parties and civil society actors. Considering its recent set up in 2004, CMD-K has been relatively successful in initiating modest changes in some of the formal practices and policies of parties and to some extent in the behaviour of individual politicians. On the other hand deeper changes in the underlying 'rules of the game', in parties' stability and their added value to society, have hardly been realized as strong traditional informal power relations, donor dependency, institutional governance problems and managing multiple accountabilities on multiple levels pose serious threats to CMD-Kenya's functioning and therefore to its clout and relevance in the future.

¹ This study is part of the authors' PhD research project

1. Introduction

In an ideal multiparty democracy, political parties are the key mechanisms that make the democratic chain of political delegation and accountability work in practice (Müller, 2000). Political parties fulfil a vital intermediate role between citizens and State in which they are supposed to represent citizens' interests and translate these into a policy agenda that responds to citizens concerns. With that interest oriented agenda they try to influence policy and decision making processes. On the other hand, they hold government to account on behalf of citizens and society as a whole (Burnell, 2004).

However, this classical political accountability mechanism that lies at the heart of a healthy democratic society, functions far from perfect in many of the young multiparty democracies in Sub Saharan Africa (SSA).² After more than 15 years of experience with multiparty democracy, there is a growing dissatisfaction and disappointment among citizens of these countries with the functioning of the major political institutions and actors, including political parties.

While formal elections have taken place since the early nineties, constitutional reform processes are slow, there is limited democratic space for parliament, civil society and watchdog organisations, media and electorate to challenge, check and balance decisions of the executive on central and local levels, let alone to hold them to *account*.³ Next to that, most political parties do not *represent* the interests of citizens and the public good. Neither are they *responsive* to citizens' needs. Instead parties are engaged in a struggle for power and access to State resources. They tend to be focused on personal interests instead of ideologies and public issues and they function mostly along the lines of patronage and clientelism. The lack of

² This expression does not claim that in 'old democracies' this mechanism works perfectly well. On the contrary, there are many ways in which the accountability role of political parties in their role between state and citizens can be improved too.

³ In this paper 'Civil society refers to the arena of uncoerced collective action around shared interests, purposes and values. In theory, its institutional forms are distinct from those of the state, family and market, though in practice, the boundaries between state, civil society, family and market are often complex, blurred and negotiated. Civil society commonly embraces a diversity of spaces, actors and institutional forms, varying in their degree of formality, autonomy and power'. Centre for Civil Society at LSE: http://www.lse.ac.uk/collections/CCS/what_is_civil_society.htm

experience with democratic multiparty traditions, corruption, deep engrained distrust among parties and individuals and overall weak institutionalization contribute to the troubled state of political parties in new democracies. This, according to Thomas Carothers, makes them 'the weakest link' in the democratization process in these countries (Carothers, 2006).

These imperfections of the functioning of young democracies and its institutions, including political parties are becoming a growing concern for the international aid donor community. A majority of donors perceives democratic, accountable and legitimate governance and institutions, including political parties, as an important prerequisite for sustainable long term economic and social development.⁴ Although there is not much academic evidence for claiming a causal link between democracy and development, and democracy for sure does not solve all problems automatically, the main thought seems to be that without it, the ability for citizens to exercise their citizenship, contribute and participate in solving problems that affect their lives, will be even more problematic.⁵ Therefore the good functioning of domestic public accountability is increasingly seen as a precondition to make their aid more effective and sustainable by donors.

Although there is a broad consensus among donors on this issue, relatively few donors are directly involved in working with political actors in developing countries. Among them an even smaller number of actors is working with political parties. The latter is still seen as one of the most controversial and politically sensitive areas in development cooperation (Schoofs, de Zeeuw 2005). There are two main reasons for that. First, most of the dominant donor agencies hold the official view that supporting political actors and particularly political parties in development countries is politically incorrect as it is close to trespassing state sovereignty. Secondly, the results of more than a decade of democracy and more in particular political party assistance are by many donors perceived as very meagre. This view is mainly based on the fact that political parties in young democracies enjoy very little credibility, trust, integrity and legitimacy among their own citizens. Political parties have a bad track record and reputation, are poorly institutionalized and fall short in representing citizen's interests, broadening political participation, holding the executive government to account and even in producing accountable

⁴ The 'international aid donor community' refers to the official OECD-DAC donors, not to countries like China for example who promote a different development path

⁵ see W. Maathai (2008) p.289 on democracy

future leaders. They are thus far from being perceived as trustworthy institutional partners for development by many donors. Therefore, donors prefer working with state administrations or civil society organizations, areas that in their view are less vulnerable to the risks associated with political party assistance.

As a result of the limited number of donors working in this area, only a small and often undisclosed volume of money is spent. Next to that, there is relatively little experience and knowledge publicly available and shared outside the respective donors working in this field which has led to a small and rather recent body of literature and empirical research (Carothers 2006:9, 10; Rakner, Rocha Menocal, Fritz, 2007:27, 28).⁶

This paper aims to contribute to this small but important body of knowledge. It is based on the assumption that political parties are prime actors in a society that have essential roles to fulfil in a democracy (Lipset 2000; Doherty, 2001; Burnell 2004; Carothers 2006). Being intermediates between State and citizens they are in a unique position to contribute to the different sides of public accountability. This role cannot simply be taken over by other actors. Donors need to acknowledge this if they wish to contribute to sustainable democratic governance in developing countries. Therefore, it is important to thoroughly study the existing cooperation experiences, to increase our understanding and insight in how and why things work or do not work and how that could inform future interventions.

This paper focuses on a unique approach from a relatively new donor organization which gets increased international attention from bilateral and multilateral donors.⁷ However, it has hardly been academically analyzed, let alone with regard to its role in enhancing public accountability.⁸ The Netherlands Institute for Multiparty Democracy (NIMD) supports democratization processes

⁶ Authors that did publish in this area are most notably Peter Burnell (2004, 2006, 2007, 2008, 2009), Thomas Carothers (2004, 2006), Ivan Dorethy (2001), Caton (2007). Recently there have been done some studies to get an overview of donors and their main activities in what is often referred to as 'the area of democracy promotion' (in which political party aid may or may not be included), see Kuman (2004); Rakner, Rocha Menocal, Fritz(2007); Wild, Hudson (2009)

⁷ Donors like Finland and Canada have been expressed an interest in NIMDs approach and consider working in that direction. An increasing number of multilateral donors is cooperating with CMDs

⁸ NIMDs work has been taken into account in reviews of democracy promotion by among others Carothers (2006) and Zeeuw (2010) and in some evaluative program studies of country programs commissioned by NIMD and undertaken by independent researchers.

in young democracies by supporting the launch of national platform organizations for and by political parties, the so called Centre's for Multiparty Democracy (CMDs).⁹ It is an innovative approach because in contrast to other donors in the area of political party assistance, it works strictly non-partisan and inclusive by bringing all parties together in an institutionalized organisation managed by the leadership of political parties with the help of a professional staff.¹⁰

The main objective of these Centres is to strengthen multiparty democracy by facilitating interparty dialogue on important national, regional and party issues and to consent and implement joint programs. While dialogue intends to enhance trust and cooperation among parties and their leadership and a gradual moving away from the political culture of 'the winner takes it all', the projects and programs seek to strengthen parties 'institutionalization, to create and facilitate new interfaces for cooperation between political parties and with citizens and civil society organizations and to advocate changes in the regulatory, party and electoral systems to address inequalities in society.

The interesting question with regard to public accountability is, if, how and to what extent NIMDs external support to political parties through CMDs, is strengthening political parties in their key roles between citizens and state to enhance public accountability. The hypothesis underlying CMDs approach is that supporting political parties through CMDs activities enhances cooperation and trust both among parties, as well as between parties and civil society, which will lead to the strengthening of public accountability in society. The paper concentrates on Kenya, East Africa, as an example of a struggling young multiparty democracy. It is also the country in which NIMD established the first formal CMD in 2004.

⁹ NIMD was founded in 2000 by seven Dutch political parties CDA, PvdA, VVD, Groen Links, D66, Christen Unie and SGP. NIMDs' work has its roots in the experiences of some of its member organizations who had connections with ideological similar political parties in developing countries since the early eighties. In 2000 parties joined forces and established NIMD with funding of the Ministry of Foreign Affairs. NIMDs objective is to financially assist political parties elsewhere in the world to become institutionally stronger and to enhance their roles in society, as well as to exchange experiences and knowledge among politicians worldwide.

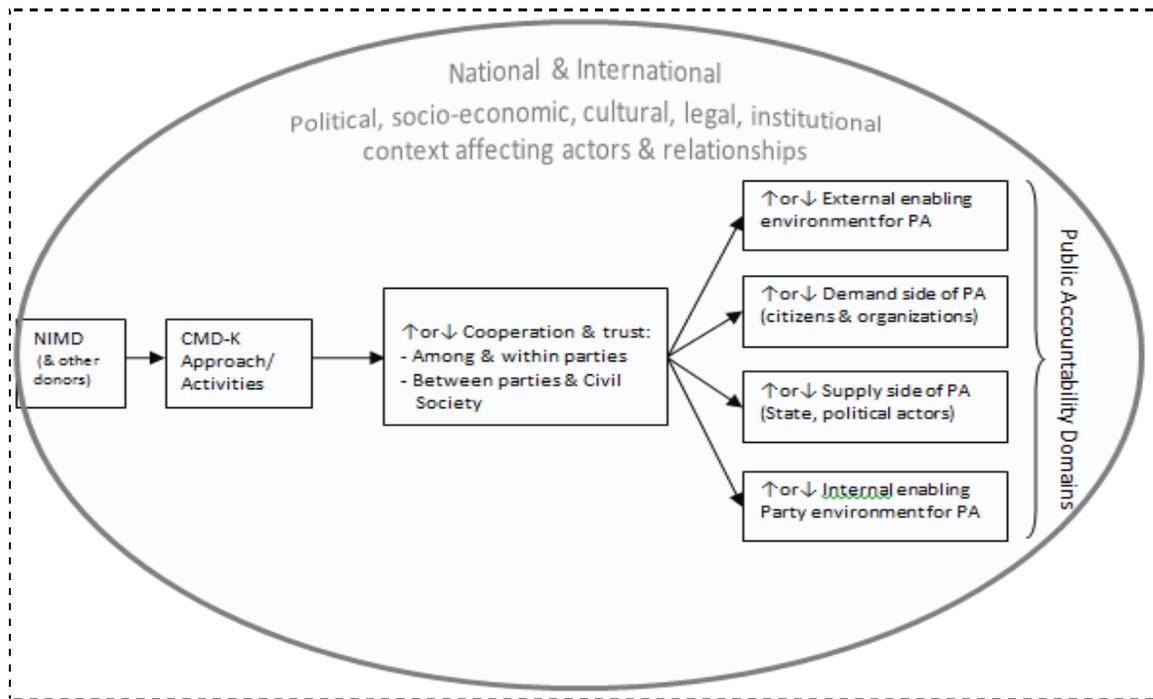
¹⁰ See Rakner, Menocal, Fritz (2007; 32) who describe the different forms of political party assistance. See also Thomas Carothers (2004) to whom they refer and who notes that even though the American foundations like NDI, IRI and NED work with multiple parties, they also at times have worked with a specific party or coalition and can therefore not be considered to be strictly non-partisan.

This paper will focus on the following key questions:

1. How and to what extent is CMD-Ks approach perceived to assist political parties in their key roles between citizens and State, to enhance public accountability?
2. How and to what extent is CMD-K perceived to contribute to increased cooperation between political parties and civil society organizations to enhance public accountability?
3. How and to what extent is CMD-K perceived to be able to mitigate or lessen the structural and institutional constraints that hinder public accountability in Kenya?

To be able to answer these questions the paper will start with defining public accountability in section 2. It distinguishes four domains in which political parties can fulfil key roles with regard to enhancing public accountability and three phases of an accountability process. The degree to which political parties can and will take up these specific roles with regard to enhancing public accountability depends on many international and national political, institutional, socio-economic, cultural & historic factors of which CMDs activities are just one aspect. However, the latter is the key aspect that is under analysis in this paper, while the main contextual factors constraining public accountability will be discussed in section 3 and more specifically in relation to CMD-Ks activities in section 4. See figure 1:

Figure 1: Research framework in which CMD-Ks approach is the main variable under analysis



Section 3 also introduces CMD-K. The main analysis of this paper is reflected in section 4 in which CMD-Ks activities are assessed per domain and with regard to the different phases of the accountability process for the period from 2004 until 2008. It discusses how these activities are valued by the different stakeholders and what emerging patterns of change in terms of policies, behaviour, practices and power can be observed. Additionally it comes back to the constraints CMD-K is confronted with and how that influences its choices. Finally, section 5 presents the concluding remarks.

In this paper the key questions are assessed not so much according to the internationally established norms and standards for aid effectiveness that are typically defined in a-historical and non-political way. We depart from what different groups of stakeholders and observers, ranging from CMD-K staff and CMD-K Board members, academics, journalists, businessman, civil society representatives and international donors, are likely to consider relevant and important, by assessing their perceptions that are embedded and shaped by historical, political, socio-economic and cultural processes in the country. The paper tries to identify emerging patterns of change in policies, practices, behaviour and power that are related to CMD-Ks activities.

Data for the paper are based on both primary and secondary sources. An extensive literature study was undertaken on the basis of independent programme evaluations, policy, travel and annual reports of CMD-K and NIMD, newspaper articles, independent policy studies, national statistics, academic and popular articles and books on the topic. This was complimented with interviews and focus groups with a wide range of Kenyan stakeholders¹¹ during the months of November and December 2008 in Nairobi, Kenya and interviews with NIMD staff in The Hague, the Netherlands in October and December 2008, as well as in March 2009¹². The paper assesses the period from 2003 until the end of 2008.

2. Public Accountability and the ideal roles of Political Parties

¹¹ List of interviewees is available on request to the author

¹² The author is very grateful to both NIMD and CMD-K staff members for sharing their rich experience, knowledge, resources and networks, without which this study would not have been possible.

Before being able to assess if and how CMD-K has been able to influence the roles of Kenyan political parties in enhancing public accountability, this section will explain what we actually mean by public accountability (from a theoretical perspective), what roles parties are supposed to fulfil to enhance public accountability, to what actors this relates and by what indicators this can be characterized.

2.1. What is Public Accountability?

Public Accountability, although it differs across political systems, is important in every society as it underpins the allocation and use of power. Therefore donors, including those in political party assistance made the strengthening of public accountability to a key objective in their policies on improving governance.

The more popular the concept of accountability became, the more fuzzy and diverse its meanings, both among scientists and donors. It goes beyond the scope of this article to discuss this here, but essentially, public accountability refers to the complex contextual social process between citizens and State (O' Donnell, G. 1999; Schedler, A, Diamond L, Plattner, M (eds), 1999; Prezworski, A, Stokes, S.C, Manin, B (eds) 1999; Mulgan 2000, 2003; Strom, K. 2000, 2003; McCandless, H., 2001; Bovens 2005; Bovens, Schillemans, 't Hart 2008; Bovens, Schillemans (eds) 2009.¹³ In this process the State has the obligation to account for: (1) the use of public resources like finances, natural resources; (2) the way policy decisions are taken and how they perform with regard to serving the wider public interest in a resource efficient, effective and fair manner; and (3) the way they act and execute their public jobs: within the law, fair, non-corrupt and legitimate

For the purpose of this article and to be able to make further analysis with regard to CMDs approach addressed later in this article, it is useful to describe the accountability relationship between State and citizens in more detail. We therefore adopt Mark Bovens' definition of *public accountability* which allows us to describe the relationship between State and citizens as a

¹³ The State refers to all representatives of the State, both elected politicians and non-elected representatives

complex contextual social process between an actor and a forum in which the actor, in our case the State or 'the Supply side of PA', has

1. the obligation (duty) to disclose information and be transparent;
2. to explain and justify behaviour and performance (answerability);
3. to accept the consequences of this behaviour by accepting sanctioning in case of bad performance or criminal acts, rewards in case of good performance, or suggestions for change to learn and do better in the future.

The forum, in our case citizens, civil society, media or 'the Demand side of PA' has

4. the right to pose questions;
5. to have access and receive relevant information on, and a justification of, behaviour and performance of the actor;
6. to provide a judgment of this; and
7. to pose sanctions, directly or through others who have sanctioning power in case of bad performance, reward good behaviour or suggest changes for learning and better performance in the future' (Bovens 2007:452; adapted by author).

According to this definition the public accountability process has *three phases* that apply to both supply and demand sides (Bovens, Schillemans 2009:23, adapted by the author¹⁴):

- I. *Transparency, information & voice*¹⁵ *phase*: key aspects are transparency, timely and accessible information, participation, capacities to deliver, analyze information
- II. *Debating, consultation & negotiating phase*: key aspects are answerability, neutral/safe space for debate, negotiating power, complaint mechanisms, participation, capacities for debating
- III. *Sanctioning, rewarding & learning phase*: key aspects are direct or indirect, formal or informal enforcement/sanctioning or rewarding mechanisms, individual and/or organizational learning via reflexion, monitoring & evaluating activities.

¹⁴ See for more explanation per phase: Speijcken, 2009.1:14

¹⁵ Voice, as defined by A. Rocha Menocal and B. Sharma (2008), is the capacity to express views and priorities and to demand for information rights and entitlements. Voice can be executed formally through the participation of citizens (or beneficiaries) in decision-making processes, service delivery, policy implementation, performance monitoring and evaluation and informally through protest, public demonstrations, lobby, advocacy campaigns or public interest law suits.

2.2. The roles of political parties in the process of Public Accountability

Section 1 already touched upon the essential intermediate roles between citizens and State that political parties ideally fulfil in every well-functioning multiparty democracy (Muller 2000; Salih 2003:7; Burnell 2004:1; Carothers 2006). They also are the connection between the party system and the government (Salih 2003:7).

This intermediate position and their presence in both civil and political society, gives political parties a unique opportunity to work with and potentially enhance both the supply and the demand side actors of public accountability, in all three phases of the process.¹⁶ Because of this, parties are in an exclusive position to address all of the commonly defined objectives of public accountability. These objectives are: democratic control by citizens of elected representatives in public office (1), providing checks and balances for citizens in the implementation of policies with the objective to make governments more (development) effective (2), prevent the misuse of power (3), address learning of public decision & policy makers through evaluation and self-reflection (4) and by all of this, endowing government with more legitimacy (5) (Schillemans, Bovens 2009: p.277).

This means that parties ideally fulfil roles that go beyond their roles in direct political accountability related to elections. They fulfil roles with regard to four specific domains to enhance public accountability in society: the demand side of accountability that consists of citizens and their organizations, the supply side of public accountability, referring to government and state institutions, the external enabling environment, referring to laws, rules, oversight organizations, political stability etc. and the internal enabling environment, referring to parties' institutionalization process.

2.2.1 Roles of Political parties towards demand side of public accountability

On the demand side of public accountability, that is, strengthening citizens in holding government to account for performance, behaviour and resource use, political parties can

¹⁶ Political and civil society refer to the different arenas as defined by Hyden et al. (2004:18)

perform a number of roles. Randall, Salih and Burnell mention the dissemination of political information, providing ideologies and leadership, the aggregation and representation of citizens' interests, promoting the political socialization or mobilization of citizens to undertake self-help activities and providing opportunities for political participation (Randall 1988; Salih 2001 and Burnell 2004).

Parties can, preferably in cooperation with other actors like civil society organisations, media, oversight and auditing organization be involved in participatory checks and balances in implementation monitoring & evaluation of policies and public funds. They can facilitate political & social debate among between citizens and between citizens and politicians. These activities, commonly referred to as social accountability mechanisms, provide, according to Bellina and others, a source of legitimacy to citizens, as it allows them to engage in the governance process, beyond the process of how the power-holders are elected (Bellina, S. et al., 2009:16). However, this only works when public purpose is put ahead of private gain and laws, rules, impartiality and expertise are respected (idem:16).

2.2.2. Roles of Political parties towards the supply side of public accountability

Parties are also important for the supply side of public accountability. Within a well-functioning competitive party system, parties are supposed to hold government to account on behalf of the electorate. They can also assist politicians in office in being more responsive and answerable to citizen's needs. In addition, they have an influence on policies by formulating programs and by supervising policy implementation (Randall 1988; Salih 2001). They can provide feedback to politicians and encourage learning by monitoring and evaluating policies. Furthermore, parties are supposed to have their own 'code of conduct' that reflects their formal and informal norms, values and beliefs by which party members, including those in power, are ideally held to account and sanctioned (formally or informally) when violating these codes for example in case of corruption, misuse of power, floor crossing or discrimination.

Parties are also responsible for political recruitment and training or in other words, for the political leaders of the future by which they create opportunities for upward social mobility (Randall 1988). They are in charge of the quality of these future leaders. When citizens would be

able to check or add to the quality of aspirant politicians, this, according to Goetz and Jenkins, could potentially provide citizens with an interesting ex ante control mechanism, compensating for the often unsatisfactory ex post mechanism of elections in which citizens can vote politicians out or into office only after the facts have taken place (2005:80). Ideally this would prevent the 'bad guys' coming to public office. At the minimum, interaction between citizens and aspirant politicians would contribute to better informed choices during elections.

2.2.3 Roles of political parties in enabling the 'external' environment for public accountability

Parties do not only need an enabling external environment to fulfil their roles in public accountability, they also contribute to this enabling environment. They are a key factor in providing political stability in a country, without which public accountability is not possible. According to Burnell, parties also function as a tool for nation building as they can manage and mediate conflicts of interests (2004:5). Salih adds that parties provide political stability in societies that are able to absorb increasing levels of political participation by the new social forces generated by modernization (2001:34; 2003:4). Next to that, parties play a role in mobilizing voters and lobby politicians for law and party system revisions to strengthen the institutional framework for public accountability.

2.2.4 Roles of political parties in enabling the 'internal' environment for public accountability: party institutionalization

Although mainly described from the perspective of the consolidation of democracy, which reflects only one of the functions of public accountability, a substantive body of literature supports the view that only strong enough institutionalized parties can be expected to take up their roles in enhancing public accountability (Diamond 1988, Mainwaring 1998, Randall & Svåsand, 2002; Carothers 2006; Basedau & Stroh, 2008).

Combining aspects from the studies of Basedau & Stroh, Mainwaring and Randall & Svåsand on party institutionalization, we define the institutionalisation of parties with two key concepts: *stability* and *value-infusion*. In our definition '*stability*' consists of five sub-aspects namely:

- the level of systemness of the organization, referring to its age, organizational complexity, governance, systems , accountability systems, resources, organizational and individual capacities and the roles it takes up over time;
- the level of internal coherence of members and leadership about vision, mission and responsibilities;
- the level of internal autonomy, referring to freedom of interference or dependency (or even ownership) on powerful individuals;
- the level of external autonomy, the same as the latter but for external actors (e.g. donors; companies);
- the level of 'roots in society' that a party has, both formally in working relationships with society and informally (often less visible) through relations of kinship, ethnicity and patronage..

Value-infusion refers to the fact that parties need to add value or 'infuse value' to society, in the eyes of both internal members & leadership and external actors (citizens, media, academics, private sector, civil society etc.). This refers for instance to the way in which they translate and deal with social cleavages and serve the public good. Together these aspects constitute for the level of institutionalisation of a party.

2.3 Indicators for the ideal roles of Parties

Now what do these different roles of parties mean with regard to the four domains and three phases of the public accountability process? And how do we know if parties work on any of these aspects? What can already be concluded from the above is that 'cooperation' is an essential element in all domains. To enhance public accountability, parties will need to cooperate among themselves, with their members, with their leadership, elected representatives and with other actors in society. On the basis of the above, table 1 illustrates the main indicators or activities that parties would need to engage in per domain and per phase of the accountability process, to enhance public accountability. These indicators serve as a general benchmark for stakeholders' assessment of the activities demonstrated by CMD-K between 2004 and 2008 in section 4.

Table 1. Indicators for Political Party activities to enhance demand & supply side, enabling environment & party institutionalization

Phase in PA Process ↓ Domain & indicators→	PP Demand side activities to citizens & civil society org.	PP Supply side activities to State representatives		PP activities for external Enabling environment	PP activities for internal enabling environment: party institutionalization
		Government (ruling pp)	Parliament (ruling & opposition pp)		
Main goal of Public Accountability	Democratic control, participation, interest representation, trust in public authorities	Learning, increasing effectiveness, legitimacy	Democratic control, participation, representation, trust, legitimacy	Legitimate, democratic institutions & trust in society	Legitimacy, trust, interest representation, democratic control
Phase I: Information & Voice Transparency	<ol style="list-style-type: none"> 1. Ideology & issue based party manifestos 2. Regular info provision on policies (print material, web-site, media) 3. Regular interaction with citizens on all levels from sitting & candidate politicians 4. Issue based cooperation with civil society org., media, other actors 5. Co-engage in citizen education to help citizens express needs + interests 6. Invite citizens to participate in politics 7. Convince voters on base of arguments/issues to vote for party in next elections , not by buying votes 	<ol style="list-style-type: none"> 13. Push & facilitate for transparent policies & decision making 14. Push & facilitate for accessible, comprehensible and timely info provision 15. Address issues of inequality & exclusion in policies & political representation 16. Advocate participatory policymaking, implementation, ME&A 17. Push ministers to capacitate departments for clear info presentation, ME & openness to learning 18. Engage ministers & president in regular (nationwide) party congresses 	<ol style="list-style-type: none"> 25. Advocate coherence of parliamentary group (no floor crossing/ defections) 26. Cooperate with & advocate for strong independent MP budget/ resource control & M&E 27. Push for citizen participation in MP committees 28. Address issues of exclusion+inequality 29. Push for responsive MPs beyond constituency 30. Co-engage in capacity building of new MPs & commit. 31. Engage MPs in regular (nationwide) party congresses 	<ol style="list-style-type: none"> 35. Enhance cooperation among parties on strengthening the party system and other laws& systems (constitution, electoral system etc.) 36. Inform/lobby stakeholders about necessary law revisions enhancing public accountability like anticorruption laws, information law, political party laws, laws strengthening financial auditing institutions 37. Maintaining relationships with media, oversight institutions, interest groups, private sector 	<ol style="list-style-type: none"> 41. Internal Coherence: no party factionalism, coherent MP group, tolerance 42. Public code of conduct & sanctioning mechanism 43. Issue/ideology based politics instead of personality based politics (autonomy) 44. Equality (gender, ethnic, disabled) (inclusiveness) 45. Strong formal 'roots in society' among members centr/decentr & with civil society, etc. (interest representation value infusion) 46. Reduce importance of informal roots in society like kinship, ethnicity, patronage networks 47. Capacitate of party org. & individuals on all levels 48. Transparent membership registration & fee-collection 49. Transparent party finances

<p>Phase II:</p> <p>Debate, negotiating and Consultation</p> <p>Answerability</p>	<p>8. Be interface for citizens questions/ debate/complaints/ needs with regard to policies + politicians behaviour in gov. & parliam. + on regional & local levels</p> <p>9. be interface for inter-citizens debate on tolerance, inclusion, nat. identity etc.</p>	<p>19. Sensitize politicians in government to be responsive to citizen's needs , expressed directly, through opposition parties, civil society groups or parliamentarians</p> <p>20. Mediate in situation of conflict between coalition partners (prevent factionalism)</p>	<p>32. Encourage Parliamentary committees to interact & open up with citizen (groups)</p> <p>33. Mediate in situation of conflict between ruling & opposition parties</p>	<p>38. As parties, mediate & manage conflicts of interests between different societal actors (e.g. on local level in service provision)</p> <p>39. Negotiate/debate law revisions etc. with other stakeholders</p>	<p>50. Give room for discussion & diverse opinions within party on different levels</p> <p>51. Mediate in situation of conflict between politicians within party (prevent factionalism)</p> <p>52. Open up for debate with citizens and others on party & societal issues & political ethics (aspirant training e.g.)</p>
<p>Phase III:</p> <p>Enacting Consequences</p> <p>Sanctioning, Rewarding, Learning,</p> <p>direct or indirect/ formal or informal</p> <p>Enforcement</p>	<p>10. Assess /evaluate/ peer review in participatory manner with voters party programs, budgets, policies etc. (election promises) for learning & improving policies</p> <p>11. Cooperate with citizens to hold government (all levels) or service providers to account, report back to citizens how this is done, formally or informally</p> <p>12. Encourage citizens to cooperate with other institutions that have sanctioning mechanisms to hold government or politicians to account</p>	<p>21. Hold government & politicians to account for behaviour, policies and resource use</p> <p>22. Address and sanction misbehaviour of politicians in power within party or publically & take measures according to codes of conduct & rule of law either formal or informally (prevent culture of impunity for politicians)</p> <p>23. Praise publically (press releases e.g.) good behaviour of politicians with regard to public accountability aspects</p> <p>24. Assess / evaluate/ peer review in participatory manner with voters (part of) party programs (election promises) for learning & improving policies, procedures etc.</p>	<p>40. respect and support judgement of democratic accountability institutions</p>	<p>53. Address and sanction misbehaviour of politicians within party or publically & take measures according to codes of conduct & rule of law (no impunity for politicians)</p> <p>54. Praise publically good behaviour of politicians with regard to public accountability aspects</p> <p>55. Assess / evaluate/ peer review in participatory manner with members and target groups/stakeholders, (part of) party programs for internal learning & improving policies</p>	

3. Constraints to public accountability in Kenya & the set-up of CMD-K

The structural and institutional constraints to public accountability in Kenya are shaped by the national and international political, socio-economic, legal and cultural particularities that shaped Kenyan society over time. These circumstances set the context in which CMD-K has to work. Therefore this section presents the main constraints for each of the four domains and it explores some of the key features to understand this context better. Finally CMD-K is introduced.

3.1 Contextual Constraints per Domain

On the demand side of public accountability, referring to citizens and civil society organizations, the main constraint is the relatively weak demand for public accountability. Extreme poverty, disappointed with the formal political system, low levels of trust in politicians and parties caused by their bad track records and lack of genuine interest in the wellbeing and democratic participation of all Kenyans, contribute to this. High poverty levels, historic inequalities in the access to education, land and power distribution among ethnic groups and regions, gender inequalities and high youth unemployment rates have not sufficiently been addressed by the subsequent governments. Kenya has a relatively strong civil society, cooperating with international donor organizations to address these issues. They were the main drivers for socio economic and institutional reforms in Kenya before 2002, however, they became more disintegrated and weakened when their leaders were co-opted into politics¹⁷. The sector is only slowly recovering from that.

The main constraint on the *supply side of public accountability* is the lack of political will of the elected or appointed politicians to work for the public good and wellbeing of all citizens in Kenya. Politicians in public office do not account for their behaviour, performance, policies and resource use to the public. They lack transparency, responsiveness and answerability. Many expose an extreme self-interest, merely using public office for personal gain and for supplying their patronage networks. This contributes to distrust among parties. Politicians have no interest in changing legislation or implement socio- economic reforms that might harm their

¹⁷ The National Rainbow Alliance (NARC) that kicked KANU out of power in 2002, incorporated some of the most important and strong civil society leaders into its government

interests. This also causes strong distrust between civil society organizations and politicians as the former are pressuring for these reforms. Parliamentarians, often behaving in similar ways as governing politicians, also have limited formal powers to hold the executive to account and often lack information and capacities. Therefore, corruption is rampant, public resources are misused, public policies and services are often ineffective and the majority of Kenyans still lives in extreme poverty.

The main constraints with regard to *the level of institutionalization of parties* are weak stability and coherence. Most party organizations depend on party leaders and their respective patronage networks. They lack issue based politics & ideologies as well as internal accountability mechanisms or codes of conduct. Many parties are formed around one or more ethnic groups and political leaders frequently misuse that by ethnicizing politics to advance their own power games. Parties have no membership and party funding is non-transparent and prone to corruption. Parties are most active in the capital and before elections; in between elections and in rural areas most parties are virtually non-existent. All of this contributes to a high vulnerability to party factionalism, extreme fluidity of parties and short party existence.

The main constraint for the *external environment* is the insufficient legislation, particularly with regard to the constitution, electoral laws and laws concerning decentralization and local authorities. Next to that formal oversight and accountability institutions like the judiciary, parliament, financial management systems and provincial and local authorities are often weak or corrupt. Finally, the presidential system limits public accountability as it reduces the role of parliament, grants excessive powers to the president and tends to emphasize personalities over issues.

3.2 Interpreting the main Contextual Constraints

Since 1963 Kenya transferred by constitutional amendments from a British colony to a republic, from a parliamentary system to a predominantly presidential system, from a quasi-federal state to a unitary system, from a multiparty system to a de jure one party state by 1991 and finally from a de jure multiparty but de facto one party state since 1992, into a more open multiparty democracy again from 2002 onwards (Law society of Kenya 2006:13).

Multi-party democracy and its institutions, including public accountability as we understand it, is a rather recent concept in Kenya. Historically, State, economy and society, including its governance and accountability systems are more relation-based than rule-based (Boesen 2007:86). This means that although both forms are present in most societies, developing countries including Kenya, tend to be dominated by informal, binding relationships based on trust in persons, while developed countries are governed more by formal public and transparent rules, regulations and contracts (Boesen 2007:86,87). Kenya can be characterised as 'de jure' rule-based since multiparty democracy was formally introduced in 1992, however, 'de facto' informal relations and practices of client patron relationships have always played a major role. Patronage is a deeply entrenched and long standing system that is present in all layers of society and penetrating all formal and informal interfaces between citizens and State. State legitimacy tends to be based on a mix of this tradition and trust in charismatic leaders, combined with Western idea(l)s of formal democratic institutions and rational-legal legitimacy (Bratton and Logan 2009, Clements 2009, Hyden 2008).

In that tradition political power holders do not so much secure their support by implementing decent public policies that benefit the majority of citizens, but by using public resources to satisfy their patrons and clients. Bellina and others, building on Bayart (1993) and Chabal and Daloz (1999) found that in societies where political legitimacy is built on patronage practices 'the pursuit of policies that are rational in the sense of enhancing state capacity or promoting economic development, may be politically impossible to sustain', when they conflict with patronage relationships on which the power position of holders of official positions is based (Bellina et al 2009:29). Preservation of regime and State power is likely to be given the highest priority by the latter (idem). This is politically and economically beneficial for power holders in the short run, but detrimental for state capacity and economic growth in the long run (Beissinger and Young 2002).

Nevertheless, according to Chabal and Daloz, many citizens regard patronage as legitimate and acceptable when it serves their interests and is compatible with historical social practices, norms and expectations (1999). At the same time however this does not mean that citizens would not expect other services from the State in the area of health, education and infrastructure and

alike. Unfortunately, as Bellina and others note, these two sets of expectations hardly go together as patronage undermines State resources that ought to provide for public services (2009). However, many citizens find it easier to rely on the personal informal relationship to patrons than on the impersonal formal relationship with State institutions (idem).

This is the context in which the constraints for enhancing public accountability in Kenya manifest and it therefore sets the stage for CMD-Ks activities. What becomes clear from the above is that the conditions and incentives for parties to cooperate and enhance public accountability in Kenya are poor.

3.3. A new kid on the block: The Centre for Multiparty Democracy-Kenya

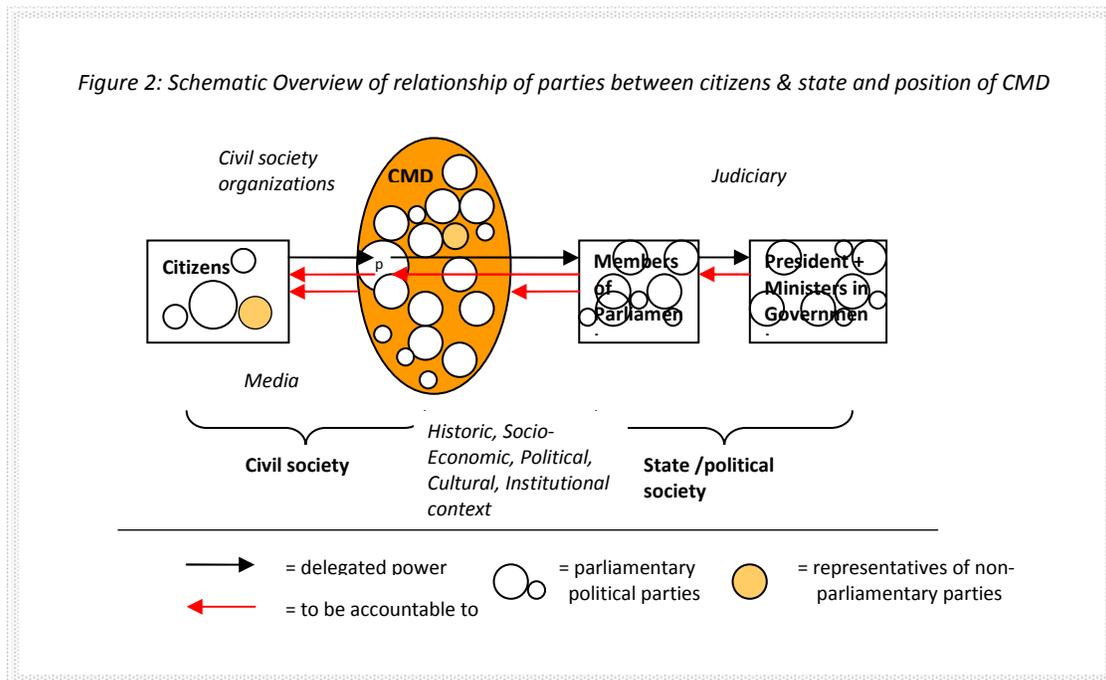
The Centre for Multiparty Democracy-Kenya (CMD-K) was formally established as a trust in 2004.¹⁸ All parties represented in parliament or having at least five councilors on behalf of the party, plus a 'Forum' that represented non-parliamentary parties, became its members. In 2004 CMD-K had 16 member parties; in 2008 it were 36 parties of which 23 had parliamentary representation.

NIMD's approach was based on the key assumption that in a multiparty democracy, political parties are the primary link between citizens and State and thus between the governed and the government. They subscribed to the key functions of political parties as mentioned in section two. In Kenya, as shown above, political parties did not yet fulfil these roles and therefore NIMD's approach was based on the need for parties to re-invent themselves by slowly moving away from the personality oriented and ethnically based political power vehicles they represented now, into more interest representing, issue-based, multi-ethnic, value-adding and stable organizations. However, they also acknowledged that this type of change cannot be imposed from the outside and that the political parties themselves needed to become the drivers of change. With CMD-K they aimed to encourage that process through inter-party

¹⁸ A trust is a legal entity in Kenya, different from business or NGO. CMD-K was a unique new entity, there was no experience with this type of organization and all had to be invented, created and experienced on a trial and error base by both NIMD and CMD-K. CMD-K is thus in an institutionalization process itself (Speijcken, 2009)

cooperation, dialogue, exchange of experiences, joint projects, peer pressure and cooperation with other actors like civil society and the media.

Figure 2 shows how CMD-K is positioned in Kenyan society. It has no formal position or role in the relationship between citizens and state (like parliament for example), but as it works for and with all political parties represented in parliament and a representation of those out of parliament, CMD-K is strategically positioned to work with both demand and supply sides of public accountability in Kenya.



NIMD's underlying assumptions with the establishment and objectives of CMD-Kenya were that when CMD-K would strengthen informal interparty dialogue, debate and cooperation on issues of national and party interest, this would lead to enhanced trust and activities within and among parties and between parties and civil society. It would also lead to more respect for democratic values and accountability. Ultimately this would lead to more institutionalized and democratic parties that are better able to carry out their roles in enhancing public accountability in society.

The principles on which these assumptions were based are inclusiveness of all parties, local ownership of change and reform processes, and the recognition that context matters.¹⁹

To prevent however, that support to political parties would merely strengthen those already in power and therefore increase existing power imbalances and inequalities, and to prevent CMD-K to be captured by one political party or coalition, NIMD employed two strategies. The first strategy was to work with a combined approach of bilateral programs and cross-party programs. Bilateral programs were directed at individual political parties and aimed at strengthening institutionalisation on organizational and individual levels.²⁰ CMD-Ks cross party programs aimed at increasing trust, cooperation and an exchange of ideas and experiences among parties and between parties and civil society actors. It also intended to encourage learning. However, bilateral aid was stopped in 2008 because of worries about returns on investment because of party factionalism and insufficient accounting and because the political party act would forbid external party funding. Since then, NIMD provides cross party funds only.²¹

The second strategy was that NIMD, in negotiating with the parties, made sure that CMD-K got a relatively independent impartial professional secretariat that had to safeguard the neutrality of CMD-K as an organization. It should safeguard and promote democratic values and norms like inclusion, participation, voice, empowerment, transparency, accountability and human rights in and among the parties and in society as a whole. The secretariat had the professional jurisdiction over the day to day affairs and was responsible for the implementation of policies and programs. It also evaluated and accounted for programs and resource use both within CMD-K and towards donors. Towards parties and society as a whole it served as a resource and knowledge centre on democracy and politics. The secretariat is led by an executive director, who has strong roots and a relevant network in civil society and who represents the non-

¹⁹ In adhering to these principles NIMD differentiated itself from many other political party donors that usually had a more selected approach to parties (Carothers 2006, OECD 2009 ; also from interviews of author with other political party donors and their program documents

²⁰ By paying for secretarial costs, establishment of offices, getting computers next to capacity building trainings, NIMD differentiated itself from other donors who would mostly concentrate on logistical and technical support according to Zeeuw (2010:20)

²¹ PPA would provide public funding for parties. Reservations in the national budget for party funding have not yet been made. It is not yet clear if PPA will have an impact on the cross party programmatic funding that for now remains untouched.

political face of CMD-K to the outside world.²² Next to the professional staff of the Secretariat, CMD-K consists of an Oversight or Executive Board (OB) and the General Meeting (GM), both made up of party members. The Board is the principle policy making organ of CMD-K that meets at least four times per year. Each party appoints two representatives, preferably from higher cadre levels (Secretary Generals etc.) to give CMD-K a good linking to the party leadership.²³ Board members elect a chair for one year. The chair also serves as the main political representative of CMD-K to the outside world. The Board is assisted by several committees of which the Steering Committee (SC) is the most important. The GM is the supreme decision making organ of CMD with regard to annual & strategic plans and budgets. It meets once a year and consists of five delegates per member-party. Parties can choose whoever they deem fit to represent them.

4. CMD-K activities 2004-2008: assessing and interpreting results, constraints, emerging patterns of change and choices

Now we have defined the ideal 'de jure' roles of parties in public accountability per domain and phase in section 2 and identified the main constraints in Kenya in section 3, this section first assesses to what extent CMD-K assists parties in fulfilling these roles in practice in the period 2004-2008²⁴ by evaluating CMDK-s key activities on the basis of stakeholders and observers' perceptions. Part 4.2 explains for these results by discussing which constraints matter most. Subsequently section 4.3 intends to identify and understand the emerging patterns of change in terms of policies, practices, behaviour and power or 'rules of the game' induced by CMD-Ks activities. Finally part 4.4 interprets CMD-Ks strategic choices.

²² Until recently the ED also acted as the (N)IMD coordinator having the responsibility to coordinate and assist parties in programming and accounting for bilateral funding, next to as ED for institutional and cross party funding. This blurred accountability relations and caused tensions between ED and parties. In 2008 bilateral funding came to an end.

²³ The Board had 32 members in 2004 and 72 members in 2008

²⁴ The listing of activities are based mainly on the strategic plans, final programmatic reports and annual reports of CMD-K 2004-2008

4.1 Assessing activities

4.1.1. Activities aimed at the Demand side actors & perceived results

Different groups of stakeholders agree that the activities directed to citizens and civil society as listed in box 1 even though they often have an ad hoc and short term character and concentrate around main political events, have been successful in expanding the physical spaces for interaction between citizens and candidate politicians nationally and on constituency levels. They also enhanced voters' awareness, knowledge and engagement on issue based politics and increased the participation of excluded groups in politics, like women, ethnic minorities and youth.

However many of these activities could have a more long term programmatic and strategic character. Some observers regretted that the interaction between candidate MPs and citizens was not taken one step further after the elections by inviting elected MPs back to the constituency to account for their performance. In this way a potentially new accountability mechanism between citizens and elected politicians could be created in between elections. This would provide citizens with a platform to debate their needs and give feedback on policy implementation, while politicians have the chance to receive credit, discuss or redress policies or behaviour before the next elections. What is furthermore missing according to observers, are activities on the local level which could strengthen the demand for public accountability from the bottom up.

Box 1. CMD-K activities aimed at the demand side actors²⁵

Activities aiming at enhancing transparency, information & voice (Phase I, t1:1-7):

- civic education & information exchange in and on political party programs around elections & constitutional referenda
- community exchange program of citizens to build bridges and understanding among different ethnic groups (broadcasted on TV)
- workshops for women, youth and persons with physical disability to increase their political participation in governing organs & politics

Activities aiming at enhancing debate, consultation & negotiation (Phase II, t1:8, 9):

- radio and TV interparty debates with call in possibilities or a public on norms, values, visions, programs, issues, cleavages

²⁵ Reference is made to table 1 and the numbered indicators per phase, for example Phase I,t1:1-7)

- live debates in the field, among candidate women and youth politicians (Country Hall debates) with citizens in 32 constituencies (also broadcasted)
- accountability constituency manuals in which promises of candidate parliamentarians were laid down from Country Hall debates and which could be used by citizens to hold them to account when they would get elected

Activities aiming at enhancing sanctioning, rewarding & learning (Phase III, t1:10-12):

- presidential campaign funds and expenditures were monitored by the Coalition for Accountable Political Financing (CAPF) in which CMD-K participated with 35 civil society organizations

4.1.2. Activities aimed at the Supply side actors & perceived results

From the activities that CMD-K employed towards the supply side actors like politicians in office and candidate politicians, as listed in box 2 below, observers greatly value CMD-Ks work with candidate women and youth politicians at governmental and parliamentary levels. They advise CMD-K to scale up these activities. By working with these groups, CMD-K actually contributes to realize an ex ante accountability mechanisms, or in other words a ‘check and balance’ mechanism for citizens on the quality of politicians before they get elected (Goetz and Jenkins 2005:80).

The main reason for CMD-K to work with candidates was that they can still be ‘politically moulded’. And while they tend to be less co-opted by the existing political culture and often have fewer vested interests, they do represent the potential future leaders. Therefore they might be more open to CMD-K activities that develop their sense of responsibility, responsiveness and answerability towards citizens. Other reasons for CMD-K to concentrate on this group were resource restrictions and the fact that other donor organizations targeted sitting parliamentarians. CMD-K did organize workshops with MPs on important legislative reform processes like the political party act, the constitution and on women rights that have also been valued positively by stakeholders and observers.

However, those activities targeted at the highest political and party leadership have not worked out. The bonding retreats among party leaders in the early years were supposed to create informal networks and enhance trust, but the retreats had a rather formal character and party leaders did not use the opportunity to bond or form coalitions on these occasions (Charlotte Ørnemark, Karuti Kanyinga 2005). More recently before the 2007 election, the planned

presidential public debates with the political leadership did not take place as leaders refused to cooperate in the increasingly tensed political climate. Furthermore, politicians in office did not fundamentally change their working ways in being more transparent, issue based or interest representative in the policymaking process.

Box 2. CMD-K activities aimed at the Supply side actors²⁶

Activities aiming at enhancing transparency, information & voice (Phase I, t1:13-18+25-31):

- Facilitate politicians in articulating issues & views to public via TV, radio, newspapers, party manifestos, party congress, mainly before elections & referenda
- Assist in profiling women and youth candidates in media before elections
- Popularity surveys for women & youth candidates
- Monthly peer meetings of women and youth candidates to exchange experiences & approaches
- Capacity building of candidate MPs
- Support women in parties (ODM, PNU) to lobby party top to include women in top party and political positions before nomination process
- Training of MPs in legislative reforms or interest issues like constitutional reform, political party act, position of women or minorities etc.
- Organize assembly of former MPs across all political divides with Former Parliamentarians Association Kenya (FPAK)

Activities aiming at enhancing debate, consultation & negotiation (Phase II, t1:19,20+32,33):

- Bonding retreats of party & political leaders
- Facilitate (live & broadcasted) debates between candidates and their constituencies
- Organize live presidential debates before election 2007

Activities aiming at enhancing sanctioning, rewarding & learning (Phase III, t1:21-24): none

4.1.3. Activities aimed at Party Institutionalization & perceived results

In terms of parties' institutionalization process and more specifically their value added, most observers agree that one of the most important achievements of CMD-K is that by giving parties their own platform, their self-confidence and self-image improved with regard to their public roles in society. At the same time CMD-K contributed to a better image of parties among other actors in society like civil society, media and donors by supporting cooperation. This is perceived as an important added value and a change with regard to the past. Box 3 lists the main activities.

²⁶ Idem note 23

Box 3 CMD-K activities aimed at party institutionalization²⁷

Activities aiming at enhancing transparency, information & voice (Phase I, t1:41-49):

- Regular Interparty debate in Board on issues of national & party interest (constitution, political party act, manifesto's, reconciliation, election violence, citizens interest representation, transparency of policies, party funding)
- Training activities like project & proposal development, reporting skills, project management, & accounting for organizational party levels like secretary generals, party executives, financial experts, secretaries etc.
- Writing party manifesto's
- Funding computers and use of ICT in parties
- Code of conduct/ethics & model party constitution developed
- Media trainings for party executives
- Gender training for Board and party members
- Workshops on political party act reforms, constitutional reform process etc.
- Bimonthly peace forums of youth leaders of political parties (post violence 2008)

Activities aiming at enhancing debate, consultation & negotiation (Phase II, t1:50-52)

- Regular Interparty debate in Board (see above)
- Youth development plan developed between CMD-K parties & civil society actors 2006-2013
- Intensified cooperation between parties and faith based groups (after 2007)
- CMD-K became a conflict mitigating platform for peace building initiatives among parties and between parties and civil society actors during & after post-election crisis in 2008

Activities aiming at enhancing sanctioning, rewarding & learning (Phase III, t1:53-55)

- CMD-K Board issued press statement condemning participation of party leaders in pre 2007 election violence against other parties and women

However, activities that were directed at strengthening parties as political or social entities have not delivered results yet. Parties do not add much value to the daily lives of most citizens, as opposed to some individual politicians even if it is through patronage. Manifesto's have been written but they do not represent citizens' interests. Although CMD-K managed to include more women, youth and ethnic minorities in politics, overall political participation is still extremely unequal and low.

With regard to parties' stability, referring to their systemness, coherence, autonomy and roots in society, results are also perceived as marginal and temporary. Most party organizations are still weak and show little internal coherence. And although insiders note that CMD-Ks funding

²⁷ Idem note 23

helped minimizing patronage from individuals with vested interests, dependency on leaders and their informal patronage networks is still high (CMD-K strategic plan 2009-2013: chapter 3). CMD-Ks contribution to setting up the basic organization of parties by investing in organizational hardware and capacity building of management and financial staff through its bilateral program is very much valued by those parties who benefited from it. Therefore observers note that CMD-K activities have benefited particular parties at particular times (like small opposition parties in beginning) and particular individuals within parties (like financial officers, managers, women and youth). It is however not clear to what extent CMD-K activities will strengthen the party as an organization to take up its roles in enhancing public accountability.

All in all, observers praise the small changes as being of great value. More politicians and candidate politicians take their individual and party roles serious and work for real improvements in public well-being. At the same time parties demonstrated progress by cooperating in joint CMD-K projects as well as in taking up their joint responsibility to find a way out of the election crisis.

4.1.4. Activities aimed at enabling the environment & perceived results

Stakeholders agree on the fact that CMD-K has become one of the most important driving forces in the reform processes around the political party act, the constitution and in certain aspects of the Anan reform process. And although the success for enhanced public accountability depends on the actual implementation of these reforms, the preparatory process has a value in itself. It increased dialogue about important national and party relevant issues among the parties, enhanced the relationship between party politicians and diverse institutions like the electoral commission, parliament and constitutional reform committees as well as with civil society organizations, professional lawyer organizations and donor organizations. Moreover, it enhanced CMD-Ks role as a national resource centre on these issues, and its reputation as a relevant and active driver for change, according to many observers.

However, stakeholders also notice that because the various democratic oversight institutions are often still weak and patronage is strong, their judgement is often not respected or taken serious by politicians in office. Furthermore there are other public policy areas, like national and

local budget or tax systems and sector policies, in which CMD-K could engage to advance public accountability. Box 4 lists the main activities that CMD-K implemented in this area.

Box 4. CMD-K activities aimed at enhancing an enabling environment²⁸

Activities aiming at enhancing transparency, information & voice (Phase I, t1:35-37):

- Interparty Forum for Constitutional Review (IPFCR): position paper on roadmap by which it facilitates parties to give voice in process
- Interparty dialogue on law reforms like political party act, constitution, electoral laws
- Work with electoral committee to prepare smooth and safe elections and make sure parties cooperate in that
- Cooperate with media on publishing relevant articles on reform process
- Archiving public information on the political system & parties

Activities aiming at enhancing debate, consultation & negotiation (Phase II, t1:38):

- Mobilize a broad spectrum of actors at local and national levels to negotiate and advance in the Anan political reform agenda, in particular on the constitutional, legal and institutional reform agenda
- Lobbying the government for reservation for political party funding within national budget according to political party act

Activities aiming at enhancing sanctioning, rewarding & learning (Phase III, t1:40): none

4.2. Understanding results and which constraints matter most

Comparing CMD-K activities with the ideal indicators in table 1 shows that CMD-K managed to implement mostly short term phase I and II activities and only very few (for demand actors & institutionalization) or no (for supply actors & enabling environment) phase III or long term activities. Now what explains for this? Stakeholders identify three sets of constraints that help to understand these results. The first set is related to the contextual constraints that were explored in section 3.1 and 3.2. The second set of constraints is related to the institutional set up, nature and governance of CMD-K itself, which leads to the third set of constraints that relates to CMD-K's donor dependency and therefore donors' expectations and donor related accountabilities.

²⁸ Idem note 23

4.2.1. Contextual constraints

It becomes clear that CMD-Ks activities are affected and in certain areas severely limited by the constraints that have been identified in section 3.1. The relatively low demand for accountability and prevailing patronage systems cannot be easily changed. Even though CMD-K managed to contribute to many laws and regulations that are currently under revision to complete the legal framework, cultural traditions, beliefs and norms and socio economic circumstances might still dominate and guide daily practices and behaviour of people.

Regardless 'de jure' implemented reforms, 'de facto' success in this and many other working areas of CMD-K, will very much depend on the willingness of political leaders to let public interest prevail over personal gain and patronage systems. They will thus challenge CMD-Ks creative skills to convince them to do so. Although CMD-K worked intensively on inclusive, issue-based and participatory politics in cooperation with civil society organizations, parties and particularly with aspirant women and youth candidates, most attempts to engage the political leadership failed. This demonstrates that those in power can be invited to cooperate but cannot be forced by CMD-K, except when the actions taken, would directly affect their interests. It also confirms Bellina's findings about the problems of promoting rational policies among office holders in societies that are dominated by patronage practices (2009). This is an important conclusion as it points to the limitations of CMD-Ks potential and NIMDs' and other donors' aspirations.

4.2.2. CMD-K institutional constraints

The second set of constraints that limits CMD-Ks activities is related to its institutional set up, nature and governance structure. The first internal issue is that there is no agreement to what extent CMD-K should focus on cooperation with civil society. CMD-K is a trust for and by political parties and although the nonpartisan secretariat sees the need and necessity for increased cooperation with civil society, the Board and GM might be of a different opinion. Interviews with the both governing organs in late 2008 showed that there is a diversity of views on cooperation with civil society. Some feel that CMD-K should concentrate on the institutionalization process of parties as that is their core mandate. Others are, particularly after the 2008 post-election crisis, more convinced about the need for cooperation to advance in the reform process and find a sustainable way out of the political and socio-economic crisis.

The fact is that although CMD-Ks formal mandate ‘to facilitate growth of and strengthening multiparty democracy through capacity building of political parties’ did not change, the interpretation widened after the 2008 election crisis ‘to allow for greater participation of marginalised and minority groups & networking with other stakeholders and to engage political parties in peace building activities’.²⁹ This resulted from the direct involvement of CMD-Ks Executive Director in mitigating the post-election crisis by calling upon all political parties and an umbrella of civil society organisations to broker a way out of the violence, thereby influencing the Anan peace process.³⁰ Subsequently this paved the way for a more active engagement of CMD-K with civil society in the implementation of the Anan reform agenda and is therefore promising for the future of CMD-Ks activities in this domain.

The second internal issue is that the Board does not fulfil its political leadership role in a satisfactory way. Observers note that taking up a platform role for discussing issues of national importance with other stakeholders (phase II), while at the same time taking a public stand on these issues by publicly judging (positively and/or negatively) political leaderships’ behaviour and performance (phase III), demands for a strong CMD-K Board composed of members that are respected in the party structures, but at the same time have sufficient autonomy to make their own critical judgment and decisions. The CMD-K board has only taken up this role in times of crisis in which societal or even international pressure started playing a role, for example around the pre and post-election violence in 2007 and 2008.

What becomes clear is that the actual political power of CMD-Ks as a whole and its Board in particular, is linked to the level of representation and status of the Board members of the individual parties. In 2004, parties were keen to participate in this new initiative and funding mechanism. Board representation was as high as the secretary general levels.³¹ Over time, parties changed their attitudes towards CMD-K and the status of the Board representatives, notwithstanding their individual capacities, has decreased. In such a situation it becomes

²⁹ Interviews staff and board CMD-K November 2008, Nairobi, Kenya

³⁰ A mediation team mandated by the African Union and chaired by Kofi Anan, negotiated a National Accord and Reconciliation Act with the two party leaders Kibaki and Odinga after the 2008 election violence

³¹ In 2004 opposition parties were most interested but NARC followed quickly and later the parties in which NARC split up joined individually (Charlotte Ørnemark, Karuti Kanyinga (2005); Speijcken (2009.1). There were 16 member parties up to the elections of 2007.

questionable to what extent Board members represent party views in CMD-K decision making and to what extent CMD-K decisions are communicated, let alone accepted by the party leadership. As a result the CMD-K Board did not live up to its expected political leadership role. The potential risk is that CMD-K will lose its relevance among parties, towards the party leadership, elected politicians and subsequently to the rest of society.

Stakeholders mention three main reasons for the lower party level representation in CMDKs' Board over time. The first relates to the fact that bilateral funding stopped at the end of 2007 which took away an important initial incentive for committing to CMD-K and the cross party activities. The second reason relates to the fact that the Board over time felt less appreciated by NIMD as not they but the secretariat manages all formal and informal contacts with NIMD on planning, funding and evaluation. Finally stakeholders mentioned that the Boards' formal tasks and decision making mechanisms weakened over time because of the ambiguity in delineation of power between Board and the Board's Steering Committee and additionally because of its un-governability after the explosion of Board members from 32 to 72 after the last election.

The weak political leadership of the Board also explains why the Executive Director, who is a strong and well-connected personality, instead of the Chair of the Board, became the public face of CMD-K in mitigating the post-election crisis. Interestingly, this multi actor mitigation process around the political crisis increased media attention and subsequently national recognition and reputation of CMD-K. This made it more attractive for political parties again, to demonstrate their membership of CMD-K. However, it remains to be seen if this will have an impact on higher level party engagement and representation in CMD-K.

The fourth issue is related to the above as it represents the other side of the internal power equilibrium: the secretariat and its vulnerability to be either overruled or 'under-ruled' by politicians or donors, both negatively affecting its functioning. As it plays such an essential neutral broker role between politicians, parties and the rest of society, observers underline the importance for a sustainable balanced relationship with the political organs as well as with donor organizations.

A fifth issue is the lack of sufficient monitoring and evaluation tools. Bilateral funds have never been sufficiently accounted for and while the CMD-K secretariat is responsible for programmatic and financial evaluation of the cross party programs to account to NIMD, results are not used for CMD-K wide organizational learning. Observers therefore advise CMD-K to invest in a more professionalized and participatory monitoring and evaluation system. Related to this they recommend CMD-K in cooperation with civil society and media actors, to collect and publish best and worst practices of politicians' behaviour and performance in specific policy areas to encourage a culture of learning.

The sixth and last issue is related to CMD-Ks financial resources. Although observers praise CMD-Ks activities with candidate politicians, they point to the financial risk that CMD-K takes. The investment in candidates does only pay off in terms of returns on investment and a better chance for enhanced political accountability when candidates are actually elected. This financial risk might prevent donors to scale the initiative up to other than the defined excluded groups. This then leads us to the last set of constraints that will be addressed in the next section.

4.2.3. External constraints: Donor relations

The third set of constraints resulting from CMD-Ks organizational set up, is their dependency on donor money for implementing programs as political parties are not in a position to pay membership fees.³² CMD-K has shown to be increasingly successful in attracting donor money next to NIMDs' funding but it is a recurrent challenge to guarantee sufficient funding every year. A complicating factor is that donors mostly invest in short term projects, want to be able to identify their own projects within CMD-K and have their own funding and reporting criteria. This challenges the ownership of CMD-K, contributes to the short term and ad hoc character of activities, prevents CMD-K from employing more long term staff, tends to increase transaction costs and complicates organizational accountability and thus internal power relations.

³² Parties pay a symbolic contribution to CMD-K

4.3 *Emerging patterns of change?*

Now according to stakeholders, what types of changes are emerging from CMD-Ks practices between 2004 and 2008? We differentiate between changes in policies, practices, behaviour and power.³³ This can range from direct outputs like radio or TV debates between party leaders with constituency, to long term changes of policy and regulatory frameworks like the Constitutional Review Process.

4.3.1 *Changes in policies*

With regard to 'changes in policies' most interviewees consider CMD-K to be a strong driver of change particularly with reference to the legal and regulatory framework on the constitution and the political parties act, on general issues, party issues and gender related issues. CMD-K managed to make parties cooperate with stakeholders from civil society, to design, write, and lobby for the implementation of these reforms. However, the political party act is not fully implemented and the constitutional reform process is an on-going process, so it is too early to claim any deeper successes or failures.

4.3.2 *Changes in practice*

'Changes in practice', refer to changes in the provision, access and transparency of information consultation mechanisms, cooperation practices and alike. With regard to practices of parties, CMD-K, according to many interviewees plays an important role in assisting political parties but more in particular women and youth candidates, in communicating to and interacting with the electorate. Parties make political programs and they interact and communicate more and in diverse ways with public and media than before CMD-K. They also included more women, youth, persons with a physical disability and ethnic minorities in their political structures. Nevertheless, there is still a world to win in improving issue based information, transparency, interest representation and participation on sensitive areas like party financing, budget processes or other public policy areas. CMD-K will need to continue working on spotting, strengthening and assisting the 'reform minded drivers of change' within the parties (CMD Strategic plan 2009-2013).

³³ This approach is based on an evaluation framework developed by Rocha Menocal, A and Sharma, B (2008).

4.3.3. Changes in behaviour

Changes in behaviour refer to actual changes in individual and group awareness and behaviour of both demand and supply side actors. According to most interviewees CMD-Ks most important contribution, and particularly its secretariat as the key intermediate and facilitating actor, lies in the fact that on the one hand they induced an increased awareness among politicians with regard to their identity and roles in society in general and on the other hand parties are more than before, perceived as entities that can and in practice from time to time do add value to society.

Observers underline the importance of the modest changes in behaviour that politicians have demonstrated from 2004 to 2008. With regard to party organizations, a greater awareness of the importance of opening politics up to women, youth and ethnic minorities was shown. At the same time these groups themselves got more confidence to strive for inclusion. For example women candidates from different coalition parties that made up PNU and ODM-K cooperated in lobbying for the inclusion of women in higher (coalition) party structures. Activities like this are still exceptional in between elections or on party organisational levels.

However, with regard to parties' behaviour to citizens, observers are more sceptical and note that CMD-Ks activities have not managed to change parties in interest representative, needs assessing and participatory decision-making bodies because of the underlying patronage culture that dominates Kenyan society. Nevertheless, despite the fact that on individual levels informal responsiveness via patronage thrives, they recognize that on formal individual levels particularly among some CDMK-trained politicians, a change in behaviour can be witnessed as they act more in the interest of the general public.

At the same time, observers mention that citizens have developed an increased engagement and interest in political participation and in holding politicians to account when given the opportunity to interact with politicians in a more neutral platform instead of through patronage networks only. In those CMD-K activities where (candidate) politicians discussed programs and needs with citizens, many were present and actively involved. The fact that the general elections of 2007 had the highest voter turnout ever, shows that Kenyans are interested in politics.

Scepticists worry that party leadership is only 'playing the aid card'.³⁴ They refer to the fact that between 2004 and 2007 NIMD was the only donor providing direct bilateral party funding and money was according to them the only incentive for party leadership to engage in cross party programs and cooperation with civil society as they had no genuine interest in reforms. Although party leaderships' interest in CMD-K indeed decreased, the reputational gain of CMD-Ks actions in the aftermath of the 2007 elections did increase parties' interest in CMD-K again. It is unclear how this will evolve in the future.

4.3.4 Changes in power relations

Changes in power relations refer to changes in the 'rules of the game' and to what extent CMD-K manages to redress unequal power relations between citizens and the state, men and women or between ethnic groups. According to stakeholders CMD-K managed to change some 'party political rules of the game' by having parties including women, youth and minorities into their political structures. At the same time CMD-K advocated for equal rights and treatment of women, minorities and persons with a physical disability in general. Part of this struggle is expected to be laid down in different parts of the regulatory framework in the medium term future. However, this does not mean that rights are automatically respected by all and that it thus leads to a real change in power relations. There are existing informal rules of the game, norms, beliefs and practices, including patronage networks in which strong patrons rule that might prevent bringing these changes into practice in public and private spaces.

The same goes for changes in the 'administrative party rules of the game' that CMD-K attempted to address via the political party act. Even though it sets the formal benchmarks, parties continue to dissolve, start over, merge and disappear and are still very much leader dependent and patronage oriented.

Even with regard to the increased cooperation on specific issues between civil society and parties that CMD-K established, it is questionable if this had an effect on the rules of the game. The NARC government between 2002 and 2007 clearly demonstrated that this as it incorporated many civil society leaders who strongly advocated constitutional change and anti-corruption

³⁴ This expression was introduced by J .Barkan, J. 1993: 99

policies before they became co-opted in politics. However, when they were part of the political establishment, they were not willing or able to make any fundamental changes.

Therefore observers conclude that CMD-K certainly managed *to challenge* the existing rules of the game in several areas, however, there is a long and winding road ahead before practice will demonstrate deeper change. Working with marginalised and excluded groups as well as with candidate and youth politicians³⁵ and scaling up successful projects on national and local levels will increase pressure and demand from the inside and from below, which is according to many stakeholders the only way to encourage change in power relations. In that process, CMD-K and particularly the nonpartisan secretariat, fulfils a multi-actor broker and bargaining role that in the words of Bellina and others contributes to ‘the reshaping of the different patterns and institutions. Organizing systematic interactions between actors of all types within public spaces of dialogue, contributes to the making of a public sphere and to a de facto integration of various normative systems. Supporting such systematic interactions of actors and norms is the best possible way to support state legitimization and institutionalization processes’ (2009:25).

4.4 Interpreting CMD-Ks activity choices: learning by doing & old and new constraints

CMDs strategic choices with regard to its activities over the period 2004-2008 have been very much determined by the limitations or constraints that it experienced and on the basis of a ‘learning by doing approach’. Although section 3 concentrated on the main contextual constraints to public accountability in Kenya, CMD-Ks practices over the years, as analyzed in section 4, show that there are two other sets of constraints that affect its functioning. The second set relates to CMD-Ks organizational and governance structure and the third type to CMD-K’s donor dependency.

³⁵ The 2007 elections showed a new trend in which many of the established political elites were defeated by younger challengers. At the same time the voter group below 35 years showed an important increase in numbers. Youth, a group that CDM-K already works with has apparently become part of the drivers of change in Kenyan society

The analysis above shows that CMD-K has only to a certain extent been able to mitigate the first set of constraints. Many factors have not been addressed as they are out of reach for CMD-K. However, in general one could probably say that the further away the contextual constraints (3.1.) are from the personal informal power arena, the more successful CMD-K has been to mitigate them (e.g. regulatory legal reforms rather than addressing misbehaviour of politicians). While those constraints related to the informal rules of the game, might have been challenged (e.g. addressing inequalities in politics), but have not been changed fundamentally (e.g. dependency on underlying values, beliefs, norms, practices like patronage). This is also the main reason why CMD-K has not been very successful in addressing phase 3 activities as mentioned in table 1. Phase 3 activities directly touch upon power issues. Therefore CMD-K learned to take a more pragmatic approach which meant that they increasingly concentrated on activities in those areas in which they expect to be able to make a difference, like working with women and youth candidate politicians for example instead of party leadership.

CMD-Ks choice for a more pragmatic approach is also influenced by its funding structure for which they dependent on external donors. This means that donors have substantial influence on programs and also want to realize their policy objectives. CMD-Ks rather simple monitoring and evaluation systems are not used for organizational learning but only to account on resource use and results to donors. This makes CMD-K vulnerable and poses risks in terms of ownership, strategic priorities, transaction costs and sustainability over time.

The dependency on donor funding also complicates organizational governance and accountability relations within CMD-K. Board members do not like the fact that donor relations run via the nonpartisan secretariat instead of through them. They perceive this as downgrading their status and although the secretariat will never decide on programs without their permission, they also perceive it as downgrading their impact on CMDKs policies as the secretariat has such a strong role in precooking, in cooperation with donors, CMDKs strategic plans. These factors, including the exponential growth of the Board after the last elections, the abolition of bilateral funding and an unclear delineation of power between Board and Steering Committee may have caused that parties delegated lower level party cadres to sit in CMD-Ks Board. These factors also risk contributing to a less than effective functioning of CMD-K in which the secretariat is hindered by micromanagement of the Board or will lose its flexibility of taking

action towards different stakeholders that at least partially explains for CMD-Ks successes. This in turn would pose a serious threat to CMD-Ks future relevance to parties and society as a whole.

5. Concluding remarks

From the above it may be concluded that CMD-Ks' approach explores interesting new ways to strengthen the roles of political parties in public accountability. Its main contribution lies in enhancing mutual trust and strengthening politicians' awareness of the value that parties have to add to a democratic society, by providing them with a platform that helped them to establish their identities as parties. At the same time societal trust in political parties was strengthened by organizing joint projects between parties and civil society actors and increasing interfaces between politicians and citizens, thereby strengthening the potential for enhancing public accountability in Kenya.

Considering its recent set up in 2004, CMD-K has been relatively successful in initiating modest changes in some of the formal practices and policies of parties and to some extent in the behaviour of individual politicians. The broker role of the CMD-K secretariat has been considered essential in this relationship among parties, as well as between parties and civil society. It safeguards a 'neutral playground' where different visions, norms and practices can meet, and trust and respect for cooperation can grow on both sides. However, to fulfil its role, the secretariat needs sufficient resources to execute projects and pay for the structural institutional costs and investments in human resources. It also needs sufficient 'neutral space' to operate and therefore a balanced democratic but well-connected in terms of party hierarchy, political leadership from the Board as well as a balanced relationship with donors to safeguard local ownership of CMD-K.

On the other hand, deeper changes in the underlying 'rules of the game', in parties' stability and their added value to society, have hardly been realized by CMD-K. Strong traditional informal power relations, donor dependency, institutional governance problems and managing multiple accountabilities on multiple levels poses serious constraints to CMD-Ks' functioning and therefore to its clout and relevance in the future.

To conclude it is important to note that most local stakeholders, as opposed to some donors, did not expect CMD-K to bring about deeper power changes within parties in the first four years of its existence. Recognizing that CMD-K operates in a political context in which informal patronage systems still form the strong undercurrent, they value the fact that CMD-K has been able to plant some important seeds of change and water the potential drivers of change within parties for enhancing public accountability.

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