Strengthening the roles of political parties in public accountability

A case study of a new approach in political party assistance in Kenya

**International Institute for Democracy and Electoral Assistance
(International IDEA)**

Renée Speijcken*
Maastricht Graduate School of Governance/UNU-Merit, Maastricht University,
the Netherlands

Summary

Donors in development cooperation increasingly emphasize the importance of public accountability in developing countries for the functioning of democratic institutions, good governance and the effectiveness of their aid. Political parties are seen as prime actors in democratic societies that have essential roles in public accountability, but few donors work with them. This means that relatively little experience and knowledge are available in the area of political party assistance. This paper contributes to this body of knowledge by assessing how and to what extent the Netherlands Institute for Multiparty Democracy's approach, using so-called Centre's for Multiparty Democracy as national platforms for and by political parties, assists political parties in their key roles between citizens and the state in enhancing public accountability. The paper uses Kenya as a case study to explore the main constraints on public accountability and the extent to which cooperation between political parties and civil society has been enhanced. A new conceptual framework is used to differentiate between the roles of political parties in public accountability in four domains and three phases of the accountability process. The paper uses this framework to assess the contribution of the Centre for Multiparty Democracy-Kenya (CMD-K). The paper concludes that the approach taken by centres of multiparty democracy 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 political parties add to democratic society by providing political parties with a platform to help establish their identity. At the same time, societal trust in political parties was strengthened by organizing joint projects between parties and civil society actors. Given that it was only set up in 2004, CMD-Kenya has been relatively successful in initiating modest changes in some of the formal practices and policies of political parties and to some extent in the behaviour of individual politicians. On the other hand, deeper changes with regard to the underlying rules of the game, party stability and political parties' added value to society have not been achieved. Strong, traditional, informal power relations, as well as donor dependency, institutional governance problems and the need to manage multiple accountabilities on multiple levels have posed serious threats to CMD-Kenya's functioning and therefore to its future influence and relevance.

Contents

1.   Introduction

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

However, this classical political accountability mechanism, which lies at the heart of a healthy democratic society, functions far from perfectly in many of the young multiparty democracies in sub-Saharan Africa.[1] 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.

In many young sub-Saharan democracies, formal multiparty elections have taken place since the early 1990s. However, constitutional reform processes have been slow, and there is limited democratic space for parliament, civil society,[2] watchdog organizations, the media and the electorate to challenge, check and balance decisions of the executive at the central and local levels, let alone hold them to *account*. In addition, most political parties do not *represent* the interests of citizens and the public good, nor are they *responsive* to citizens' needs. Instead, parties are engaged in a struggle for power and access to state resources. They tend to focus on personal interests instead of ideologies and public issues, and they function mostly along the lines of patronage and clientelism. The lack of experience of the traditions of multiparty democracy, as well as corruption, a deeply ingrained distrust between political parties and individuals and 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 such countries (Carothers 2006).

The imperfections in the functioning of young democracies and their institutions, including political parties, have become a growing concern for the international aid donor community. A majority of donors perceives democratic, accountable and legitimate governance and institutions, including political parties, to be an important prerequisite for sustainable long term economic and social development.[3] Although there is little academic evidence for a causal link between democracy and development, and democracy certainly does not resolve all problems automatically, mainstream thought seems to accept that without it, the ability of citizens to exercise their citizenship, contribute and participate in resolving the problems that affect their lives will be even more problematic.[4] Therefore, functioning domestic public accountability mechanisms are increasingly seen by donors as a precondition for making aid more effective and sustainable.

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 are working with political parties. Such work is still seen as one of the most controversial and politically sensitive areas in development cooperation (Schoofs and de Zeeuw 2005). There are two main reasons for this. First, most of the dominant donor agencies hold an official view that supporting political actors and particularly political parties in developing countries is politically sensitive as it comes close to trespassing on state

sovereignty. Second, the results of more than a decade of democracy assistance, and more particularly political party assistance, are perceived by many donors as fairly meagre. This view is mainly based on the fact that political parties in young democracies enjoy very little credibility, trust and legitimacy among their own citizens. Political parties have a bad track record and reputation, are poorly institutionalized and fall short in representing citizens' interests, broadening political participation, holding the executive to account and even producing accountable future leaders. They are thus far from being perceived as trustworthy institutional partners for development by many donors. Therefore, donors prefer to work with state administrations or civil society organizations – which 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 political party assistance, only a small and often undisclosed amount of money is spent. In addition, relatively little experience and knowledge are publicly available or shared outside the respective donors working in the field, which means that there is only a small and rather recent body of literature and empirical research (Carothers 2006: 9–10; Rakner, Rocha Menocal and Fritz, 2007:27–28).[5]

This paper aims to contribute to this small but important body of knowledge. It departs from the now widely supported assumption that political parties are prime actors in society that have essential roles to play in a democracy as well as in the process of democratic consolidation (Diamond 1998, Lipset 2000, Doherty 2001, Burnell 2004, Carothers 2006). As intermediates between the state and citizens, they are in a unique position to contribute to the different aspects of public accountability. This role cannot simply be taken by other actors (Doherty 2001, Caton 2007). Donors need to acknowledge this if they wish to contribute to sustainable democratic governance in developing countries. Therefore, it is important to thoroughly study existing cooperation experiences in order to increase our understanding and insight of how and why things work or do not work, and of how this should inform future interventions.

This paper focuses on the unique approach of the Netherlands Institute for Multiparty Democracy (NIMD), a relatively new donor organization which is receiving increased international attention from bilateral and multilateral donors.[6] However, its role has hardly been academically analysed, let alone with regard to its role in enhancing public accountability.[7] NIMD supports democratization processes in young democracies by supporting the launch of national platform organizations for and by political parties, the so-called CMDs.[8] It is an innovative approach because, in contrast to other donors in the area of political party assistance, it works in a strictly non-partisan and inclusive way by bringing all parties together in an institutionalized organization managed by the leadership of political parties with the help of professional staff.[9]

The main objectives of CMDs are to strengthen multiparty democracy by facilitating interparty dialogue on important national, regional and party issues, and to achieve consensus to implement joint programmes. While dialogue is intended to enhance trust and cooperation among parties and their leaderships and to encourage a gradual move away from a political culture of 'winner takes all', the projects and programmes 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 (NIMD 2009).

Interesting questions with regard to public accountability are, whether, how or the extent to which the external support provided to political parties by NIMD through CMDs is

strengthening political parties in their key role of enhancing public accountability between citizens and the state. The hypothesis underlying the NIMD approach is that supporting political parties through CMD activities enhances cooperation and trust both among parties and between parties and civil society, which will lead to a strengthening of public accountability in society. This paper concentrates on Kenya as an example of a struggling, young multiparty democracy. It is also the country in which NIMD established the first formal CMD in 2004.

The paper focuses on three key questions:
How and to what extent is CMD-K's approach perceived to assist political parties in their key roles in enhancing public accountability between citizens and the state?
How and to what extent is CMD-K perceived to contribute to increased cooperation between political parties and civil society organizations in order to enhance public accountability?
How and to what extent is CMD-K perceived to be able to mitigate or reduce the structural and institutional constraints that hinder public accountability in Kenya?

To answer these questions, the paper starts by defining public accountability in section 2. It distinguishes four domains and three phases of an accountability process in which political parties can play key roles with regard to enhancing public accountability. 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 and historical factors, of which the activities of CMDs are just one aspect. However, the latter is the key aspect that is analysed in this paper. The main contextual factors constraining public accountability are discussed in section 3 and more specifically in relation to the activities of CMD-K in section 4 (see figure 1).

Figure 1. Research framework in which CMD-K's approach is the main variable under analysis
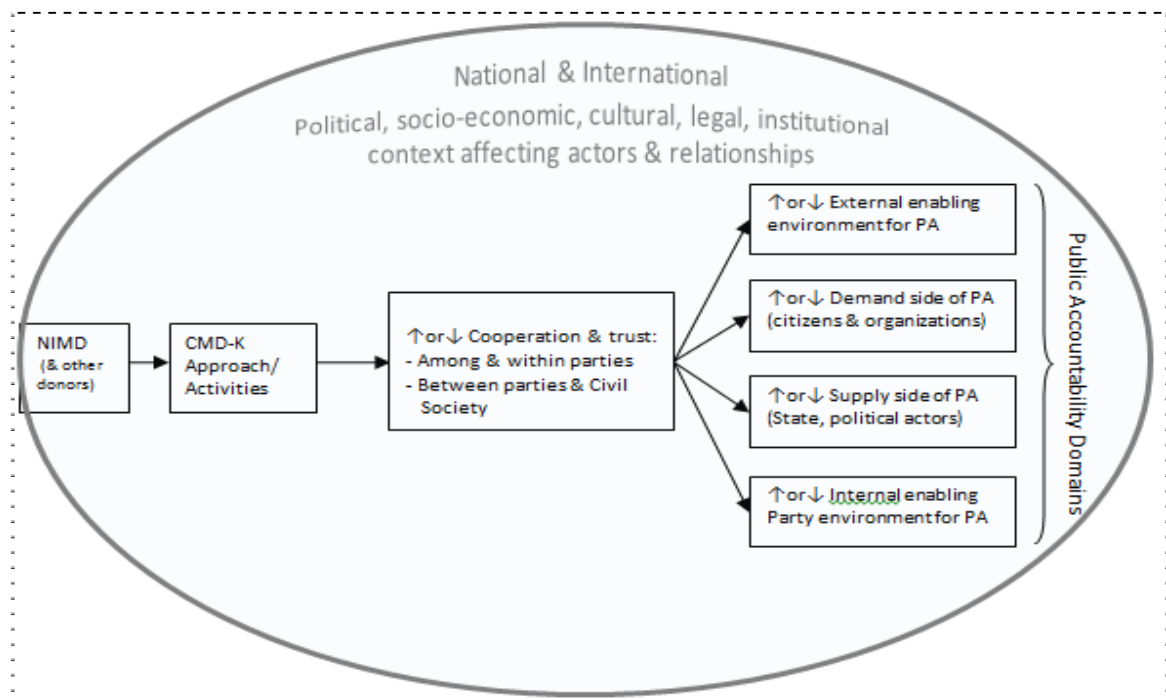
Section 3 also introduces CMD-K. The main analysis of this paper is reflected in section 4 in which the activities of CMD-K are assessed per domain and with regard to the different

phases of the accountability process for the period 2004 to 2008. It discusses how these activities are valued by the different stakeholders and what emerging patterns of change can be observed in terms of policies, behaviour, practices and power. In addition, it returns to the constraints that CMD-K is confronted with and how these influence its choices. Section 5 presents the conclusions.

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 an ahistorical and non-political way. We depart from what different groups of stakeholders and observers, ranging from CMD-K staff and CMD-K board members, to academics, journalists, businessman, civil society representatives and international donors, are likely to consider relevant and important, by assessing how their perceptions 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 the activities of CMD-K.

Data for the paper are based on both primary and secondary sources. An extensive literature review was undertaken of independent programme evaluations, policy, travel and annual reports by CMD-K and NIMD, newspaper articles, independent policy studies, national statistics, academic and popular articles and books on the topic. This was complemented by interviews and focus groups with a wide range of Kenyan stakeholders[10] in Nairobi in November and December 2008 as well as interviews with NIMD staff in The Hague in October and December 2008, and March 2009[11]. The paper assesses the period from 2003 until the end of 2008.

2. Public accountability and the ideal roles of political parties

Before assessing whether and how CMD-K has been able to influence the role of Kenyan political parties in enhancing public accountability, this section defines public accountability from a theoretical perspective, the roles that parties are supposed to play in enhancing public accountability, to which actors this relates and by what indicators this can be characterized.

2.1. What is public accountability?

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

As the concept of accountability has become more popular, its meanings among scientists and donors have become more diverse. Essentially, public accountability refers to the complex contextual social process between citizens and the state (O' Donnell 1999, Schedler, Diamond and Plattner 1999, Prezworski, Stokes and Manin 1999, Mulgan 2000, 2003, Strom 2000, 2003, McCandless 2001, Bovens 2005, Bovens, Schillemans and 'T Hart 2008, Bovens and Schillemans 2009).[12] In this process the state has an obligation to account for: (1) the use of public resources such as finances and 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 it acts and executes its public roles within the law, in a fair, non-corrupt and legitimate manner.

For the purpose of this paper and to be able to make further analysis with regard to the approach of CMDs addressed below, it is useful to describe the accountability relationship between the state and citizens in more detail. We therefore adopt Mark Bovens' definition of public accountability which allows us to describe the relationship between the state and citizens as a complex contextual social process between an actor and a forum in which the actor, in our case the state or 'the supply side of public accountability' has the obligation (duty):

1. 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, the media or 'the demand side of public accountability' has the right:

1. to pose questions;
2. to have access to and receive relevant information on, and a justification of, the behaviour and performance of the actor;
3. to provide a judgment on this; and
4. to impose 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 the author).

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

The transparency, information and voice[13] phase: key aspects of which are transparency, timely and accessible information, participation, and capacities to deliver and analyse information;
The debating, consultation and negotiating phase: key aspects of which are answerability, a neutral/safe space for debate, negotiating power, complaint mechanisms, participation and capacities for debating;
The sanctioning, rewarding and learning phase: key aspects of which are direct or indirect, formal or informal enforcement/sanctioning or rewarding mechanisms, individual and/or organizational learning via self-reflection, monitoring and evaluating activities.

2.2.   The roles of political parties in the process of public accountability

As is noted above, political parties ideally fulfil essential intermediate roles between citizens and the state in every well-functioning multiparty democracy (Muller 2000, Salih 2003:7, Burnell 2004:1, Carothers 2006). They are also the connection between the party system and the government (Salih 2003:7).

This intermediate position and their presence in both civil and political society give political parties a unique opportunity to work with and potentially enhance both supply- and demand-side actors in public accountability in all three phases of the process.[14] Because of this, parties are in a position to address all the commonly defined objectives of public accountability. These objectives are: democratic control by citizens of elected representatives in public office; providing checks and balances for citizens in the implementation of policies with the objective of making governments more effective; preventing the misuse of power; addressing

learning by public decision makers and policymakers through evaluation and self-reflection; and, through all of this, endowing government with increased legitimacy (Schillemans and Bovens 2009: 277).

This means that political 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, which 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, and so on; and the internal enabling environment, referring to party institutionalization processes.

2.2.1   The roles of political parties in the 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 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, Burnell 2004).

Political parties, preferably in cooperation with other actors such as civil society organizations, the media, and oversight and auditing organizations, can be involved in participatory checks and balances in implementation monitoring and evaluation of policies and public funds. They can facilitate political and social debate among citizens and between citizens and politicians. These activities, commonly referred to as social accountability mechanisms, provide, according to Bellina et al., a source of legitimacy to citizens, as they allow them to engage in the governance process beyond the process of how the power-holders are elected (Bellina 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 (ibid:16).

2.2.2.   The roles of political parties in the supply side of public accountability

Political parties are also important in 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 to be more responsive and answerable to citizens' needs. In addition, they have an influence on policies by formulating programmes 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', which reflects their formal and informal norms and values as well as the beliefs on which party members, including those in power, are ideally held to account and sanctioned either formally or informally, such as when violating these codes in cases of corruption, misuse of power, floor crossing or discrimination.

Parties are also responsible for political recruitment and training or, in other words, for providing the political leaders of the future, through which they create opportunities for upward social mobility (Randall 1988). They are responsible for of the quality of these future leaders. When citizens are able to check or add to the quality of aspiring politicians, this, according to Goetz and Jenkins, can potentially provide citizens with a useful *ex ante* control mechanism, compensating for the often unsatisfactory *ex post* mechanism of elections in which citizens can vote politicians out of or into office only after the fact (2005: 80). Ideally,

this prevents the 'bad guys' from achieving public office. At the minimum, interaction between citizens and aspiring politicians contributes to better informed choices during elections.

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

Political parties need an enabling external environment to fulfil their public accountability roles, but 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 interest (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 lobbying politicians for law and party system revisions to strengthen the institutional framework for public accountability.

2.2.4 The role 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 strongly institutionalized parties can be expected to take up their roles in enhancing public accountability (Diamond 1988, Mainwaring 1998, Randall and Svåsand, 2002, Carothers 2006, Basedau and Stroh, 2008).

Combining aspects from the studies of Basedau and Stroh, Mainwaring, and Randall and Svåsand on party institutionalization, I define the institutionalization of parties using two key concepts: *stability* and *value-infusion*. In this definition, stability has five sub-aspects:

- 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 the leadership about vision, mission and responsibilities;
- the level of internal autonomy, referring to freedom from interference or dependency on – or even ownership by – powerful individuals;
- the level of external autonomy, similar to above but for external actors (e.g. donors, companies);
- the strength of the '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 to or 'infuse values in' a society, in the eyes of both internal members and leadership and external actors (citizens, the media, academics, the private sector, civil society, etc.). This refers, for instance, to the way in which they interpret and deal with social cleavages and serve the public good. Together, these aspects constitute the level of institutionalization of a party.

2.3.   Indicators for the ideal roles of political parties

What do these different roles of political parties mean with regard to the four domains and three phases of the public accountability process? How do we know if political parties work on any of these aspects? What can already be concluded from the above is that 'cooperation' is an essential element of all the domains. To enhance public accountability, parties will need to cooperate among themselves, with their members, with their leadership and 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' assessments of the activities demonstrated by CMD-K between 2004 and 2008 in section 4.

Table 1. Indicators for political party activities to enhance the demand and supply side, enabling environment and party institutionalization					
Phase in public accountability Process ╱ **Domain and indicators→**	**PP Demand side activities to citizens and civil society organization**	**Political party supply side activities to state representatives**		**Political party activities for external enabling environment**	**Political party activities for internal enabling environment: party institutionalization**
		Government (ruling political party)	**Parliament (ruling and opposition political parties)**		
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 and trust in society*	*Legitimacy, trust, interest representation, democratic control*
Phase I: Information and Voice ***Transparency***	*1. Ideology and issue based party manifestos* *2. Regular information provision on policies (print material, website, media)* *3. Regular interaction with citizens on all levels from sitting and candidate politicians* *4. Issue based cooperation with civil society organization, the media, other actors* *5. Co-engage in citizen education to help citizens express needs and interests* *6. Invite citizens to participate in politics* *7. Convince voters on the basis of arguments/issues to vote for party in next elections , not by buying votes*	*13. Push and facilitate for transparent policies and decision making* *14. Push and facilitate for accessible, comprehensible and timely information provision* *15. Address issues of inequality and exclusion in policies and political representation* *16. Advocate participatory policymaking, implementation, Monitoring, Evaluation (M&E) and Accounting* *17. Push ministers to capacitate departments for clear information presentation, M&E and openness to learning* *18. Engage ministers and president in regular (nationwide) party congresses*	*25. Advocate coherence of parliamentary group (no floor crossing/ defections)* *26. Cooperate with and advocate for strong independent MP budget/ resource control and M&E* *27. Push for citizen participation in MP committees* *28. Address issues of exclusion and inequality* *29. Push for responsive MPs beyond constituency* *30. Co-engage in capacity building of new MPs and committees* *31. Engage MPs in regular (nationwide) party congresses*	*35. Enhance cooperation among parties on strengthening the party system and other laws and 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 the media, oversight institutions, interest groups, private sector*	*41. Internal coherence: no party factionalism, coherent MP group, tolerance* *42. Public code of conduct and 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 and with civil society, etc. (interest representation value infusion)* *46.Reduce importance of informal roots in society such as kinship, ethnicity, patronage networks* *47.Capacitate party organization and individuals at all levels* *48.Transparent membership registration and fee-collection* *49.Transparent party finances*

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

3.   Constraints on public accountability in Kenya and the set-up of CMD-K

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

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, disappointment with the formal political system, low levels of trust in politicians and political parties linked to their poor track records and a lack of genuine interest in the well-being and democratic participation of all Kenyans have all contributed to this state of affairs. High levels of poverty, historic**al** inequalities in access to education, land and power among ethnic groups and regions, gender inequalities and high rates of youth unemployment have not been addressed sufficiently by successive governments. Kenya has a relatively strong civil society, which cooperates with international donor organizations to address these issues. Civil society was the main driver of socio-economic and institutional reform in Kenya before 2002, but it was weakened and became more divided when some of its leaders were co-opted into politics.[15] The sector is only now recovering slowly.

The main constraints on the *supply side of public accountability* in Kenya are the lack of political will of elected or appointed politicians to work for the public good and the well-being of all citizens and the lack of trust between political parties. Politicians in public office do not account to the public for their behaviour, performance, policies and use of resources. They lack transparency, responsiveness and answerability. Many display extreme self-interest, merely using public office for personal gain and to serve their patronage networks. This has led to a situation in which corruption is rampant, public resources are misused, public policies and services are often ineffective and the majority of Kenyans still live in extreme poverty. In addition, the political culture is characterized by mistrust. Not only have citizens and civil society organizations lost their trust in political parties, but relations between political parties are also characterized by strong mistrust.

The main constraints with regard to *the level of institutionalization* of political parties are the lack of stability and coherence. Most party organizations depend on party leaders and their respective patronage networks. They lack issue-based policies and ideologies as well as internal accountability mechanisms and codes of conduct. Many parties are formed around one or more ethnic group and political leaders frequently misuse this by ethnicizing politics to advance their own power games. Parties hardly have genuine membership, and party funding is non-transparent and prone to corruption. Parties are most active in the capital and before elections. Between elections and in rural areas most parties are virtually non-existent.

All this contributes to a high level of vulnerability to party factionalism, the extreme fluidity of political parties and the short time for which some parties exist.

The main constraint on the *external environment* is insufficient legislation, particularly with regard to the constitution, electoral laws and laws concerning decentralization and local authorities. In addition, formal oversight and accountability institutions and mechanisms such as 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

In 1963 Kenya was transformed by constitutional amendments from a British colony to a republic, from a parliamentary system to a predominantly presidential system, and from a quasi-federal state to a unitary system. By 1991 it had moved from a multiparty system to a *de jure* one party state, and from 1992 to 2002 it was a *de jure* multiparty but de facto one party state. Since 2002 it has moved more towards an open multiparty democracy (Law society of Kenya 2006:13).

Multiparty democracy and its institutions, including public accountability as we understand it, are thus fairly recent concepts in Kenya. Historically, the state, the economy and society, including its governance and accountability systems, were more relations-based than rules-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 characterized as '*de jure* rules-based' since multiparty democracy was formally introduced in 1992, but de facto informal relations and 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 penetrates all formal and informal interfaces between citizens and the 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 this tradition political power holders do not so much secure their support by implementing decent public policies that benefit the majority of citizens, as use public resources to satisfy their patrons and clients. Bellina et al., building on Bayart (1993) and Chabal and Daloz (1999), have 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 are based (Bellina et al 2009:29). The preservation of regime and state power is likely to be given the highest priority by the latter (Bellina et al. 2009). This is politically and economically beneficial for power holders in the short run, but detrimental to 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 do not expect other services from the state in areas such as health, education and infrastructure. Unfortunately, as Bellina et al. notes, these two sets of expectations rarely go together as patronage undermines state resources that ought to provide for public services (2009). However, many citizens find it easier to rely on personal, informal relationships with patrons than on the impersonal, formal relationship with state institutions (Bellina et al. 2009).

This is the context in which the constraints on enhancing public accountability in Kenya exist, and they set the stage for the activities of CMD-K. What becomes clear from the above is that the conditions and incentives for parties to cooperate on enhancing 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 was formally established as a trust in 2004.[16] All the parties represented in parliament or with at least five councillors, plus a 'forum' that represents non-parliamentary parties, became its members. In 2004 CMD-K had 16 member parties, and by 2008 there were 36 member 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 the state and thus between the governed and the government. It subscribes to the key functions of political parties mentioned in section 2. In Kenya, as is shown above, political parties did not fulfil these roles in 2002 and therefore NIMD's approach was based on the need for parties to reinvent themselves by slowly moving away from the personality-oriented and ethnically based political power vehicles they represented, to become more interest-representing, issue-based, multi-ethnic, value-adding and stable organizations. However, NIMD acknowledges that this type of change cannot be imposed from the outside and that the political parties themselves need to be the drivers of change. With CMD-K, NIMD aimed to encourage such a process through interparty cooperation, dialogue, exchanges of experiences, joint projects, peer pressure and cooperation with other actors such as 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 the state, but because it works for and with all the political parties represented in parliament and a representation of those outside parliament, CMD-K is strategically positioned to work with both the demand and the supply sides of public accountability in Kenya.

Figure 2. Schematic overview of the relationship between citizens and the state and the position of CMD-K
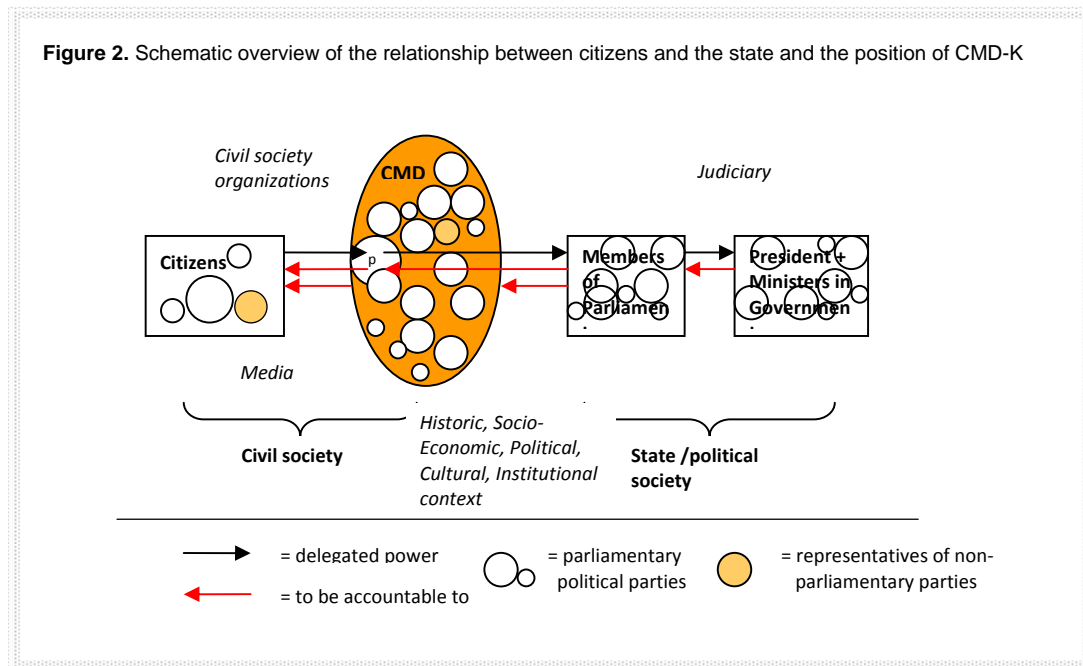
NIMD's underlying assumptions with regard to the establishment and objectives of CMD-Kenya were that CMD-K would strengthen informal interparty dialogue, debate and cooperation on issues of national and party interest. This would then enhance trust and increase activities within and among parties and between parties and civil society. It would also lead to increased respect for democratic values and accountability. Ultimately, this would lead to more institutionalized and democratic parties that were better able to carry out their roles in enhancing public accountability in society. The principles on which these assumptions were based are the inclusiveness of all parties, local ownership of change and reform processes, and a recognition that context matters.[17]

To prevent such increased support for political parties merely strengthening those already in power and as such contributing to existing power imbalances and inequalities, and to prevent CMD-K from being captured by a single political party or coalition, NIMD employed two strategies. The first strategy was to take a combined approach using bilateral and cross-party programmes. Bilateral programmes were directed at individual political parties and aimed at strengthening institutionalization at the organizational and individual levels. [18] CMD-K's cross-party programmes aimed at increasing trust, cooperation and an exchange of ideas and experiences among parties and between parties and civil society actors. It was also intended to encourage learning. However, bilateral aid was stopped in 2008 because of worries about returns on investment linked to party factionalism and insufficient accounting. In addition,

18

the new Kenyan 'Political Party Act' of 2007, which came into operation in July 2008, prohibited any direct external funding for political parties (Kenyan Law Reports 2009). Since 2008, therefore, NIMD provided only cross-party funding.[19]

The second strategy was that NIMD, in negotiating with the parties, made sure that CMD-K was provided with a relatively independent and impartial professional secretariat, which could safeguard the neutrality of CMD-K as an organization. It would uphold and promote democratic values and norms such as inclusion, participation, voice, empowerment, transparency, accountability and human rights in and among the parties and in society as a whole. The secretariat was given professional jurisdiction over day to day affairs and made responsible for the implementation of policies and programmes. It also evaluates and accounts for programmes and resource use both within CMD-K and to donors. It serves as a resource and knowledge centre on democracy and politics for both political parties and society as a whole. The secretariat is led by an executive director, who has strong roots and a relevant network in civil society and who represents the non-political face of CMD-K to the outside world.[20] Next to the professional staff of the secretariat, CMD-K consists of an Oversight Board (OB) and the General Meeting (GM), both made up of party members. The board is the principle policymaking organ of CMD-K. It meets at least four times per year. Each party appoints two representatives, preferably from a senior level (Secretary General or similar) to give CMD-K a good link to the party leadership.[21] 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 is the most important. The GM is the supreme decision-making organ of CMD-K with regard to annual and 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

Having defined the ideal *de jure* roles of political parties in public accountability per domain and phase in section 2, and identified the main constraints in Kenya in section 3, this section assesses the extent to which CMD-K assisted parties to play these roles in practice in the period 2004–2008.[22] It evaluates and analyses the key activities of CMD-K-s on the basis of the perceptions of stakeholders and observers. Section 4.2 analyses the results and discusses three sets of constraints that influence the outcomes. Section 4.3 identifies emerging patterns of change in terms of policies, practices, behaviour and power, or 'rules of the game', linked to the activities of CMD-K. Section 4.4 interprets the strategic choices made by CMD-K.

4.1. Assessing activities

4.1.1. Activities aimed at demand side actors and perceived results

Different groups of stakeholders agree that, even though they were often ad hoc, short term in character and concentrated around major political events, the activities directed at citizens and civil society (listed in box 1) were successful in expanding the physical space for interaction between citizens and candidate politicians nationally and at the constituency level. They also enhanced voters' awareness and knowledge of and engagement in issues-based

politics, and increased the level of participation by excluded groups such as women, ethnic minorities and youth.

However, many of these activities could have had a more long-term, programmatic and strategic character. Some observers regretted that the interaction between candidate parliamentarians and citizens was not taken a 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 could have been created, between elections, between citizens and elected politicians. This would have provided citizens with a platform to debate their needs and give feedback on policy implementation, while politicians would have the chance to receive credit, and discuss or change policies or behaviour before the next elections. Also absent, according to observers, were activities at the local level which could strengthen the demand for public accountability from the bottom up.

Box 1. CMD-K activities aimed at demand side actors[23]

Activities aimed at enhancing transparency, information and voice (Phase I, t1:1–7):

- civic education and information exchange in and on political party programmes around elections and constitutional referendums
- community exchange programmes for citizens to build bridges and understanding among different ethnic groups (broadcast on television)
- workshops for women, youth and persons with physical disabilities to increase their political participation in governing organs and politics

Activities aimed at enhancing debate, consultation and negotiation (Phase II, t1:8, 9):

- interparty radio and television debates, with phone-in opportunities or audience participation, on norms, values, visions, programmes, issues and cleavages
- live debates in the field, among women candidates and youth politicians (Country Hall debates) with citizens in 32 constituencies (also broadcast)
- constituency accountability manuals in which the promises of candidate parliamentarians made in Country Hall debates were set down and could be used by citizens to hold parliamentarians to account once elected

Activities aimed at enhancing sanctioning, rewarding and learning (Phase III, t1:10–12):

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

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4.1.2. Activities aimed at supply side actors and perceived results

Of the activities that CMD-K organized with supply side actors such as politicians in office and candidate politicians (see box 2), observers greatly valued CMD-K's work with women candidates and youth politicians at the governmental and parliamentary levels. They advised CMD-K to scale up these activities. By working with these groups, CMD-K contributed to the realization of an *ex ante* accountability mechanism or, in other words, a check and balance mechanism for citizens on the quality of politicians before they are elected (Goetz and Jenkins 2005:80).

The main reason that CMD-K works with candidates is that they can still be 'politically moulded'. They tend to be less co-opted by the existing political culture and often have fewer vested interests, but nonetheless represent the potential future political leadership. They are expected to be more open to CMD-K activities that develop their sense of responsibility, responsiveness and answerability to citizens. Other reasons for CMD-K to concentrate on this group are resource restrictions and the fact that other donor organizations targeted sitting parliamentarians. CMD-K organized workshops with

parliamentarians on important legislative reform processes such as the Political Party Act and the constitution. These were also valued positively by stakeholders and observers.

However, the activities targeted at the highest political level and the party leadership were much less successful. The bonding retreats for party leaders in the early years, which were supposed to create informal networks and enhance trust, did not deliver any results. The retreats had a rather formal character and party leaders did not use the opportunity to bond or form coalitions on such occasions (Ørnemark and Kanyinga 2005). More recently, before the 2007 election, the planned public presidential debates did not take place as leaders refused to cooperate in the increasingly tense political climate. Furthermore, politicians in office did not fundamentally change their ways of working to be more transparent, issues-based or representative in the policymaking process.

Box 2. CMD-K activities aimed at supply side actors[24]

Activities aimed at enhancing transparency, information and voice (Phase I, t1:13–18+25–31):
- Facilitate politicians in articulating issues and views to the public through television, radio, newspapers, party manifestos and party congresses, mainly before elections and referendums
- Assist with raising the profile of women and youth candidates in the media before elections
- Popularity surveys for women and youth candidates
- Monthly peer meetings of women and youth candidates to exchange experiences and approaches
- Capacity building of candidate parliamentarians
- Support for women in political parties to lobby party leaders before the nomination process to include women in senior party and political positions
- Training for parliamentarians on legislative reforms or issues such as constitutional reform, the Political Party Act and the position of women or minorities, etc.
- Organize an assembly of former parliamentarians across all political divides with the Former Parliamentarians Association Kenya (FPAK)

Activities aimed at enhancing debate, consultation and negotiation (Phase II,t1:19,20+32,33):
- Bonding retreats for party and political leaders
- Facilitate live and broadcast debates between candidates and their constituencies
- Organize live presidential debates before the 2007 election

Activities aimed at enhancing sanctioning, rewarding and learning (Phase III,t1:21–24): none

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4.1.3. Activities aimed at party institutionalization and perceived results

In terms of parties' institutionalization processes and more specifically their added value, most observers agreed that one of the most important achievements of CMD-K is that giving parties their own platform has improved their self-confidence and self-image with regard to their public roles in society. At the same time, CMD-K contributed to improving the image of parties among other actors in society such as civil society, the 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.

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

With regard to parties' stability, referring to their systemness, coherence, autonomy and roots in society (see paragraph 2.2.4.), results are perceived as marginal and achievements temporary. Most party organizations are still weak and show little internal coherence. Although insiders note that CMD-K's funding helped to minimize patronage by individuals with vested interests, dependency on leaders and their informal patronage networks remains high (CMD-K 2009).

CMD-K's 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 programme was very much valued by those parties that benefited from it. Observers note that CMD-K's activities have benefited particular parties at particular times (such as small opposition parties in the beginning) and particular individuals within parties (such as financial officers, managers, women and youth). The extent to which CMD-K's activities will strengthen political parties as organizations to play their roles in enhancing public accountability, however, remains unclear.

In sum, observers praise the small changes as being of great value. More politicians and candidate politicians take their individual and party roles seriously and work for real improvements in public well-being. At the same time, political parties have demonstrated progress by cooperating in joint CMD-K projects as well as taking joint responsibility to find a way out of the 2007 election crisis.

4.1.4. Activities aimed at enhancing the enabling environment and perceived results

Stakeholders agree that CMD-K has become one of the most important driving forces in the reform processes around the Political Party Act, the constitution and certain aspects of the Anan reform agenda.[26] In addition, although successes in enhancing public accountability depend on the genuine implementation of these reforms, the preparatory process has had a value in itself. It has increased dialogue about important national and party issues among political parties, and enhanced the relationship between party politicians and diverse institutions such as the electoral commission, parliament and constitutional reform committees as well as with civil society organizations, professional lawyer organizations and donor organizations. Moreover, according to many observers, it enhanced CMD-K's role as a national resource centre on these issues, and its reputation as a relevant and active driver for change.

However, stakeholders also noted that because the various democratic oversight institutions are still weak and patronage remains strong, their judgement is often not respected or taken seriously by politicians in office. Furthermore, there are other public policy areas, such as national and local budgets or tax systems and sector policies, in which CMD-K could engage to increase public accountability. Box 4 lists the main activities that CMD-K has implemented in this area.

Box 4. CMD-K activities aimed at enhancing an enabling environment[27]

Activities aimed at enhancing transparency, information and voice (Phase I, t1:35–37):
- The Interparty Forum for Constitutional Review (IPFCR) position paper on a roadmap by which it facilitates parties to express their voice in the process
- Interparty dialogue on law reforms such as the Political Party Act, the constitution, electoral laws
- Work with the electoral committee to prepare smooth and safe elections and ensure parties cooperate on this
- Cooperation with the media on publishing relevant articles on the reform process
- Archiving public information on the political system and political parties

Activities aimed at enhancing debate, consultation and negotiation (Phase II, t1:38):
- Mobilize a broad spectrum of actors at the local and national levels to negotiate and advance the Anan political reform agenda, in particular on the constitutional, legal and institutional reform agenda
- Lobbying the government for the preservation of political party funding in the national budget according to Political Party Act

Activities aimed at enhancing sanctioning, rewarding and learning (Phase III, t1:40): none

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4.2. Explaining the results

A comparison of CMD-K activities with the ideal indicators in table 1 shows that, in the main, CMD-K managed to implement short term phase I and phase II activities of the accountability process. Only very few phase III or long term activities for demand actors and institutionalization were implemented and none for supply actors and creating an enabling environment.

Stakeholders have identified three sets of constraints that help to explain these results. The first set of constraints is related to the contextual constraints explored in sections 3.1 and 3.2. The second set is related to the institutional set-up, nature and governance of CMD-K itself, which leads to a third set of constraints which relates to CMD-K's donor dependency and thus donors' expectations and donor-related accountabilities.

4.2.1. Contextual constraints

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

Despite the *de jure* implementation of reforms, de facto successes in this and many other working areas of CMD-K very much depend on the willingness of political leaders to let the public interest prevail over their own personal gain and patronage systems. Hence this will challenge CMD-K's creative skills to inspire them to do so. Although CMD-K has worked intensively on inclusive, issues-based, participatory politics in cooperation with civil society organizations, political parties and, in particular, women and youth candidates, most attempts to engage with the political leadership failed. This demonstrates that those in power can be invited but cannot be forced to cooperate 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 (2009). This is an important conclusion as it highlights the limitations of CMD-K's potential and limits the aspirations of NIMD and other donors.

4.2.2. CMD-K's institutional constraints

The second set of constraints that limits the activities of CMD-K is related to its own institutional set-up, nature and governance structure. The first internal issue is that there is no agreement on the extent to which CMD-K should focus on cooperation with civil society. CMD-K is a trust set up for and by political parties and while the non-partisan secretariat sees the need for increased cooperation with civil society, the board and GM are of a different opinion. Interviews with 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 political party institutionalization process, which is its core mandate. Others, particularly after the 2008 post-election crisis, are more convinced of the need for cooperation to advance the reform process and find a sustainable way out of the political and socio-economic crisis.

The fact is that although CMD-K's formal mandate 'to facilitate the growth and strengthening of multiparty democracy through capacity building of political parties' has not changed, the interpretation widened after the 2008 election crisis 'to allow for greater participation of marginalized and minority groups and networking with other stakeholders and to engage political parties in peacebuilding activities'.[28] This resulted from the direct involvement of CMD-K's Executive Director in mitigating the post-election crisis by calling

on all political parties and an umbrella group of civil society organizations to broker a way out of the violence, thereby influencing the Anan peace process. Subsequently, this paved the way for more active engagement by CMD-K with civil society in the implementation of the Anan reform agenda, which is promising for the future of CMD-K activities in this area.

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) the behaviour and performance of political leaders (phase III), requires a strong CMD-K board composed of members who are respected in the political 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 on this role in times of crisis in which societal or even international pressure started to play a role, for example, around the pre- and post-election violence in 2007 and 2008.

What becomes clear is that the political power of CMD-K as a whole and its board in particular, is linked to the level of representation and status of the board members nominated by the individual political parties. In 2004, parties were keen to participate in this new initiative and funding mechanism. Board representation was as senior as the secretary general level.[29] Over time, parties changed their attitudes to CMD-K and the status of the board representatives, notwithstanding their individual capacities, decreased. In such a situation it becomes questionable whether board members represent the views of their party in their CMD-K decision making, and the extent to which CMD-K decisions are communicated to, let alone accepted by, the party leadership becomes unclear. As a result, the CMD-K board has not lived up to its expected political leadership role. The potential risk is that CMD-K will lose its relevance among parties, with the party leadership, elected politicians and subsequently the rest of society.

Stakeholders mentioned four main reasons for the reduced level of seniority of political party representation on CMDK's board over time. The first is related 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 relates to the fact that the board over time felt less appreciated by NIMD because it was not it, but the secretariat that managed all formal and informal contacts with NIMD on planning, funding and evaluation. The third reason according to the interviewed stakeholders is that the board's formal tasks and decision-making mechanisms weakened over time because of the ambiguity in the delineation of power between the board and the board's Steering Committee. Finally it was mentioned that the board became ungovernable after the increase in board membership from 32 to 72 after the 2007 election.

The weakened political leadership on the board also explains why the Executive Director, who is a strong and well-connected personality, rather than the Chair 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 on CMD-K and subsequently strengthened its national recognition and reputation. This made it more attractive for political parties to publicly demonstrate their membership of CMD-K. However, it remains

to be seen whether this will lead to higher level political party engagement with CMD-K and representation on its board.

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 being either overruled or undermined by politicians or donors, both of which can negatively affect its functioning. Because it plays such an essential, neutral brokering role between politicians, political parties and the rest of society, observers underline the importance of a sustainable and balanced relationship with both political organs and donor organizations.

A fifth issue is the lack of sufficient monitoring and evaluation tools. Bilateral funds have not been sufficiently accounted for and while the CMD-K secretariat is responsible to NIMD for programmatic and financial evaluations of the cross-party programmes, the results are not used for CMD-K wide organizational learning. Observers have advised CMD-K to invest in a more professional and participatory monitoring and evaluation system. In addition, they recommend that CMD-K, in cooperation with civil society and media actors, collect and publish examples of best and worst practices by politicians and of their performance in specific policy areas in order to encourage a culture of learning.

The sixth and last issue is related to CMD-K's financial resources. Although observers praise the activities of CMD-K with candidate politicians, they highlight the financial risk that CMD-K takes. This investment in candidates only pays off in terms of enhanced political accountability if such candidates are elected. This financial risk might prevent donors from scaling up the initiative other than to defined excluded groups. This leads on to the final set of constraints, which is addressed below.

4.2.3. External constraints: Donor relations

The third set of constraints resulting from CMD-K's organizational set-up is its dependency on donors in order to implement programmes because political parties are not in a position to pay membership fees.[30] CMD-K has shown itself increasingly successful in attracting donor resources alongside NIMD's funding but it is a recurring challenge to guarantee sufficient funding every year. Complicating factors are 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, and tends to increase transaction costs and complicate organizational accountability and thus internal power relations.

4.3   Emerging patterns of change

Stakeholders identified several types of change achieved by CMD-K between 2004 and 2008. They can be differentiated between changes in policies, practices, behaviour and power.[31] These can range from changes in direct outputs such as radio or television debates between party leaders and constituents, to changes in attitudes of politicians with regard to the needs of the electorate to changes in policy and regulatory frameworks such as the constitution.

4.3.1   Changes in policies

With regard to changes in policies, most interviewees considered CMD-K to be a strong driver of change, particularly with reference to the legal and regulatory framework of the constitution and the Political Parties Act, as well as on specific party issues and gender-related issues. CMD-K managed to get parties to cooperate with stakeholders from civil society in the design and writing, and lobbying for the implementation, of these reforms. However, the Political Party Act is has not been fully implemented and although a new constitution was promulgated in 2010, its implementation will be the real test, so it is still too early to claim any deep successes or failures.

4.3.2   Changes in practice

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

4.3.3.   Changes in behaviour

Changes in behaviour refer to changes in individual and group awareness and behaviour by both demand and supply side actors. According to most interviewees, CMD-K's most important contribution, and particularly that of its secretariat as the key intermediate and facilitating actor, lies in the fact that it has increased awareness among politicians of their identity and role in society, and that political parties are more than ever 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 between 2004 and 2008. With regard to party organizations, a greater awareness was shown of the importance of opening up politics to women, youth and ethnic minorities. At the same time, these groups have gained more confidence to strive for inclusion. For example, women candidates from the different coalition parties that made up PNU and ODM-K cooperated in lobbying for the inclusion of women in senior (coalition) party structures. Activities like this are still exceptional between elections or at the party organizational levels.

However, with regard to the behaviour of political parties towards citizens, observers are more sceptical and note that the activities of CMD-K have not managed to increase parties' interest in being representative, in needs assessment or in participatory decision-making bodies, mainly because of the underlying culture of patronage that still dominates Kenyan

society. Nevertheless, despite the fact that informal responsiveness through patronage continues to thrive, observers recognize that, particularly among the CDMK-trained politicians, a change in behaviour can be noticed, as they are said to act more often in the interests of the general public.

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

However, sceptics worry that the party leaderships are only 'playing the aid card'.[32] They refer to the fact that between 2004 and 2007, NIMD was the only donor providing direct bilateral party funding, and argue that money was the only incentive for party leaderships to engage in cross-party programmes and cooperation with civil society. Although the party leaderships' interest in CMD-K has indeed decreased, the reputational gain from CMD-K's actions in the aftermath of the 2007 election did increase parties' interest in CMD-K once again. It is unclear how this increased interest 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 the extent to which CMD-K manages to redress the unequal power relations between citizens and the state, men and women or ethnic groups. According to stakeholders, CMD-K managed to change some 'party political rules of the game' by having parties include women, youth and minorities in their political structures. At the same time, CMD-K advocated for equal rights and equal treatment of women, minorities and persons with a physical disability. Part of this struggle is expected to be set down in different parts of the regulatory framework in the medium term. However, this does not mean that rights will automatically be respected by all, or that this will lead to a genuine change in power relations. Existing informal rules of the game, norms, beliefs and practices, including patronage networks in which strong patrons rule, might prevent these changes from being put 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 through the Political Party Act. Even though it sets formal benchmarks, political parties continue to dissolve, start over or merge, and are still very much leader dependent and patronage-oriented.

Even with regard to the increased cooperation established by CMD-K between civil society and political parties on specific issues, it is questionable whether this has had any effect on the rules of the game. The NARC government between 2002 and 2007 clearly demonstrated this when it co-opted many civil society leaders who had previously strongly advocated constitutional change and anti-corruption policies. However, once part of the political establishment, they were either unwilling or unable to make fundamental changes.

This has led observers to conclude that CMD-K certainly managed *to challenge* existing rules of the game in several areas, but there is a long and winding road ahead before practice demonstrates deeper change. Working with marginalized and excluded groups as well as with candidate and youth politicians,[33] and scaling up successful projects at the national and local levels will increase pressure and demand from both the inside and below. This, according to many stakeholders, is the only way to encourage a change in power relations. In this process, CMD-K and particularly its non-partisan secretariat, plays the role of a multi-actor broker and a bargaining role that in the words of Bellina et al. 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 (Bellina et al. 2009:25).

4.4   Interpreting CMD-K's choice of activities: Learning by doing, and old and new constraints

CMD-K's strategic choices with regard to its activities in the period 2004–2008 were very much determined by the constraints that it experienced and by its learning by doing approach. Section 3 concentrated on the main contextual constraints on public accountability in Kenya, but CMD-K's practices over the years, as analysed in section 4, demonstrate two further sets of constraints that affected its functioning: the first related to CMD-K's organizational and governance structure and the second to CMD-K's donor dependency.

The analysis above shows that CMD-K has only to a certain extent been able to mitigate the set of contextual constraints. Many factors have not been addressed as they are beyond the reach of 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 at mitigating them (e.g. regulatory legal reforms rather than addressing the misbehaviour of politicians). The constraints related to the informal rules of the game, such as addressing inequalities in politics, might have been challenged but have not been changed fundamentally. Dependency remains on underlying values, beliefs, norms and practices such as patronage. This is also the main reason why CMD-K has not been very successful at addressing the phase 3 activities listed in table 1. Phase 3 activities directly touch on power issues. CMD-K learned to take a more pragmatic approach, which meant that it increasingly concentrated on activities in those areas in which it expected to be able to make a difference, such as working with women and youth candidate politicians instead of the party leaderships.

CMD-K's choice of this more pragmatic approach was also influenced by its funding structure and its dependence on external donors. Donors have substantial influence on programmes and also want to achieve their policy objectives. CMD-K's rather simple monitoring and evaluation systems are not used for organizational learning but only to

account for 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.

This dependency on donor funding also complicates organizational governance and accountability relations within CMD-K. Board members do not like the fact that donor relations are run through the non-partisan secretariat instead of through them. They perceive this as downgrading their status and although the secretariat would never decide on programmes without their agreement, they also perceive it as downgrading their impact on CMDK's policies as the secretariat has such a strong role in preparing, in cooperation with donors, CMDK's strategic plans. These factors, including the exponential growth of the size of the board after the 2007 elections, the abolition of bilateral funding and an unclear delineation of power between board and Steering Committee, may have led parties to appoint less senior party cadres to sit on CMD-K's board. Such factors risk contributing to a less than effective functioning of CMD-K in which the secretariat is hindered by micromanagement by the board or loses its flexibility to take action aimed at different stakeholders, which at least partially explains CMD-K's successes. This in turn would pose a serious threat to CMD-K's future relevance to political parties and society as a whole.

5.   Conclusions

From the above it may be concluded that the approach of CMD-K explores interesting new ways to strengthen the roles of political parties in public accountability in emerging democracies. Its main contribution lies in enhancing mutual trust between parties and strengthening politicians' awareness of the value that parties have to add to a democratic society, by providing them with a platform that helps them to establish their identities as political 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 the fact that it was only set up in 2004, CMD-K has been relatively successful at initiating modest changes to some of the formal practices and policies of parties and to some extent to the behaviour of individual politicians. The role of broker played by the CMD-K secretariat is considered essential in this relationship among parties, as well as between parties and civil society. It safeguards a 'neutral playing field' where different visions, norms and practices can meet, and trust and respect for cooperation can grow on both sides. However, to play its role, the secretariat needs sufficient resources to execute projects and pay for the structural and institutional costs and investment in human resources. It also needs sufficient 'neutral space' to operate, and therefore a balanced board that is democratic but well-connected in terms of the party hierarchies and political leadership, as well as a balanced relationship with donors to safeguard local ownership of CMD-K.

On the other hand, deeper changes to the underlying rules of the game, to party stability and political parties' added value to society have not been realized by CMD-K. Strong, traditional, informal power relations, donor dependency, and problems of institutional governance and with managing multiple accountabilities on multiple levels place serious

constraints on the functioning of CMD-K and therefore on its future influence and relevance.

To conclude, it is important to note that most local stakeholders, as opposed to some donors, did not expect CMD-K to bring about deep changes in power relationships 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 a strong undercurrent, they value the fact that CMD-K has been able to plant some important seeds of change and encourage the potential drivers of change within parties to enhance public accountability.

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ENDNOTES

[1] This is not to claim that this mechanism works perfectly well in 'old democracies'. On the contrary, there are many ways in which the accountability role of political parties in their role between state and citizen can be improved.

[2] 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, the family and the market, although in practice the boundaries between the state, civil society, the family and the 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 the London School of Economics, http://www.lse.ac.uk/collections/CCS/what_is_civil_society.htm.

[3] The term 'international aid donor community' refers to the official donors of the Development Assistance Committee of the Organisation for Economic Co-operation and Development, not to countries such as China which promote a different development path.

[4] On democracy see W. Maathai (2008), p.289.

[5] Authors who have published in this area are, most notably, Burnell (2004, 2006, 2007, 2008, 2009), Carothers (2004, 2006), Dorethy (2001) and Caton (2007). More recent studies have provided 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 and Fritz (2007), and Wild and Hudson (2009).

[6] Donors such as Finland and Canada have expressed an interest in the approach taken by NIMD and considered working in a similar way. An increasing number of multilateral donors are cooperating with CMDs.

[7] The work of NIMD has been taken into account in reviews of democracy promotion by, among others, Carothers (2006) and Zeeuw (2010) as well as in some evaluative programme studies of country programmes commissioned by NIMD and undertaken by independent researchers.

[8] NIMD was founded in 2000 by seven Dutch political parties: CDA, PvdA, VVD, Groen Links, D66, Christen Unie and SGP. NIMD's work has its roots in the experiences of some of its member organizations, which have had connections with ideologically similar political parties in developing countries since the early 1980s. In 2000, parties joined forces to establish NIMD with funding from the Ministry of Foreign Affairs. NIMD's 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.

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

[10] A list of interviewees is available on request.

[11] The author is 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.

[12] For the purposes of this paper, the state refers to all representatives of the state, both elected politicians and non-elected representatives.

[13] Voice, as defined by Rocha Menocal and Sharma (2008), is the capacity to express views and priorities and to demand 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, lobbying, advocacy campaigns or public interest law suits.

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

[15] The National Rainbow Alliance (NARC), which removed KANU from office in 2002, incorporated some of the most important and strongest civil society leaders into its government

[16] A trust is a legal entity in Kenya, different from a business or an NGO. CMD-K was unique as a new entity and, because there was no previous experience with such an organization, everything 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).

[17] In adhering to these principles, NIMD differentiated itself from many other political party donors, which usually took a more select approach to political parties (Carothers 2006, OECD 2009). See also interviews by the author with other political party donors, and their programme documents

[18] By paying for secretarial costs, the establishment of offices, computers and capacity building training, NIMD differentiated itself from other donors which, according to Zeeuw (2010:20), mostly concentrated on logistical and technical support

[19] The Political Party Act will provide public funding for political parties. However, allocations to the national budget for party funding have not yet been made (2009). It is not yet clear if the Political Party Act will have an impact on the cross-party programmatic funding, which for now remains intact.

[20] Until recently the ED, being responsible for CMD institutional funding as well as cross party funding, also acted as the NIMD coordinator with responsibility for coordinating and assisting parties in programming and accounting for bilateral funding. This blurred accountability relations and caused tensions between the ED and political parties. Bilateral funding came to an end in 2008.

[21] The board had 32 members in 2004 and 72 members in 2008.

[22] This list of activities is based mainly on the strategic plans, final programmatic reports and annual reports of CMD-K in 2004–2008.

[23] Reference is made to table 1 and the numbered indicators per phase, e.g., Phase I,t1:1–7.

[24] See note 24.

[25] See note 24.

[26] 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 post-election violence.

[27] See note 24.

[28] Interviews with the staff and board of CMD-K, November 2008, Nairobi.

[29] In 2004 the opposition parties were most interested but NARC followed quickly and later the parties into which NARC split joined individually. Ørnemark and Kanyinga (2005), Speijcken (2009b). There were 16 member parties before the 2007 elections.

[30] Parties pay a symbolic contribution to CMD-K.

[31] This approach is based on an evaluation framework developed by Rocha Menocal and Sharma (2008).

[32] This expression was coined by Barkan (1993: 99).
[33] 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 aged below 35 years showed an important increase in numbers. Youth, a group that CDM-K already works with, has apparently become one of the drivers of change in Kenyan society.