



## AfriCOG: Civic Action in a Hostile World

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Speakers: Brian Kagoro, Dr. Clement Sefa-Nyarko, George Kegoro, Gladwell Otieno, Prof. Karuti Kanyinga, Wachira Maina.

**Gladwell Otieno:** As we know the history of Kenya has gone through ups and downs in terms of the progress of democracy. In the early 90s, with the wave of the Second Liberation, we might have thought that we were going to have a linear progress towards a final democratic dispensation where all would be for the best in the best of all possible worlds. We have experienced many reversals, but there have also been advances. So we can go back to the advent of multi-party politics in Kenya in 1992 - it took until 2002 to unseat the Moi dictatorship. The Kibaki government came in and there was a lot of hope.

These hopes were partially fulfilled, or temporarily fulfilled, but we ended up eventually with the 2007 post-election violence - let's say the most widespread breakdown of civil order that we had experienced in decades in independent Kenya. I think we can fairly say that, although of course we know that in the 90s there was a lot of upheaval.

But out of this conflict came the progressive new Constitution, which has brought us so many positive developments that we've all been working on. For example devolution, the advances in rights, and the capacity to press for rights in terms of the various strategies we use - which we'll be talking about today – like litigation, protest, research, advocacy etc.

But with the advent of the new constitution there was immediately a clawback effort, which we all know about - an effort to roll back the gains of the Constitution, which has continued from its promulgation to the present day.

So today we're coming together to look at the situation, role and capacity of civil society against this regional and global background of a democratic recession. We are asking various questions, but in essence, we are asking with what we are seeing: does democracy have a future? And what is our work going to look like? What are we going to look like as civil society organisations?

We are asking if we going to organise ourselves in the same way that we always have, if we now think it hasn't worked. And what about our concerns - how much are they shared by the majority of Kenyans? Because we campaign against corruption, we campaign for various rights, like women's rights - and yet we see Kenyan voters again and again voting for people who have open criminal charges against them, and others who are thought to be, or are known to have been, involved in massive acts of corruption etc. So we obviously begin to ask ourselves - what about our sort of normative ideals, the ideals that we have, are they shared by Kenyans too? Or are we really drifting apart in terms of our concerns and the concerns of the ordinary Kenyans, and what it means for the strategies that we adopt.

We put together a programme which we hope to be conversational, although we will have presentations. We thought it was important to provide a theoretical frame for the

discussions we're going to have. And so our programme will begin with a presentation from Wachira Maina, constitutional law expert and a governance advisor, who is well known by all of you here, both in the room and online.

Wachira is going to talk to us about civic action in a hostile world. He's going to share with us his thoughts on how to understand the global rollback of democracy, and the context and role of civil society in post '22 Kenya. We're expecting our speaker Brian Kagoro, director of justice and intersectionality at the Open Society Foundation, who will be providing a perspective on the particularly of the region and the role and situation of civil society in Africa. Professor Karuti Kanyinga will join us online. He will present empirical information on the theme of whether civil society organisations are disconnecting from society. We also hope at some point to be able to welcome various other guests who I'll introduce in the course of the of the morning, and we may shift the programme around depending on when speakers arrive.

I want to warmly welcome you all and hope that you engage with us, online as well as here in person. We will begin now, and I invite Wachira Maina to give us his presentation on civic action in a in a hostile world.

(00:10:45)

**Wachira Maina:** Good morning, everyone.

Let me begin by saying I'm very privileged to be here, and explain what are we meant to do, so that there are no unrealistic expectations. First, I'm not going to talk much about the political context in Kenya, but there are some highlights which all of us are familiar with - that's the reason why I'm not going to go through it. We have just come from an election in which the winning candidate got 7.1 million votes of 14 or so million voters. Eight million people did not turn up to vote and 6.9 million voted for another candidate. So we've got a government that has a fairly serious democratic deficit. That's one component of the political context.

We also have another component of the political context, which is that since 2013, since 2007/2008, we've had elections and those elections, on voting, have gone by and large very well. But as soon as the voting is complete, results transmission begins, and the process from the transmission to the announcement of results has been controversial. This has not created confidence in the participants that those results reflect the will of the people. That was true in 2007, and 2013, 2017 and 2022. So we've increasingly got elections that have question marks about the integrity of the results that have been announced. We've also seen a shifting role of civil society over the same period. Society has become progressively less visible and effective in influencing elections since 2007. So that diagnostics is known to you. I think one of the more unique features of the recent election was the role of evangelical churches.

Now, all the patterns we are seeing are not accidental; and what I wanted to do is to try and explain the sources of what we are seeing. So instead of focusing on the political context, I want to give you a framework of analysis which I hope will help us understand better why we are seeing what we are seeing in Kenya. I want to deal with the question of what we

have seen - democracy in retreat around the world. Why is democracy in retreat? Gladwell calls it a democratic recession. There is a global democratic recession. I will address this by going back to the people who exported democracy to us - the West - and the crisis of democracy the West has exported to the rest of the world. Democracy was exported to the rest of us, and then its' crisis has also been exported to us. Understanding the sources of crisis in democracy in the West is a useful way of beginning to understand the sources of crisis of democracy in the developing world. That's the main purpose of my presentation.

The first part actually has three parts. The first part is democracy - what I'm calling democracy and its discontents. One of the things to understand is what's happened to democracy over the last 16 years and what are the dimensions of the problem. Second, is to try and explain what is democracy in the West. Part three is to begin to ask some practical questions - how does civil society fit in this picture of declining democracy around the world? Now, I want to begin by looking at the global picture of democracy. This (slide) is drawn from Freedom in the World Report by Freedom House.

Freedom House is an old democracy organisation, which was founded in 1948. In the context of declining democracy it's a very interesting organisation in the sense that it was founded by two individuals who are on opposite sides of the political divide. Roosevelt - and I forget the second person because it was a Republican - was a Democrat. And they got together and founded this organisation Freedom House, mainly to promote democracy both at home and abroad - at home being the United States. They produced an annual report. This is not work they began in 1948, but nowadays they produce an annual report which tries to assess freedom in the world. And this report for 2022, the overall conclusion - an analysis of the data, the empirical dimension - shows the rise of authoritarianism and the retreat of democracy everywhere since 2005. And I'll get into what that means in practice.

Now, the second thing this report notes is that there is growing solidarity amongst other authoritarian regimes. And then at the same time, there is fragmentation of the 1990 democratic consensus - there was a consensus in the late 80s and early 90s that democracy was a good thing. There was a broad consensus around the world. In fact, there was a number of international relations experts who said that the era of what they call a concert of democracy was dawning - in other words, you would get a bunch of democratic countries getting together to promote democracy around the world. So there was a consensus. So you got two things that have happened: solidarity among autocrats, and fragmentation of democrats.

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Now, just to give you a perspective. In 2005 46% of the world's population lived in countries that Freedom House ranked as free. In 2022, sixteen years later, only 20% - or one in five people - lived in a country ranked as free. So we've got a really, really sharp decline. To be fair to this survey, I think it's important to point out that part of the reason why such a sharp drop is reported is because in 2019, India dropped. India dropped from free to partly free. So of course that carried about a billion people from the category of free to the category of partly free.

But the headline conclusion from this 2022 report is that 80% of the world's population now lives in countries that are ranked as partly free or not free. You can get the report online and you can drill down a bit and it's got very interesting insights that you can go from there.

Now, people tend to ask when you give them this data, they say, oh, what's the methodology that they're using? Maybe people doubt that the methodology is robust enough, so there are question marks about whether you can rely on this. This what Freedom House does. Freedom House ranks countries into three categories: free, partly free, or not free, and it's based on a total of 25 indicators. 10 indicators are for political liberties and 15 indicators are for civil liberties. Do we know the difference between political and civil liberties...? They roughly mean the same thing in terms of how we talk, but in law they are distinguished. The idea of political comes from Greece, the idea of civil comes from the Romans. Political comes from 'polis' which is the Greek city state, civil comes from 'civitas' which is the Roman state, city state included. So the Greeks were very fussy that the only way for you to exercise any rights you had to be a citizen. So political rights that you were able to express or experience are because you are a member of the 'polis'. The Romans on the other hand, because they conquered a very large part of the world, the liberties you got weren't necessarily related to citizenship - they were related to the fact that you are under the Roman imperial. So 'civil liberties' over time came to refer to those rights that you have not because you are a citizen, but because, you know, you belong to the 'civitas'. You live inside the 'civitas'. So, for example, freedom of expression, freedom of movement, freedom to own property - those are not political rights, but the rights you have, because you belong to the civitas.

So what Freedom House does is to distinguish between the strength, the robustness of political rights, and the robustness of civil liberties. And then they award each country points – 0-4 points for each indicator. Zero represents the least freedom and four represents the greatest freedom. Now in terms of political acts, they are organised into three categories. Category one is electoral processes, category two is political pluralism and participation, and category three is functioning of government. Then under civil liberties, they have freedom of expression and belief, associational or organisation rights, rule of law, and personal autonomy and individual rights. I want you to keep that criteria in mind, because the next index I'm going to quote has a different way of organising - how it's looked at liberty - and therefore I wanted to compare the two and to see . They seem to be agreeing, but it's important to see what it is they're measuring. Are they measuring the same thing, and if they are not measuring the same thing, what's the difference? So that's what Freedom House does.

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If you go to the next slide, the next index to refer to is the Economist Intelligence Unit Democracy Index. I couldn't find the one for 2022, I think it's not out maybe.

So they have a different ways of categorising, measuring democracy. They began doing their work in 2006. It's very interesting that they began in 2006, because in 2006, that's when democracy started going into recession. So do we say it's the curse of The Economist.. that the day they began measuring, democracy started reporting recession? The Economist have a way of doing this, because in 2002, they had a headline on the cover: 'Africa, the hopeless

continent' - and as soon as they said it, Africa started growing! So there may be something with The Economist and how they say and measure things...! So they have a way of organising information – that is, full democracies; flawed democracies; hybrid regimes - those are regimes that combine both democracy and autocracy - and authoritarian. There are those four categories. So in 2021, this is what they reported. The Freedom House survey entails 2005 states, countries and territories, and The Economist takes 165 countries. So the data set is different.

So in terms of full democracies, The Economist can count 21 countries as full democracies, which account for 12.6% of the total 165 and hold only 6.4% of the population. Flawed democracies were 53, they accounted for 31.7% of the total and contained 39.3% of the population. Hybrid regimes were 34, they accounted for 20.4% of total number of countries, and they carried a population of 17.2%.

Authoritarian regimes were 59; it's the largest single category. Authoritarian regimes accounted for 59 countries, which was 35.3% and that is 37.1% of the population. I want you to notice that hybrid regimes and authoritarian regimes account for more than 55.7% of total number of countries and together hold 54.8% of the population - so again, more than half.

Then let me get to The Economist. The Economist looks at five categories. It has 16 indicators, five categories - electoral processes and pluralism, civil liberties, functioning of government, political participation, and political culture. They have political culture, which the other one doesn't have. And then we have a functioning of government, not as a subset of anything, but as a stand-alone. The overall index of democracy is calculated as an average of the indices of the categories. So there's an index for each of the categories, and the overall index is an average of those individual indices.

The interesting thing for me is that the patterns are similar. They are going in the same direction. I think you need to do a bit more interrogation to see what is different about what is being measured. But there is agreement - and this is not the only one, there are a whole host of other indices that show the same pattern again, about the shrinkage of democracy. So I think there is a consensus in the political science literature that in fact what we have is declining democracy for the last 16 years. On that there is consensus.

Now, what are the dimensions of this problem? How is this shrinkage of democracy manifesting itself?

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There are four elements of this shrinkage of democracy. Number one, it's widespread and growing promotion of autocracy. There's a very interesting thing that has emerged. Autocrats (sound interference).....from the 70s, 80s and early 90s, all called themselves 'democrats' and 'democratic'. It has been said 'democracy' is the most promiscuous word in political science. Because everybody believes that to call a country a democracy is to praise it, and to call it a non-democracy is to criticise it. So autocrats had this habit of baptising their regimes 'democracies' even when they were vicious autocracies. I mean, I think North Korea is the best example – it's called what the Democratic Republic of Korea -

it's got a very full name. Even Ethiopia has got the Federal Democratic Republic of Ethiopia. The more autocratic a country is, the more likely it is to have an enlarged name that cites several components of democracy in the name.

But what has happened is the shamelessness of a lot of autocrats in the recent past!. So autocrats are more aggressively promoting fellow autocrats – I remember the role of Russia, China, Turkey, with Hugo Chavez, helping Venezuela bust sanctions, and encouraging Hugo Chavez. And then, related to that, is a decreasing pressure from democrats. Democratic countries around the world have become shy of criticising autocracies.

I think there are a number of factors that explain this. One of them is loss of moral authority, especially in the post 2003 period after the invasion of Iraq. The period between 1945 and 2003 was described in the international relations literature as a period of Pax Americana, and the American peace. Because America was at the forefront of making the case for democracy around the world, and appearing to promote 'forget Vietnam and issues like that', but it was the leading voice in the world for freedom. America led those voices. But Iraq changed this in very fundamental way. Iraq and the War on Terror changed this in very fundamental ways. So the war of America came into serious doubt, in Europe and around the world.

Number two, the growth of autocracies has also changed the calculation of the West. The size of Chinese markets for example, makes a lot of American companies....(sound interference)...we do not want our government antagonising China, because if you antagonise China, that's a market of 1.5 billion people that will disappear if China decides to react. So there is a bit of a self-serving calculation. And then the economic clout of China being a big country. When the genocide in Xinjiang, where China started this genocide of Uyghurs, Australia was debating whether to criticise China, and Australia issued a statement that China didn't like. And China said to Australia the language you are using is not helpful for economic relations – and Australia kept quiet. So the economic clout of China has also been part of what has made democracies shyer in terms of criticising what is going on. That's number one - widespread promotion of autocratic norms.

The second dimension is rising coups and power grabs. More coups and power grabs have occurred in 2021 than had occurred in any year since over the previous 10 years. And, I mean, I could give you examples - Burma, just before parliament (sound interference) the the emergency, the military dictatorship have then extended that state of emergency for another two years. You have to remember, in Burma, Myanmar, in fact the military are the ones who made the Constitution, under which the election was held. So they didn't like the elections that were held under the Constitution that they themselves made! So they got rid of the civilian administration and declared (sound interference) just when the transition to full civilian rule was happening. The military is now firmly in charge.

I also want you to notice that in a place like Sudan, the role of international actors - especially places like Egypt (sound interference) promoted a certain version of faith like those in Sudan. Then you got places like Mali, Guinea, Chad - Chad to the military stepped in to instal a puppet civilian, basically the son of the former president, Idriss Deby. So this coup making - Tunisia had a problem after being the first country to appear to transit into

democracy under the Arab Spring. You've got you got all this coup making and power grab that is going on around the world, contributing very significantly to the erosion of democracy around the world.

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So that dimension is the growing fragility of democratic institutions in which democracy was thought to be consolidated. Countries like the US, countries like Brazil, countries like Hungary - there was a theory that these were consolidated democracies. What we are seeing in the US? the invasion of The Capitol - and in places like Hungary. Hungary is a very interesting example for those of you who want to track the erosion of democracy. The current prime minister, Viktor Orban, in the early 90s, used to lead an organisation called Fidesz. Fidesz was a classical liberal party supporting the usual liberal liberties - liberal system liberties. And he was part of a youth group, which said, anybody above the age of 35 could not be allowed to join Fidesz because everybody above the age of 35 were thought to be a communist. So they were beloved of the donors. The donors loved them, the liberal foundations in Europe loved them, and they funded them! Now, he has become an ultra-nationalist in power. So he actually represents the recession of democracy embodied in one person, because he began with espousing the right democratic language (sound interference) to the point where having gotten to power democratically, he has become one of the greatest symbols of its recession. So, you have both personalities - like Viktor Orban - and institutions - like we have seen in the US - where democracy having thought to be consolidated, has turned out not to be consolidated at all.

Then we have the other dimension, an institutionalisation of proforma elections. What do I mean by proforma elections? Elections that are conducted for the purposes of respectability, and they have no real meaning. Russia and parliamentary elections - where they began on the eve of the election they jailed the opposition leader; presidential elections in Nicaragua, where the President banned fifty NGOs and then borrowed a law from Russia to stop the election from being observed. So the elections happen, yes, but the elections are not meant to change anything.

So, those are the dimensions of the problem. What is causing this problem? Why are we seeing this problem? This is part two of my presentation. Let's now talk about sources of the problem. Now this is going to sound like I'm taking you into things that are irrelevant, but bear with me for two or three slides, it will make sense why I'm going this way.

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I said that democracy has a crisis where it came from, and that crisis has been exported to us. So I want to first of all explain what is the crisis democracy is facing where it came from.

The key problem in the West is the weakening of the foundations of democratic stability. What has weakened it? – four things. In the west there was a bargain between capital and labour, and the weakening of that bargain; and an agreement between owners of capital and owners of labour, and the weakening of that agreement. That is at the heart of the crisis in European democracy, and I'll show you what I mean by in a minute.

Then there is the effect of the collapse of communism; the effect of a non-democratic rise of China - capitalist China - and then there is demography and demographic shift in the West. I'll go through this quickly to explain this point.

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Now I need us to go back to the early 1920s. The two main forces that shaped politics in the early 20s to the 30s in the West are the following. There was freewheeling unregulated capitalism in the West, and it was based on the theory that capitalism is self-correcting - that whenever capitalism gets into crisis, it will correct itself. And that the government is best that governs least. The theory was the government is best that governs least, and capitalism will correct its own faults. That was the ruling orthodoxy.

At the same time, there was just an infant 'workers democracy'. You put that in quotes - 'workers democracy' - in the Soviet Union. Now, the unregulated capitalism of the early 20s led directly to the Great Depression of 1929. This is what happens in the Great Depression. In the capitalist West, the US economy shrank by 28% between 1932 and 1938. 25% of the workforce was unemployed. In the Soviet Union, the GDP grew by 70% between 1929-1938. In Europe, the economy shrank by an average of about 10-15%. Germany, I think one of the greatest collapses. In Germany after 1932, the German unemployment rate was 30%; but after that, the German GDP grew from minus 7% in 1931 to a figure between 9 -11% over the years of 1936 to 1939.

Now, what lessons did we learn from this? The lessons were the following.

First, that workers did better under communism than under capitalism. Lesson number two, directed military capital, militaristic capitalism - like what Hitler had created - produced better result than the free-wheeling capitalism that was available in most of Europe and the US. And lesson number three, that communism was better for workers and regulated capitalism was good for economic growth.

Two ideas came from this. Idea number one: when capitalism collapsed, it was not self-correcting. Capitalism could not get the West out of the Depression, or out of the Stock Market crash of 1929, and the Depression that resulted from it. In fact, America did not recover from the crash until 1941 - so more than 10 years. Workers were better off in an inclusive and protected economy. And it is from this that the modern regulatory state and the welfare economy - which is what we describe in the literature as 'European social democracy', and America's great society reforms - they came from this. This is the origins.

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Now, what are the features of this - what lessons learned of the economic dimensions? Because of the example of communism that the Soviet Union economy had grown by 70%, the greatest fear capitalists had in the West was that workers would embrace communist ideas and overthrow the capitalist system. So the people who actually pushed for the welfare state in the US, for example, were not workers. It was capitalists! The captains of industry went to Roosevelt and told Roosevelt that look, we cannot continue in a situation like this. We might have a revolt. So the owners of capital negotiated through the president with the owners of labour!



Two things then emerged simultaneously: a bigger role for Trade Unions, and an implicit bargain between Trade Unions and companies about wage conditions. This is reflected in the fact that from 1945 to the mid 70s, the sharing of national income between profits and wages - because national income is just divided roughly into two, profits and wages; there are other categories but let's just worry about profit and wages - the sharing of national income between profits and wages moved together. When companies made a profit, worker's wages rose. So from 1945 the government stepped in the economy, to provide protection: health, welfare, social protection - the government put in place those mechanisms. And there was bipartisan consensus between the right and the left that the welfare state was a good thing for the West. So even when conservatives took over power, they did not abolish the Welfare State. Churchill came into power in 1951, replacing Clement Attlee. Everybody thought Churchill was going to roll back the welfare state - he actually expanded it. As a Conservative! So then there was consensus in the West that politics was won at the centre - centre right, centre left. People did not go very far from the centre, and the welfare state was here to stay. Now what happened was, by the time we got to the 70s, there was a resurgence of the Right.

How did the Right come back?

Two things happened. There was the intellectual movement, and there was an economic movement. The intellectual movement began with people like Milton Friedman, some of you may have heard of Milton Friedman - Milton Friedman was what people today might call a free market fundamentalism. He was a professor of economics at the University of Chicago, and basically argued that government is best that governs least and freedom constitutes in removing regulation. That the less regulation you have by government, the more economic growth you can get, and the freer people are. He was very, very influential. In the late 50s, early 60s, Milton Friedman was at the head of this intellectual movement, going back to radical free market economics of the variety that had been experienced before in the 1920s.

There was also an anti-tax movement. The big companies in the US funded their tax movement through thinktanks - New Enterprise Institute, there are a couple of institutes that they funded to do tax reform work. People like Milton Friedman and the anti-tax movement - and by the way, the anti-tax movement is the most effective public policy lobby that has ever existed. People don't know this. So in the 1960s, these were considered fringe movements, they were not really significant. But something happened in the economies of the West. The economies of the West began to lose competitiveness; they started complaining about the growing power of unions; they started complaining about high income tax rates - income tax rates in Britain topped 83% - they complained about restrictive working practices. And these arguments that sounded like fringe arguments in the 60s now became mainstream. This is what explains the rise to power of Margaret Thatcher and the rise to power of Ronald Reagan. So Ronald Reagan and Margaret Thatcher were at the forefront of a right wing backlash against the Welfare State and European social democracy, as conceived between 1945 to 1965-70.

And we then had a wave beginning in the mid 80s of: cut back the state, remove regulation, which was described, and is described, by the word that most of us hear all the time - neoliberalism.

This is the agenda of Thatcher and Reagan: neoliberalism. It was exported to the developing world as the Washington Consensus. So the Washington Consensus and neoliberalism mean exactly the same thing – privatise; remove tariffs; remove regulation on the economy. Do all those things. Now at the same time as the Washington Consensus and neoliberalism was taking root around the world, communism collapsed. Then, the theory in the West became: the way to promote the prosperity of the developing world is to export democracy and export liberalism, export the Washington Consensus and export liberalism to the developing world. And that is how conditionality of the late 1980s and early 90s came about. You had this right wing backlash in the West, leading to the World Bank Washington Consensus being exported as conditions to us, and promotion of democracy simultaneously - because now, the big ideological battles between left and right had been won. In fact, Francis Fukuyama wrote a book called The End of History, that the big battles of history had ended. There were no more big battles to be had in history, because communism had lost and Western liberalism and capitalism had triumphed. That was the idea.

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Now, what has then happened?

What has happened is this - and now we begin coming to the problem. Neoliberalism has brought neither growth nor equity. The sharing of national income between wages and profit has been heavily skewed in favour of profits since the mid 80s. The share of the income that goes to the top 1% in the US has doubled from 10% to 20% in the last twenty years. The wages have stagnated. Wages, in real terms, have stagnated at their 1973 levels. And yet, American labour productivity has gone up! So you've got this paradox - labour is producing more, but it's earning less. Who is enjoying the benefits of the productivity? The owners of capital. They are the ones enjoying it! If the sharing of national income is between wages and profits, and labour has become more productive, but labour wages are held at the 1973 levels, the gains recoverable are going to profit.

Now, capitalists in the West fear that strong government might engage in redistribution through higher taxes. Now that they are in this privileged position, they are scared that if you get a strong government, it could impose higher taxes. That's why taxes are the biggest battle in the US. So what do they do? they want systematically a weak government, a weak government that cannot redistribute.

Those trends are replicated in the developing world. If you look at Kenya - let me give you an example of this closer home - the economy of Kenya has been growing over the last almost 20 years, except for the period between 2007- 2009. It's been growing for the last twenty plus years. But employment is not growing. We have jobless growth.

If the economy is growing, and employment is not growing - do you see what this means? It means income is rising, but the amount of income that goes to wages is either constant or shrinking because employment is not increasing! Employment is what leads to wages, isn't

it? So if wages are not being paid, the bulk of the money is going to profit. Why is this the case? Remember the Washington Consensus was exported to us. So, what is happening in the West has been exported here. So we have jobless growth, not just in Kenya, in Tanzania, in Uganda, in South Africa, we have jobless growth - in Brazil. We have jobless growth.

What are the political implications of this? The political implications are the lion's share of national income is being taken by capital, but the social cost of unemployment is being borne by society. Consider unemployed people in your house - who do they depend on? They depend on you. So you've got a higher share of national income is being taken by capital, but the cost of unemployment is being borne by society.

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In the meantime, as this thing is happening, China and Vietnam, which are non-democracies, have lifted more people out of poverty than anybody else! We were told capitalism and democracy will lead to growth. But we have got two examples of non-democratic growth. We've got countries that have lifted the most people out of poverty, but they are not democracies, which demonstrates - according to some people - that capitalism, the private accumulation and growth of capital, does not require democracy.

So, increasingly, capitalists in democracies - companies, big companies in democracies - are relocating their production to autocracies. So for example, if you are in America, faced with potentially higher labour costs in America, what do you do? You go and manufacture in Bangladesh. You go and produce in Bangladesh. What is that doing? Companies based in democracies take their production to countries that are non-democratic, which fuels growth in non-democracies, and weakens growth in democracies. So, the case for democracy has weakened completely.

Now, what is capital doing in the West? What capital is doing in the West is every time capitalists are confronted with a threat of bigger taxes, they threatened to relocate. They said we are going to export jobs. So whatever they are asking for, they are given. Then they oppose immigration, very strongly. Because if immigrants come in, they cannot use the right of relocating. So the hostility to immigration you see in the West, it isn't accidental. It's because if you have free movement of labour with free movement of capital, this relocating to get cheap labour and that kind of thing would stop. It would eventually even out. So it is important that capital is able to move freely, but labour is not able to move freely.

And how do they then control politics? You control politics by financing politics, and financing lobbying - which is exactly what is happening here! Every regime in Kenya from as far back as Moi's time depends on voters and financiers. And over the years, voters have become less important, and financiers have become more important. That's the truth of the matter - if you do a bit of analysis, you will see that. Now, let me rush through this second part.

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In the West, the problem has been aggravated by population. Because what has happened, the so-called Baby Boom generation - people born between 1946 to 1964 - are now retiring. The baby boomer generation were children of parents who had an average of four to five

kids. The baby boomers themselves had two kids, max. So what do you have in the West is this. If you go back to 1965 to 75, as the baby boomer generation entered the job market, you had a very large working population and a very small dependent population. The dependent population are people who are below 15 and who are above 65. The people who are below 15 are not relevant, because parents take care of their children - so those ones are not a cost to government. But in the West, anybody above 65 is the responsibility of government. So what has then happened is this. As the baby boomer generation retires, their children are not enough to replace the earning power that they had, because their children are fewer. So the dependent population - people above 65 - are very many! The reason why seniors have influence in politics in Europe is because of this. Because now you have an economy that is physically stressed. The baby boomers people have not been replaced by their children, because their children are fewer. So you've got the population of baby boomers help these economies grow. Baby boomers are retiring, and they have become very fearful that they're going to become very insecure because there isn't enough pension.

Now, you've got the following - the combination of economies that are shrinking in the West because of relocation of jobs to autocracies, and you've got a growing and ageing population. So you got an insecure youth, most of whom were hit hardest by unemployment, and you've got an ageing population which is worried about pensions. This is the politics of insecurity. So politics has become characterised by boogeymen. And the boogeyman are terrorists - codeword for Muslims – immigrants, welfare queens. Those are the boogeyman or boogeywomen of politics in the West now.

People have taken flight in political identities, like race, ethnicity, religion. So the growing role of ethnicity, the growing role of race, the growing role of religion, the growing role of these negative movements in the West, in politics, is not accidental. That is that is where the problem begins.

(00:56:10)

So the pervasive insecurity in democracies, has undermined confidence in the traditional policy toolkit. What is the traditional policy toolkit? The traditional policy toolkit is tax reform. Tax the rich, provide services to the poor. But the rich have been able to stop taxes going up! So tax reform and redistributive politics is finished in the West. The growing inequalities have raised the stakes on both sides. The excluded and the included have made reforms impossible. And ideas for change are dangerous. The worlds 26 richest people, for example, own as many assets as the world's 3.6 poorest billion people.

The rich have more incentives to let go of the policy process, because in the letting go of the policy process, they could lose their all. Corporate tax in America used to be above 55 in the 1950s and 60s - it is now 30. You cannot get the corporations to increase the taxes back to 50, they will not accept it. And there is no credible alternative to capitalism, because if communism is gone, so the threat from communism is not there, they no longer fear workers - they don't care. The distrust of the excluded in the political process is also exceptionally high. So you got an excluded that is very suspicious of the political process, and you've got an included that is very protected. The extremism, the polarisation of

American politics, the polarisation of British politics, is arising from this polarity that I'm describing.

(01:00:06)

Albert Hirschman wrote a book called *Loyalty, Voice, Exit*. He said that in a society or an organisation, you either feel loyalty - because the organisation works for you; if the things are going wrong, you use your voice to express yourself; and if it's not working, you exit. Citizens cannot feel loyal in systems that have emerged at the dawn of the 21st century, because of the reasons I have given. So loyalty, as a political value, has gone down. The ability of citizens to express voice has been muted by some of the forces that I have described. Reason, logic and evidence is not a basis of policy reform. Most people are adopting various forms of exit from politics. So politics is increasingly angry – from those who fear to lose their all, and those who have already lost their all. Both of them are very angry.

So what can civil society realistically do in an environment like this?

(00:01:21)

Number one, the era of activism without proper diagnosis is over. You cannot have the usual category of, oh let's amend the law, let's go to the court! That's gone. Those levels are likely to be ineffective.

Number two. From a diagnosis, we can determine what issues have traction with an increasingly cynical or sceptical electorate. 'Vote for Change' has neither traction nor effectiveness. You cannot tell people *kura yangu sauti yangu* "if you go and vote things will change". You can't tell people – and I'm not attacking *Kura Yangu Sauti Yangu* – go and vote and things will change! Perish the thought! - we've seen in Kenya people voted, but their votes don't translate into the shifts they want. So "*kura yangu sauti yangu*" - out of the window!

So what realistically can be done? Let me show you something, a slide, let's make some comments, then we finish.

I want to show you how inequality kills democracy, and how inequality kills, when democracy is not working; and I want to use the case of Nairobi. This slide has statistics of Nairobi showing health services in Nairobi. So let's get very practical.

(00:02:59)

This is statistics from Nairobi. It's called 'Demonstrating dimensions' and then 'Impact of Inequality: Access to Health Facilities in Nairobi'. If you look, these are the original eight constituencies of Nairobi. They still remain sub counties, I believe. So you've got Starehe, Kamukimji, Kasarani, Westlands, Dagoretti, Kibera, Embakasi, and Makadara. Right now, there are 12 health facilities in Starehe serving a population of 274,607; in Kamunji, 9 serving a population of 261,855; 12 in Kasarani, serving a population of 525,624; Westlands has 10, serving 247,000; Dagoretti has 4 serving 329,577; Kibera has 3 serving 355,188 people, Embakasi has 9 serving 925,775; and Makadara has twenty health centres serving 218,000.

Now, I want you to look at the averages in terms of number of people per facility. If you begin with the low of one facility for 10,000 people in Makadara, to a high of 118,000 people in Kibera. You cannot provide health services on a structure like that! If you go to the planning requirements in Nairobi, the planning requirements are the following: that Nairobi should have a health centre for every 25,000 people. The only places that meet that criteria is Starehe, Westlands and Makadara. The rest do not meet that criteria. As of March 2014, Nairobi had eighty health facilities, they have increased marginally over that number. But whenever I try to get the numbers, the county government doesn't seem to know how many there are. So using these figures, Nairobi has a deficit of 47 health facilities. On the proposed ratio, Embakasi should have 37, not the nine it currently has. Kibera should have 14, not the three that it currently has. And Dagoretti should have 13, not the four that now has.

So we can amend our laws, try and influence all manner of things in Parliament – but it is not likely to resonate with somebody whose child died last week or last night because they live in in Embakasi and could not access a health facility.

So we are not talking the language of people who are in trouble! We are not talking their language, ok? When I say let's do diagnosis, this is just one example - I have hundreds of them, I could give you water supply in Nairobi, immunisation rates in Nairobi, immunisation rates in Kisii - I could give you the numbers, they are there in the statistical abstracts of the government. But they show quite clearly half the things we talk about in this room do not connect with people. So what does this example say about what donors should do and civil society should do?

(00:06:12)

Number one: the era of donor and civic evangelism is over. It is not enough to fund or support good causes. In fact, funding good causes may undermine the funding and support for effective causes. Why? Because of something called the lighthouse effect. The lighthouse effect is what you fund becomes visible, what you support becomes visible; what you don't support is invisible. Number two: Supporting work that identifies what and who is excluded from policy dialogues by advocates. What we make invisible, we also make irrelevant. Whatever we make invisible becomes irrelevant. And unfortunately, what we consider irrelevant is a matter of life and death for a lot of people. If you look at for example, deaths or injuries from accidents. Every year, an average of 13,000 to 17,000 of school going children go to hospital because they've been caught in traffic accidents. Why? Because the supply of schools where they live don't exist. So they have to take to boda bodas to go to schools – that is what's happening.

Number three: assist to make visible the dialogue that took place in invisible spaces, and take account of what is visible without over privileging it. Take the current focus on social media, for example. Digital dialogue always carries the risk of amplifying the voices of the elites and ignoring the voices that have always been excluded. So I am all for let's go to the social media and mobilise the youth there. But also let's warn ourselves about the consequences of this.

I've exhausted you, because I've talked longer than I promised! The purpose of my remarks is not to plant optimism in your heads or in your hearts. It is to say that we cannot continue agitating in the same way on the same issues. We are part of a global trend that is happening that we need to take account of before we can become effective advocates once again.

Thank you.

(01:08:16)

**Gladwell:** Thank you very much Wachira for locating us in a global context. I think for most of you that was probably quite illuminating. Many of you may not have understood the context in which we're moving. This means that Kenya is not special - what's happening here is part of what's happening globally.

And you certainly didn't plant optimism in our hearts because you said democracy: finish. Agitation against oppression in the same way we've done: finish...But at the end, you did bring it down to what really matters, and showed the very stuff of what it means when you don't have democracy - what it means for ordinary people, and therefore what their concerns are, as opposed to ours.

We had planned to have two more presentations. We've got Brian Kagoro and we also have Karuti Kanyinga online. Karuti had some slides of empirical evidence, and Brian was going to look at the situation of Africa. He was going to look at it from an African perspective with some, obviously, responses and inputs on the global situation - and very specifically an input on Kenyan civil society and the apparent gulf between the concerns of ordinary people in Kenya and the concerns of civil society, meaning the classical part of civil society, NGOs, nongovernmental organisations, civil society organisations.

Brian, would you like to come to the podium. We started late, but I hope that most of you appreciated having that overview of the issues, because we don't do it enough - we focus on Kenya, as if Kenya is an island in this world. We need to understand history, and we need to understand the global and the context that we move in. So Brian, I would ask you for your remarks, particularly focusing on the situation of civil society, not just in Kenya, but regionally. Brian Kagoro is a lawyer who has long been active from Zimbabwe to the region, and he's the Director of Justice and Intersectionality at the Open Society Foundation.

(01:11:30)

**Brian Kagoro:** Thank you so much Gladwell; and thank you my brother and friend, Wachira, for those phenomenal remarks. I wanted to start off with reiterating some of the things that were said and then I will give some nuance to some of the interpretations he gave. Then I will specifically land on the African civil society in context.

So historically, the evolution of African civil society, based on that erudite presentation by Wachira, had a framing. There were bad guys - such as military rulers and unelected dictators etc - and then there were good guys, the ones who held the virtues and values of liberalism. And then, what Wachira has described, is this choiceless democracies and elected authoritarians that pursue - as Viktor Orban, and many others on the continent have

- narrow nationalism, conservative ethno-religious or ethno-national parochialism, and populism. Then you also have new reforms. Or new forms of otherization and discrimination, including Islamophobia, and this phenomenon that Wachira talked about - anti migrants, xenophobia, anti-black, anti-opposition etc.

So part of the challenge we have is we're asking false questions and we end up with false answers. We are asking about the failure of neoliberal development orthodoxies and economic policies - the failure of liberal democracy to deliver development, dividends, and the ability of populace to touch the hearts minds and souls of the public. If you think about the world we live in, we have these very intense nationalised internal conflicts. Look at DRC - resource conflicts, destruction of biodiversity, privatisation of public goods, violation of human rights on an industrial scale. We also have impunity of states, of corporates, of individuals, with respect to the extraction of natural resources, and with respect to other factors.

This so called unbridled operation of capital, or neoliberal capital, that you describe actually has caused climate change and ecological overreach and destruction, which accounts for food insecurity, poor health for most poor people, and the unsustainable livelihoods that define the inequality that my brother was talking about.

In it we see growing gender injustice, and - for many women - sexual and gender based violence, including for women who are in public office, or standing in politics, or are in the economy. This violation of women's sexual health rights, and undermining of the labour of women. And I'll come back to this issue, that women do the same work and are paid less, right? - they do work at work, they do work at home, and the feminine gender has become the informal social welfare system that carries both the global economy and carries the rest of society.

(01:15:50)

Now of course, you have the power of technology and social media and other factors that has put on steroids, some of the factors that Wachira was talking about, right? If you were a prejudiced xenophobe patriarch, you could only express your views before to your neighbour. Now you can we you can become a rock star without a band. One click and this thing is trending in WhatsApp groups etc. And of course we have the issue of migration and internal displacement, and Wachira talked about inequality and inequity. And I think how he framed it was as the exclusion question.

Now, as we mentioned of course, you know we were involved in fantasies, and I think that it's useful to stop sleep walking and wake up!

We were focusing on making democracy work. This preoccupation with the forms and the rituals; the regularity of elections; the independence, the freedom of course of the media - but we paid scant attention on making democracy deliver. In fact, anyone who focused on the making-democracy-deliver question sounded like a communist! But there was this historical link between democracy and your liberal development models that was driven through the IMF and the World Bank as policy conditions. So you were told, adopt this! it will lead to growth! Democracy did deliver formal representation, but has not addressed



systemic issues. So you can't say the economy of women is any better in the US. In fact, I always laugh and I say, Liberia got its first president and America was celebrating two years ago getting its first female vice president - and in Africa we are used to having female vice presidents and prime ministers. But that this should be a mark of the world's oldest democracy is something I want to go back to, on to something that you said Wachira. And then of course, global governance and multilateralism, which emerged post 194-45 was itself a Trojan horse for the powerful, that work largely to balance the interests of those powerful in their *disciplining* of the rest of the world and their enemies. When you think about multilateralism within the context of the Cold War - the alliance of the powerful and the polarity of fragmentation amongst those powerful - it then leads you to answering some of the questions why valueless democracies led by autocrats are now the order of the day. Because elected authoritarians used the same playbook, as the Western democrats did over 200 years, and autocrats have always done.

They cannot be removed democratically, but they were put in democratically. For those of you who may say, but what is he talking about? I wanted to remind you that Hitler was a democratically elected leader. And in case you have forgotten: throughout its entire duration of the apartheid state in South Africa, it was elected. I come from a small country called Zimbabwe - Robert Mugabe, from 1980, held elections every five years. They were regular.

So why did I say we were sleep walking and dancing on fantasies?

Number one, capitalism had promised this, Wachira said. That it was equal to democracy, to freedom to liberty, and to growth, that the competition implied in free markets would create innovation that's unparalleled. That it would focus on opportunities for everyone to improve and develop. However, in reality, it was always the liberal democratic model - whether you take France or Britain or Germany, or you take the United States -it was always xenophobic, genocidal, racist and patriarchal. It took women more than 200 years to get the vote in America. As late as 1967, the negroes, the Black folk too. That's why this whole hullabaloo around Roe vs. Wade is itself significant in pointing out how majoritarian PR sold a system which was anti-minority - and in particular black minority - how that system was white supremacist and pretended that the world was purely white.

So the reality of the white Christian American was framed as the reality, and sold! Never mind that at the same time they were at the peak of categorization as democracy, they were feeding drugs through the FBI to kill off black communities through trying to decimate the Black Panther. Never mind that throughout the period of history, America characterised the home of the brave land of the free; but if you held communist views, you were criminalised. There was freedom of expression, but the expression is there to be compliant with the majoritarian so the country never debated. But there's something that Wachira said that you need to keep in mind. These countries that were sold as full democracies were either bi-ethnic or mono ethnic. So they actually never had to deal with Uganda's 44 ethnic groups! with some of your countries,<sup>15</sup>. Because if you had a country only made up of the Luos and the Kikuyus, they might find a way of sharing things. So liberal democracy and representative politics survived as a mythology to the extent that it was only representing the dominant interests, and largely of the whites - with a few accommodations. And then it

was extractivist. You know, the most interesting thing is that there's nothing wrong with the *idea* of liberal democracy. Don't get me wrong. So in America, you could have regulations about where you cannot extract natural resources, and in America, you could have regulations about detention without trial. But the truth of the matter, it was America - according to delisted CIA files - who killed Patrice Lumumba, who overthrew Kwame Nkrumah by lying about the state of the Ghanaian economy, who killed Thomas Sankara. Should I go on?

(01:23:31)

So this democracy at home observed rules; but it was a cowboy elsewhere in the world. It was engaging in extrajudicial executions - but you could kill Africans and Asians and Latinos because as white supremacist you never saw them as equal.

This idea of democracy - that needed the blood of the non-whites, and resources taken, whether it's human resources through slavery, or natural resources without payments - is a key question. I'm just giving a small nuance to what Wachira said. So all the classifications, Gladwell, are false, because they say race is now an issue. Race was always an issue! From the foundation of America, race was always an issue. Why do we know about it now? It's not that it is reason. It is because social media now allows the rest of the world to see the struggles that Native Americans and Black Americans have been having for the last 200 years. It now allows a global solidarity of people who look to say, hang on, people come here to promote democracy, but at home they don't mind Black people sleeping under bridges. They come here to fix poverty....

The American state was always a hyper securitized state, as was the French state. Securitization, which is abuse of public state power, where you if you say Gladwell is an enemy, you can suspend their rights. Communists were their previous enemies; Muslims became their enemies; black people within who are radical and non-conforming to the integrationist idea, became the enemies. So I'm suggesting illiberalism was at the core of liberal democracy in the West, right? And then PR and subversion - I have already talked about coup d'états promoted elsewhere - exported instability and primitive accumulation. They were syphoning off resources from DRC, France and from the rest of the French colonies; and they felt no qualms about it. Because in the Social Darwinism that undergirds Western democracy, this was fine. As long as we're not doing at home to your taxpayer. So the growth figures that you are giving, Wachira, appear like something was happening at home - but if Africa today had colonies, where you could go and get natural resources for free, your growth figures might actually be better!

But I wanted to give you a small light moment. The seven most fastest growing African economies for the last 15 years are all classified as non-democracies. Can I repeat that? Africa's seven fastest growing economies - Ethiopia etc - were classified as non-democracies. So I'm just buttressing the point he made, because he used Vietnam and China. Come closer home!

But you yourself have not thought about these contradictions. When we ask the greatest African leaders for the last 50 years, you always say Sankara. Sankara was a communist. You say Nyerere. Nyerere was a communist, socialist. Then you say Lumumba. Lumumba was a

communist! So do you have non-communists as your reference point for good leaders? we must ask this question. But it gets worse. The seven fastest growing economies other than Rwanda all come from the former communist tradition. Why am I saying this? There were mythologies of communism and mythologies of capitalism - but communism, what was the mythology? That property is communally owned, there's no private ownership...yes, I'm coming to this because I was saying, Gladwell, civil society was sleepwalking, regurgitating the false narratives that the West was giving us. It was not introspective in questioning things. So in essence, what I'm saying Gladwell is that we had a civil society arise that was pro rights. And yet - and this is what I think the potency of what Wachira was telling us - it was not anti-colonial. It was not anti-Imperial. It was not anti-neoliberal capital. In fact, it was only when a few intellectual start saying neoliberalism is a problem that civil society starts raising it; but it kept on saying private sector led growth, even when the private sector had become neoliberal, extractive etc.

And it was not anti-securitization, right? It only became a problem when the securitization was turned inwards, through surveillance, through all sorts of things that the state was doing to contain protest and the excesses of what Wachira said. Countries went neoliberal in Africa, under the structural adjustment programmes. Then inequality grows, poverty grows, US citizens start protesting, we arrest you. Out of the arrest, Brian and other lawyers start representing you. So a human rights movement arises that is representing people who are struggling against neoliberalism. But what becomes prominent is Brian Kagoro, the lawyer, the human rights defender - the struggle against the structural inequities and inequalities against landlessness become secondary, because Brian becomes central.

So part of the problem of civil society, Gladwell, in Africa, South Africa, Zimbabwe and elsewhere, is this preoccupation with the forms and norms, and its inability to deal with question that Wachira was raising in his last slide – the fundamentals of the structure of a neoliberal economy, and the contradictions of a communism that is oligarchy, the contradiction of a communism that is a state elite capture. So at the centre of the contradictions of both capitalism and communism was this edifice called the state, and in it is the definition of a global, pan African, regional, national citizenry that actually sees the economy and social policy as the centrepiece of rights. That sees inclusion not as a formal process of having a person of your tribe, but inclusion as a process of being a co-owner.

In essence, civil society needed a beautiful communist rhetoric, of common ownership of distribution, each according to the to the labour and needs for it to survive in a neoliberal securitized and financialized world. But it was afraid because the donors, including myself, we did not fund you to talk about up-ending the structure, the global financial structure; up-ending the structure of neoliberal capitalism. We funded you to protest, to have voice - not to have ideas. We wanted you to participate in elections, make sure they're not stolen. Make sure that people who are neoliberal like us win those elections, and they are free and fair, and you stay poor because you exercise your freedom to vote only.

(01:30:52)

The challenge for civil society is that we became a civilocracy.

We ourselves became an establishment. So across Africa, Wachira and I can tell you from the days we used to go and meet, 1996-1997 in Tanzania, and George and I were reminiscing last night about this. Gladwell, you and I go back far. We are still the same people. The average or mean age of Africa is 19. The 19 year olds are sick and tired of us, they're sick and tired of their governments, but the 19 year olds have not yet arrived at the point of learning - what have we learnt? what are we un-learning? And how do they use this in their struggle?

So the new donor funds are putting young people, putting youth as a framing of inclusion. It's neither an ideological position nor a permanent position. After 20 after 35 they will no longer be youth. But they are literally saying we have used Brian and Wachira and co. They are now model missionaries. We need new missionaries to avoid disruption. The challenge, Gladwell, is not only having young people, it's the political consciousness of anti-colonial, anti-imperial.

But the second thing that happened, Wachira describe different types of regimes. We had been raised in a regime where there were two regimes - democratic, or non-democratic. So we're ill-disposed to deal with hybrid regimes, and that's the problem we're seeing in South Africa -supposedly a democratic country with a kleptocratic leadership. That's a problem we're seeing in Angola, supposedly in reform - but in military command style. That's the problem we're seeing in Ghana; supposedly liberal in rhetoric, but still neoliberal in policy, manufacturing inequality.

But I would be remiss if I did not add - and I do pray by the way - that what happened in the displacement of civil society, is we're not just these disconnects: disconnects with the use of technology; disconnects with the anti-imperial and anti-colonial; disconnects with global political economy analysis. No! We were the peddlers of hope in the 80s and 90s, and 2000. We've now been replaced by church.

You know, church has become an industrial complex that does everything that communism and capitalism did, without the sort of scrutiny that you get. So the prophets are now traders. Traders in hope. We are few here; to gather the few of us here cost money - but these churches, or prophets, are able to gather hundreds of thousands, and poor people come. There's nothing wrong. I know you're all you're all concerned, you are all believers. All I'm saying is that the largest mass of African intellect, the largest mass of African competency, and capacity, is gathered within the context of the church! When they are doing well, they are doing welfare. Can I say that again? When they are doing well, they're band aiding poverty - but none of them are asking critical questions of internal exploitation within religion and of political exploitation. So in very simplistic terms, from Zimbabwe to elsewhere, all you need to say as a leader - whether you're a thief or a murderer - you just need to show, like we used to do, Wachira and I, that if you talk democratic talk, if you talk liberal talk, you are part of the in-group. You simply need to wave the Bible, say Jesus, you can steal in the name of the lord.

Are we together?

Now, so my last point, Gladwell would be: yes, technology as a tool will work. Combating disinformation and surveillance will work. Retooling ourselves will work. I go to church and I can tell you this - it's difficult to convert someone who believes that something is God ordained.

(01:34:52)

The next battle is in the mosques and in the churches - that theology of liberation. Because sitting in this room...well, let me just run a test and I will close. How many of you regularly attend church or mosque? please raise your hands if you regularly attend. Right... That's over 70% of this room. That means civil society need to manifest itself not in workshops only, it needs to manifest itself in the places of faith in bringing critical consciousness, not only in critiquing abuse, but in creating solutions. How is it that the most Christian countries and the most Muslim countries are the most violent, the most kleptocratic? How is that leaders who profess to belong to this faith are the most intolerant, are the most unloving, the most dishonest?

If we don't fight the battle there, civil society will remain an aperture funded by donors that is afraid to engage with politicians. You see, we were raised and told to stay away from politicians and from politics. So we did not talk to them -although NGO always meant Next Government Official - but we did not talk to them. But we were never told not to talk to the imperialists. We were never told not to talk.... Western donors reduced themselves from peddlers of so-called liberal ideals, to mining companies that were peddling investment opportunities, especially post Brexit. So, as a result, many of you still believe the Western embassies were promoting democracy. They were promoting business! in a global political economy, post Brexit, post COVID, where Western nations are struggling. They're promoting that. You believe that we're for just climate transition - but how many of them are opening coal mines and promoting this? I can go on and on...

All I wanted to say to you is, you still remain the place of hope. But there cannot be hope as a strategy, because hope is not a strategy. You must become a place of ideas, not just regurgitation of missionary views we were given by the West before. But the framing of the future of democracy, the future of Africa, based on a citizenry that's clear that the old systems have failed - both communism and capitalism, at least in the neoliberal frame. You cannot be fighting whether communism or capitalism, which one is better. China unfortunately is a communist country that's gone hybrid and applies both social democratic and capitalist principles. That hybridity defines what is the African hybridity. I used to get stuck in the book that your lecturer taught you - that the capitalist system works better, the communist system doesn't work. Or is there a way that you as Africans can?

If we don't do this, you'll be hostage to donors like me. Because no matter how ignorant a donor with money is, they all assume think they know solutions. I'm always telling this to people: if you ever met with a donor agency person you have a clearer idea about what that was. They say 'no...we don't see how that will produce results...'. Now that results are cooked by chequebook, if you do not disentangle you from oppressive faith, disentangle yourself from oppressive donors, disentangle yourself from politicians who have religious and other language to exploit, integrity will never become part of your life. Equality will never become part of your life. You will have to believe not in the causality of labour that

leads to prosperity, but you will have to believe in divine intervention for everything - for water that the government must deliver, for services that others must deliver. I'm not knocking faith. I'm simply saying, if God gave you a head, took away the brain, and only wanted you to believe, then perhaps that is the first struggle!

**Gladwell:** Thank you so much, Brian. We started off at the global level and came down to our level, and many of you know exactly what he's speaking about and it resonates so much with all of you. But this is a huge challenge to us.

I'm going to now move to the next presentation because Professor Karuti Kanyinga has been waiting to give us his presentation and he has other obligations

**Karuti Kanyinga:** I'm online Gladwell.

**Gladwell:** I think our deepest apologies for this delay. And we will understand if you can only give a short version of what you were preparing to share with us. Just to illustrate what we've been talking about, about the gulf between the sort of concerns and strategies of civil society and the majority of people "on the ground" as we like to say in Kenya. On the ground, things are different. Karuti's presentation is entitled 'Are Civil Society Organisations disconnecting from "society"? We also want to leave time to discuss.

**Karuti Kanyinga:** Thank you, Gladwell, and I hope people can hear me.

(01:42:53)

I would like to stress about four things before I go to the slide presentation. I think if you listen to Brian and Wachira, we can see that actually democracy is under attack. Everywhere you look, everywhere you turn, you can actually see signs of democracy under stress and illiberal actions have become commonplace, even in the developed world.

Now, along these developments, and what is the most interesting thing is that even back at home within the African region, issues of democratic governance are no longer - as Wachira has said - are no longer gaining traction. Not the issues that the ordinary citizen is buying into anymore. In fact, as they say, on the ground: we don't eat the rule of law; we don't eat issues of justice; all that we want is food on the table. I think civil society organisations in our context, whether in Kenya, Zimbabwe, Uganda, Tanzania,, we seem not to be following these dynamics and understand what is happening in the society in which we live. And that's why I'm titling this presentation 'disconnection with society'. It sounds like a contradiction, but it's not - it is the manner in which we assumed that citizens react to civil society, human rights engagement in the recent past. Most Important also is that civil society organisations do not seem to be linking their efforts with everyday struggles everywhere. Wherever you turn, you'll feel that civil society organisations are speaking in a language that speaks of people who are living in a bubble, sheltered from the society itself – and yet they live in that society.

I would like to give a very good example of Zimbabwe 2017 elections, and even the Kenyan election. So I observed Zimbabwe's elections, and did also some work in Uganda during the elections. I will tell civil society groups in all those countries that the data we have doesn't

support what the civil society was saying. The data we had in Zimbabwe, the data we had in Uganda, was speaking very different from what civil society said (poor sound) or civil society were thinking about themselves under the elections in both situations - and even in Kenya here. I will speak to that a little bit.

Sometimes we simply don't use evidence to guide what we do. We use emotions in a majority of instances - or just go with that thought process and say, 'this is what we would like to see turning out' and pursue that outcome from where we sit, and that doesn't help things at all. And things have changed. Unless we use evidence as Wachira said, and as Brian has said - unless we use evidence in most of the things that we do, we shall continue finding ourselves living in a bubble. And again, civil society gets very disconnected because the reality on the ground, even in Kenya here - the reality is very different. What sometimes CS may want to think as a generalised view of society is fragmented. Let me get straight into the second slide please.

(01:46:38)

I've just made this particular slide in order to demonstrate to the issues that have been of concern to civil society - issues of leadership, issues of security, and issues of corruption – have receded into the distance in the last 10 years in terms of priority challenges and this is not accept an exception to Kenya. If you look at our from barometer surveys in the last ten years they demonstrate the same things - that issues of democratic governance are no longer a priority, at least among many African societies. What is a priority list are issues of addressing cost of living, jobs, and food security. In fact, health care and education tops in many African countries as issues that people prefer, and infrastructure. Let's move on to one of the countries with this other slide.

This is the most interesting thing in Africa. Again, if you look at our data, or this data on Kenya alone, it shows that actually, many, many African societies these days distrust formal institutions than the informal institutions. This is not a surprise, we are a country where people tend to have faith in informal institutions, traditional institutions, religious institutions, more than they have in, let's say the court system, in that the bureaucracy, the executive. It's a very different ball game here that we see compared to the west, for instance. And in Kenya here, religious institutions from 2009 in the studies that we have carried out demonstrate very clearly that religious institutions, community leaders, community helpers, traditional media are the most trusted institutions compared.... next one...you can see here religious institutions where people trust them is 48%, close to half the population, and 44% trusted the elders. This is a high level of trust! high level of trust. If you combined with 'just a little trust', then you can say that close to 70% trust these institutions. But if we talk about high level of trust, it is very high. Now move to the next slide, please, 'Trust levels for various stakeholders in Kenya' (slide shows calculated levels of trust in Supreme Court 63%, IEBC Chairman 60%, IEBC 61%, Government 62%, Police 58%, International observers 57%, Domestic observers 58%, NCIC 54%)

(01:49:46)

If you look at formal institutions - again, civil society may not come to terms with this reality. This is a survey conducted this October. This is how people view the situation today, and I'll show the last slide here from 2017 later on, how people view our institutions.

Supreme Court trust is not as bad as a civil society that maybe thought. The IEBC chairman Chebukati not doing badly at all, in terms of people's trust in him. Maybe we don't pay attention to some of these integrity things and start working with agreement as to why is the society looking at these institutions in this manner. The police are the least trusted, and that has been the most common thing from way back in 2009. But this year around, trusting the police has increased more than ever before. There is now evolving a new trust in the police - that's the highest I've ever had from 2008 in terms of people trusting the police.

Let's move to the next slide – ‘Satisfaction levels on the accuracy of the 2022 presidential elections’. Now, I would like us to look at the regional pattern in Kenya here and see that the most interesting thing - and this is very important for civil society really to bear in mind - sometimes we take things for granted without looking at the regional pattern of our people (poor sound quality) Not a very long time ago, what people in Nyanza would say no to in a survey, people in Central will be saying yes. What people in Central and people in Rift Valley would be saying, what they would be approving, will not be approved in Luo Nyanza or even in Western Province. And here we are, without looking at those regional patterns, we will think about disapproval in general.

Next slide: ‘Satisfaction levels on the accuracy of the 2022 presidential elections’ (highest levels of dissatisfaction appear in Nyanza 45%, Nairobi 32%, and Western 30%. Low levels of dissatisfaction in Coast 12%, Eastern 12%, North Eastern and Rift Valley)

If you look at this particular kind of question, we asked the people how satisfied they are with the appearance of the 2022 general elections. You can see the pattern already. There is already a regional pattern forming – Nyanza, Nairobi, Western Province. In this answer Nyanza and Nairobi, of course, have got lowest levels compared to other parts of the country. And you can attribute this one to the regional pattern of voting, which we should not always lose sight of. These are the things that we need to be working with, in order not to be generalising, and therefore disconnecting from what the society would be feeling or thinking about.

(01:52:45)

Next slide: ‘Perception of the August 2022 Elections, by total, setting and region’ Again look at the slide, that we have just had an image, it is about how people felt about the nature of the elections. Were the elections free and fair? And again, it's the same regional pattern that we see here. Western, Nyanza, and the Coast behave very differently from other parts of the country, and this is simply because of our ethno-regional pattern of voting, which we sometimes lose sight of. We may think the country is burning, but it's not burning for some, it is burning for others. These are things that we need to start asking what do they mean for our everyday work, in terms of programmes that we undertake.

Next slide: Satisfaction with the Supreme Court on Presidential Petition (by total sample). This is the most interesting slide on the Supreme Court ruling.

(01:53:45)



And I don't like to rush it. I mean, we asked questions like how people were satisfied in the court ruling, and 61% said yes, they were satisfied with the Supreme Court's ruling of the 2020 elections. But look at the regional pattern again. Now, you can see already very distinctive features in how that is distributed across our ethno-regional lines. It tells us that we need to start thinking very hard about what do we do with this kind of evidence, because it's not something we can be generalising, but it's something we need to be taking into consideration when we are thinking about how the society is moving, and how it's going.

Let's move on please, next slide 'Confidence/Trust in Institutions 2017-2022'.

(01:54:49)

Now this is a slide of people's trust and confidence in the three institutions - the police, the IEBC, and the judiciary. We set out collecting the data on the same question way back in 2009. I thought the best thing to do is to think about just recent times, in order for people to see this pattern and how it's behaving. What we have done here is just combined high levels of trust with some trust, and confidence - in order to give a pattern that is emerging. Of course if you asked a question about high levels of trust, that would be the figures we saw earlier - below 50s. But if we combine the high levels of trust, this is the pattern you get across the country, meaning that citizens themselves have got very different views about these institutions.

With regard to IEBC it could be that citizens don't look at presidential elections the way we look at them. They look at elections that concern MCAs, elections that concern the Governor, the women rep, or the local elections that matters to them (poor sound quality). When people talk about elections, they talk about what elections mean to them.

We civil society groups are very much concerned with national level presidential election, forgetting always that there is lower level elections that citizens pay attention to because those are the ones that concern their everyday struggles and those are the ones intertwined with their everyday life. And that's something we need to start differentiating today. To start saying even as to conduct these surveys, we now want to be very conscious about this particular kind of finding. That when we talk about elections we need to make that very clear distinction between national level presidential election and the lower level elections - because they mean very different things to citizens.

Let me stop there. Unfortunately, I will not be able to stay here any longer to take questions.

Thank you.

**01.57.11 – 02.01.20: No sound**

**Gladwell:** Any reactions from the floor, or online?

**Peter Kiama:** First of all, to thank the presenters, Brian, Prof and Wachira, for not only provoking us, but also reminding us of the foundations of our struggle and trying to indicate to us where maybe we have deviated, and how we need to start maybe revisiting our

strategies. So thank you very much for that. And the timing is very good as we begin in Kenya to discuss how to engage the emerging political situation, that seems to speak to quite a number of the issues raised.

I work with the Independent Medico-Legal Unit, IMLU, and we have been in this space for the 29 years. We actually very excited about celebrating our 30 years next year, and we're already beginning to prepare the flyers on the banners. But after listening to you, I am not very sure that we have much to celebrate. Maybe what we should do next year is to have a reflective session on how we want to spend the next 20 years as we look to celebrate the 50, along the way. You've spoken about the disconnect, or the imagined disconnect, or the existing disconnect, between civil society, or between civil society organisations and citizens...

It puts me in a very difficult situation because I look at matters of preventing human rights violations, but also responding to situations of victimisation. That's my modus operandi. And when you begin to indicate that the citizens are speaking a different message to us, and telling us that matters of bread and butter are what we want to engage on....How do I engage as a human rights organisation that talks about extrajudicial executions, police abuse of power, preventing deaths in custody, inhumane conditions in prisons of detention? How do I begin to talk about socio economic rights? Do I then completely change the mandate of the of the space I occupy and begin to mainstream or begin to work 100% on socio economic rights?

(02:04:30)

That's the dilemma you place me in, and it's a good one, I think.

So, one of my questions is, if our struggle and our struggles are based on strategies that leverage our moral authority, or on what we call values, and you are telling me that we may have actually lost that moral authority - then what is the future struggle going to be based on? That's one of my questions around this. Because we lean on that and we say this is the only thing we have to fight with, if nothing else. Do we then begin to also engage in self-serving calculations; do we begin to engage in power grabs and coups? Are those the future strategies of struggle? and not base our struggle on our moral authority, or on values and ethos.

The other reflection I have is the issue you raise about socioeconomic rights being very prominent, and it's true. I see a lot of my staff struggling when they are with communities in implementing interventions – a lot of calls about, you know, transport reimbursement, about the time that these people spend in the engagement forums, and having closed their small businesses to come to those forums. I see a lot of struggle there with my team, and I haven't gotten the answers yet. So, I do agree with you, that is really prominent. The question for me here is, does that begin to reintroduce the dichotomy of rights between civil and political and socio economic rights as we have seen before - especially during the current regime in this country.

The last one is for Brian. And it's mainly to say this - that I have been reflecting about the role of religion, in our politics, and our economy, and I am as concerned as you are. So I do agree with you.

I have been reflecting about what is my future role in this, you know, because you asked how many of us are regular participants in worship? And I raised my hand; but I'm very troubled in that space. So, I've been reflecting on this and I do agree with you that maybe it is high time for the intellectuals or the professionals in the religious space to begin to maybe identify what they can do differently. Maybe begin to say: you know what, we stand for something that is bigger than just the prayer. So that's just a reflection for me - not a question for you - but I do think there is a role for intellectuals and professionals in religion to find their own voice. Thank you.

(02:07:55)

**Gladwell:** Thank you very much. Yes, you have a direct response from Wachira.

**Wachira:** No, we don't want to dichotomize rights again. That's actually the liberal democracy fallacy, creating a false private and false public. The nature of socio economic rights is, in fact, the violations that happen in social economic rights. What typically happens is that public violations are privatised.

What are public violations? For example, when the government doesn't spend money on health, the cost of dealing with the illnesses that arise becomes a private problem, not a public problem. In a country where we've got privatised health services, and where we've got bad and collapse in public services, it becomes a private problem. So I do not want to go back into that dichotomy between public and private.

I want to give you some examples. You are wondering about entry points, I'm not telling you to move away - nothing in my position suggests you should move away from studying victimisation. It's to encourage you to think about more broadly about victimisation. So instead of thinking contact victimisation, think about structural victimisation because contact victimisation is where, you know, I come and hit you - it's assault. But I can also create a system that victimises you. For example, just to give you an area in health. Let's take Nairobi county again. Between 2012 and 2017 immunisation levels in Nairobi dropped by 36.1%, and those levels used to be at 94.5% in 2012. They were 60.4% in 2017. And yet, there are so many interesting numbers - for example, another statistic, the number of bathroom health facilities in Nairobi had increased from 53.3% to 88.7%, but infant mortality rates had gone up. Which suggests that, in fact, you were safer born at home in Nairobi than born in the hospital. In fact, the infant mortality rate in Nairobi was lower than infant mortality in West Pokot where more births are done at home - I think it was 38 for every thousand live births. In Nairobi 48 or 47.

So, what I'm asking for is to see that when immunisation doesn't happen, the children are very vulnerable and are dying needlessly from diseases that shouldn't be killing them. So that's, that's an example of a structural victimisation. It doesn't show itself as contact. It doesn't show itself as contact victimisation. It involves no contact between unknown agent who is a duty bearer and unknown victim, and that's why it is so easy to hide! And you could

go on and on I mean, out of the sewage situation in Nairobi, for example - 35% of sewage in Nairobi is discharged to the environment untreated. 65% is collected, but out of the 65% that is collected, 50% is lost in transmission. Now there are 4200-500 farmers in Nairobi using water from Nairobi rivers to irrigate their farms, growing vegetables and things like that. Is it a wonder that if you go to hospitals in Nairobi, the second largest category of disease is gastrointestinal illnesses?

So, there are these structural problems that are creating a whole lot of de-personalised victims. I think what I'm asking for from organisations like yourself is to broaden our understanding of what constitutes a victim of bad governance.

(02:12:18)

I think there is a danger if you dichotomise rights and focus on social and political rights. There is this tendency in political rights... if you are tortured, there is an identified tortured and an identified torturer. But when you create a system that creates a mass of victims that are not named individually, or to those violations which are not attributed to an individual, you then have this problem of pretending those unnamed violations are not violations. It's what I was saying at the end of my presentation. If you make something invisible, you make it irrelevant from a policy standpoint. And this is what has happened in civil society in Kenya. We have made a lot of things invisible by not doing a proper analysis of them; and by making them invisible, we have made them irrelevant from a policy standpoint. All these issues I have raised with policymakers – I went to address a parliamentary committee on this - and they were looking at me with shock, like that cannot be true. And I'm saying, this is government statistics! This is not stuff I have collected from anywhere; I just went to the Statistical Abstract and collected the data.

So I guess this is what I'm saying: just think about the structure of victimisation.

**Gladwell:** Clearly we're going to have to keep on thinking and meeting and reflecting on this. I would like to give any online participants a chance to intervene. Clement, you're speaking to us from Australia, right? His online question is:

“Even where the state is able to collect more taxes from the capitalist, there are other challenges, like corruption and lack of accountability, that can affect public service delivery by the state. How do we ensure that the state is more accountable than it currently is?”

**Brian:** Clement, thank you so much for that powerful question.

If I took a step back, and relate to Wachira's last few comments, we have for the last thirty-fourty years been fighting the manifestations, not of corruption, but of “*corruptedness*”. In a sense, what we now know in this moment where everything is on steroids, including corruption, is what we see as the end side of corruption begins with. I say that there is a lot of illicit and corrupt and criminal money that's sponsoring individuals into parliament, into local government, and even into executive offices. This is anticipatory investment. Like any investment it anticipates a rate of return.

If you don't deal with criminalization of representative politics, criminalization of the systems that capture - which I think Gladwell and co-wrote about, and is the power in what Wachira said earlier - then we focus on the capture of individuals and do not pay sufficient attention to the cannibalization of the entire system. We were so fixated with the corruption of the political class, we almost didn't pay sufficient attention to the administrative class, which stays for much longer. And the corrupting effect of the administrative class. I was telling George a story last night about the Malawi 'cashgate scandal', and how people who work in the civil service - actually if you come in as a politician, something I think honourable Martha Karua will tell you, even as an astute lawyer - you have to be very thorough, very committed to understand the system. Otherwise the system will be used to marinate you and then trauma you. Because, as the administrators, when you come in with weak ethics, you are even a good candidate.

So the distributive accountability part of the state is first and foremost an ecosystem. The administrative system has to be geared towards delivery of results. I often see The Grand Deception - where you have a President, my own former president used to come stand, shout at people Magufuli style, and people say no, it's good, it's fighting corruption. I said, no man, removing a pimple is not treating cancer. And I know Gladwell you said we should not bio-medicalize corruption! But the fact of the matter is we have a lot of this grandstanding by members of the executive who have the mandate to fix the system, but grab attention by arriving at a place and pretending to be fixing the problem. But the problem is systemic.

There is a fundamental challenge that's related to corruption, that the citizens have themselves. The same way we say there's low purchase for certain liberal values now, there is low purchase for integrity. Just to show you how corrupt you all are and myself included - how many of you have relied on who you know to get your child in school, or to get your passport, your birth certificate, et cetera? That means jumping the queue. I have. All of us, right? That is corruption. Right? But the money based corruption is not just a system failure, it's a structural failure, and ultimately we see the individual failure. So, state accountability has to be dealt with. I spend half my time in the UN working to support ministries of public service, and we were doing reforms across the continent; public financial management we thought, because, along with the Germans, we thought that would solve the problem. It's like in Nairobi, you've built these beautiful highways, then you build bridges so that you can walk over the highway. But how many people do you see walking across the road in the dangerous traffic? Because unless that mindset changes, nothing's going to change. So, if citizens are corruptly purchased to vote by a politician who's received corrupt money from elsewhere, it's difficult for those citizens to be assertive about corruption. This is why I think the so-called moral centres, faith centres etc, which hold the largest group of our citizens, and which have themselves become very corrupt, become a critical core in fighting - if you call it corruption you may miss the point - accountability and responsibility, which are the necessary concomitants of power.

You have got to say you are accountable and you are responsible, because you have power; you are accountable for responsible stewardship, but you're also accountable to make certain things happen. If we deal with it in financial terms, we take a nice Western approach that unfortunately disconnects - so let me give you a sense of this. I went and told the group

of people that the government had stolen \$6 billion. Now for most of them, the biggest amount of money that they have received would have been the equivalent of about Ksh 10,000. So the \$6 billion was so remote from them, and I expected them to be so angry that \$6 billion had been stolen. But there was a difference. We did an exercise that looked at their health care needs, their schooling needs, and others, and we tried to fit the six billion dollars. So the second thing and the third thing is awareness. Right? Not just awareness that people are stealing, it's awareness of the cost to their own (needs/lives).

And the last thing is that corruption is now transnational. The days when the money came in a bag and I gave it to you, that's now small chicken change! Money moves in mobile platforms and digital platforms. What I expect is that people like Clement and others with technical capacities are people who have traditionally not fought corruption, like tech experts, banking experts, and others. The civil society human rights people - we are good, but we're also ignorant and illiterate when it comes to rights. We use anecdotes! The number of people who actually do thorough research beyond what law been broken, who can do financial forensic audits, are few. So I would suggest that if we're going to hold government accountable, it's to break the silos that we created, specialised around narrow lines.

The integrity/accountability/responsibility platform must bring in bankers, financial experts, tech experts etc because the bankers might not understand digital currencies. We can't fight corruption where folks are being paid in Switzerland and no man is being exchanged here, where folks are being paid in Saudi Arabia and no man is coming to these shores. We're seeing exchanges without fixing the old traditional things like public procurement, but are also trying to fix what we've not fixed before. This is the ecosystem issue. The neighbourhood system. There is a new form of corruption, and I'll end with that.

(02:23:02)

Do you know that these days, you just need to go to Congo or Uganda? You don't need to go far. Right? If you are a Kenyan, and you want to deal money, then do an exchange - it's called barter trade. You, you are a prominent politician next door, you come and get benefit in my own country, and I come there... we even can put it under the guise of bilateral cooperation. And that's why the emergence of executive and diplomatic investors is huge. So the failure of delivery of service, the collapse of system - which is the privatisation agenda he was talking about - a collapse of ethics, but above all, it's a collapse of a much bigger structural question that goes beyond the nation state. And for us, the weakness is, we know this corruption, sometimes we see it, but it's not having the right tools and the right coalition to be able in real time to pre-empt it, and to stop it. Because we react to it, the harms already done.

**Wachira:** I'd like to put a footnote to that.

**Gladwell:** I do need to say we should be coming to the close of this session. So we'll take a very brief question.

**Issac Mutemi:** Thank you so much, Brian, for that and grateful for the presentations made. So just some reactions. I'll start with Wachira Maina who give a very erudite presentation on

the history of these global trends. I recommend that we continue, I wish there will be a way to institutionalise that sort of approach, because just the same way students going through school have a lecture as you begin the class where every year every new cohort of students is taught: this is where we are coming from. I think that's a very important lesson.

But I would like to point out that there is an underbelly in your presentation, which was your presentation started with this framing, almost, that the global crisis of democracy was somehow a bad thing. I want to point out that the fact that there could be a conversation in the first place about a phenomenon called liberal democracy, was itself a fallacy, because that was merely following from the imperial pattern where there was this assumption that we could model the whole world according to a certain trend. So, the fragmentation of democracy globally, might paradoxically be an expression of democracy. Then, all those difference states are expressing for themselves what self-determination within their own territories mean. That's a point that I think wasn't very strong in the presentation that you began touching upon. (Mike is going off, but I'll go on)

And in that regard, then I refer to the example of China, which I think is possibly more enduring than that homogenous perspective of global democracy. Because when China says, we are pursuing capitalism with Chinese characteristics, they are making the point that there's something to be learned from this global model, but we are going to use our own internal dynamics to determine what it looks like for us. And I think for me, the way I look at it right now, is that is increasingly going to be the future. For all these countries that we have looked at, in these graphs, each of these countries is going to be coming for itself. Here I'll point out that you can't really talk about democracy, at least in this form that we have been talking about, without capitalism. So you're talking about this democracy and capitalism with Kenyan characteristics, democracy and capitalism with Ugandan characteristics, etc

So on that front, I would like to come back to now the Kenyan front and make a couple of comments. One is to remind us of the origins of the Kenyan state - and this is not different from any of the other states on the continent - where the Europeans had this approach of 'civilization, Christianity and commerce'. Coming to something that has been frequently in the news, I like to point out that the fact that religion is involved in our politics is not an accident. In fact, it is it is legitimately in our politics, and the fact that there's even a question about its presence is indicative of historicity. We're not conscious of the history of how this came to being, because I'll point out that the most important and the most enduring form of 'civilization' was to the missionary societies, the education, the schools it created, the social services they gave, the hospitals etc. And prior to that, in Kenya today, the most stable social providers and social services are the missionary related institutions. If you look at any public institution, public education system, if its enduring it has some links to the missionaries. Look at hospitals, it has some links to the missionaries.

Now we're talking about this new form of religion called Pentecostalism. I'll point out that, even with that form of faith, that is a lot less robust in terms of scientific analysis and all that, it still has legitimacy that civil society can only admire.

(02:28:54)

Because look at Pentecostal associations. If someone has a sick child, they can go to the church and ask for help. If someone needs to bring up the children, the pastor is a role model. They have structures and models in them that cannot be appreciated in any other social context we have. So they are not just present *now*. They are going to continue being there, and the question is for us to ask: ok, so how do we either work with them as allies, or where there is impact that is not necessarily useful for the country, how do we deal with that? But the fact is that they are not going to remove from the polity.

One last point about the issue of religion is to point out that even that Pentecostalism itself is a reflection of the colonial state, because many of these Pentecostal movements came as a reaction against the link between the church and the colonisers. Those of you who might have some appreciation of the revival movement in East Africa will know that all these churches, deliverance church etc. one of the most inspiring and enduring measures for them was to come and speak to us as Africans. Why does God need to speak to them as *mzungus* of the Anglican Church, the AIC etc. So there is a very strong strand in them that is not going to bow - political actors may come and go, but that structure of our society is going to remain.

Very last point. You mentioned something about a jobless growth. I would have loved to hear a lot more about that, because I would present to you that one of the most important factors of our politics since the 70s and 60s, we have had economies that have continued to have that phenomenon of jobless growth. This has then meant you have all these informal structures, because the jobless movement means that anybody who wants to survive it has to go to the informal economy. That means that is always attractive to politicians who have quick, quick promises, but no tangible returns etc. So that is something that is going to be in our politics until we can have a discussion about the long-term transformation of the nature of our economy.

So thanks a lot for that.

(02:31:20)

**Gladwell:** Thank you very much.

**Kawive Wambua:** Very brief, mine is just a question to Brian.

Why is it that chicken thieves are sort of judged very quickly and given sentences, which are punitive, and people who steal billions don't. Is it because mothers and fathers of judges and even the people in the court own chicken? and therefore they know the pain of losing chicken? Is that what you're trying to say with this particular connection? I know why people cross the road, because they are tired - they don't have the energy to go above, and certainly they believe that the cars, the people in the cars, can see them. So they will not hit them, because they can see them. That's the logic. But what was the logic of the chicken thief?

**Gladwell:** Okay, very interesting question. So now I'm going to say each one of you will have one minute each, strictly one, because we want to call on George to help us conclude, and then close the session.



**Wachira:** Well, first of all, for Mutemi, I agree with him. I mean, the thread running through my presentation was 'what democracy?' I mean, actually, that is the subtext. So I can't quarrel with anything he's saying.

I just wanted to make a point to respond to a question that Clement asked, because I think it's really important. I think we need to remember that inclusive economies - economies that are built on the idea that the rewards of national growth will be shared equally across various classes, profit, wages, and whatever other income sharing is required in the economy - inclusive economies are dedicated to growth. Now, exclusive economies are not dedicated to growth, because it's what I call rent seeking economies versus growth economies.

Let me put this in the most simplistic form I can. In a growing economy, the idea is to make the *pie* bigger. So, if the pie becomes bigger, you have a bigger slice of the pie - everybody gets a bigger slice of the pie. In a rent seeking economy, you want a bigger *slice* of the pie, not a bigger pie. What typically happens is, if you increase taxes in a rent seeking economy, a lot of those taxes will go to corruption because corruption is the way those who rent seek pay off the politicians. So what happens in a rent-seeking economy, the politician allows you to get a bigger slice of the cake, on the understanding that some of the cake will come back to you as a politician.

(02:34:34)

So that you can have in the village the problem that Brian was calling systemic. It's a systemic problem you need to address because of its systemic nature. There's no reason why a renting economy should fight corruption or corruption - that's the lifeblood of the system.

Then last comment to the point of what was just asked about, about the chicken, was a question for Brian, but I have a lot about it. The problem is that if the mass of the people start attacking the institution of property then the capitalist structure is in danger. If you look at the UK, in the era of the Industrial Revolution, and categories of theft - there were more than 200 capital offences, most of them related to theft. Because it was really important not to undermine ownership,

So rent seeking is not seen as attacking ownership. When you rent in an economy it is not seen as attacking ownership, but theft attacks ownership, because you're distributing economic goods outside the rules of capitalism, and that's not a good thing at all for the system.

Thank you.

**Gladwell:** Thank you very much.

**Brian:** There's a German philosopher who said prison is a place where the big thieves keep the small ones. The idea of moral outrage as the basis of fighting something is both important, but also debilitating. Because moral outrage is based on affinity and

appreciation. If the majority of people rear chickens, eat chickens, chicken or goats becomes the basis of moral outrage. But there is a harm that is invisibilized, and that is what Wachira is telling us. And that harm is a harm that they are told 'don't concern yourself with it, it's really not touching you'.

But in reality, why are we buying water in Nairobi, that people are getting from public sources? That, folks, is because they have invisibilized that element. So if you try to go beyond all the other words that are used in the drama, and you say, what are those things that people in civil society might focus on? I think that faith has become a terrain of struggle, and the theology of transformation and not just liberation, a theology of accountability, responsibility and stewardship, and a theology of intergenerational equity must become central. Not instant gratification around which we build a fake prosperity, which impels consumerism. Eat now and forget what your children need. Around it, reframe the responsibility accountability and stewardship of the leadership, and of the state. Those of you who say you're Muslim, or you are Christians, the fundamental duty - because you have people who are not paid DSA, who don't have to gather in their hundreds or thousands every Sunday - that is your place of ministry. If you don't do revolution there, then when you come and posture out here, we will assume you're doing it just for the newspaper headlines, to become a hero. Right?

Second is technology. I suspect it is the biggest revolution - technology has made a lot of operation transnational, a lot of corruption transnational, a lot of protest mobilisation transnational. So it is the positive side and the negative side. We often treat it the same. When I grew up in my generation, we used to go to churches where you couldn't wear jeans. They used to say they're from the devil - I don't know how many of you remember. I think that we went through this moment where religion you couldn't wear earrings...What transformed that faith, that religion, was the arrival within the market and within society, of trends that religion had to adjust to. A history of all faith has been adjustment to the placing, the place and the consciousness of people. There was a moment where women were not allowed to do anything within the sites of religion. That has fundamentally shifted. It has been normalised because in the economy and politics, feminists or women leadership began to arise. We need a new normal in faith.

(02:39:21)

The third is empire. I think that I work for an American billionaire; so, I can tell you that, if we treat empire as the place of virtue, the global centres - whether it is in London, in Paris, in Brussels, or Washington DC - and we don't ask fundamental questions, we will be given what to think? because in my country, when the white colonialists ruled us, you could come, my brother, and you say to your supervising sergeant, 'this is what I've investigated, and this is what I found out'. And then the white sergeant will say, 'Gladwell, I know what you know, you must forget what you know'.

If we don't contest the empire at three fronts, our civil society will remain disconnected and meaningless. Contest the empire around the question of ideas; contest the empire around the question of data; contest the empire around building sustainable financing.

We have more African billionaires, more African multimillionaires, more African middle class, even in the context of this poverty. Very few of them are actually investing in the transformative agenda of Africa, where we're hostage by people from the West who give us petty change compared to what we could get even from our thieves who claim to have become global and liberal. So I want to suggest to you that last thing is development and inclusion. I think what has happened is in Wachira Maina's framing... So, even if you don't want to question liberal democracy, and if you don't want to question capitalism, address the fundamental question of *inclusion* in its financial and economic dimensions. It's generally shown that those people who are financially independent, or developmentally independent, are less likely to be manipulated by cheap politicking, unless they are being corrupted or offering off.

So I wanted to end off by saying this is the danger. I think that there are many things that we can stay, but the fundamental question is that consciousness with respect to the responsibility of civil society must not start just at the point of judgement, it must start at the point of potential and possibility.

I am aware that we are an ageing sector. I'm aware of the weaknesses in the sector. I'm aware that we are poorly funded, I'm aware that we also have civilocracy. I mentioned it. I'm aware that we have corruption in civil society. I'm aware of all these challenges. However, this is the greatest brain trust that has been taken out of the province of revolution into resolutionary-ness. We all are constantly chasing whether or not our languages and resolutions of the East African Community are in the language of such that it becomes a full time job travelling to meetings, to put language and resolutions. The work of transforming our societies requires that we look at the levers of power, and I've said finance and capital is a lever of power. We need not just to hold them to account, we need to talk about their responsibility too, because they fund political campaigns. But why are they not funding transformation within their communities?

Number two, I said faith and church.

Number three, though - I think we will not win this battle until we ourselves reach young people. Not from the language of 'including' the young people only, but that is intergenerational. There are things that my sister, honourable Martha, has learned, as has George as well as Wachira, that you can't write in a book. Until we create the platform to quick download - download Martha, download George - downloads that are structured, that are deliberate. And I'm not talking about handing over the baton. It's not a race. It's a digging process. The old will continue digging; those with new energy will be digging deeper. That's all, because if we don't - the gender dimension, we are seeing a resurgence of gender equality, we have more women in the sector. But if you look at where money is going, it's not going to organisations that are run by women - no, it's going to women's rights group.

So we have grown in the sector - what I call decamping by visibility. You say we want young people, you all will be visible. We say we want women, you will be visible. Visibilisation is not the same as fixing the system that is democratic, or fixing the system that's patriarchal. So I think there's a radical politics that's needed, and I think that you are best placed to do it. And lastly, you need to work in alliance with the political class. I am no longer persuaded

that we sit here preaching to people who must go and campaign, take political leadership, and for some reason, because we are paid to talk about our values, they must listen to us. Yet they are paying in order to do transformation on our part. I need us to renegotiate the relationship between ourselves and the political class, without dissolving ourselves into political parties. We can no longer just be a watchdog. Because I'm ending with this, Gladwell. My parents had a dog. Each time I arrive home in my second hand car at my parents place, this dog would bark and bark! You'd think it's going to bite the car or the tyres!... Then, when I park the car, the dog would come and it would just wet the tyres and then it would go away.

A watchdog can sometimes bark, wet the tyres - but, it does not do what is needed for transformation. My friends, the difference between when you started in civil society, the difference when my sister Gladwell started in civil society, there were no paid jobs. We were not paid. I was not paid when I started off. Now that this is a paid job, be careful of the creeping in of careerism, and the political beauty pageant to satisfy donor requirements in order to get funding. Because you cannot serve two masters - the transformation and Brian the donor.

Thank you.

(02:46:07)

**Gladwell:** Thank you so much. That sounded very much like a closing words. George would you like to come forward, and that will be very brief, then I promise we go to lunch.

**George Kegoro :** Ok, thank you very much. I will be very brief.

If there was any summing up or way forward needed out of this conversation, I think it has been provided particularly by what Brian has said. What it leaves me to say is some of the contexts that led to this, which is a reaction to the current political events in the country as evidenced by the election we've just had. Understanding that election and what it means. Wachira then came up with this polemic of a presentation that gives a history, places what is happening in Kenya and around the African continent in a long historical context that has issues of economy, issues of religion, issues of politics, and that helps us to understand the moment that we are in.

So the way forward really is to continue with this conversation in the way that we've started. The way forward has to have elements first of all of understanding; of creating a new consciousness in ourselves and from ourselves; reaching out to others; and trying to get these ideas in the way that they've been told to us. Then, and only then, can we be ready for the action necessary to make the change that people feel needs to be met to address what you're all facing, or fear that we'll be facing, in the future.

To thank Gladwell very, very much for shepherding this together, she works so so hard... Thanks so much – you are evergreen – and AfriCOG and your team. I know how hard they work in getting everybody together.

To thank Wachira for an extremely illuminating presentation that we will try and promote and get as many people to have an understanding of what he said as possible, because that's the basis of getting the consciousness we all crave.

To thank Brian for a very provocative expansion of what Wachira has said, and translating some of that into actionables. And also bringing the dimensions of what the funders, the expert role, in what we are going through. And Karuti - who has since left - for his contribution to today's meeting.

Thank you all of you for coming, and the media for staying with us and covering this, and I'm sure you will enable an understanding and a greater reach beyond the conversation in the room to an audience out there that is needed. So thank you very much, and we will see you again next time.

**Gladwell:** So George couldn't thank himself, but we also want to thank him for closely accompanying us in all of these activities. I want to thank you all, and we'll continue this process as you know. This was a very different public forum from those you usually visit. We will have a public forum which looks more specifically at the 2022 elections and issues related to it. That will be at Lilian Towers on Thursday, December 8th. We hope to see you there and welcome you there - that will be a much more of the kind of forum that you're used to.

But I think this is a new beginning that we really need to build on. Thank you very much everyone.

(02:51:01)

ENDS