

Civic Action in a Hostile World

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REPORT

What does the future of Kenyan civil society look like with democracy levels dramatically dropping?

Different forms of authoritarian regimes now make up more than half the countries in the world, many recently established through power grabs and proforma elections. To understand this global change, it is useful to go back to the source of the crisis, in how Western liberal democracy has been exported to the developing world, to try and understand what action to take in an increasingly hostile environment.

Civil society appears to be using an old toolkit – litigation, protests, electioneering – which is not resonating with a public concerned with hunger, unemployment, schools and hospitals.

In Kenya, there has been a crisis of confidence since 2007 that elections do not reflect the will of the people. At the same time, civil society has become progressively less visible and effective in influencing elections compared to the late 1980s-early 1990s, when it was at the forefront of democratic progress. Activists had pushed through many changes on the streets and in the courts, and could take significant credit for the advent of multi-party politics in 1992 and the unseating of the Moi dictatorship in 2002. Civil society was the vehicle of hope – hope that was partially or temporarily fulfilled until the post-election crisis of 2007-8 triggered the most widespread breakdown of civil order since Independence.

Out of the conflict came the progressive new Constitution with many positive developments, including devolution of power, advances in rights, and the ability to pursue strategic avenues of litigation, protest, research and advocacy. But parallel to this progress was a conservative effort to roll back the gains codified in the Constitution, which has continued to the present day. It was evident in the August 2022 election which produced a president with a significant democratic deficit - just 7.1 million votes of some 14 million voters, and a record eight million people who chose not to vote at all.

This democratic deficit is not special to Kenya; it is part of what is happening globally. Using established indicators for political and civil liberties, Freedom House (US) and the Economist Intelligence Unit Democracy Index (UK) reflects a general consensus in political science literature that democracy has been declining over the last sixteen years.

Authoritarian regimes now form the largest single category, including hybrid states combining aspects of democracy and autocracy. Democratic institutions have become fragile in countries where democracy was thought to be consolidated – the storming of the Capitol in the US, the Bolsonaro impact in Brazil, Viktor Orban’s journey from celebrated liberal to ultra-nationalist in Hungary – and there is a more aggressive promotion of autocratic norms. There is also decreasing pressure on authoritarianism. Prominent democracies have faced a loss of moral authority, particularly since the invasion of Iraq and the War on Terror. The enormous economic clout of China - a communist country that applies both socialist and capitalist principles - has also changed calculations, making democratic countries more shy to criticise. Elections are no longer seen as synonymous with democracy. Even vicious regimes baptise themselves as ‘democratic’ – The Democratic Republic of North Korea - with institutionalised proforma elections conducted for the purposes of respectability rather than change.

Why have the global foundations of democratic stability weakened? The source of the crisis can be found in the origin and export of Western liberal democracy.

The two main forces in the early 20th century that shaped politics in the West was freewheeling unregulated capitalism and the theory that capitalism is self-correcting – meaning the government that governs the least is best, and capitalism will correct its own faults. But unregulated capitalism led to the Great Depression in 1929, which America did not recover from until 1941. During that period, the Soviet Union economy grew exponentially and Hitler’s militaristic capitalism produced better economic results than free-wheeling European and American capitalism. With labour doing better in regulated economies, capitalists feared that workers would embrace communist ideas. This threat resulted in Western liberal governments embracing the welfare state, and striking an implicit bargain between trade unions and companies about wage conditions and the sharing of national income between profits and wages. There was essentially an agreement between left and right that the welfare state was a good thing for the West, and that politics should be won at the centre.

The modern right-wing resurgence is traced back to a US intellectual and economic movement in the 1970s of radical free market economics, coupled with an extremely effective anti-tax movement. What were formerly fringe arguments - the growing power of the unions, high income tax rates, restrictive working practices - became mainstream concerns. By the mid-1980s, Ronald Regan (US) and Margaret Thatcher (UK) were at the forefront of the backlash against the welfare state and European social democracy. Known as neoliberalism – essentially cutting back the state, increasing privatisation, and removing regulation – it was exported to the developing world as ‘the Washington Consensus’. As it began taking root around the world in the 1980s-early 1990s, communism collapsed.

The impact of the Soviet collapse was enormous. Western liberalism and capitalism had triumphed, and the big, historical ideological battles between left and right appeared to have been won. For Kenyan civil society, the peak of international liberal democracy in the 1990s-early 2000s brought some of the most significant reforms and changes achieved since independence.

But neoliberalism brought neither growth nor equity. The sharing of national income between wages and profit became heavily skewed; in the last twenty years, the share of income for the top 1% in the US has doubled from 10 to 20%, while labour has produced more but earned less. Taxes became one of the biggest battles in Western democracies, with capitalists fearing a strong government may engage in redistribution.

This trend was replicated in the developing world. While Kenya’s economy has grown over the last couple of decades, employment did not. Kenya has jobless growth. The political implication of this is that the social cost of unemployment is being borne by society – meaning, the unemployed people in your home depend on you. Meanwhile, the non-democratic countries of China and Vietnam lifted more people out of poverty and grew their economies more than anywhere else, demonstrating that private accumulation and growth of capital did not require democracy. There were changes in movement of people and capital, including increased global relocation of companies for cheap labour. Companies based in Western democracies took production to autocracies where labour was cheaper, fuelling growth in non-democracies. Concern about free movement of labour was at the heart of hostility to immigration in the West. Free movement of labour undermines the power of the capitalist threat to export jobs, seen in the demand that capital be allowed to move freely while labour cannot. Western economies were also dealing with significant demographic change in a growing, ageing population and a youth hit hardest by unemployment.

This insecurity undermined confidence in the traditional Western policy toolkit of tax the rich and provide services to the poor, which raised the stakes among both the included and the excluded. Political polarisation is now exceptionally high, and ideas for change have become very dangerous. With no credible alternative, citizens are feeling less loyalty to the political systems that have emerged in the 21st century. People have taken refuge in other identities - race, gender, ethnicity, religion – as they exit mainstream politics.

The unravelling of Western liberalism is rooted in its contradictions. It was founded on ideals of equality, freedoms, and the rule of law, but was manifestly illiberal at its core. The global economic hierarchy was built on slavery and colonialism - the violent extraction of human and natural resources – and the world order that emerged post-1945 worked largely in the interests of powerful Western states. The unbridled operation of capital in Africa created unsustainable livelihoods, poverty and corruption. DRC, for example, has been burdened with resource conflicts, destruction of biodiversity

and violation of human rights on an industrial scale, as states, corporations and individuals compete for the extraction of its natural resources. Forms and rituals of Western democracy and majoritarian rule brought enormous challenges to African nations dealing with the realities of multiple ethnic groups; and there is a crisis of gender injustice – women work at home, work at work, and have become the informal social welfare system that carries both the global economy and the rest of society.

But despite its failings, the Western endorsed model has continued to be the point of reference, even though the most admired African former leaders, for example, being communists - Sankara, Nyerere, Lumumba - and, at present, six of the top seven fastest growing African economies come from former communist and socialist traditions. This has significance for civil society activism, where the structure of the state and the economy has generally been accepted while seeking to secure particular rights within it. Reliance on Western funding has also made civil society shy of a more robust anti-imperial, anti-colonial approach, which has, over time, disconnected it from structural inequalities and socioeconomic rights. In focusing on making the forms and rituals of western liberal democracy work, less attention has been paid on making democracy deliver. Funding has gone into protests and representation in court instead of ideas on up-ending structural inequalities. Yet voting in Kenya does nothing to change anything fundamentally - you stay poor because you have exercised your freedom to vote. This has fed disillusionment with elections, which was pronounced among the youth in 2022.

Recent empirical data collected during Kenyan, Ugandan and Zimbabwean elections indicate a disconnect between what civil society assumes the citizens want, and what people are actually looking for. The public focus is changing. Over the last ten years, issues of leadership, security and corruption in Kenya have receded as a priority, overtaken by cost of living concerns, jobs, and food security. These concerns also top the list of priorities in other African countries. There are also increasing levels of distrust in formal institutions, and higher levels of trust in informal and religious institutions. Concerns over health care, education and infrastructure dominate while issues of democratic governance no longer gain the same sort of traction – the message to civil society is: “we don’t eat the rule of law, we don’t eat issues of justice, all we want is food on the table”.

These changes were reflected in a survey conducted in Kenya in October 2022, after the conclusion of the August 2022 presidential election, which showed higher levels of public trust in the Supreme Court, the IEBC chairperson and the police than civil society might assume. Ethno-regional patterns of voting demonstrated that satisfaction with the appearance of the 2022 election could not be generalised; in other words, while some think the country is burning, it’s only burning for some. Attitudes are also changing on priorities within a general election. Now that devolved power in Kenya is a reality in the counties, citizens do not necessarily look at elections the way a presidential-focused civil society does. Citizens are paying much closer attention to lower level elections, because those are the ones intertwined with their everyday lives and everyday struggles.

The challenge for civil society is to make sure it is talking the language of people who are in trouble. Otherwise, without change, it faces being replaced by religion as the vehicle of hope in the 21st century. Centres of faith can gather, influence and mobilise people, offering welfare and leadership, without being subjected to the sort of scrutiny civil society gets.

Use of empirical data is essential to guide future strategies and link engagement with everyday struggles, or civil society will be operating in a bubble, removed from larger Kenyan society itself. Choices over funding and programmes are essential to avoid the lighthouse effect – where what is funded and supported becomes visible and important, and what is not funded and not supported

becomes invisible and irrelevant. Every year, for example, some 17,000 school-going children are hospitalised with road traffic injuries. Should this be treated as information about road traffic accidents, or as a failure to deliver education? Every day, young children are forced to deal with dangerous routes and unsafe transport because schools do not exist in the area they live. It is easy to hide mass victimisation when democracy fails to deliver in this way. Similarly, the collapse of public services and plummeting immunisation levels becomes invisible as a private health cost, instead of a public problem.

Victimisation therefore needs to be seen more broadly. The structural problems that create a mass of de-personalised victims challenges the traditional civil society approach on civil and political rights and individuals. The impact of neoliberalism and structural adjustment programmes mean much of what the population suffers involves no direct contact of an offender - there is no identified torturer and tortured - but takes place between an unknown duty bearer and an unknown victim.

The apparent disconnect between civil society and citizens challenges human rights organisations to re-examine their mandate and strategies, particularly in regard to socioeconomic rights, to encourage a broader approach to victimisation. Since the 1990s, activists and individuals have been placed at the front – the human rights defender, the lawyer – while the struggle against structural inequalities and mass victimisation is secondary. Change is due within civil society itself, which threatens to become an ageing, poorly funded ‘civilocracy’ nervous of tackling its own weaknesses. Travelling to meetings to make resolutions and presentations can become a full-time job instead of being present for the work needed to transform societies - described as civil society being ‘resolutionary’ rather than revolutionary.

Key to the future evolution of civil society is the need to embrace a younger constituency with new ideas in a genuinely radical, inter-generational way, instead of just nominally for ‘inclusion’. This generation is more likely to be equipped to deal with new hybrid regimes, beyond the old traditional political dichotomy of democratic vs non-democratic. Critics of the imperial pattern of western liberal democracy and the assumption that the world would be modelled to that trend, point out that its global fragmentation could itself be an expression of democracy, with different states expressing what self-determination and democracy mean within their own territories.

This conversation started as a reaction to political events around the August 2022 presidential election, for civil society to evaluate its moral authority and future role with a citizenry that seemed to be speaking a different message of bread and butter. Historical context and empirical data helps to develop the strategies needed, and understand that hope itself is not a strategy. It is time for civil society to become a place of new ideas in order to be ready for the action necessary in a hostile world.

[Link here to original transcript.](#)