Statement of Problem
In the past decade, African states have seen a virtual explosion in the number of both foreign and local non-governmental actors (NGOs) providing social services in their territory, with as much as 600% growth in the number of government-registered NGOs alone in Kenya between 1993 and 2000 (Kameri-Mbote 2000). While most of these non-governmental actors are typically not directly hostile to the state, they are providing welfare and other services to the populace traditionally associated with and often explicitly promised by the government in Africa, such as education, health care, child and women’s assistance, sanitation, waste management, policing, security, employment, and even in some cases roads, electricity and other infrastructure – often connected to structural adjustment privatization, and ‘good governance’ liberalization reforms of the 1980s and 1990s. While it is unquestionable that the increase of non-governmental service providers in the past two decades is also linked to economic and patrimonial government crisis (Bratton 1989, Sandberg 1994, Tripp 1994, Kameri-Mbote 2000, Kioko et al. 2002, Owiti 2004, Young 2004, Roitman 2005), very little work has examined the feedback effects NGO provision of services is now having on the state. This dissertation will attempt to fill this gap. It asks specifically: does the increasing presence of non-governmental actors threaten the already-weak state by providing better, cheaper services than the government, and by drawing donor resources – which could have been used for compliance-generating patronage – away from it? Or perhaps does their presence bolster the way people view their state as well as the government’s ability to achieve its goals, with extra-governmental service provision either pacifying the people against demanding more from the government and/or being viewed as a positive extension of state capacity? Is it possible that these non-governmental actors are completely replacing the state in some crucial areas? If so, how does this replacement bode for the governance of the state as a whole? Stated in another way, under what conditions do NGOs improve the legitimacy and capacity of a state, and under other conditions they detract from it?

The answers to these questions will contribute to several key social science debates: first, they may deepen our understanding of the impacts of neo-liberal “state-hollowing” policies of privatization, network governance and civil society promotion. This is not only important in weakly institutionalized countries, but globally, since the privatization of social services has been nearly universal. Second, they may contribute to our understanding of civil society, questioning both its actual impact on government performance and received wisdom that sees civil-society-state relations as separate and antagonistic. Finally, they will contribute to studies of African politics in three ways: 1) by providing real evidence for or against currently-popular, but sparsely substantiated, claims of the “erosion of stateness” (Young 2004) in Africa; 2) by shedding light on important changes in state-society patronage linkages following donor funding shifts towards non-state actors, and 3) by suggesting new ways that state formation may occur in today’s least developed countries.

Background: How the Profusion of Non-Governmental Service Provision Came to Be
While the “hollow states” (Rhodes 1994) of Africa now essentially outsource service provision to NGOs, it was not always this way. For a period of about forty years – roughly 15 years before the end of colonialism around 1960 until the onset of structural adjustment in the mid-1980s – African governments predicated their legitimacy on the promise of distributing services and employment to the populace, pointing to this as a major change since colonial times (Young 1988, Bratton 1989,

1 Following the World Bank (1990), I take a broad definition of NGOs: NGOs are not only international charitable non-profits, but also local organizations that are independent from government and have primarily social rather than commercial objectives. Thus local NGOs, community groups, cooperatives and church-based development efforts are also included.
2 NGO growth has been truly staggering: in 1974, there were only 125 NGOs in Kenya. By 1990, there were over 400, soaring to nearly 3000 in 2004 (Bratton 1989 citing USAID, National Council of NGO, 2005). Looking more broadly at CSOs, the country has seen an increase from 90,000 in 1995, to 189,000 by 1999, and to 220,000 by 2002 (Kanyanga 2004).
3 As early as 1983, NGOs were claiming a growing share of official bilateral aid – up to $1.5b from $332m a decade earlier, with about $600m/annum from the EEC and 12% of Canadian aid (Bratton 1989). By 1994, 12% of all foreign aid went to NGOs, totaling $7b by 1996 (Chege 1999). In 1992, the US began working with NGOs instead of governments the US considered corrupt, and by 1999, most of its $711m aid to Africa went to NGOs (ibid). The Dutch did the same with the $835m/annum they give to Africa (ibid). Private funds also flow to NGOs – as much as $3.5bn annually in the 1980s (Bratton cites OECD, 1989).
Fowler 1991, Schatzberg 2001, Owiti et al. 2004). As Julius Nyerere, the first president of Tanzania and a pan-African leader, once said, “Freedom to many means immediate betterment, as if by magic. Unless I can meet at least some of these aspirations, my support will wane and my head will roll.” Fortunately for Nyerere and others, new African states were able to make good on promises of service provision, rapidly expanding the government at a time when Keynesian state-led development was de rigueur, world market commodity prices were booming, and loans were easy to obtain. Thus, governments quickly became the largest employer in most countries, creating thousands of new jobs in the civil service, state-owned enterprises (SOEs), schools, clinics and infrastructure project. Growing numbers of university-educated students automatically saw the civil service as their future employer (Prewitt et al. 1971, Barkan 1975) and in many states were actually guaranteed employment (Van de Walle 2001). Government was seen as a legitimate paternal figure; it stood “in the same relationship to its citizens that father does to his children” (Schatzberg 2001), and as such patron-client relationships became the norm.

Unfortunately, this period of easy expansion did not last long. First, this same patronage on which legitimacy was based (ibid) resulted in consumptive rather than truly investive economic policies, which over time meant low or negative profits, perverse incentives within organizations (Ekeh 1975), and the withdrawal of farmers from commercial markets, reducing tax revenues (Bates 1981). Added to this were a series of economically deleterious factors beginning in the 1970s: oil shocks, plunging world market commodity prices, truncated industrial capabilities due to increasing relative costs of imports, and a string of debilitating droughts. During this period, states became increasingly reliant on foreign aid and loans, the latter of which were easily obtained (and arguably foolishly granted) from oil-producing states.

Around the same time, the East Asian “Miracle” came to light – emerging, arguably unfortunately for Africa, simultaneous to a new ideology of liberalization in the West. Economists and politicians thus (largely incorrectly) understood the rapid growth in East Asian to have stemmed from allowing markets to function with very low governmental involvement in the economy. Thus, policymakers quickly began to insist on economic liberalization as a pre-condition to loans and grants for other developing countries, requiring exchange rate and financial market liberalization, reduced expansionary budgeting, and the maintenance of sustainable monetary policies, privatization, trade liberalization, outsourcing, and deregulation. In order to get IFI funds, states had to achieve at least a semblance of these policies.

The role of the government in service provision thus changed dramatically. Governments largely withdrew from providing free public and welfare goods, both out of a need to drastically reduce public expenditure, and under the guise of complying with IFI beliefs that more efficient private organizations, including NGOs, should take over service provision. Thus for example, in Tanzania, social services as a percentage of government expenditure decreased to the lowest point in 20 years, halving between 1981 and 1986, while fees increased, with school fees up by 25-45% in 1989 alone (Tripp 1994). In Kenya, spending on education dropped from 18% of the budget in the 1980s to 7.1% in 1996, and in the health sector, government spending decreased from $9.82mn in 1980-1 to $6.2mn in 1993 and $3.61mn in 1996 (Katumanga 2004, 48). Unfortunately, while these adjustment policies were meant to increase investment in Africa, it soon became clear that foreign investment was not forthcoming, and African economics actually shrank throughout the 1980s at an annual rate of 2.8% (World Bank 1989, 221). All in all, living standards in most of Africa are now shockingly lower than they were at independence over forty years ago (Wrong 2006).

---

4 Thus, for example, after fifteen years of independence, 42% of employment in Kenya was in the government (Hazlewood 1979), with public employee numbers rising from 60,000 at independence in 1963 to nearly 280,000 by 1991 (Wanyande, 166). Similarly in Nigeria, the number of SOEs grew from 250 to over 800 in the 1970s (Lewis 1994, 443), and the Nigerian government grew 50% in the first five years after independence (Van de Walle 2001).

5 State investment in education was particularly high – literacy rates in Tanzania increased between 1975 and 1986 from 61 to 91.4% (Mushi & Bwatwa 1998), and the number of university-educated Africans grew from as little as 6 in Congo or 76 in Zambia at independence to 100,000s throughout the continent by the 1990s (Van de Walle, 2001).


7 Most states did not actually implement all policies; in general, they implemented stabilization measures, but not true structural change (van de Walle 2001). The IFIs withheld funds for non-compliance, as in Kenya for much of the 1990s.
Attempting to turn this trend around, NGOs have begun to provide many of the services African governments previously relied on for popular legitimacy. For example, in health services in Kenya alone, NGOs now provide as many hospitals in the country as the government. Other health facilities, including dispensaries, HIV/AIDS assistance and most clinics in remote rural areas are primarily run by NGOs (EcoNews Africa website, Bratton 1989). Not only in Africa, but throughout the developing world, NGOs are favored by development agencies and bi-lateral partners as providers of services, who tout their services as more efficient, effective, flexible, participatory, democratic, accountable and transparent than their government bureaucracy counterparts. Yet what impact does this have? Is it true that increased NGO presence “undermines the original binding force for national cohesion and negates the initial contract [of service provision] between ruler and ruled,” as Fowler (1991) asserts? Or might it be true that while public agency capacity falls, improved service provision by non-governmental actors renders the greater “philanthropic state” more legitimate and able?

Dependent Variable: The State in Africa

A Note on Terminology

While I am broadly interested in the changing nature of the state10 in Africa, I attempt in this project to draw a distinction between “state” and “government.” I define government, must as Easton (1965) defines “authorities” as the public organizations and offices usually charged with everyday acts of governing. The state, on the other hand, is defined following a combination of Easton’s terms “political community” and “regime,” as the supreme sphere or community in which decisions are made and governing occurs within an autonomous territorial entity. In institutionalist terms, I see the state to be the collection of formal and informal rules, norms and organizations that order society, so it can include both governmental and societal organizations. This definition is important because it allows us to examine the impact of NGOs on the government without assuming that the Kenyan state as a whole is impacted in the same way. For example, I might find that NGOs help to reconstitute the state and its legitimacy by providing some of its organizational form, even as government-specific capacity shrinks or popular perceptions of specific Government bodies become negative.

Legitimacy

Legitimacy is “a generalized perception or assumption that the actions of an entity are desirable, proper, or appropriate within some socially constructed system of norms, values, beliefs and definitions” (Suchman 1995, 3). Despite some arguments to the contrary, most would argue that states pursue and need legitimacy (Di Palma 1990, Mitullah & Mboya 2002), and as such, it is usually considered a criterion for “stateness”. Weber (1946), for example, says that a state “successfully upholds a claim to the exclusive regulation of the legitimate use of physical force within a given territorial area” (emphasis added), and he contends that the power of the state is dependent on consent as well as force. Legitimacy matters because it is often the least costly way for states to gain compliance, having the choice between coercion, distribution and legitimacy (Etzioni 1965). It is also a means to evaluate authority, as people judge how fairly and morally authority is exercised (Sunshine & Taylor 2003). While some believe that legitimacy is based on characteristics of an organization, institutional theory correctly asserts that it instead derives from acceptance by the organization’s environment, including the rules, belief systems, values and relational networks in the broader social context (Selznick 1949, Meyer & Scott 1992, Lister 2003). Legitimacy can be thought of in four ways (Suchman 1995, Scott 1995): first, pragmatic legitimacy rest on self-interested calculations of an organization’s audience and suggests that people grant legitimacy based on positive affects for their well-being. Second, moral legitimacy is based on judgments that the organization “does the right thing” (ibid, 579), meaning the organization has matched the values, moral and ethics of the populace. Third, cognitive legitimacy is granted on the basis of “taken-for-grantedness” or “comprehensibility”)

8 The World Bank increasingly asks member countries to involve NGOs in Bank-financed activities, and has increased the percentage of projects involving NGOs from 21% in 1990 to 72% in 2003 (www.worldbank.org/civilsociety 2005)
9 Thanks to Todd LaPorte for the idea of the “philanthropic state” in which “good-intentioned outsiders” provide the institutional form of the state in decision-making and service provision implementation.
10 I recognize that scholars have long questioned the “stateness” of African states (Callaghy 1987, Migdal 1988, Jackson 1990, Doornbos 1990, Sandberg 1994, 7, Widner 1995, Herbst 1996, 2000, Development & Change 2002, Young 1994, 2004). While the debate is fascinating, this research does not intend to enter the fray; I acknowledge the issues, but I accept these political entities as states. In particular, I believe the “stateness” of Kenya is unquestionable.
– meaning that legitimacy is granted because the actions of the organization are understandable or that “for things to be otherwise is literally unthinkable” (ibid, 583). Finally, regulatory legitimacy rests on conformity with regulatory institutions, rules and laws to ensure stability of order.

Following Etzioni, legitimacy may be increasingly important for African leaders, as states struggle to have enough resources for other compliance means. Yet, in a situation somewhat particular to Africa, legitimacy may be increasingly difficult to obtain, since it has historically been associated with this same patronage distribution (Schatzberg 2001). Thus, the basis for legitimacy in Africa may be eroding as resources are diverted from governments to non-governmental actors. Furthermore, legitimacy may be transferring to NGOs as people see the difference in cost and quality of their respective services. In fact, very preliminary surveys indicate that people generally trust NGOs more than the government, and would even prefer that these actors, not government officials, be responsible for governing their country. This said, it is also possible that NGOs increase state legitimacy, if they provide high quality, low cost goods that people want, while actively allowing the government to take credit for their actions.

Capacity
Capacity is the state’s ability to produce, implement and achieve official goals in a cost-effective and timely manner. In Migdal’s (1988) terms, it is the capacity to appropriate or use resources in determined ways, often in opposition to powerful societal actors. Like legitimacy, capacity can be thought of along several dimensions: regulatory, administrative, extractive and technical (Brautigam 1996), the first two of which I will consider in depth here. First, regulatory capacity is the ability to establish and enforce the rules, policies and standards that guide or regulate societal behavior, even when these rules are in conflict with those that other societal actors prefer. Second, administrative capacity is the routine ability to manage accountable and efficient service delivery, or to implement the chosen policies.

For each of these elements of capacity, it seems that NGOs may be having several impacts: they could bolster state regulatory capacity by contributing knowledge and enforcement capacities of the state, provided that they allow government actors to take the lead in this area. In Kenya, this appears to be happening in education, as NGO schools submit to the government requirement that their students sit national exams, thereby reinforcing government regulatory capacity in this sector. Yet in other sectors, the “governance without government” agenda has brought a broader set of actors into setting the rules – in some places it appears that NGOs essentially “govern.” Administratively, NGOs could extend the implementation scope of the state, enacting policies that the government dictates in order to increase overall service delivery. Yet at the same time, NGOs appear to be drawing donor resources, which could be used for generating patronage, away from the government, thus lowering its capacity for patronage. Furthermore, they may be reducing absolute levels of services by providing an excuse to the government for not providing services, since it can say the NGOs are providing them\footnote{Preliminary evidence suggests that administrative capacity in Kenya has fallen in education and health: enrollment rates fell from 91% to 82% from 1989-1995 (Wolfensohn 2003), doctor-patient ratios fell from 1:56,000 to 1:68,000 between 1994-1996 (Katumunga 2004, 48), and morbidity and mortality rates have increased since the 1980s (NC-NGOs 2004).}. Several of these questions thus bring into question who within the state actually has capacity – NGOs or the government? – a question this dissertation also hopes to address.

Independent Variable: The Rise of Non-governmental Service Provision
Clearly, non-governmental service provision is on the rise and is impacting the state. However, it is not only the sheer number of NGOs that is of interest to me, but also variation in a number of factors related to their growth, including the ratio of non-governmental to governmental service provision in an area, the history of provision there (whether the government provided services but stopped, and/or whether NGOs were always present), the types of services provided by NGOs (whether education, health, water, sanitation, etc.) and how much those services are popularly seen as a government responsibility, the mix of actors present (whether international or local NBOs, CBOs, bi- or multi-laterals), the relative quality and cost for government and NGO services, and the perceived legitimacy of the NGOs.\footnote{While this list is very long at present, I hope to eliminate most of the variables during field work discussions and research. I put them here in recognition of the many possible influential factors.}
Furthermore, the outcomes may change depending on the impetus for the privatization of service delivery. Thus, we may find different outcomes depending on whether a government invites a private actor to provide a service in a particular area; a community decides to provide something for itself or asks an NGO for it; an international NGO determines on its own that a community needs or deserves a service it is mandated to provide; an international donor requires non-governmental involvement, etc.\textsuperscript{13} It may also matter if NGOs become involved in service provision because of existing government failure, as coping mechanisms or survival strategies. This is true both for community groups and for NGOs, who often see themselves as only temporarily providing a social safety net until the government can step in again. Thus, the level of government capacity before NGOs arrive may affect the impact they have.

**Important Intermediate Variables: Modes of Governance & Credit-Taking**

While the above-mentioned elements of NGO service provision are interesting and are assumed to be having an impact, this dissertation seeks to not only count and typologize NGOs, but also to explain through what mechanisms different outcomes for capacity and legitimacy arise. This will fill a crucial gap, as it is quite common to find statements that NGOs “threaten the state” – as when former Kenyan president Moi called NGOs a “security threat” – but without explanations for how (Kameri-Mbote 2000). I identify two major intermediate variables of import: **modes of governance** and **credit-taking**.

The former variable looks at the degree of collegiality or conflict that exists between NGOs and the government, as well as how they parse out governing responsibility, essentially answering the “who governs?” question. This includes: how much the government retains control and authority over service provision, whether it maintains partnerships with NGOs, whether it deliberately privatizes or merely allows NGOs to “fill gaps,” whether, or to what extent, it monitors NGOs, and whether it competes with NGOs for financial and human resources. Three ideal-type modes of governance then are: **bureaucratic governance**, based on Weber’s notion of bureaucracy, in which government provides most services based on an agenda it sets, and NGO presence is very weak; **collegial shared governance**, in which governing is split between the government that “steers” the boat of service provision, and NGOs that implement – government sets the agenda with NGO input, retains authority over service provision, works in partnerships with and oversees/monitors network of implementing NGOs (and individual ones), and works together with NGOs to bring in complimentary funds. NGOs allow government to take credit for their work and discourse is positive; and **governance without government**, in which government presence is largely absent, and NGOs set the direction of the work and implement it alone, often without government awareness of their activities. Credit is then not given to government, and discourse is negative or conflictual.

**Figure 1: The Impact of Service Privatization on Capacity & Legitimacy**

Related to this first variable, the discourses around service provision also matter, including whether the government is able to take credit for NGO services, whether it can get the populace to associate NGO provision with government, how NGOs and government talk about each other, and whether NGOs “sell” themselves as better than the government are also factors.

**Theoretical Framework & Hypothesized Effects of Non-Governmental Service Provision**

To date, most of the literature on NGOs has not dealt with them as an independent variable. Instead, writings tend to explain why NGOs arise, the constraints that they face in operating, in what ways

\textsuperscript{13} UN Habitat (1998) refers to some of these distinctions as those between “planned privatization,” the explicit sale of government enterprises, outsourcing or public-private partnerships, and “spontaneous privatization,” in which non-governmental actors try to fill the gaps left by the state without being explicitly prompted to do so.
they act to “fill the gap” in service provision, and/or whether they’re actually performing the tasks they claim to do. As a result, to explain the feedback effects of NGOs, I turn to less direct literatures – those on privatization and governance, civil society, and the African state. Each set of readings makes claims on the likely impacts of increasing NGO provision of services, which I aim to address in this dissertation.

Privatization and Governance

The literature on the privatization of services generally takes a clear normative standpoint – privatization is good, or it is bad. The first view is represented in ideologically neo-liberal writings from New Public Management in public administration, IFIs on structural adjustment, and from both groups on “new” or “good” governance. At the extreme, scholars in this vein believe that unfettered markets, however they are freed from the oppressive hand of state intervention, will be able to supply goods and services faster, better and cheaper than can governments. NGOs specifically are seen by these scholars as more efficient, effective, flexible and innovative than government, to be other-oriented and ideologically committed to democracy and participatory pro-poor development, and to be more accountable and transparent than the government (Bratton 1989, Fowler 1991, Owiti et al 2004). While most writers would not call for the complete removal of the government from all economic life, they do call for its role to be reduced to “steering,” or creating an “enabling environment,” while private organizations “row” or execute service delivery (World Bank 1989). This literature highlights the role that non-governmental actors, including citizens, interests groups, experts, and other stakeholders should play in the decision-making of public services in order to make them more democratic, accountable and transparent. It goes so far as to call for “governance without government” – meaning these writers want a broader set of actors, guided by the steering state, to be responsible for setting and implementing the rules and institutions that order society.

Reading between the lines, this literature hypothesize that NGOs are having positive feedback effects on the state: they remove at least some of the pressure for service provision from the government, allowing it to focus on core competencies, reducing expenditure by “enabling” and “steering” – providing policies, outcome targets, regulation and monitoring to the NGOs – not rowing. While government administrative capacity may be down numerically, statewide capacity is up, since the government, focusing on regulatory capacity, is now able to direct NGOs to do its bidding as they work together in deliberate partnerships. Enhanced state capacity in turn increases state legitimacy, as people receive more high quality, cheap services, transparently and non-clientelistically provided, which they associate with the state writ large, regardless of who actually provides them and where the money for them comes from.

However, at the other extreme, scholars in several veins believe privatization is not having the impact that its designers intend. One version of this argument holds that the African state tends to be too weak and under-institutionalized when privatization of services occurs, making it unable to effectively monitor, regulate and “steer.” As a result of this initial incapacity, governments never assert themselves, and a cycle of decreasing capacity occurs, as funds and competent personnel are drawn away from the government to “more efficient” NGOs, which are able to offer better rewards to their employees.14 As a result, NGO provision appears better than government provision (governments have been loathe to actually relinquish their “rowing” arm), creating a cycle of decreasing legitimacy for the state as well, as people draw unfavorable comparisons between the two. Scholars in this vein usually tend to call for renewed attention to government rather than NGO capacity, arguing that there are certain roles that only a state can ever provide, such as infrastructure, macroeconomic policy and the rule of law. They argue that while NGOs may be currently assisting with short-term development and maintenance efforts, they should not be seen as an alternative to functioning state institutions in the long run (Brautigam 1994, Chege 1999). Along similar lines, others warn that the “true worth” of NGOs is not actually known; they may not be the panacea we hope them to be (Bratton 1989). If this is true, and we discover in the long run that NGOs are unable to deliver, the overall capacity of African states will continue to decline.15

14 In Kenya, mid-level NGO workers earn about five times more than the equivalent civil servant (Chege 1999).
15 There also exists an account of the ill-effects of privatization which argues that NGOs are largely a ruse for the continued enrichment of the powerful, being created and maintained by politicians, businesspeople and civil services in order to
Civil Society, Democratization and the State

The civil society literature also makes important and relevant claims. Turning to two classic works in the civil society literature, Tocqueville (2000) and Putnam (1993), we find arguments that strong civil society, of which NGOs are usually considered a part, strengthens the state—a line that has been taken up by donors and IFIs in the promotion of NGOs as agents of positive change in the developing world (World Bank 1989, Hyden 1983, Diamond 1989). For Putnam, the more “civicness” in a society, the higher state performance will be, as horizontal relationships of trust and interdependence built through membership in all types of association make for active democratic citizens, who insist on effective and responsive service delivery. Thus, civil society “reinforces a strong state” (182), by increasing democratization and institutional accountability.

For Tocqueville, civil society was necessary because, as is true in African countries, 19th C. American government administration was extremely weak, even “absent” (72). Tocqueville saw that while the government acknowledged its obligations to society and had laws detailing service provision (44-45), civic associations actually carried out the tasks: “Americans of all ages, all stations in life, and all types of dispositions are forever forming associations. …Hospitals, prisons, and schools take shape in that way. …In every case, at the head of any new undertaking, where in France you would find the government or in England some territorial magnate, in the United States you are sure to find an association.” (513) Thus, Tocqueville saw NGOs as extending or even composing the social service wing of the state, since NGO provision of services allowed, for example, patriotism to spread through the new states of the West in churches, schools and policing (293). Thus he saw a blurring of state and civil society not always recognized in the literature.

Yet a caveat is in order: aside from the positive view of non-state actors performing service delivery roles, Tocqueville also warns that non-governmental provision of services can, in fact, threaten government legitimacy and compete with it for loyalty if the associations become too independent from government, seeing as they perform many otherwise public functions (Whittington 1998). Tocqueville warns that they can “form something like a separate nation within a nation and a government within the government” (190), and that this creates the possibility of competing legitimate authorities: “If, besides the ruling power, another power is established with almost equal moral authority, can one suppose that in the long run it will just talk and not act?” (191) Like the privatization skeptics, Tocqueville felt that in order to prevent this from happening, the state needed well designed government institutions and laws meant to shape the polity and impart values. He felt that the situation in America worked because its laws “descend into minute details… in this way the secondary authorities are tied down by a multitude of detailed obligations strictly defined” (74). In addition, it’s worth noting that the civil society actors that both Putnam and Tocqueville discuss are homegrown, not foreign, as they largely are in Africa. Does this matter? According to Esman & Uphoff (1984), it does, as organizations “implanted” from the outside have a high failure rate.

The State in Africa

Finally, the literature on the state in Africa offers several points of departure. First, I plan to address the growing literature on the “erosion of stateness” in Africa (Beissinger & Young 2002, Young 2004).¹⁶ This literature, which tends to places causal emphasis on both pro-market structural adjustment policies and the patrimonial distributive logic of African states, argues that African governments have entered a “permanent crisis” of the state and economy (Van de Walle, 2001), are losing the monopoly over violence in their territory (Reno 1997, 2002, Young 2004), are no longer the sole market regulatory institution in the country (Roitman 2005) or the primary authority (Mbembe 2001), are increasingly ruled by “informal” behind-the-scenes actors and institutions (Chabal & Daloz 1999), have increasingly engaged in criminal activities to maintain resource levels (Bayart et al 1999, Reno 1997, Shaw 2002, Balogun 1997, Mbembe 2001), and because of all of this, need to be

redirect donor funds for private use. If true, then the diversion of funds to NGOs will certainly not help capacity nor legitimacy either, if it is known widely in society.

¹⁶ Note that while this literature parallels broader comparative politics work on the “retreat” (Strange 1996) or “eclipse” of the state (Evans 1997), the literature on Africa differs on several levels: first, it focuses on the detrimental role of personal rule that has characterized most African states since independence; second, it tends to place less emphasis on economic globalization, since changes in Africa do not tend to be related to it; third, it suggests that the impacts in Africa are much more severe than elsewhere, since African states have tended to be much less institutionalized than elsewhere in the world.
“reconstructed” (ASA Annual Meeting 2005, 2 panels). However, with some exceptions, this pessimistic literature tends to be exceedingly short on systematic, detailed evidence.\(^{17}\) While there has been some empirical evidence of the “erosion of stateness” leading to both full scale civil wars and more isolated peripheral civil conflict (Migdal 1988, Reno 1997, 2002; Young 2004), very little empirics have been presented on how, if, or to what extent this “erosion” manifests itself in more stable states. My preliminary thought, following Roitman (2005), is that rather than eating away at the state, non-state actors may be reconstituting the state.

Second, the very nature of the African state may change with NGO penetration. Since the period of Africa independences in the 1960s, the modal form of the African state has been neo-patrimonialism (Bratton & Van de Walle 1997), or “personal rule” (Jackson & Rosberg 1984, Leonard & Strauss 2002). These states are characterized by highly concentrated power and extremely high levels of patronage, largely spanning from the colonial legacy (Ekeh 1975). However, as donors transfer funds to NGOs and government expenditures shrink, the growth of NGOs may change state-society patronage linkages. It may increase more equitable, non-politically motivated distribution of resources and services, since private actors, and international non-profits in particular, may be less subject to clientelistic demands. If resources diverted are great enough, this may also lead to a shift in the basic way that governments relate to their constituents – if they do not have enough money for patronage-based compliance, they may need to increase their legitimacy, accountability and transparency (or their coercive measures) in replacement. In either case, this change is crucial to the essence of operation of African and other patrimonial states.

Finally, state formation literatures may help us to understand these changes. The dominant understanding of state formation in Europe is Tilly’s idea of “war-making as state-making” (1990), and Africanists have seen states arise as a legacy of colonialism and post-WWII understandings of self-determination (Jackson & Rosberg 1991, Herbst 2000). However, if non-governmental service provision is considered by the populace to increase legitimacy and capacity of the state, this would indicate both a different path and a unique organizational composition of “the state” in Africa.

From the three sets of readings above, we can draw a number of hypotheses:

**Hypothesis 1:** As the civil society literature suggests, the more NGOs and especially home-grown NGOs and community organizations, the higher state capacity and legitimacy will be.

**Hypothesis 2:** The more positive, collegial and collaborative NGO-government relations are, with NGOs accepting that the government has ultimate “steering” authority, the higher overall state capacity and legitimacy will be. The obverse is also partially true: the more negative conflictual and isolated NGO-government relations are, the lower capacity will be.

**Hypothesis 2.1:** the more NGOs bring in resources that are complementary to those of the government, the greater the capacity of the state will be. However, if NGOs and governments compete for human and financial resources, capacity will fall.\(^ {18}\)

**Hypothesis 2.2:** the more planned privatization of services is, the more overall state capacity, since government can focus on regulatory capacity only, while allowing NGOs to focus on administration.

**Hypothesis 2.3:** The more NGOs allow government to take credit for their work or encourage people to associate them with the government, the higher government legitimacy will be.\(^ {19}\) However, if\(^ {18}\)

---

17 I believe part of the reason why this lack of evidence is allowed is general acceptance, even among otherwise critically-thinking academics, of the idea that Africa is “a mess.” Arguments to this effect seem to require less evidence than do positive assertions about Africa, or than do negative arguments about many other world regions.

18 Preliminary evidence suggests that competition for these resources has increased dramatically as donors redirect funds to NGOs instead of governments (Bratton 1989, Fowler 1991, Chege 1999, Owiti et al 2004) and liberalization of exchange rates has meant lower real wages for civil service employees, who then compete for higher-paying NGO jobs. With exchange rate liberalization and devaluation, real wages for civil servants have fallen as much as 80% (van de Walle 2001), paying for family food expenses for as little as 3 days per month (Tripp 1994). As a result, employees have had to find alternative means of wealth generation during work hours (Katumanga 2004) – resulting in increased absenteeism, corruption, and the loss of competent people into better paying sectors.

19 Bratton (1989, 572): “Governments are loathe to admit that they have performed poorly because of the implications this has for their right to hold power. They may be unwilling to allow credit to accrue to any organization other than the state.”
NGO-government relations are conflictual, NGOs provide better services than the government, and “sell” the services as such, legitimacy will be lower still.

**Hypothesis 3:** NGOs are not weakening the state, but merely changing its organizational form, replacing one form of bureaucracy (local, public) with another (private, sometimes foreign), making up the “philanthropic state”.

**Research Design**

Please note, this section is still in its early stages, as I am only beginning field research. Therefore explanations are in order: First, I recognize that the scope of the project may be a bit ambitious, and I am planning to prioritize my methods towards my interest in state legitimacy – while I hope to examine both dependent variables, this prioritization will ensure that I answer at least one part sufficiently. This bias is reflected in the research design below. Second, because of the difficulties in collecting data in Africa, in this phase of the project, I hope to gather mostly qualitative evidence from the past and a baseline of information on the present, which I may be able to replicate in the future. In general, I plan to use a mixed-method triangulation or collage approach, gathering as many independent bits of evidence that support my claims as possible, and pasting them together in order to create a coherent whole image. The table below explains the hypotheses I propose, the relevant questions each section hopes to address, and the theory related to each section:

<table>
<thead>
<tr>
<th>SECTION I: DATA ON SERVICE PROVISION: THE BASICS</th>
<th>Method: Getting the Data</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Hypothesis:</strong> The more NGOs and especially home-grown NGOs and community organizations, the higher state capacity and legitimacy will be.</td>
<td></td>
</tr>
<tr>
<td><strong>Overarching Questions:</strong> What does service provision in Kenya currently look like? What actors are involved, who funds them and how many are there, what services do they provide, to whom and in what quantity and quality, what motivated them to begin to provide services, and when did they start?</td>
<td></td>
</tr>
<tr>
<td><strong>Relevant Theory:</strong> Civil Society &amp; Social Capital, NGO, and African Politics literatures.</td>
<td></td>
</tr>
</tbody>
</table>

| Data Needed | Archives, Directories and Records: Starting with the National Council of NGOs directory, the NGO Coordination Bureau (OVP) records, the National Archives and the relevant Ministries (Education, Health, Public Works, Social Services) I will determine what actors the Government of Kenya believes exist in each sub-Location currently. I will then employ snowball sampling from this base of actors to determine the full constellation of service providers in each sub-Location (number TBA, but I’m hoping not more than 30 per area). I will also use these sources to collect data on service provision budgets, NGO funding sources, and the level of service provision (numbers, mix of projects, etc.) to give a solid image of service provision for each area, when combined with activities reported by current NGOs. |
| Questionnaires of Service Providers: Once the actors present are determined, I will give the leader of each NGO and relevant government officials a very short questionnaire (approximately 15 questions, slightly different for NGOs and government – see attached) to collect information on each of the elements mentioned above. |
| Document Review: Wherever possible, I will also collect annual reports, copies of audited financial statements as given to donors or the NGO-CB, and other documents that may confirm the answers from the questionnaire and interview. |
| Follow-up Interviews: In order to ensure that the questionnaires are completed, I will return to each organization to collect the questionnaire and to arrange a very short, semi-structured follow-up interview to clarify any answers. |

| Document Review | Focus Groups/Oral History: I will hold three or four focus group meetings with local elders and long-time informed observers such as missionaries to create oral histories of service provision in each area. I will ask questions about the immediate post-independence era, the time of Kenyatta’s death, and the mid-Nyayo period (mid 1960s, late 1970s and early 1990). |

The more NGOs and especially home-grown NGOs and community organizations, the higher state capacity and legitimacy will be.

**Relevant Theory:** Civil Society & Social Capital, NGO, and African Politics literatures.
### SECTION II: DATA ON NGO-GOVERNMENT RELATIONS & MODES OF GOVERNANCE

**Hypothesis:** The more collegial, complementary and collaborative NGO-government relations are, with NGOs accepting that the government has ultimate “steering” authority, the higher overall state capacity and legitimacy will be. The obverse is also partially true: the more conflictual, competing and/or isolated NGO-government relations are, the lower capacity will be.20

**Overarching Questions:** How do NGOs and the Government relate to one another? Do clear patterns of relations exist?21 To what extent do NGOs and the Government work together to achieve their goals? Are they mutually aware of what the other is doing? Do NGOs determine their projects, goals and policies based on Government policy? How do NGOs present or “sell” themselves vis-à-vis the Government and vice versa? Do NGOs allow the government to take credit for their actions?

**Theory:** Privatization & Governance and NGO literatures.

<table>
<thead>
<tr>
<th>Information on how NGOs and the Government relate to one another, including any partnerships, levels of mutual awareness of activities, and whether they share credit for successful service delivery.</th>
<th>Questionnaire: In the same questionnaires mentioned in Section I (attached), I will include questions on NGO-Government collaboration or conflict, time-use together, decision-making processes, and credit-taking.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Patterns of funding, resource allocation between NGOs and Government – competition or complementary?</td>
<td><strong>Follow-Up Interviews:</strong> As above, I will follow-up on answers from the questionnaire with short interviews, allowing NGO leaders and government officials to elaborate on their relations.</td>
</tr>
<tr>
<td>Data on which actors in general make ultimate decisions regarding service provision (including whether NGOs reference the development goals and objectives of the government) and the extent to which they inform other actors of their actions.</td>
<td><strong>Content/Discourse Analysis:</strong> Adding to the information in Section I, I will collect as many documents as possible from each NGO (including internal reports if possible), as well as reports from the government. I will also audio tape my interviews and will analyze the language used by each group in the documents and audiotapes to determine to what extent relations are actually collaborative.</td>
</tr>
<tr>
<td>Manner that NGOs “sell” themselves to their constituents, whether encouraging people to associate their work with the government or distinguishing between the two.</td>
<td><strong>Document Review:</strong> I will review approximately ten government planning documents including the national PRSP, Ministry planning reports (including their explicit plans for NGOs – most Ministries now have NGO/informal sector departments), and local government service goals so that I know what the government goals are, such that I can see whether NGOs reference Government service goals.</td>
</tr>
</tbody>
</table>

### SECTION III: DATA ON LEGITIMACY

**Hypothesis:** Growing NGO presence has caused the legitimacy of the legitimacy of the state as a whole has to go up, as NGOs provide the people with high quality low cost services, while the legitimacy of the government may actually have decreased.

**Overarching Questions:** Does the increasing presence of non-governmental actors threaten state legitimacy and capacity by providing better, cheaper services than the government, and by drawing donor resources – which could have been used for compliance-generating patronage – away from it? Or does their presence bolster the way people view their state as well as the government’s ability to achieve its goals, with extra-governmental service provision either pacifying the people against demanding more from the government and/or being viewed as a positive extension of state capacity?

**Relevant Theory:** State Theory and Organization Theory

| Determination of how the average Kenyan viewed government and state legitimacy in the past, relative to service provision. | Focus Groups/Oral History: In these meetings, I will attempt to determine not only which actors were present providing which services and how many of them, but also how people in general perceived the government/state at that time both absolutely and relative to today. Much of the literature posits that legitimacy in Africa in the past rested on service provision, so I will also attempt to confirm or refute this. Note: while psychologists would say that recreating the past in this matter won’t actually jive with reality – that people have selective memory in this sort of exercise – I will attempt to overcome this difficulty by holding three or four distinct group meetings in each area. |

---

20 Note as well Sub-hypotheses, as listed in the Hypotheses section above.

21 The possible patterns are identified in the section on Patterns of Governance above.
Dissertation Prospectus: Department of Political Science, University of CA, Berkeley

| Determination of how the average Kenyan views government/state and NGO legitimacy currently, relative to service provision. | Surveys: I will conduct two surveys (attached). The first will replicate work done by Prewitt et al. in the early post-independence period (1966-7), detailing secondary school students’ attitudes about such things as whether the government (as opposed to other non-governmental actors) should make decisions for the country, if the government is still seen as a legitimate key to resource accumulation and employment, or if perhaps they now see NGOs in this way. Certain questions will also address the state-government distinction. The second survey would add to this baseline change information, determining average citizen’s perception of government legitimacy, relative to NGO legitimacy and broader state or system legitimacy. The survey will collect data on: individuals’ background, the service providers from whom they receive each of a number of services, their views on what they expect & actually receive from government service provision, and their perceptions of the legitimacy of the government, state and a variety of non-governmental actors. | SECTION IV: DATA ON CAPACITY: EXAMPLE: EDUCATION SECTOR

Hypothesis: NGOs, when working collaborative with the government, have caused statewide capacity to go up, along with the regulatory capacity of the government. Similarly, homegrown NGOs increase capacity as hypothesized in the social capital and civil society literatures. This can be seen in the education sector in Kenya.

Overarching Questions: Does the presence of NGOs make for higher performance/quality of education outcomes than government alone? Has this changed over time? Is there a difference in quality and cost of NGO vs. government schools/education?

Relevant Theory: State Theory and Organization Theory

| KCPE and KCSE scores for case study areas for all schools for as far back as possible (for all students ideally, but school averages would be acceptable). Name of each school matched to type of school: community, local NGO, foreign NGO, private, government. Number of students taking the test in each school; number of students in the school. Funding status of each school, including school fees. | Archives, Records and Newspapers: I will collect records from the Daily Nation, Ministry of Education records and National Archives for each of the historical periods mentioned above, as well as current trends in test scores and school ownership. Note: If I cannot collect comprehensive data from the government or media, I will try to collect this data from individual schools and education projects in the case areas. | Kenyan Cases Studies

Kenya is a prime location in which to conduct research of this type for several reasons. First, the number NGOs in the country has skyrocketed recently: whereas in 1974 there were only 125 NGOs, this leapt to over 400 by 1989, and soared to over 3000 by 2005 (Bratton 1989 citing USAID, National Council of NGOs-Kenya website 2005). On average 240 new NGOs form each year (Chege 1999), and NGOs receive over 18% of official aid (ibid). Second, the history of service provision in the country makes it interesting, since the early independence Kenyan government strove to take non-governmental service providers under the government wing. Whereas the Tanzania’s Nyerere invited NGOs and even bi-lateral donors to take charge of service provision in specific areas of the country, Kenyan leaders preferred donor aid for these services to go through the government. Thus, for example, long-standing mission schools and clinics throughout the country became government schools during this period in Kenya. Third, I have lived in the country on two separate occasions, between January and September 2002, when I worked for a community-based education project in one of Nairobi’s slums, and in May-July 2005, when I visited to look for research topics.

Finally, Kenya is a key state in which to undertake this research because the Kenyan government has responded to the growth of NGOs in a variety of ways that suggests it feels threatened by them. First, in 1990, with the justification of protecting the public interest, the legislature passed the NGO Act, which requires that all NGOs register and pay fees to the government, agree to be answerable to the NGO Coordination Bureau of the Office of the President,
and accept government supervision and monitoring. This act has arguably been used to harass and deregister NGOs it feels threatened by, including several human rights NGOs in 1995, the Green Belt Movement in 1999, the Centre for Law and Research International (CLARION) (Kameri-Mbote 2000), or the 304 and 340 NGOs in 2002 and 2003 respectively which were struck from the register for failing to adequately file required paperwork, only 20 of which were successfully able to appeal (National Council of NGOs website). In addition, just last year, a group of NGOs came together to contest what they called the “Government’s systematic attack on civil society,” which registered ten violent state responses to NGOs (MS Kenya 2005). Interestingly, in 2002, the new Kibaki government attempted to reclaim some of the legitimacy lost to NGOs by hiring many popular NGO leaders into the civil service, and publicizing their cooption widely.

**Urban Kenya**

To a large extent, the erosion of service provision in Africa is most visible in urban areas, as these are the areas in which services were once solidly provided by the government, and where expectations are highest. Not only in wealthy areas, but also in middle-class and poor slums, deterioration of services can be seen in erratic electricity and water supplies, pothole-filled roads, roadside piles of garbage and the toxic stench of burning plastic, inadequate sewers, abundant street children, and the need to employ private security forces and vigilantes. As elsewhere, as a result of the decline in government services, non-governmental actors are now stepping up to provide these services and fill the “institutional vacuum” the government has left behind (UNCHS 1998). As one Nairobi resident says: “Nairobians are now realizing that the Government is incapable of solving all of the city's problems. Their solution lies in the will of Nairobians themselves” (Onyango, 1998). I plan to investigate these trends in eight very small urban locations, called Sub-Locations, chosen primarily because they have had continuous habitation by more or less the same socio-economic categories of people since the time of independence, allowing me to assess changes over time. Thus, while I plan to also address one or more particular services in these areas to gauge impact on capacity, I feel that in order to answer questions about legitimacy with regard to service provision, it is necessary to look at the entire constellation of services provided in a particular geographic location. The eight cases will include variation in foreign vs. local NGOs, high vs. low NGO presence, and collaborative vs. conflicting NGO-Government relations. My speculation is that these cases will also vary along the range of the dependent variable. While I have not yet chosen the specific sub-locations in which to work, I plan to look at peri-urban slum areas in Nairobi and other cities or towns. I hope to gain the advice of local Kenyan researchers at the Department of Political Science and the Institute for Development Studies in Nairobi and various NGOs in Kenya on which specific areas to examine. Preliminary suggestions have been Mathare Valley, Ofafo Jericho or other early-built working class Nairobi Estates, or peri-urban areas in several Kikuyu cities and towns.

**Bibliography & References**


Obiyan, A., Sat. "A Critical Examination of the State versus Non-Governmental Organizations (NGOs) in the Policy Sphere in the Global South: Will the State Die as the NGOs Thrive in Sub-Saharan Africa and Asia?" Journal of Asian and African Studies 4:3, 301-327.


