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Chapter 1

Theoretical Framework.

Introduction

Norman Myers affirms that, ‘nobody can feel finally secure as long as others are persistently insecure¹. Therefore, as long there are the ‘haves’ and ‘haves not’ in societies, there will be a consistent conflict between men. Consequently, the pastime of development and development planning is really a statement of the relationship between the between the poor and the rich.

Caroline Thomas asserts that it is the existing structures of power that establish who will benefit in development and who will not². Since the political elite are defined as the ‘power holders of the body politic³,’ the game between civil society and dam construction is between two players. On the one hand are the political elite who carry decision-making power over developmental projects while on the other hand, are the non-elites who do not have any power, but desire to change the established hegemony⁴ in order to attain the best reimbursements for their group. It is these non-elite that will then dream of forming an organised group and ultimately gather themselves to structure a civil society.

This section of the paper looks at the game between civic groups and dam construction and the influence a strong civil society can have on the outcome of development.

1.1 The Influence of Civil Society on Dam Construction and Development.

The game begins with the political elite who, for their valid reasons, plan to construct a dam in order to improve services in the state. It is here where the political elite make an appeal to an international agency, for financial assistance in dam building. In the case of Sondu Miriu, the foreign agency was the Japanese Bank for International Cooperation.

It is the responsibility of the political elite to involve the community of the targeted location in the planning of the project in order to secure development that is beneficial and fair for all.

¹ Dyer, Hugh. 2001. Environmental Security and International Relations: The Case of Enclosure. Cambridge University Press. Review of International Studies, 27:5-21.

² Thomas, Caroline. 2001. Global Governance, Development and Human Security: Exploring the Links. Taylor and Francis Publishing. Third World Quarterly. Vol 22, No 2.

³ Bucharach, Peter. 2010. Political Elites in a Democracy. Transaction Publishers, New Brunswick NJ.

⁴ Ibid.

If however, the elite fail to act accordingly and continue with the project without the participation of the community, those who are marginalised will create a civil society that focuses on redirecting development plans which suit their needs.

Through using the information gathered by the civil society, the organisation will use various mediums such as media and protest in order to pressurise both the state and its international support agency to alter the preliminary plans around dam construction.

Therefore, equal and fair decisions in regards to any developmental processes are initially in the prerogative of the political elite who have access to resource power and information. Yet at the same time, if the elite do not fairly practice good governance and fail to allow the participation of the underprivileged in developmental processes, civil society can shift the paradigm around dam construction and change the face of the development as a whole.

It is in this way that civil society can influence policy outcomes on dam building as civic groups educate people on the skills of citizenship and offer a structure for the expression of what is at the foundation of their ideology. In cases where formal citizenship rights may not be well-entrenched, it is civic groups that provide the channels through which poor people can make their voices heard in government decision-making, thus helping to promote transparency, accountability, curb corruption, and build a social consensus in favour of economic reform⁵.

This paper assumes that civil society needs to be active in order to reach policy outcomes that suit all members of society and in turn result in positive and fair development. For the purpose of this research, this paper uses civil society as the independent variable while employing dam construction as the dependent variable.

Claim A: Without the participation of civil society in initial decision making processes, fair development through dam construction cannot be attained.

Claim B: With the participation of civil society in initial decision making processes, fair development through dam construction can be attained.

This paper employs the claim A and B due to the fact that it emphasizes on the key role that civil society plays in changing policy outcomes of development projects. If the government,

⁵ Howell, Jude and Peace Jenny. 2001. Civil Society and Development. A critical Exploration. Lynne Rienner Publishers, London.

in this case the Kenyan, does not take advantage of a civic group in coming up with a resolution around dam construction before development takes place, not only is good governance put at risk but also the needs of the poor. When a civic association is allowed participation it can have influence and change policy outcomes as the voices of those who reside at the targeted area are respected and taken into account. With the involvement of a civil society in dam construction development, the location of the project may be moved either up or down the river in accordance to how the surrounding community is dependent on the resource.

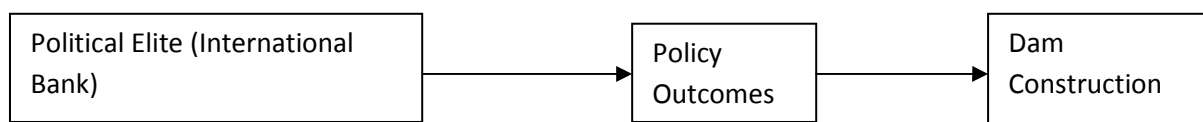
In addition, participation of a civil association can influence the policy outcomes of resettlement of the targeted community. The civil society will be able to inform the government of the exact needs of the community affected by dam construction, rather than view point of a social impact assessment. Issues around loss of land by commune members, compensation or employment opportunities can be discussed ensuring that the dam construction does not damper the economic and cultural needs of the affected community.

In this way, formal citizenship rights are well-established as the civic group provides the means through which poor people can make their voices heard in government decision-making, thus helping to promote transparency, accountability, curb corruption, and build a social consensus in favour of economic reform.

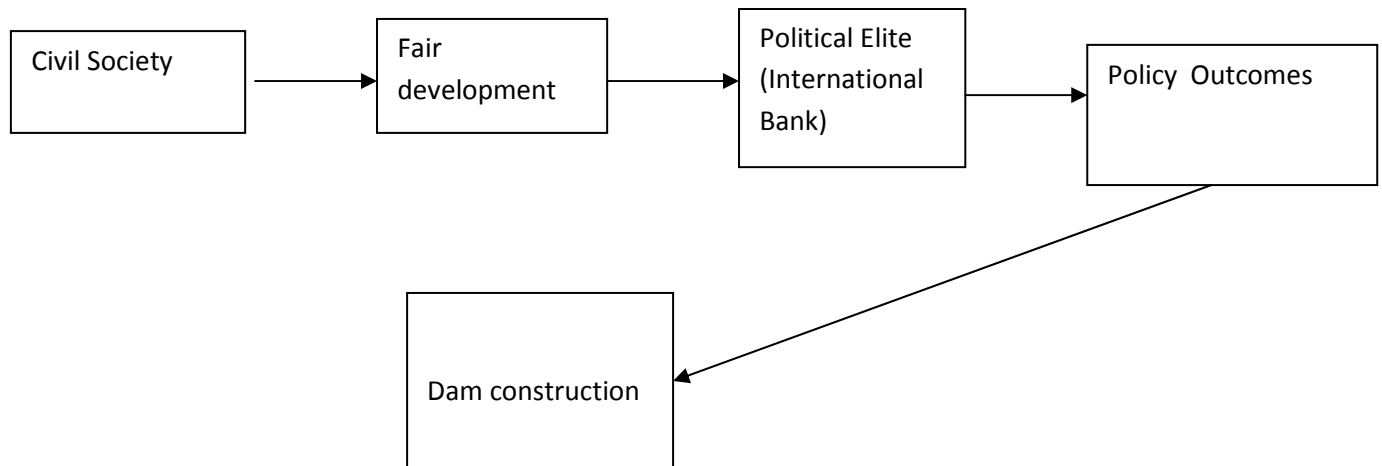
From this analysis, this paper employs the hypothesis that the civil society, especially the Sondu Miriu Advocacy Group was not taken in to consideration during project planning and implementation.

The diagrams below illustrate the causal relations between civil society and dam construction.

Claim A.



Claim B:



From the above figures it is evident that the political elite can produce policy outcomes and achieve successful dam construction without the influence and participation of civil society, however this will not bring about fair development.

Conversely, when civil society is active and participates in dam planning, fair development will automatically be implied as politicians will be compelled to take into consideration the needs of the most marginalised citizens, changing policy outcomes towards dam construction that reassures fair development.

Unfortunately, due to the fact that civil societies in Africa very rarely have access to other forms of income independent of the state or external donors, they are in a vulnerable position and thus may have difficulties pushing for their own agendas to be addressed⁶. Thus, because of this vulnerability fair development lies mostly in the hands of the political elite. In fact, the sensitive problems facing civil associations in sub-Saharan African states has domestic and international roots linked to decisions made by political elites of the nation state.

Therefore, the participation of civil society in dam construction planning is essential for fair development to be accomplished. However, it is not enough to only have the contribution civil society. For the actualisation of fair development, civil society must be strong in order to

⁶ Makumbe , John . 1998. Is there a Civil Society in Africa? International Affairs, Volume 74, Number. 2, p. 305.

pressurise and to confront the political elites into changing any policy outcomes that are not in accordance to the association's agenda. This can be very challenging for the civic community in Africa as many associations are weak and face many organisational difficulties.

1.2 Elements of a Strong Civil Society.

According to Molutsi and Holm who avow that civil society in the region is weak, African states need to ensure three fundamental elements in the organisational structure of civic organisations in order to achieve a strong association that is able to confront the state, shape governance and development planning.

Firstly, the scholars suggest that civil associations must have a strong organisational structure within the party⁷. The group must stimulate lasting institutional connections with their members and potential constituency. Consequently, there should be a regular exchange of people in leadership positions who establish programs servicing the members, employing permanent staff and also securing a dependable source of income for the association. For the scholars, lack of this in the structural unit of a civil society will make it less likely to become credible source of power⁸.

Sibel Cekic continues with a feminist critique of the organisational structure of civil society by proclaiming that the internal configuration within civil society tends to mirror that of the external world which it desires to confront where gender and class are have influence on power relations⁹. Thus, for Cekic, certain issues may be neglected and are not pushed onto the group's agenda as there are marginalised individuals within the organisational structure who may face forms of oppression based on their class and gender¹⁰. For Cekic, this is a form of weakness in the civic association as some subject matters are unfairly prioritized over others.

Secondly, if a civil society is to mobilise itself against the state, knowledgeable persons within the group must be available. This tends to be problematic in the sub-Saharan African

⁷ Holm, D. John, Molutsi, P. Patrick. 1990. Developing Democracy When Civil Society is Weak, The case of Botswana. Oxford University Press on Behalf of the Royal African Society African Affairs, Vol. 89, No. 356.

⁸ Ibid.

⁹ Cekic, Sibel. 2008. Feminist Critique of the Notion of Civil Society. Available at: http://www.allacademic.com/meta/p_mla_apa_research_citation/0/2/3/4/0/p23406_index.html. Retrieved on 19 September 2010.

¹⁰ Ibid.

context as the nature of the employment limits this greatly for the reason that most of educated members of the public are employed by government¹¹. In other words, knowledgeable man power is scarce meaning that the ability of the civic group to increase its capacity for rational persuasion in order to influence change and confront government bureaucracy is weak¹².

Without knowledgeable man power, the skills to produce policies and project papers required to convince other educated persons to believe that a problem needing a rational solution exists are lost.

This is closely connected to the third element essential for maintaining of a strong civil society. For Molutsi and Holm, a strong society must be able to create a policy debate that includes politicians, civil servants and group leaders. However, without educated members this may not be possible and the society may fail to force issues onto the national arena as it means publicising the group's problems and proposals not only among its members but also for the mass media and general public. There is a vital need for the civil society to be educationally empowered in order to use their information gathered to the best of their abilities. This is because the main objective of the civil society is to mobilise itself for a public debate where civil servants and politicians are persuaded and called to recognise that there is a need to make changes that are relative to the groups concern.

By looking at the economic behaviour of civic groups, social analysts such as John Makumbe and Larry Diamond have add to scholarship on the issues around fragile civic groups by suggesting that civil society is weak in Africa due to the fact that they are dependent on financial support.¹³

In agreement, John Makumbe goes on further to assert that civil societies in the African region are weakened by their dependence on international financial sustenance which may not always be available due to the fact that foreign owned businesses or international institutions prioritise their relationship with the state rather than the strength of its civil societies, securing only a business to business relationship and avoiding involvement in domestic politics¹⁴. That is to say, civil society can fail to attract international financial

¹¹ Ibid.

¹² Ibid.

¹³ Ibid.

¹⁴ Makumbe, John. 1998.

support as organisation also seek to viewed by African governments as good partners rather than supporters of internal tension and conflict.

Although there may be potential to find economic support from the indigenous business scene, enterprises also avoid being involved with the political arena as this may damage relations with the governments and therefore tamper with any opportunities of winning government tenders¹⁵. This means a financial drawback on many plans of the life of the civil society, leaving the civic community alone and desperate for help.

1.3 Conclusion

To sum up this paper maintains that for fair development to be achieved in dam construction, a civic community must be active and participate in initial decision making procedures together with the political elite for the marginalised to be considered and protected. Without the participation of a civil society in dam planning, not only is good governance put at risk but, also admirable development.

At the same time, this paper understands that there are factors that prohibit civil societies to achieve their agendas as many associations are weak. For a strong civil society to influence any policy outcomes proposed by the state, a society must have well-built organisational structure, an educated committee capable of publishing the groups proposals and stimulating rational persuasion where politicians and civil servants are called to recognize problem areas. Additionally, a source of economic sustenance independent of both domestic and international support is very problematic to achieve in the sub-Saharan African region.

¹⁵ Ibid.

Chapter 2

Literature Review.

Introduction

Sustainable development is a pattern of resource use where the main objective is to not only meet human needs but also conserve the environment for both present and future generations¹⁶. Sustainable development is understood to mean that human society can continue to develop economically without end while also protecting the natural ecosystems upon which individuals rely.¹⁷ The notion is a global agenda that is intrinsic to achieving Millennium Development Goals.

In a region known for political and economic corruption where the results of development projects can either be extremely successful or devastating, sustainable development for sub-Saharan Africa offers states a utopic promise that economic and political growth can be achieved alongside the preservation of traditional ways of life and the protection of the environment.

While the idea of successful sustainable development is appealing, there are factors that bring doubts to whether or not it is in actual fact achievable in a region where states tend to make decisions that marginalize the livelihoods of the most vulnerable poor due to weak civil societies¹⁸.

If indeed sustainable development is to be attained in projects that effect both the environment and the society such as dam construction, then strong mechanisms that recognize civil society need to be strengthened in order for individuals to experience freedom as a form of development, and thus choose for themselves their account of the good life.

At this point the research explores the links and weaknesses between sustainable development, development and civil society. The first section discusses the limitations of the term sustainable development and how that poses as a challenge in developmental processes. The paper then moves to look at Amartya Sen's account of development as freedom to

¹⁶ Harrison E. Neil. 2000. Constructing Sustainable Development. University of New York Press. New York.

¹⁷ Ibid.

¹⁸ Carvalho, O. Georgia. 2001. Sustainable Development: Is it Achievable within the Existing International Political Economy Context? John Wiley and Sons. New York.

provide an account of human development. This then leads the paper to the discussions around civil society and the crucial role that civil society plays in ensuring real, equal development. Lastly the paper shifts to analyzing the challenges facing African civil society in order to highlight the confines of individual freedom in the region which can hinder both development and sustainable development as a whole.

2.1 The Challenge of Sustainable Development

Sustainable development literature as has attracted various scholarly views. On one hand analysts such as Simon Kuznets and John Madely amongst others, are confident about achieving sustainable development while on the other hand, others construe that for poor states striving to grow their industries and economy, achieving sustainable development is next to impossible¹⁹. Georgia Carvalho argues that the difficulty in achieving sustainable development lies in the fact that concept is vague and has no actual meaning,²⁰ thus because it has no meaning, there are no guidelines on how to attain it. She continues to state that its lack of substantive meaning:

“Portrays the notion that it can be achieved in the current system with just a little tweaking and slight greening of the current development model²¹.”

This accordingly gives room for political opportunities to take root within the paradigm that may or may not have positive results. Additionally, scholars such as Sharachchandra Lele, Micheal Redcliff and John Robinson are also critical of the meaning behind sustainable development and how it affects the process of development as a whole²². John Robinson continues on this argument by acknowledging that the vagueness of the sustainable development concept allows for negotiations to take place on which ever area of the notion that governments or business wish to support.²³ That is to say, due to its fuzziness concept of sustainable development can be used to support unsustainable activities. In addition, failure to define the concept means that it becomes even more difficult to measure how it is practiced²⁴.

¹⁹ Ibid

²⁰ Ibid.

²¹ Ibid.

²² Hecht, Alan. 1999. The Traid of Sustainable Development: Promoting Sustainable Development in Developing Countries. SAGE. The Journal of environment and development. Pg 113.

²³ Robinson, John. 2004. Squaring the Circle? Some Thoughts on the Idea of Sustainable Development. Elsevir Publishers, Vancouver. Pg 347.

²⁴ Ibid.

Due to the fact that it is not clearly defined and thus there are no guidelines on how to achieve sustainable development, its importance to poor countries has also attracted some scholarly scrutiny. For poor countries in the developing world, sustainable development has presented itself as a threat to economic growth where in many instances environmental or social sustainability must be compromised in order to build industries and uplift the economy²⁵. Amongst others, Jeffery Leonard asserts that in poor countries, short term problems such as boosting economic growth are given attention before long term problems such the environment and the care of small social groups²⁶. That is to say, for developing countries, the challenge of poverty reduction and environmental protection is often seen as adversative. This suggests that some aspects of sustainable development will be prioritized over others due to the fact that many policy makers in developing countries remain convinced that protecting the environment and marginalized social groups can hinder their economic growth²⁷. Micheal Cernea concurs, suggesting that because economists are the main professional body involved in the very initial assignment planning of dam construction, they tend to do very little into incorporating cultural and social variables into project models²⁸.

‘As in the past, people are often robbed of their land, confined to reservations or territories, marginalized or forced to flee due to a development project²⁹.’

Therefore, the review of sustainable development in this context is based on the liaison between ends and means³⁰. Accordingly, in order to achieve successful sustainable development, projects should avoid considering human beings as simply the means of production and material prosperity, making them an end. Although it may be true that wealth and affluence can make a great contribution in creating welfare, development projects that place the maximizing of the country’s Gross National Product at its focus tend to mainly look at making communities as whole more affluent and in turn neglect the ways in which wealth creation affects way of life for the most marginalized social groups.

²⁵ Hecht, Alan. 1999.

²⁶ Leonard, Jeffery. 1989. Environment and the Poor: Development Strategies for a Common Agenda. Overseas Development council, Washington D.C.

²⁷ Ibid.

²⁸ Cernea, M Michael. 1991. Putting People First; Sociological Variables in Rural Development. Oxford University Press for the World Bank, New York.

²⁹ Ibid.

³⁰ Anand, Sudhir and Amartya, Sen. 2000. Human Development and Economic Sustainability. Elsevier Science Ltd. World Development. Vol- 28. No.12.

2.2 Development as Freedom

In his human development approach, Amartya Sen contends to the notion of sustainable development that is based on utilitarian ethics where opulence for the greatest number of people is a main priority. For Sen, what should be sustained is the character of the lives lead by all members of society³¹. That is to say, while upholding and expanding the material foundations of human life such as dams, projects should not neglect the essential focus of preserving the quality of human life as an end³². In his explanation of development as freedom, Sen is thoughtful of individual agency and goes so far in arguing that individuals should be free to choose for themselves their own narrative of 'the good life.' This therefore means that in exercising choices, real freedom is enjoyed as democratic pluralism in a system of governance, which guarantees that the most crucial economic preferences are assured by institutions, free press and political parties³³. That is to say, true development of any kind, involves the active participation of informed human beings in processes of social change.

2.3 What is Civil Society?

Civil society is the medium which provides the active participation needed for good governance be achieved and freedom to be expressed as it allows the most marginalized and poor to influence and challenge state decisions which affect communities³⁴.

There are various scholarly views explaining the concept of civil society. John Makumbe defines civil society as:

“An aggregate of institutions whose members are engaged primarily in a complex of non-state activities – economic, and cultural production, voluntary identity by exercising all sorts of pressures and controls upon the state institutions.”³⁵

The London School of Economics provides a detailed but concise definition of civil society,

³¹ Ibid,

³² Ibid.

³³ Corbridge, Stuart. 2002. Development as freedom: The Spaces of Amartya Sen. SAGE. Progress in Development Studies.

³⁴ Keck, E. Margaret and Sikkink, Kathryn. 1998. Activists Beyond Borders: Advocacy Methods in International Politics. Cornell University Press, New York.

³⁵ Makumbe , John .1998.

Civil society refers to the arena of uncoerced collective action around shared interests, purposes and values. In theory, its institutional forms are distinct from those of the state, family and market, though in practice, the boundaries between state, civil society, family and market are often complex, blurred and negotiated. Civil society commonly embraces a diversity of spaces, actors and institutional forms, varying in their degree of formality, autonomy and power. Civil societies are often populated by organisations such as registered charities, development non-governmental organisations, community groups, women's organisations, faith-based organisations, professional associations, trades unions, self-help groups, social movements, business associations, coalitions and advocacy group.³⁶

From the above definition it is clear that the concept of civil society involves an assembly of institutions and formations, thus it is safe to say that civil associations are significant both nationally and internationally. Civil society is especially vital to this study as it is a medium, which increases channels of accessing the international system³⁷ and international mechanisms such as sustainable development from a bottom up approach.

In their attempts to change the behavior of governments and international organizations, civic associations rely mostly on information as a source of power in order to not only express but also implement individual freedom.

2.4 The Role of Civil Society in Sustaining Development

The UNDP has often used the strength of civil societies in many developing nations as a method to measure the level of freedom employed in developmental processes³⁸. In this way, the strengthening of civil society has been converted into a key ingredient of many development approaches³⁹ as through civil society, democracy becomes a requirement instead of a result of development⁴⁰.

“Politics matter for human development because people everywhere want to be free to determine their destinies, express their view and participate in the decisions that shape their lives. This capability is just as important for human development and expanding people’s choices as being able to read or enjoy good health⁴¹.”

³⁶ The Centre for Civil Society: What is Civil Society? London School of Economics and Political Science, London, March 1994. Available at: http://www.lse.ac.uk/collections/CCS/what_is_civil_society.htm. Retrieved on 15 September 2010.

³⁷ Keck, E. Margaret and Sikkink, Kathryn. 1998.

³⁸ Howell, Jude and Peace, Jenny. 2001. Civil Society and Development. A critical Exploration. Lynne Rienner Publishers, London.

³⁹ Willis, Katie. 2005. Theories and Willis of Development. Routledge, New York.

⁴⁰ Howell, Jude and Peace Jenny. 2001.

⁴¹ Willis, Katie. 2005.

As they do not carry any power in the traditional sense of the word, civil societies are forced to use their information, ideas and strategies as a tool to rework the values with which states make and base their policies⁴². This often involves not only reasoning with their antagonists but also inducing pressure, encouraging sanctions and humiliating the pursued venture. Accordingly, civil society networks act as important fields for negotiation where both state and non-state actors interact inducing possibilities of changing either domestic or international procedures. In their agenda to revolutionize the behavior and attitudes of states and international organizations, civil societies can transport new ideas norms and discourses into policy debates, acting as a resource of information that declare truth⁴³.

Thus, civil society plays vital role in issuing services where states fail to do so. This can be in attempts of eradicating poverty, preventing depletion of the environment and reducing inequalities by protecting marginalized peoples. Larry Diamond agrees in stating that civil society carries out many central functions for good democratic development by challenging the power of the state and confronting any abuses of its authority by scrutinizing the degrees in which human rights laws have been broken in development processes⁴⁴. In thus doing, civil society plays a major role in educating citizens of their responsibilities and rights as they integrate the most marginalized social groups in decision making processes. Through this, the marginalized are able to form a community with the same interests in economic and political reforms⁴⁵. In this way, individuals are active in driving development that benefits them collectively and individually.

In short, civil society provides an opportunity for those who are not involved in state making decisions to enjoy a freedom of expression where their voices can ultimately challenge the government and its agendas. Civil society is especially vital for the protection of the most poor and neglected citizens. Understandably, civil society plays a progressively more vital role in governance and development globally, however in many developing countries awareness about the movement of civil society is rather limited. This means that opportunities for civil society and their stakeholders to unite and discuss current issues that affect individuals in the community are rare mostly due to economical constraints.

⁴² Ibid.

⁴³ Keck, E. Margaret and Sikkink, Kathryn. 1998.

⁴⁴ Leonard, Jeffery. 1989

⁴⁵ Makumbe, John. 1998.

2.5 Civil Society in Africa, a Weakness in Developmental Processes

Although they are of crucial necessity in the region, the role and abilities of civil society in the African context has become increasingly problematic. John Makumbe argues that because there are some organized groups of people who take on non-state activities in the aim of exercising pressure on governance in order to assure positive socio-economic changes, it is only to that extent that civil societies in Africa exist⁴⁶. However, due to financial, organizational and operational limitations, civil society in the sub-Saharan African region is weak and can barely claim subsistence. For Makumbe, these imbalances in within African civil society make it nearly impossible for the organizational bodies to successfully represent, promote and protect the interests of the marginalized⁴⁷.

Due to the fact that many aspects of the region are still experiencing major developmental changes, civic groups in sub-Saharan Africa are incapable of self-sustenance independent of support from the state or international donors⁴⁸. This means that initially, their autonomy is compromised as they are forced to push for the agenda of their financial supporters. Accordingly, the rights and views of the marginalized are rarely protected the ability to embark on change is weak. In addition, Makumbe argues that lack of knowledge and awareness of the way in which government functions or how policies are prepared is also what confines civil societies due to the fact that government officials in Africa have a tendency to covetously safeguard valuable information from the public sphere as a form of maintaining state control⁴⁹.

In her observation about the weaknesses in civil societies of the Sub-Saharan African, Naomi Chazan notes that associations in the region face too many issues and thus face challenges in maintaining an organizational focus. For Chazan, societies can only achieve true victory when they have rather specific and limited objectives, and in addition have their own resources as well as possess a middle level in society as a whole without being parochial⁵⁰.

⁴⁶ Ibid

⁴⁷ Ibid.

⁴⁸ Ibid

⁴⁹ Makumbe, John. 1998.

⁵⁰ Chazan, Naomi and Harbesan, W. John. 1994. Civil Society and the State in Africa. Lynne Rienner Publisher. London.

Therefore, in the African scenario, this can be quite problematic as autonomous capital is not only challenging to gain but finding civil society members that are at the middle level of society and employed outside of government is rare. Additionally, she adds that to find such individuals as members of the association who are unbiased and support unconventional issues that challenge government is infrequent in the region⁵¹.

This is to say that not only are civil societies in Africa confronted by lack of resource sustenance that can have a great impact on supporting whatever agenda they aim to push, but they are also defied by the organizational structure within the organization itself which can determine the way in which issues are dealt with. This has been a great concern for feminist scholarship on the notion.

2.6 Civil Society in Question. A Feminist Perspective

Although civil societies have been praised to be if not the back bone of democratic culture and thus desirable human development, feminist critiques of the notion go further to argue that the social organization within civil groups are not free from inequalities, fragmentations and rivalries which in turn limit the liberty and individuality of their members who truly wish to fight for their cause. For Sibel Cekic, due to the fact that within civil groups there is competition for influence, power and material resources and because associations mirror societal hierarchies and inequalities based on class, gender, religion and ethnicity they will also reinforce and maintain the same value system that they come from⁵². It is therefore in this way the unions composed in the civil society sphere place limitations on the freedoms and individuality of their members as they tie them down with institutional conventions and rules.

On the same note of critiquing the social composition within civil societies Nelso Kafir declares that conventional associations mechanically permit the gender understandings of the African the traditional social order to exclude recognition of the many organizational activities of women as public behavior in male dominated governance⁵³. For Kafir, because by description civil society begins where the family leaves off to meet the public sphere, the

⁵¹ Ibid.

⁵² Cekic, Sibel.2008.

⁵³ Kafir, Nelso.1998. The Conventional Notion of Civil Society; A Critique. Routeldge, Volume 36. Issue 2. pp. 1-20.

women's subordinate position in the family is most likely to be ignored⁵⁴. This can be extremely problematic in cases of dam construction where many of the women in the targeted area are subsistence farmers and thus need to be included in development and resettlement planning. If the women are already initially marginalized by their societies and in terms of their ethnic group or religion, then a civil society group of those women will most likely be marginalized as well. This could make it very difficult for their agendas to be pushed and revered in the political arena.

In recognizing marginalization in the African civil society arena, Aili Mari Tripp asserts that the problem with women's associations in the region is the state's failure to recognize the groups as participating civil societies as they may not engage the state itself. That is to say, although their efforts aim to protect their individual freedoms, health and economic well being, activities of which are in line with those of a civil society, the group may be marginalized because the members that constitute the group are women.⁵⁵

The feminist positions of looking at civil society, especially in regards to Africa are important to take into consideration as they illustrate the gaps in the democratic practices and thus processes which limit freedoms and development as a whole. If civil society is a necessary condition of democracy and democracy is in turn a prerequisite of development as it an expression of freedom, then the in depth analysis of where civil society has gone wrong in Africa is truly a revelation of the weaknesses in developmental procedures on the continent as a whole.

2.7 Conclusion

Amartya Sen argues that development should be a form of freedom that allows all individuals, even the most marginalized and poor to decide for themselves their preferences of the good life⁵⁶. Thus, collective individual agency is necessary in order for choices to be

⁵⁴ IBid.

⁵⁵ Tripp, Aili Mari.1998. 'Expanding 'civil society': Women and political space in contemporary Uganda', Commonwealth & Comparative Politics, Volume 36. Number 2, pp. 84 — 107.

⁵⁶ Anand, Sudhir and Amartya, Sen. 2000.

made regarding what should and should not be imposed on societies in the name of development, and thus also, sustainable development.

Civil society is the medium that offers participation of the poor at national level to challenge states that impose development projects on individuals in the name of sustainable development. Due to the fact that civil society attempts to restrain state power in major decision making processes its very existence means that fair democracy is exercised which accordingly translates to the realization of equal development on all social groups. Therefore, it is at the civil society level where development becomes a form of freedom.

It is in this way that civil society plays a major role in monitoring the type of development projects employed by the state and thus, a critical tool in achieving sustainable development as it a medium of ensuring human development and maintaining human freedoms.

However, within the framework of Africa, the venture of civil society in itself has been problematic. This is mainly due to the fact that African civil societies are underdeveloped due to weak middle class societies that lack the resources to sustain autonomous associations⁵⁷.

Additionally, it is rare to find civil society members in the sub-Saharan African region who are not members of the government, which again places a strain on which agendas are supported since competition and power relations within the organization can lead to a biased schema. All these factors that weaken the African civil society can hinder democratic decision making processes which as a result can affect the way of life of many marginal groups.

If human development means that individuals through development have the freedom to choose for themselves their account of the good life, then sustainable development will be difficult to achieve if African civil society is not strengthened. Since projects which change the way of life of the already marginalized are imposed without contestation due to weak civil society, the promise of sustainable development may only be for a select few.

⁵⁷ Chazan, Naomi and Harbesan, W. John. 1994.

Chapter 3

Methodology

Introduction

Social sciences have different ways of looking at problems which are both legitimate, but here are some of the pitfalls with both quantitative and qualitative research. On the one hand, scholars such as Fred Kerlinger argue that although quantitative data may miss contextual detail, it remains more efficient especially in regards to the testing of hypotheses. Supporters of qualitative research proclaim that it is 'more rich' and less able to be generalized⁵⁸ while supporters of qualitative research in the social sciences methodology have argued that case studies are crucial instruments that help develop policy relevant theories.

This section at of the paper explains why case study was the chosen methodology for the research. It explains and what a qualitative research is, highlighting its advantages and disadvantages and then moving on to argue why case study is the set methodology for the paper.

3.1 What is Qualitative research?

Qualitative research is a form of social investigation that focuses on the way people construe and make sense of their experiences and the world in which they live⁵⁹. It is a type of research designed to explore the behaviour, perspectives and experiences of those who are studied and to explore the factors that create the social behaviour in and around the targeted area.

Dissimilar from quantitative research which is based on statistics and mathematics, qualitative data is a descriptive in-depth account that uses concepts and theories to explain its targeted area of study⁶⁰. Earl Babbie proclaims that the purpose of qualitative research is to understand human engagement from the view point of those who are the centre point of the research.⁶¹ Accordingly, qualitative research has been widely used in disciplines such as

⁵⁸ Niell, James. 2007. Qualitative Versus Quantitative Research: Key Points in a Classic Debate. Available at <http://wilderdom.com/research/QualitativeVersusQuantitativeResearch.html>. Retrieved on 12 September 2010.

⁵⁹ Holloway, Immy. 2007. Basic Concepts for Qualitative Research. Blackwell Science, London.

⁶⁰ Ibid

⁶¹ Babbie, Earl. 2004. The Practice of Social Research. Oxford University Press Southern Africa, Cape Town.

sociology, anthropology and psychology. Recent interest in the methodology has stretched it away from social sciences making it popular in fields such as business and organisational studies which previously favoured quantitative and statistical based research⁶². This however is a relatively modern maturity as there has been much debate over the advantages of quantitative research over qualitative and vice versa.

3.2 Critiquing Qualitative Research

Quantitative database collectors have disapproved of qualitative research on several views. One of the most popular criticisms of qualitative data is that it is too subjective and impressionistic⁶³. Analysts assert that the methodology depends too much on the researchers own unsystematic view points and on what they see as important⁶⁴. For qualitative researchers, the weakness in this method is that depending on the subjective view of the researcher, any variable may be chosen to support the selected study and theory. Therefore, the data is not reliable or factual as is derived from the observations of one or two people⁶⁵.

Accordingly, critics of qualitative data capturing tend not to approve of the method as it begins with open-ended manner, giving little information as to why one area of study was chosen over the other until the narrowing down of research questions is tackled. This differs greatly from quantitative investigation, which tackles its problem statement at the immediate start⁶⁶.

Another critique of qualitative data is, because it is subjective and relies on the originality of the researcher, qualitative data cannot be replicated and thus can only do justice or help the specific case being studied⁶⁷. This is largely because the data collected is based on what is decided by the researcher. Therefore, what is observed can only help bring clarification to that particular case and not others, as the specific findings cannot in anyway be applied to other scenarios as this would otherwise be generalization. For quantitative researchers, this

⁶² Ibid.

⁶³ Bryman, Alan and Bell, Emma. 2007. Business Research Methods. Second Edition. Oxford University Press, New York.

⁶⁴ Ibid.

⁶⁵ Niell, James. 2007.

⁶⁶ Ibid.

⁶⁷ Ibid

means that the data and findings collected are restricted and thus are not useful for anything outside of the targeted subject area case study⁶⁸.

In short, critics of qualitative research disapprove of case study as a form of research as data is collected from a subjective point of view and may be bias, challenging any form of generalisation. Additionally, critics claim that it is hard to draw unambiguous cause and effect conclusions as the variables chosen by researchers are derived from their own genuine interpretation of the subject matter.

3.3 Why Qualitative Research? Why A Case Study?

Case study is one of the many forms of qualitative research. Among others are interviewing, participant and nonparticipant observation, document analysis, and correspondence⁶⁹.

Although this paper has principally employed case study as its methodology, other forms such as document analysis and correspondence are used in support of the investigation as part of the case study.

Alexander George and Andrew Bennett have asserted that case studies are commonly strong especially where statistical methods and formal models are weak⁷⁰. For them, case studies are valuable in that they allow a testing of a proposed hypothesis however, they are also predominantly beneficial for the development of a theory⁷¹.

Unlike statistical studies which tend to group together unrelated cases in order to have a larger sample, case studies allow for more of a conceptual development⁷². In this way the researcher can determine indicators that best embody theoretical concepts which lie at the heart of the investigation. This form of methodology provides the perfect platform to explore variables such as democracy, political power and state strength which are otherwise difficult to measure by social scientists in quantitative methods⁷³. These variables, which also represent theoretical concepts, tend to require contextualized comparisons that look at addressing the relevance that the variables translate to organizational systems⁷⁴. This means

⁶⁸ Ibid.

⁶⁹ Holloway, Immy. 2007.

⁷⁰ George L. Alexander and Bennet Andrew. 2005. Case Studies and Theory Development in the Social Sciences. MIT Press. Cambridge, Massachusetts.

⁷¹ Ibid.

⁷² Holloway, Immy. 2007.

⁷³ Ibid.

⁷⁴ Ibid.

that appropriate factors must be considered in detail which can in actual fact only be done through case study research as statistical studies do not provide such activity⁷⁵.

Another advantage of case study research is that it allows an in depth detailed analysis of causal mechanisms in individual cases which statistical research often overlook⁷⁶. In a single case intervening variables are observed in order to understand the way in which systems operate. This phenomenon is critically important in the social sciences as not only does it help to back up theory, but it also assists in illuminating issues that may have previously been missed⁷⁷. This means that case studies unravel the links between variables that may otherwise have been disregarded. Accordingly, case studies in detail identify which conditions trigger the causal mechanisms⁷⁸.

Statistical studies, which leave out contextual factors except those that are marked for measurement or utilized for representing a number of cases, ignore many contextual and interconnected variables which case studies particularly pay attention to⁷⁹. That is to say, case studies are commonly strong especially where statistical methods and formal models are weak. Case studies are valuable in that they allow a testing of proposed hypothesis, and are principally constructive for the development of a theory⁸⁰.

Alexander George and Andrew Bennett have asserted that case studies are practical for attaining high conceptual strength, and their ability to permit an aptitude for addressing causal complexity. That is to say, case studies allow researchers to explore causal relationships between variables which open pathways for strong a hypothesis to be derived⁸¹.

Through case studies, researchers can measure indicators that best embody theoretical concepts which the researcher intends to explore. For social scientists interested in variables such as democracy, political power and state strength case methods are critical as statistical research and formal methods do not allow an in-depth analysis of such factors.

Case studies have been used a wide-range of investigations particularly in the sociological studies and are designed to bring details from the view point of the participants by using

⁷⁵ Ibid.

⁷⁶ George L. Alexander and Bennet Andrew. 2005.

⁷⁷ Ibid.

⁷⁸ Ibid.

⁷⁹ Ibid.

⁸⁰ George L. Alexander and Bennet Andrew. 2005.

⁸¹ Ibid.

multiple sources of data⁸². It is for this reason that this form of methodology is best fitting for this research as it gives voice to the marginalized.

Case methods are inclined to be selective, focusing on one or two issues that are fundamental to understanding the system that is to be examined and analysed. Additionally, case studies allow a multi-perspective analysis which means that not only does the researcher consider the voice and perspective of the actors, but also of the relevant groups of actors and the interaction between them. In this way, a case study can give a voice to the powerless and voiceless.

3.4 Conclusion

In short, case study as a form of qualitative research is a good source of cause and effect revision as it takes an in-depth look at rare phenomena within communities and systems. This alone provides a platform to confront theoretical assumptions and bring about a new hypothesis into play in the social science arena.

Although there is much criticism around the use of qualitative data collection and case study research, the advantages of this type of methodology that have previously been discussed are favourable for this paper.

As this document looks to examine the cause and effect around dam construction, case study is chosen as suitable methodology. As quantitative research would disregard essential activities that affect the behaviour and livelihood of a community, qualitative research in the form of case study is most appropriate for this analysis as it allows the use of theory and is more considerate of those who are marginalised.

⁸² Ibid.

Chapter 4

The Politics of Funding Sondu Miriu, Globalization and Fair Development.

Introduction

Dam construction arises from a series of decisions taken from the initial planning process through to the final authorization of a project and financial closure. At every stage different actors are involved such as government organizations, either public or private, financing agencies, consulting companies and equipment suppliers⁸³. Each group promotes its own self interests throughout the process which can range from profit, political power, property rights and livelihood⁸⁴. However, bilateral and multilateral development funding agencies are crucial for dam construction especially in the Kenyan context as the government cannot meet construction expenses without assistance from external support. Therefore, dams are a site for international relations to take place where globalization and fair sustainable development can be analyzed.

This section looks at the interplay between the both the Kenyan and Japanese government, the Kenya Electricity Generating Company and the Japanese Bank for International Cooperation through the context of globalization and its responsibilities towards the sustainable development of rural farmers in western Kenya.

In this section most consideration is paid to the interplay between public agencies of global governance such as the Japanese Bank for International Cooperation, and World Bank (for the reason that the JBIC changed its EIA policies to fit those of the World Bank before funding the second phase of the Sondu Miriu Dam),⁸⁵ as well as the Kenya Electricity Generating Company, a state owned organization. The motive behind focusing on the institutional bodies is simply due to the fact that they represent the interests of the establishments at both the regional and international level, standing for the cause of the cause of sustainable development. By looking at these establishments one is exposed to the issues discussed around the causes of weak civil society in the area due to lack of domestic and international financial support.

⁸³ World Commission on Dams. 2000. Dams and Development: A New Framework for Development. The Report of the World Commission on Dams. Earthscan Publications Ltd, London.

⁸⁴ Ibid.

⁸⁵ Wanjiru, Jennifer. 2002. Kenya: Japan Suspends Funding For Sondu Miriu. Corp Watch: Holding Cooperation's Accountable. Available at: <http://www.corpwatch.org/article.php?id=92>. Retrieved on 2nd February 2010.

The first part of the chapter is focused on the events that lead to insecurities around the construction of the power plant and the controversy behind funding the second phase of the project, looking at the reasons why the Japanese government continued to support the project development regardless of the negative implications it inflicted on to both the livelihoods of the rural farmers and their environment. The second and last part of this chapter explains the decision to approve and continue the funding Sondu Miriu in the context of globalization and its influences on the decision making processes of the elite in both the developed and developing nations. At this point fair development in relation to an active civil society is discussed.

In short, this section examines the activities of the regional and international bodies and how those activities marginalized civil society and fair development.

4.1 History of the Dams Funding

Controversy over the construction of the Sondu Miriu Hydro Power Plant was due to allegations that there was a misappropriation of funds and concerns over its impact on the environment and the community in the area.

The blueprint of the ⁸⁶Sondu Miriu Hydro Project was on the outset assembled by the Japan International Cooperation Agency, a Japanese foreign ministry affiliate and Kenya's Lake Basin Development Authority in 1985, but it was only in 1995 when Kenya officially appealed to Japanese officials for a loan to implement the project⁸⁷. The Loan Agreement between the two countries was confirmed in 1997, yet construction only began for the first phase of the project in March of 1999. While the Japanese Bank for International Cooperation funded 80% of the project, 20% was left to be covered by Kenyan Electricity Generating Company (KenGen)⁸⁸.

Issues around the construction of the dam began to surface in 2000 when two Japanese journalists were arrested for covering an 'illegal' assembly of local residents who were

⁸⁶ Kenya: The Sondu Miriu Hydropwer Project. Japanese Involvement in the Project. Available at: <http://www.foejapan.org/en/aid/jbic02/sondu-miriu/involvement.htm>. Retrieved on. 27th January 2010.

⁸⁷ Ibid.

⁸⁸ Sakiti, Lydia. 2002. *Sondu-Miriu: Awaiting Word from Japanese Government*. Kenya Times Available at: <http://www.marsgroupkenya.org/multimedia/?StoryID=20228&p=Ministry+of+Foreign+Affairs&page=25>. Retrieved on 02 February 2010.

complaining that the Kenyan government had decided to build the dam without permission from the local community⁸⁹.

‘This project has characteristically proceeded without community consultation’⁹⁰.

This implies that the sustainability of the regions poor was not taken into account as members of the community; especially those who depend on the targeted area for agricultural purposes were marginalized in discussions about the scheme.

The Sondu Miriu community and NGO’s such as the African Water Network and Climate Network were dissatisfied with the promised economic opportunities, compensations for any loses and the environmental impacts that were associated with dam construction⁹¹. In fact, opposition against the power plant became so strong that it lead to the Japanese government’s unwillingness to funding the second phase of the project⁹². While the Japanese parliament and law makers were deciding whether or not to continue with the project, the Kenyan stakeholders KenGen, were pushing for their international counterparts to agree to the project regardless of the alleged negative impacts as they were facing difficulties keeping their expatriate contractors at the construction site until the Japanese officials came to settlement⁹³.

From this experience alone, it can be assumed that fair development was not a central theme motivating Kenyan officials as negative impacts of the project were peripheral to construction and the view point of opposing bodies were disregarded. As previously mentioned in chapter 2, claim A asserts that without an active civil society in preliminary decision making procedures, fair development though dam construction cannot be achieved. The activities of KenGen suggest not only a weak and inactive civil society but also one that is depreciated.

Additionally, during the time of the parliaments assembly over the case, the Japanese Bank for International Cooperation and the Japanese Government linked their requirements for environmental and social impact assessments to suit those of the multinational conditions of the World Bank and the International Monetary Fund which place greater emphasis on re-

⁸⁹ Statement of Protest to the Japanese Government by the Sondu-Miriu Community Advocacy Group. Available at: <http://www.foejapan.org/en/aid/jbic02/sondu-miriu/statement12172000.htm>. Retrieved on 27th January 2010.

⁹⁰ Ibid.

⁹¹ DAM-L Urgent: Sign-On Letter on Sondu Miriu River Hydro-Electric Power Project Kenya. Available on:

⁹² Kenya: The Sondu Miriu Hydropwer Project. Japanese Involvement in the Project. Available at: <http://www.foejapan.org/en/aid/jbic02/sondu-miriu/involvement.htm>. Retrieved on. 27th January 2010.

⁹³ Oywa, John. 2002 Kenya: Impose over Sondu Miriu Project Costing Kengen Sh90m Monthly. Accessible at: <http://allafrica.com/stories/200211010627.html>. Retrieved on: 30 January 2010.

evaluating decision-making procedures for the planning and operation of dams⁹⁴. Accordingly, it is no longer considered acceptable to only maximize the economic profits from a dam. To guarantee sustainability, it must be seen that both environmental impacts as well as human rights issues are considered in the process of evaluating the advantages of constructing a hydropower plant⁹⁵. Both the World Bank and IMF insist that it is compulsory for a dam to provide water supply, agriculture, fisheries and power generation requirements as the necessities of the communities dependent on the natural resources of the rivers ecosystem⁹⁶.

In accord, the International Hydropower Association set the following guidelines for dam construction approval.

- “Provide affected communities with improved living conditions.
- Improve public health conditions for impacted communities.
- Ensure equitable distribution of the benefits of the project, particularly to affected and vulnerable communities, through processes such as revenue sharing, training programs and educational outreach.
- Ensure that the local knowledge of communities and stakeholders is utilized in project-planning.
- Support additional community infrastructure associated with the project, particularly water and electricity connection, where positive benefits to the community will result.”⁹⁷

Although this may have been a progressive shift made by Japan to link their requirements for development projects to those of the World Bank and International Monetary Fund, it did not help in the case of Kenya’s Sondu Miriu dam as the destruction mentioned below had already been inflicted to the regions environment, and social economy.

- “The habitation of wildlife in the Koguta forest is being disrupted as a result of trees being felled for use in the project.
- Fishermen upstream of the project have lost their sole source of livelihood and income.
- The community is against the diversion of the river because this interferes with the eco-system⁹⁸.”

⁹⁴ Caring, Joan. Japan Bank for International Cooperation (JBIC) Guidelines for the Confirmation and Environment and Social Considerations; Its implications on Indigenous People. Overview Paper. Accessible at: <http://regionalcentrebangkok.undp.or.th/practices/governance/ripp/docs/4th%20FINAL%20JBIC.pdf>. Retrieved on: 30 January 2010.

⁹⁵ McCartney, P. Matthew. 2007. Decision Support Systems for Large Dam Planning and Operation in Africa. Working Paper 119. The International Water management Institute., Colombo.

⁹⁶ Ibid.

⁹⁷ Ibid.

⁹⁸ Kenya: Sondu- Miriu Hydropower Plant. Sondu Miriy Community Advocay Group. Statement of Protest to Japanese Government. Available at: <http://www.foejapan.org/en/aid/jbic02/sondu-miriu/statement12172000.htm>. Retrieved on: 3rd February 2010

Critics say that abandoning the half finished dam project would have created serious socioeconomic disorder and uncontrolled environmental disasters in the region and thus, there was no choice but to continue with the project. For this reason which the Japanese government agreed on funding the second phase of the power plant in 2003, leading to controversy over dam construction.⁹⁹

Not only does this highlight a weakness in the ability for a civil society to mobilise and influence a decision at this stage, but it also brings to light the issues around weak civil society in Africa that Makumbe enforces.

4.2 Globalization and its effects on Fair Development.

Denis Goulet has argued that:

“The current pattern of globalization fosters development that is elitist, inequitable and unsustainable as participation by non elites is rarely authentic because it is manipulated, unduly circumscribed or confined to micro arenas¹⁰⁰.”

According to Goulet the great wealth created by globalization is concentrated unevenly in few hands which destroys livelihoods and prohibits many poor individuals, communities and countries from access to economic advancement.

For scholar Ohiorhenuan, the process of globalization challenges the role of the state's autonomy in relation to external pressures threatening its diplomacy¹⁰¹. In agreement, Tandon also asserts that globalization reduces the nations control over its own economy, allowing the wealthier international players to have power over the internal affairs of a developing country¹⁰². That is to say, the movement of globalization through its encouragement of economic liberalism has been praised to the point where finding an alternative to challenge it has become unattainable. Thus, for African governments, globalization has placed them in the most vulnerable position, especially in the context of decision making procedures.

With the case of Sondu Miriu, it is evident that the Kenyan government and its stakeholders, had yielded to the constraints of globalization, disregarding the need to empower the poor

⁹⁹Wanjiru, Jennifer. 2002.

¹⁰⁰ Goulet, Denis. 2005. Global Governance, Dam conflicts and Participation Human Rights Quarterly. The John Hopkins University Press. Volume 27, Number 3, pp881-907.

¹⁰¹ Ohiorhenuan, J.F.E. 1998. The South in an Era of Globalization in: Cooperation South, The South and Globalization. No. 2, pp. 6-15. Pg. 19.

¹⁰² Ibid.

and instead prioritized the economic benefits of a hydropower plant over the welfare of a subsistence farming community long before impact assessments were carried out. This situation is in accordance to Richard Groves's argument that developed countries encourage sustainable development yet neglect to restructure the international political scene to support it.¹⁰³ Thus, by accepting globalization, multinational institutions such as the Japanese Bank for International Cooperation, and both the Kenyan and Japanese governments also support a process that constrains the very people that are at the focal point of sustainable development.

Caroline Thomas insists that international development, including sustainable development, is a business for capitalist states¹⁰⁴.

"The liberal ideology, espoused by powerful states and institutions, and accepted by the majority of governments, has offered a blueprint for global development. This model of development, with its associated methods and objective, is assumed to be in the interest of all humanity, and it is assumed to have unquestionable authority as it is presented as common sense¹⁰⁵."

Therefore, if sustainable development is to be achieved, then there needs to be a different type of global governance that reflects on the needs of the disadvantaged in the developing countries instead of the economic needs and interests of developing world governments that are controlled by capitalist states which are also only a hand full of the world's population. Sustainable development entails that developmental policies and strategies have the redistribution of resources at the core of its goals, which will require an alternative form of global governance that is more concerned with the most vulnerable and disadvantaged groups, in this case the rural female farmers in the region.

In June 2001, The Daily Nation, one of Kenya's leading news paper publications reported that:

"Members of a women's lobby group opposed to the construction of the Sondu-Miriu power plant yesterday claimed their lives are in danger¹⁰⁶."

The protest not only elucidates that local voices have been marginalized in initial decision phases of the project, but also that locals failed to find a platform to mobilize themselves for organized collective action in order to confront the stakeholders and implementers. This can

¹⁰³ Grove, H. Richard. 1996. Green Imperialism. Colonial Expansion, Tropical Island Edens and the Origins of Environmentalism 1600-1860. University Press, New York. Pg 486.

¹⁰⁴ Thomas, Caroline. 2001.

¹⁰⁵ Ibid.

¹⁰⁶ Sekoh-Ochieng, Jacinta. 2001. Kenya: Our Lives in danger, Say Activists. Accessible at: <http://allafrica.com/stories/200106060273.html>. Retrieved on 4th January 2010.

be due to many reasons, but for Holm and Molutsi, failure for a civil society to mobilize against the state is due to lack of knowledgeable persons within the group¹⁰⁷. As knowledgeable persons are intrinsic to the formation and maintenance of a strong civil society, it could also be for that reason that the group failed to organize a policy debate, the third element of a strong civil society, (this weakness is analyzed more closely in the following chapter)¹⁰⁸. Thus, lack of knowledgeable persons and a policy debate is what might have lead to the public protest by the women's lobby group, perhaps as a last resort. That is to say, the public protest by the Sondu Miriu women is indicative of the fact there is no real communication between government and its people, highlighting inactive mechanisms crucial for achieving fair development.

John C. Rodda has argued that women's experiential knowledge tends to be undermined or overlooked in the debate of sustainable development¹⁰⁹. Within the framework of the Sondu Miriu Hydropower plant it has been evident that the complex social and economic relations women have with the environment has not been given primacy. Since electricity supply and the Kenyan economy were prioritized over the sustainability of subsistence farming and local livelihood, the case of Sondu Miriu suggests that in this case development is a business agenda where the state and its economy are the primary objective. For Sen who commends for development as freedom, this experience is not one that embraces true development where active human beings are involved in the process of social change¹¹⁰.

4.3 Dam Controversy and Fair Development

Due to the fact that the Kenyan government eagerly pushed for financial support from their international counterparts, finding other external institutions willing to support a local civic group against government activities would be an invitation that jeopardizes the international relations with both Japan and Kenya. Therefore, civil society is forced to work independently without much financial assistance from outside donor for any external assistance would be facing the both the Kenyan and Japanese government as well as perhaps the World Bank.

The controversy of funding the Sondu Miriu hydropower plant is very crucial as it brings to light the negative social and economic impacts of the dam that were not initially taken into account by both governments and stakeholders. While the verdict to continue the already

¹⁰⁷ Holm, D. John, Molutsi, P. Patrick. 1990.

¹⁰⁸ Ibid.

¹⁰⁹ Harcourt, W. Ed. 1997. Feminist Perspectives on Sustainable Development. Zed Books Ltd. London, pg 128.

¹¹⁰ Corbridge, Stuart. 2002.

established project was agreed on, damage to the community had already been done. Had there been a form of community consultation prior to pursuing construction, especially with the subsistence farmers, harmful social and environmental impacts of the development would have been discussed. This would have reduced controversy over funding as both the environmental and social impact of the project would have been measured. This experience illuminates the invisibility of an active civil society in the early stages of the projects development.

4.4 Conclusion

Project planning for the construction of the hydropower plant was handled by the Kenyan Electricity Generating Company and the Japanese Bank for International Cooperation. The fact that protests built up controversy against the funding of the second phase of the project illuminates the fact that the public was not actively involved in the process of development and that the Japanese Bank and KenGen did not take into consideration the negative effects that the project could have on the environment and its community. This suggests that the implementing bodies were more concerned with the economic benefits of the project.

Debates around globalization and its impact on sustainable development suggests that developing states do not have any real autonomy to decide for themselves the way in which development should be implemented and that achieving any form development lies in the hands of the developed nations, in this case Japan. Both officials from Japan and Kenya continued with the project despite its damage to the environment and the surrounding community. This is a statement about how those with decision making powers, that being the elite, can marginalize the participation of the poor from projects that effect their livelihoods, achieving goals that satisfy state interests in the name of development.

Additionally, the proceedings between Kenya and Japan elucidate a political environment driven by globalisation where decision making freedom is in the hands of the political elite who have access to financial resources. Such factors consequently create a political environment where civic associations have difficulties finding financial assistance from both national and international agencies. This as a result weakens the general capabilities of the civic group.

Protests against dam construction speak the existence of a weak a civil society lacking knowledgeable man power that is able to create a platform for the public to confront its state

through policy debate. Lack of such a platform also speaks of feeble communications between the state and its public and thus a problematic stage in the development process.

The next chapter looks more closely at the proceedings and the interactions between the Sondu Muriu Advocacy group and its stakeholders in alliance to the elements that consolidate a strong civil society presented by Holm and Molutsi.

Chapter 5

Looking at the Strength of the Sondu Miriu Advocacy Group as a Civil Society.

Introduction

There are many factors that constitute the strength and weakness of a civil society. This chapter seeks to explain why civil society in the case of dam construction in Sondu Miriu was distinctively weak, characterised by a feeble organisational structure, lack of knowledgeable man power and low levels of participation by ordinary citizens. The chapter presents a detailed account of the events that lead to the failure of the Sondu Miriu Advocacy Group, examining the corruption of the implementing bodies, the vulnerability of the community to explaining why dam construction became an arena for both the Kenyan and Japanese state to take advantage of their power, resulting in development that did not empower the targeted community.

The first part of this chapter examines the civil society's organisational structure in order to analyse the association and its relation to its locals. The chapter then moves to look at information as a source of influence and the ways in which lack of knowledge weakened the society's influence over the state and how that marginalised the public from developmental and decision making processes.

5.1 Weak Organisational Structure

For Holm, Molutsi, and Cekic organisational structure is imperative to the influence and power of a strong civil society. Holm and Molusti assert that the elements which constitute a sound organisation structure are the regular exchange of persons in leadership positions who launch programs servicing members, the employment of permanent staff, as well as the securing of dependable earnings for the association.

Although knowledge about various elements around the formation of the Sondu Miriu Advocacy Group such as the regular exchange of persons in management positions, the employment of permanent staff, as well as the securing of dependable earnings for the association is limited, an analysis can be made around Cekic's critique a civil societies organisational structure in order to determine the groups weakness.

For Cekic, the strength of a civil society lies in an organisational structure that does not mirror a hierarchy of class and gender as represented in the external social realm, but rather an organisation where fair representation of all members of the group is revered, allowing for all affiliates to have voice and to push an agenda of their choice.

Also, despite lack of information about the arrangement the civil society representing Sondu Miriu, other organisational bodies such as the Technical Committee which could have had the same influence as the civil society, had structural deformations in their organisation.

The Technical Committee was set up in 2001 as a medium designed for discussions about the hydropower plant to take place, consisting of project officials and some local residents.¹¹¹

The main concerns of the group were to examine whether the flow of water would be adjusted when required as well as assessing the environmental and social impacts of the development.¹¹² Additionally, the main responsibilities of the committee were to address important issues with regards to the functions and operations of the dam, thus making it an influential body in the developmental process.

In the letter to the Japanese government, the NGO Coalition criticizes structure the Technical Committee, bringing to light that:

“The current composition of the TC is not representative of all interest groups. The majority of the members of the TC are composed mainly of KenGen nominees. We also recommend that the following interest groups be represented in the TC: representatives of youth, women and employees from the affected communities¹¹³.”

Here it is brought to light that woman and other social groups were marginalized in the delegations.

In another letter to Mr. Watanuki Tamisuke, the speaker of the House of Representatives and the Japanese Prime Minister, Mr. Koizumi Junichi, the NGO Coalition group was criticised:

“We are not clear about the kinds of NGOs who have been allied for their cause. Nor are we sure about the degree in which these NGOs represent the residents’ concerns. However, the Committee will examine and judge these matters. Based on our recognition that the Committee serves as an important place of discussion to carry

¹¹¹ Kenya; The Sondu –Miriu Hydropowerplant Project. 2001. The Written Answer by the Cabinet. Answered by Mr. Koizumi, Junich, The Prime Minister of Japan. Available at:
<http://www.foejapan.org/en/aid/jbic02/sondu-miri/reply-diet0523.htm>. Retrieved on: 27th January 2010.

¹¹² Ibid.

¹¹³ Kenya, The Sondu Miriu Hydro Power Plant. 2001. NGO Coalition’s letter to The Japanese Government on the Technical Committee on the SMHPP. Accessible c if u wanna write available ? at:
<http://www.foejapan.org/en/aid/jbic02/sondu-miri/request09242001.htm>. Retrieved on 30th January 2010.

out this project smoothly, we are requesting the Government of Kenya to make this Committee to be of the most appropriate form to deal with the operational problems of this project, reflecting opinions of the local residents and NGOs¹¹⁴.”

From the two correspondences it is evident that there are issues around those who are meant to represent the locals and the organisational configuration of the institutional bodies. Both parties are undecided about the correct representative for the community. Although little is revealed about the structure of the NGO coalition, what is disclosed about the technical committee is that the representation of persons from all social groups is uneven.

In another official statement of protest directed to the Japanese Foreign Minister, Mr Kono, residents complain that:

“The so-called community members they speak with are people who have been given procurement contracts for the project implementers and do not come from the affected communities. Additionally, we have heard that Japanese officials have been at Sondu-Miriu and met with community members. We wonder who these so-called "community members" are yet we members of the community have not been accorded the privilege of meeting with the Japanese Government and officials.¹¹⁵”

For Cekic, this is a major flaw within the structure of the civic association as it means that the community and its minorities are excluded from talks due to unequal representation in the society's formation. For Cekic, further exclusion of minorities can lead to the total disregard of agendas which may be crucial for the sustenance of the area and its locals. This can be looked at in regards to the complete segregation of women who are also the areas subsistence farmers.

“Women were not involved in consultations for the project neither did they play any role in various committees installed by the project¹¹⁶.”

Considering that it is mostly women who are subsistence farmers in the region, neglecting to pay attention to the role they play in their society can have detrimental effects on development as a whole. Thus, the presence of women in the civic group is imperative not

¹¹⁴ Ibid.

¹¹⁵ Statement of Protest to the Japanese Government by the Sondu-Miriu Community Advocacy Group. Available at: <http://www.foejapan.org/en/aid/jbic02/sondu-miriu/statement12172000.htm>. Retrieved on 27th January 2010.

¹¹⁶ International Rivers: People Water Life. 1999. The Impacts of Sondu-Miriu River Hydro-Electric Power Project on the People of Nyanza. Available at: <http://www.internationalrivers.org/en/africa/impacts-sondu-miriu-river-hydro-electric-power-project-people-nyanza>. Retrieved on: 24 February 2010.

only to ensure a strong and influential civil society through its organisational arrangement but also for achieving the goal of fair development.

From this, according to Holm, Molutsi and Cekic, from the onset it is apparent that there are weaknesses in the organisational structure of the civil society representing the residents of the dam construction area.

5.2 Lack of Awareness Resulting in Weak Knowledgeable Man Power

Holm and Molutsi continue to argue that an empowered civil society is one in possession of knowledgeable manpower as through that medium a civic group can produce project papers and persuade educated state officials that there is a problem needing a solution which the government can present¹¹⁷.

The case of the Sondu Miriu dam construction presents a challenge to what Holm and Molutsi regard as knowledgeable persons. For the scholars, knowledgeable man power is comprised of educated individuals¹¹⁸. The case of Sondu Miriu however, introduces a new dimension which challenges their ideas around knowledgeably.

The Sondu Miriu Advocacy group and NGO coalition both consisted of educated group members, however they do not fit into the scheme proposed by Holm and Molutsi due to the fact that they had very poor access to information. Therefore, the civic association was educated but was not knowledgeable about the proceedings of the project due to lack of information. Letters of disapproval of the manner in which the development was pursued discloses that failure to attain access to information was a result of the corrupt approach in which dam construction planning was carried out.

“The secretive manner in which the project has been imposed on us without meaningful consultations and lack of access to project documents¹¹⁹.”

In a document of protest to the Japanese Government, the Sondu Miriu Community Advocacy group assert that they are:

¹¹⁷ Holm, D. John, Molutsi, P. Patrick. 1990.

¹¹⁸ Ibid.

¹¹⁹ Ibid.

“Appalled that a second disbursement is being made without consulting members of the affected community about their views of the first funding activities. This project has characteristically proceeded without community consultation¹²⁰.”

From this one can gather not only that the project was being pursued without informing the community members but also that the Advocacy group was disempowered by their lack of access to information. This perhaps completely weakened the civic group as without information, the assemblage could not produce informative policy documents to mobilize themselves and confront state actions. Additionally, inadequate information about the project makes it more difficult to find financial support.

In a document written by the NGO Coalition to the Japanese Government there is discontent for the reason that:

“There are no professionals with the capacity or technical know-how to tackle some of the complex nature of issues in the project. We therefore propose that the TC be expanded to include professionals (e.g., geologists, hydrologists, air and water pollution experts, legal experts, sociologists, economists, etc) who can tackle the complex issues arising from the project¹²¹.”

The above explains in detail the challenges facing the advocacy group in relation to their knowledge ability and the availability of information exposed to them. That is to say, regardless of the existence of educated affiliates, the advocacy group still did not have access to the correct information as various types of professionals were required in order to deal with all the challenges around dam construction in the area.

Holm and Molutsi have strained that civil societies in the sub-Saharan African region are weakened by their dependency on the state. The scholars assert that due to the fact that many educated professionals are employees of the state, it is challenging to form an authentic association of educated professionals who do not have priorities to the government. What is evident from the above correspondence is the civic group's dependency on a government body, in this case Japan to provide reliable information. Thus, it becomes difficult for the civic group to influence change and confront government bureaucracy as it is weakened by the insufficiency of knowledgeable man power.

¹²⁰ Statement of Protest to the Japanese Government by the Sondu Miriu Advocacy Group. 2000. Available at: <http://www.foejapan.org/en/aid/jbic02/sondu-miriu/statement12172000.htm>. Retrieved on 31st January 2010.

¹²¹ Kenya, The Sondu Miriu Hydro Power Plant. 2001. NGO Coalition's letter to The Japanese Government on the Technical Committee on the SMHPP. Accessible at: <http://www.foejapan.org/en/aid/jbic02/sondu-miriu/request09242001.htm>. Retrieved on 30th January 2010.

It is evident that insufficient information created an unawareness that allowed for an environment of corruption that further weakened the advocacy group.

In the letter to the Sondu-Miriu validation team, there are complaints that:

“Open Stakeholder consultations are nearly impossible when a community leader’s life was threatened because they spoke to openly about the project¹²².”

In a separate letter to the Japanese Government, complaints of the same corruption of power and express that:

“We deplore and find as unacceptable the continuous harassment of the NGO Coalition representatives at TC meetings by TC members who are agents of KenGen¹²³.”

This suggests corruption of power and harassment for locals to agree with interests of the stakeholders rather than their own community.

“The [Sondu Miriu] community is totally against rampant corruption by project officers¹²⁴.”

“The Technical Committee has been rendered ineffective and also subjected to manipulation by KenGen and other SMHPP implementers who have consistently disregarded recommendations¹²⁵.”

The corruption referred to above is in relation how the project was pursued without the consultation of the effected community as well as the way in which power has been abused to suit the interests of the stakeholders and the two governments rather than those of the local community.

In short, due to the fact that civil societies rely chiefly on information as a resource of power the advocacy group in this case failed to push their agenda for change and therefore also

¹²² International Rivers. 2007. Memo to DNV on CDM Validation for Sondu-Miriu Hydro (Kenya). Accessible at: <http://www.internationalrivers.org/chi/global-warming/memo-dnv-cdm-validation-sondu-miriu-large-hydro-kenya>. Retrieved on: 28th January 2010.

¹²³ Kenya, The Sondu Miriu Hydro Power Plant. 2001. NGO Coalition’s letter to The Japanese Government on the Technical Committee on the SMHPP. Accessible at: <http://www.foejapan.org/en/aid/jbic02/sondu-miriu/request09242001.htm>. Retrieved on 30th January 2010.

¹²⁴ DAM-L Kenya Dam Protest Letter/LS (fwd). Available at: <http://www.sandelman.ottawa.on.ca/lists/html/dam-l/2000/msg02290.html> . Retrieved on: 3rd January 2010.

¹²⁵ NGO Coalition’s Letter to the Japanese Government on the Technical Committee on SMHPP. 2001. Accessible at: <http://www.foejapan.org/en/aid/jbic02/sondu-miriu/request09242001.htm>. Retrieved on 30th January 2010.

failed to express and employ individual freedom. Weak knowledgeable manpower in the advocacy group led to greater impediments which permitted unfair developmental processes. Due to the fact that knowledgeable man power is imperative in order to ensure participation and open policy debate, the civil society was unsuccessful in achieving its purpose of action in the stages of Sondu Miriu's dam construction.

5.3 Failure to Implement Successful Policy Debate and Participation

Ren Jennings, asserts that participation entails the acknowledgement and use of local competence and avoids the imposition of priorities from any external forces. For Jennings, participation increases the likelihood that a development will succeed and ensures that its results will most likely be sustainable¹²⁶. Jennings continues to edify that:

“Participation is the involvement by a local population and, at times, additional stakeholders in the creation, content and conduct of a program or policy designed to change their lives. Built on a belief that citizens can be trusted with their own future, participatory development uses local decision making and capacities to steer and define the nature of an intervention¹²⁷.”

In harmony with the importance of participation, Amartya Kumar Sen and Joseph E. Stiglitz have stated that without participation, development will not truly be realized.

“Open dialog, and the promotion of an active society are the key ingredients to long term sustainable development¹²⁸.”

For Holm and a Molutsi public debate is the goal and main activity of a civil society¹²⁹. This is because the main objective of the civil society is to mobilise itself creating a platform for participation where agendas can be pushed and individual freedoms can be expressed.

By examining the correspondence between the advocacy group and the Japanese government, it seems that policy debate between politicians, civil servants, group leaders and locals did not take place. This means that participation of locals in decision making did not occur.

¹²⁶ Ibid.

¹²⁷ Jennings, Ren. 2000. Participatory Development as a new Paradigm: Transition of development Professionalism. Prepared for the 'Community Based reintegration and rehabilitation in post- Conflict Settings.' Conference in Washington. Available at: http://www.usaid.gov/our_work/cross-cutting_programs/transition_initiatives/pubs/ptdv1000.pdf. Retrieved on 1 January 2010.

¹²⁸ Stiglitz, E. Joseph. 2002. Participation and Development: Perspectives from the Comprehensive Development Paradigm. Review of Development Economics, Columbia University. Vol. 6, pp. 163-182.

¹²⁹ Holm, D. John, Molutsi, P. Patrick. 1990.

In a document to Japanese stakeholders, Lori Pottegier proclaims that:

“The project implementers lied to the community about the effects of the project and no health centres have been set up to cater for members of the community being afflicted by water-borne and dust-borne diseases as a result of the project.¹³⁰”

Here, it is disclosed in greater emphasis the level of corruption employed by influential bodies with access to vital information and abuse of the community’s vulnerability due to their unawareness. Furthermore, what is revealed is the absence of the civil society and its failure to reach a *modus vivendi*. Due to lack of a platform of communication, information to locals is deceptive flowing in a one way stream where the marginalized do not have say and do not have the knowledgeable means to assess the accuracy of what is declared.

Furthermore, in the same document to the stakeholders, protesters demand for:

“Properly planned seminars [to be] held to notify us of the probable effect of this project on our livelihood¹³¹.”

In another correspondence it is revealed that:

“The community was only involved in the negotiations in the last minute after only two brief informational meetings by the generating company conducted in English, a language that is not understandable to the majority of the affected people¹³².”

In the same document, it is brought forward that:

“The yet-to-be explained irrigation plan is likely to displace more people in the lower flood plains. We have not been told the direct benefits that will accrue to us from the plan¹³³.”

Thus, the community was informed of the negative effects married with the construction of the hydropower plant, and were very ill informed about any future changes that faced them. This left them in a vulnerable position as not only was their health endangered but also the

¹³⁰ DAM-L Kenya Dam Protest Letter/LS (fwd). Available at: <http://www.sandelman.ottawa.on.ca/lists/html/dam-l/2000/msg02290.html> . Retrieved on: 3rd January 2010.

¹³¹ Ibid.

¹³² Africa Water Network. 1999. *The Impacts of Sondu-Miriu River Hydro Electric Power Project on the People of Nyanza*. Available at: <http://www.google.co.za/search?hl=en&source=hp&q=The+Impacts+of+Sondu-Miriu+River+Hydro+Electric+Power+Project+on+the+People+of+Nyanza.&meta=&aq=f&oq=> Retrieved on 21st January 2010.

¹³³ Ibid.

safety of their children who were forced to be in a very close proximity with the dam's construction.

“The threat to the safety of people near the power house, including a secondary school with over 200 children, has not been investigated or explained to the community¹³⁴.”

Thus, what can be analyzed from the provided statements, letters and documents is that the locals were not empowered by the construction of the Sondu Miriu Hydropower plant but that they were made more vulnerable as there was weak communication between those with information about the development and the locals. Therefore, what ultimately emerged was a situation where locals were deprived of the orientation they needed in order to empower and enable knowledgeable decisions and participate in the decision making processes of the dams construction stages.¹³⁵ This could however, could only be achieved through a strong and well informed civil society.

Throughout all the documents of correspondence there is an underlying discontent which reveals not only a general protesting against the building of the power plant in the area, but also that locals, were in need of *modus vivendi* that should have been provided by the civic group in the form of a policy debate in order to incorporate the participation of locals in decision making processes.

“The community has been patient despite numerous ignored requests to meet with the project implementers, JBIC officials and Japanese Embassy officials here. We are kindly requesting members of the Japanese Government to come meet with the affected community before disbursing funds for this second phase¹³⁶.”

“Consultants and members of the Japanese government visiting the project area have never been allowed to talk with the affected community members¹³⁷.”

From this it can be gathered that a policy debate where politicians, civil servants, stakeholders, group leaders and locals never materialized. Since for Holm and Moluisti,

¹³⁴ Statement of Protest to the Japanese Government by the Sondu Miriu Advocacy Group. 2000.

¹³⁵ Kameri-Mbote, Patricia. 2000. Public Involvement in Environmental Decision making in Kenya. Research Report for World Bank. African Institute for Technology Studies.

¹³⁶ DAM-L Kenya Dam Protest Letter/LS (fwd). Available at:

<http://www.sandelman.ottawa.on.ca/lists/html/dam-l/2000/msg02290.html> . Retrieved on: 3rd January 2010.

¹³⁷ Kenya: The Sondu Miriu Hydropower Plant. 2000. Sondu-Miriu Community Advocacy Group Statement of Protest to Japanese Government. Accessible at: <http://www.foejapan.org/en/aid/jbic02/sondu-miriu/statement12172000.htm>. Retrieved on: 30th January 2010.

public debate is an indicator of a successful civil society¹³⁸, it can be asserted that not only was the Sondu Miriu Advocacy Group weak as a civil association, but its deficiency to actualize collective action in a open debate marks the body as a deficit.

5.4 Conclusion

This experience highlights that the affected powerless locals were deprived of information, leaving them unaware and vulnerable. Therefore, in this case, development was not source of freedom for the reason that the construction of the hydropower plant was a cause of restraint as individuals were not empowered but robbed of their citizenship rights. Consequently, this left the locals abandoned and ignored from official procedures, leaving them unable to participate in the assessment of procedures. This incident also brings light a civil society struggling to implement fair development and justice, facing challenges within its own group formation such as organisational structure, and lack of knowledgeable man power.

Both these challenges are part of the root cause of why the Sondu Miriu Advocacy Group did not succeed in creating a platform where state officials and the public discuss issues around the construction of the dam in the targeted area.

On the one hand the civic associations' organisational structure caused a form of bias in terms of which agendas were pushed for, while on the other hand, access to limited information further weakened the association as it did not have a means to confront state officials or inform locals of the changes being implemented on their residential area.

¹³⁸ Holm, D. John, Molutsi, P. Patrick. 1990.

Chapter 6

Results of a Weak Civil Society: Unfair Development.

Introduction

Prior to the introduction of the hydropower dam on the Sondu Miriu community, locals enjoyed free access to the river water as a source not only for drinking water for their livestock, but also for the irrigation of their crops. From the river water, the locals were able to irrigate cassava plants, banana, groundnuts and maize¹³⁹.

For Sara Longwe, any project that threatens livelihoods should empower its affected people by encouraging the security of socio-economic aspects such as shelter, food and income in order for individuals to maintain self-sustenance¹⁴⁰. Additionally, for Longwe, any project that is imposed on its locals must also advance their access to alternative means of production such as water, land and other resources relevant to their livelihoods.

The Sondu Miriu hydropower plant project implementers and stakeholders initially promised the locals around the Sondu River amongst other things acquisition of new title deeds, priority in employment with regards to any opportunities brought on by the project that would negotiate salary rates, health services, irrigation facilities, electricity as well as a fair compensation for the displaced households¹⁴¹.

This chapter looks at how the weakness of the Sondu Miriu Advocay Group as a civil society failed to protect the interests of the locals and how dam construction changed the livelihoods in the affected community.

6.1 Results of Unfair Development

In a letter to the project implementers the Kenya Electricity Generating Company, JBIC, and the Government of Japan, the women of Sondu Miriu most affected by the project, bring to light the fact that their welfare needs were disregarded:

¹³⁹ International Rivers. 2001. Declaration by People Affected by Sondu Miriu Dam. Accessible at: <http://www.internationalrivers.org/en/africa/declaration-people-affected-sondu-miriu-dam> Retrieved on 2nd January 2010.

¹⁴⁰ Longwe, Hlupekile Sara. 2002. Assessment of the Orientation of NEPAD. Prepared Presentation for the African Forum for Envisioning Africa. Lusaka.

¹⁴¹ International Rivers. 2007. Memo to DNV on CDM Validation for Sondu Miriu Large hydro (Kenya). Available at: <http://www.internationalrivers.org/chi/global-warming/memo-dnv-cdm-validation-sondu-miriu-large-hydro-kenya>. Retrieved on 28th January 2010.

“Deteriorating health conditions, associated with the project such as the prevalence of respiratory, water–bone and water related diseases have evolved. Also, no hospitals have been built as was promised in the project document. We have been turned away from the only existing hospital, which is exclusively meant for project staff. Additionally, The diversion of the river which we solely depend on for our livestock and domestic purposes. No alternative water sources have been developed as was promised in the project document. Women are therefore forced to walk long distances in search of water. Our livestock have died as a result of drinking from the river’s polluted waters while indigenous fish species like Okoko and Ningu are disappearing as a result of oils and waste dumped into the river¹⁴².”

These results once again suggest a marginalised community and a weak civic association incapable of creating a platform where locals can participate and engage in decisions made about changes to their livelihoods.

In another letter written to the Sondu-Miriu validation team, it is noted that:

- “The diversion of the 13 km of the river takes away the main water source away from 1500 households¹⁴³.”

Furthermore, in a separate protest letter to the Japanese government, Lori Pottinger, the director for Southern Africa Program for International Rivers reports that:

- “The Lake Victoria Basin [has been] laid barren because the project is encouraging large scale sand harvesting for constructions at the expense of agriculture.
- The fishermen upstream of the project have lost their sole source of livelihood and income.
- Community members have not been compensated for loss of their land and sources of income.
- The project is not sustainable because it does not plan to provide for the affected community electricity it generates from community land¹⁴⁴.”

Here, it is evident that both the Japanese Bank for International Cooperation and the Kenya Generating Electricity Company did not follow through to ensuring the empowerment of the rural farmers. Not only did the farmers lose valuable land, but they also lost the livestock which sustained them and no longer have access to alternative foods such as fish since the river ecosystem had also been affected by dam building. Moreover, farming productivity

¹⁴² International Rivers. 2001. Declaration by People Affected by Sondu Miriu Dam. Accessible at: <http://www.internationalrivers.org/en/africa/declaration-people-affected-sondu-miriu-dam> Retrieved on 2nd January 2010.

¹⁴³ International Rivers. 2007. Memo to DNV on CDM Validation for Sondu-Miriu Hydro (Kenya). Accessible at: <http://www.internationalrivers.org/chi/global-warming/memo-dnv-cdm-validation-sondu-miriu-large-hydro-kenya>. Retrieved on: 28th January 2010.

¹⁴⁴ DAM-L Kenya Dam Protest Letter/LS (fwd). Available at: <http://www.sandelman.ottawa.on.ca/lists/html/dam-l/2000/msg02290.html> . Retrieved on: 3rd January 2010.

became another new challenge as no alternative source of irrigation was provided despite the 1500 households moved further away from the river¹⁴⁵. This means that the Sondu community remains exposed to extreme poverty, putting them in a vulnerable position. The finalisation of dam construction also means that returning back to the agricultural livelihoods that previously sustained them is unattainable.

The problem of losing land is very critical and places the affected subsistence farmers in a very susceptible position regardless of the promises of new employment opportunities offered with the introduction of the dam¹⁴⁶ due to the fact that for rural Kenyans, land is the precondition for high productivity, income, and is a key physical asset¹⁴⁷. Thus, agricultural inactivity is greatly correlated with the way in which land is distributed. Also, due to the nature of poverty, it is often that those who depend on non-farm activity also receive lower wages¹⁴⁸. Therefore, although state officials promised their development to bring employment to the poor, it has placed them in an even more vulnerable position by taking away land from the small holder farmers which future generations can rely on, rather than a competitive employment scheme¹⁴⁹.

In short, for the reason that it is mostly women who are subsistence farmers their security has been compromised due to dam induced development. In addition, the women's access needs were not met, as not only were they denied reimbursements for their loss of land, but there were also refused an alternative means of water supply to support them¹⁵⁰.

As Anne Margret Thomson and Manfred Metz argue, food security is 'sufficient food consumption by all people at all times for a healthy and productive life.'¹⁵¹ The project implementers of the dam in the Kenyan experience seem to have endangered this process through the manner in which dam panning was carried out. This is evident in the fact that the

¹⁴⁵ Ibid.

¹⁴⁶ Declaration of the People Affected by the Sondu-Miriu Dam. Available at: <http://www.internationalrivers.org/en/africa/declaration-people-affected-sondu-miriu-dam>. Retrieved on 30th January 2010.

¹⁴⁷ Boli, Ricahrd. 2005. Livelihood Assets of Rural Kenyans. Available at: http://schant.socialdev.net/data/FAO/IDS_2006_boli.pdf. Retrieved on. 30th January 2010.

¹⁴⁸ Ibid.

¹⁴⁹ Ibid.

¹⁵⁰ Declaration of the People Affected by the Sondu-Miriu Dam. Available at: <http://www.internationalrivers.org/en/africa/declaration-people-affected-sondu-miriu-dam>. Retrieved on 30th January 2010.

¹⁵¹ Gladwin, H. Christina, Thomson, M. Anne, Peterson, S. Jennifer, Anderson, S. Andrea. 2001. Addressing Food Security in Africa Via Multiple Livelihood Strategies of Women Farmers. Pergamon Press, Gainesville Florida,

community's food security was shaken by development procedures that threatened a society's agricultural sustenance as well as alternative sources of food.

Although it may be too early to predict, the break down their food supply resource could have devastating results leading to feminized poverty due to food insecurity. One can claim that developments such as the Sondu Miriu hydropower plant has encouraged gender-related constraints that lower women's productivity which are very rarely acknowledged in explanations of Africa's food security problems¹⁵².

In addition to disempowering the rural women by refuting them from their welfare endowments, the project also disempowered them by failing to improve their access to other methods of production. When interviewed, one area resident Mrs, Mzee Johana Odhiambo complained that:

"They have interfered with the river so that our animals are now not free to drink water anywhere they choose¹⁵³."

In letters to the stakeholders it is noted that no other source of water supply was provided to the district, hindering agricultural production and the health of valuable livestock.

"There is no alternative source of drinking water for community members affected by the diversion of the river. Additionally, the Lake Victoria Basin is being laid barren because the project is encouraging large scale sand harvesting for construction at the expense of agriculture¹⁵⁴."

From this there is no evidence that development of the Sondu Miriu HydroPower Plant has empowered the locals of that area in terms of their welfare and access to resources although project planners and implanters claim that the dam has brought on new employment opportunities to those in the area

6.2 Conclusion

When analysing the results of dam development and the method in which the project was carried out in accordance to Amartya Sen who praises the notion of development as freedom, fair development was not realised in the Sondu Miriu case as the disposition of the lives lead

¹⁵² Ibid.

¹⁵³ International Rivers. 2001. Declaration by People Affected by Sondu Miriu Dam.

¹⁵⁴ DAM-L Kenya Dam Protest Letter/LS (fwd). Available at: <http://www.sandelman.ottawa.on.ca/lists/html/dam-l/2000/msg02290.html> . Retrieved on: 3rd January 2010.

by all members of society have not been sustained. In this case, individuals were not given the opportunity to choose for themselves their own account of the 'good life.'

The only method in which locals could have been offered the opportunity to exercise their freedom is through a strong civil society capable of providing a podium where state officials and locals can deliberate on matters relating to development.

The Sondu Miriu Advocacy Group however, could not implement fair development due to the challenges it faced as an African civil society. As a result, women subsistence farmers and fishermen lost their source of income, land was lost and locals were not provided with any compensation for their loss, leaving the community more vulnerable to poverty.

Chapter 7

Advocacy groups provide a form of communication between those in power and the public. The sight of civil society is also a sight of good governance as they offer a means to changing the way in which decisions are made by allowing the voiceless to air their opinion to the political elite about issues that affect their way of life. Therefore, through civil society, democracy can be practiced as well as fair development for all social groups. From the view point of Sen, civil society allows for development to be a source of human freedom.

This paper maintains that for fair development to be achieved especially in the area of dam construction, an active civil society must partake in the preliminary stages of decision making procedures with the political elite for the all members of society, especially the minorities to be sheltered. The contribution civil society in dam development is a sign good governance and admirable development.

Unfortunately, due to various conditions in the sub-Saharan African region, civil societies face major challenges. Financial support, poor organisational structure, little access to information and failure to construct a policy debate are some of the factors that challenged the Sondu Miriu Advocay Group to push for fair development in the building of the hydropower plant, bringing forth devastating results that threaten the community's sustainability. However, although it can be argued that the weakness of the advocacy group caused unfair development in Sondu Miriu, other external factors that affect the strength of the civic group must be analysed in order to examine the causes of unfair development.

The corruption of power handled by Kenyan officials and the Japanese government during dam construction processes suggest a political environment which favours decisions made by the political elite. Negative environmental and social impacts on Sondu Miriu were ignored by the project stakeholders and the civil society's efforts to confront the Japanese government were unsuccessful. Both the political elite in both countries managed to pursue their development project without the participation of civil society regardless of the controversy around dam construction. Here, it is evident that the Sondu Miriu Advocay Group as a civil society failed to implement fair development and protect the poor.

Although Holm and Molutsi provide the ingredients for a strong and influential civil society, this case calls for a more in depth analysis for looking at the role of global governance in the practice of fair development. If indeed civil societies in the sub-Saharan African region face

many challenges, then the international community has a key responsibility in enforcing that the needs of the poor are met.

If civil society is the sight for democracy and democracy is realised through development, then Africa's democracy and development is in a vulnerable state due to weakness the regions civil societies. If indeed African civil societies are too weak to create platforms for policy debate and thus influence decisions made on development, then the configuration the international political and economic system should design policies that always consider and benefit the poor. That is to say, if civil society in the region is too weak to confront governments and the structure of global governance favours economic interests which do not guard the poor and marginalised such as female subsistence farmers, then fair development may never be realised.

The activities of Kenya and Japan in the construction of the Sondu Miriu Hydropower Plant prompts up questionable issues surrounding development processes and sustainable development as a whole.

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