

THE DEPLETION OF NARRATIVE RESOURCES IN THE KENYAN TRADE UNION MOVEMENT

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Abstract

We discuss in this study the problems of mobilization and effectiveness faced by Kenyan trade unions. In a country with high levels of unemployment and weak labour legislation, it is imperative that the labour movement devise ways of remaining relevant and effective. We combine in-depth interviews with a qualitative assessment of secondary documents on trade unions in Kenya. We do this by looking at topics addressed, characterizations of unions as well as major actors such as union leaders, workers, and political leaders. We argue that labour leaders need to enrich their vocabularies of persuasion in order to neutralize the current discourses around trade unionism in Kenya. Such an approach would enable the union leadership to acquire new repertoires of action to enhance their capacity to mobilize**.

Keywords: Kenya, Trade Union Movement, Repertoires of Action, Narrative Resources, Schumpeterian Unionism

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1 Introduction

Since the fall of communism, many unions over the world are faced with the challenges of declining membership as well as influence. This has given rise to the prominence of union revival or revitalization discourse witnessed in many journals for the last twenty years or so. Trade unions based in developing countries face additional challenges to those faced by their counterparts in the developed world as they have to contend with weak enforcement of employment rights and a huge informal sector workforce amongst other ills not to mention internal organizational challenges (Dibben, 2010).

It is with these challenges in mind that the present study was conceptualized in a bid to find ways of revitalizing union activities in Kenya. The study starts from the premise that unions are still needed and therefore begins by laying out an argument for their existence in a developing country. After this, we demonstrate how the existing discourse on trade union movement in Kenya has been deleterious of any possibilities of narrative resource accumulation by labour leaders for the last fifty years or so.

Kenya has recently joined the ranks of middle income countries after rebasing her GDP calculations sometime in 2014. Whereas this move placed Kenya as the ninth largest economy in Africa, on the ground, not much has changed in terms of developmental imperatives and indeed agriculture still forms the backbone of an economy that has of late seen rapid urbanization as well as some political upheavals in the

democratization project. Traditionally, many commentators have seen Kenya as fairly liberal country with some elements of political freedom that has seen a modest economic growth with similar accumulation in human capital since attaining political independence from Britain in 1963.

The human capital accumulation has generally been seen as the product of what has up to recently been a relatively successful educational system compared with other countries in the region. Nevertheless, the education system now seems to be bursting at the seams with an explosive growth in primary education as well as the mushrooming of tertiary institutions due to massive public demand. The public wage bill as well as the cost of social services' provision has at times threatened to overwhelm the national purse. It is against this background that we start by proffering the need for a modern worker organization in the form of a professional trade unions.

2 State – civil society partnerships

The role of the state in African development has been debated vigorously by many scholars and the present undertaking does not aim to say the final word on it. There are those who believe that the state should play a strong interventionist role in order to support economic and social development (see, for example, Mkandawire, 2001) while others would rather have a more liberal dispensation dictated to by market forces with minimal state intervention but incorporating

other societal actors (see, for instance, Ebner, 2006; Mitlin, Hickey, & Bebbington, 2007; Niemi, 2011; Oosterveer, 2009). However, we wish to identify opportunities for collaboration between the state and other social actors based on the latter literature.

From the start, we would want to show that civil society is necessary for the effective functioning of a modern state and that labour unions are a special class in this regard. As Niemi (2011) shows by reconstructing Marx's relationship to democracy and liberalism, democracy is actually a kind of society. By this, we mean to say that the democratic ideals espoused by the state should percolate all areas of citizens lives not least of which is the workplace. Unions, as presently constituted in Kenya, seems to be well-placed to entrench this democratic dispensation not only within the workplace, but also, rather counterintuitively, within the body politic as well.

We mean to say that the working class public forms an important constituency that can be appropriately deployed in the incomplete task of nation-building in Kenya. Viewed from the trade union movement standpoint, the working class public offers a number of possibilities for the 'nation-building' rhetoric in Kenya. The labour unions can potentially create space for the forging of a national political community by giving workers a democratic agency that is only too self-evident the world over. At their most benevolent, and one can discern this in some Nordic countries, the unions may equally be deployed in the drive to modernize industry, the infrastructure, and agricultural production. Locally, a much more basic concern is to do with the possibility of deploying the unions in the nation-building project through the construction of a national consciousness as a working class public.

It is for this reason, amongst others, that we choose to look at the repertoires of action and narrative resources of a trade union movement and how these have been eroded over the years by the deployment of a subtle but very effective anti-unionism discourse in Kenya. In undertaking the present research, we would like to understand why trade unions in Kenya tend to be limited to salary and wage negotiations. We are intrigued by the inability of the Kenyan trade union movement to use their power within the distribution-exchange process to both strive for higher wages and better working conditions of their members and to fight for the improvement of the situation of all working people in the society. Such an approach would enable the unions to underpin a more sociological understanding of democracy based on the premise that political democracy is a necessary condition of freedom though not a sufficient one (Niemi, 2011).

State failure in Africa often rears its ugly head via substantial and widespread political and economic insecurity in diverse forms. Naturally, as Raleigh

(2014) observes, relationships between groups and governments present both positive and negative opportunities for distinct forms of political violence to emerge. In the case of Kenya, many scholars have shown in great detail how 'virtual' or 'sham' Kenya's purported multi-party democracy works in practice. Pertinent to the present undertaking is Mueller's (2011: 101 - 102) convincing characterization of the vulnerability of democracy in Kenya. She explains how Kenya's rising and entrepreneurial middle class has failed to effectively embrace the rule of law and strong institutions to guarantee working class interests. This failure is characterized by 'the proliferation of non-state violence, the emergence of possible "shadow states", the personalization of power, a zero-sum view of winning infused by ethnicity, and the persistence of unreformed institutions.'

3 Materials and methods

We adopted a qualitative case study research in order to answer our research question as we felt this would be the best way to proceed to examine alternative causal mechanisms to build well-founded theory. In the first instance, we began by conducting a thorough desk research based on publicly available data on the Kenyan trade union over the last fifty years or so. To this end, we systematically analysed discourse on trade unionism contained in the coverage of Labour Day (May 1) celebrations in one leading Kenyan daily national newspaper, *The East African Standard*, from 1966 to 2013. We assessed slightly over forty articles qualitatively in this manner for key words related to the main constructs of our research framework. The key words we searched for were 'unity', 'cooperation', 'responsibility', as well as 'peace and stability'. We justified this approach based on what Mykhalovskiy et al. (2008) term as research-based practice of immanent critique.

Research-based practice of immanent critique, at least as Mykhalovskiy et al., (2008: 195 - 6) orient it 'foregrounds an interest in exploring tensions and/or contradictions within authoritative forms of knowledge. It recommends an exploration of how claims that are internal to or *immanent* in a particular authoritative discourse are experienced by those who have been excluded from their formulation.' This approach fits in neatly with the core concern of this study which is to look at the discourse on Kenyan trade union movement in a bid to determine *what kinds of rhetoric are articulated publicly while negotiating 'listenership' on working class concerns?* As Willems (2012: 17) explains, the 'function of the public sphere is to mediate between civil society and the state and it provides a space for rational debate that ultimately will give rise to a consensus on public affairs.'

Table 7. Overview of expert sample

Category	Number of people interviewed	Description
Academics	4	This included: • 2 Labour/ Economic History lecturers • 2 Media Studies lecturers
Journalist	2	Kenyan journalists with interest and knowledge on industrial relations in Kenya
Union leaders	4	• 2 National office bearers of Kenya Universities Staff Union • 2 National office bearers of the Federation of Public Service Trade Unions (PUSETU)

In the second stage, we found it necessary to conduct interviews with designated academics, labour leaders and journalists who have covered industrial relations in Kenya for some time. The interviews were conducted in July 2014 in Kenya and each session typically took between 45 and 90 minutes. Having interviewed a total of ten people, see Table 1 for an overview of our expert sample, we generated insights that revealed the processes through which narrative resources may be changed or mobilized as a coherent set of strategic capabilities of the union leadership.

In line with these sentiments, I address the problematic concerns by opting to explore the discourse of the trade union movement in Kenya over a considerable period of time. As we mentioned earlier, research-based practice of immanent critique offers the additional advantage of allowing practitioners to elevate descriptive notions of framing research into fully critical and interpretive undertakings (Mykhalovskiy et al., 2008). From the discussions here, it becomes apparent that measuring or identifying latent frames of trade union discourse in Kenya can be a difficult task indeed since frames consist of tacit rather than overt conjectures. A frame, as a concept, does not translate directly into easy to measure indicators that are empirically observable. For this reason, we employ a characterization of frames as actively adopted schema of interpretation thereby treating the choice of frames as a conscious process. Various scholars (see, D'angelo, 2002; David, Atun, Fille, & Monterola, 2011; Vlieger & Leydesdorff, 2011) recommend this approach.

We have therefore decided to make the case here by employing and then theorizing 'nation-building' as a conceptual frame. We show how the leadership of the Kenyan trade union movement, with the encouragement of the Kenyan government and a complicit press, have, over the years adopted the 'nation-building' worldview while seeking to construct collective identities to recruit and mobilize activists and supporters. We argue that the rhetorical strategies adopted help make messages meaningful while at the same time serve to delimit and disambiguate information in order to conform to the nation-building frame. In this manner, the texts exploit a form of centripetal tendency to present information in structures that turn in on themselves by closing

down meanings while at the same time permitting only a particular set of messages thereby discouraging plural readings. It is our proposition that this practice is responsible for the dearth of appropriate narrative resources capable of mobilizing new repertoires of action in the Kenyan trade union movement.

4 Discourse acquisition and narrative resources

In going through the Kenyan trade union discourse, it became apparent that what we theorise here as a nation-building fame has achieved purchase mainly through repetition as well as the rhetorical skills of the key players. It was amazing to learn how the various discourse on trade unionism in Kenya all seem to converge on very few themes over a fifty year period. We have often been intrigued by what we consider the wasted space of labour union leadership in the broader struggle for democracy and socio-economic well-being in Kenya. Our concerns and frustrations stem from the apparent inability of Kenyan labour union leaders to rise to the occasion and free themselves from the strictures of pure bread and butter issues and workplace concerns to move on to the more comprehensive issues of not only decent work but also a progressive society based on justice and human rights of all members. A more activist approach would have, in our opinion, engendered a robust labour union movement that integrates civil society attributes with political rights thinking to incorporate something akin to Marxian sociological theory of democracy.

It therefore became necessary to interrogate trade union discourse in the manner explained previously to try and unearth some answers for our stated research problem. As Lim (2002: 330) elaborates, principle genres of obligatory rhetoric are often powerfully constrained by custom and ritual. Yet, 'it might be argued that changes in rhetorical patterns should be expected even in these genres since rhetoric expresses politics, and politics is deliquescent and vicissitudinous.' In going through the discourse of trade unionism in Kenya, we were able to identify four themes that continually emerged: unity; corporation; responsibility; and stability or peace. We will start by looking at the unity theme in the next section.

4.1 Unity

Unity is one key ideograph that is both powerful and ubiquitous in everyday political discourse but even more so in emerging nation states that still need to forge an internal identity that majority of the citizens ascribe to. Long (2013: 87) defines an ideograph as a higher order abstraction common in everyday language use in political discourse. The ideograph 'warrants the use of military, legislative, or financial power, excuses behaviour and belief that might otherwise be considered eccentric or anti-social, and guides behaviour and belief.' As an example, Kenyans were treated to a spectacle on national television in 1997 when the then Secretary General of the Kenya National Union of Teachers (KNUT), Mr Ambrose Adongo, and other officials broke out into a dance and praise-singing at the end of their short meeting with President Moi who had intervened to end what by then had been a 12-day strike threatening to derail exams at a sensitive time of the year for the education system. This seemed even more theatrical given that a few days earlier, the President had publicly rebuked Mr Adongo by calling him a fool who did not care for the welfare of Kenyans in calling for the strike. The Secretary General had refused to apologise to the President for calling teachers to strike on failing to get the government to agree on a proposed salary review after many years struggle.

In a situation where the government regularly registers revival trade unions to weaken their bargaining power, it does not take much imagination to see why the term unity is very alluring to union leaders. To give a few examples, in 2014, the government gave permission for a rival to Central Organisation of Trade Unions (COTU), the federation of Public Service Trade Unions (PUSETU), to register. The Kenyan trade union movement has been represented by COTU as the sole umbrella trade union in the country for over 50 years. Going by the latest estimates in 2013, COTU had a membership of about one and a half million representing about a third of the overall workforce¹. The Kenya Union of Post Primary Education Teachers Union (KUPPET) was similarly registered under controversial circumstances in 2011 in a move that was seen by many observers as an attempt to weaken the much larger KNUT.

Kenyan politicians talk of unity in building the nation and trade union leadership often call for solidarity among the working class. These calls for unity have, rather paradoxically, served to weaken rather than strengthen union capabilities. As Blyton & Jenkins (2013) show, the impact of prior existing social structures within a population as well as the interaction between that population including its leaders and wider society have great influence in determining worker mobilization. This becomes

especially pertinent when one considers the intractable problem of ethnicity in Kenya.

The Jomo Kenyatta administration that took over upon attaining political independence from Britain in 1963, by many accounts, entrenched ethnicity not only by virtue of appointment to public offices but also in offering selective access to capital and in some instances even to higher education and specialist training (Amutabi, 2003; Briggs, 2014; Miguel & Gugerty, 2005). The call for unity therefore would appear to be well-meaning at the surface but a closer scrutiny would reveal the calls as double-faced. For instance, a worker who has been a victim of ethnic favouritism or who is clearly aware of the lop-sided nature of political appointments to public offices is not likely to take such calls seriously at least at the national level.

Thus, while unity is called for as a tool for nation-building and improved worker welfare, among the industrial population, there is stack evidence of ethnic favouritism amongst the working public and therefore it is our contention that workers would be much more alive to this fact and the less scrupulous among them would be looking for ways of sub-national (ethnic) unity amongst their own ranks thereby easily defeating the purposes of worker unionism in the first place. It would thus be evident that existing cleavages and political practice makes it extremely difficult in the Kenyan case, for workers to genuinely accede to the calls of working class unity.

On this issue of ethnicity, there is a clear division of epideictic and deliberative strategies both from the workers' perspective as well as from union leadership and the political class. To elaborate, when a union leader speaks of unity, he or she (and indeed in the many cases I saw it was almost always a man) may be employing epideictic rhetoric in the sense that there is a need for communal understanding as a distinct industrial public. Therefore they need to unite. On the other hand, a government representative speaking at the same function whether a District Labour Officer or indeed the President himself, often takes to the podium with a deliberative rhetoric with intent to seek policy approval on Industrial and Labour Relations amongst other political concerns rather than be actively engaged in words meant to enhance the welfare of the working class *per se*.

On commentaries and opinion pieces, the theme of unity was mostly propagated as industrial peace with strikes mostly referred to as disruptions and grumbling. It appeared to us, that reporters and other commentators seemed to interpret unity as the absence of class divisions. While this was not stated openly, the urge for unity and the attendant industrial peace was often presented as the ultimate desire for anyone aspiring for economic development. Reading through the various pieces, one finds little if any distinction being made between the workers and the capitalists as all are made to be working hard for development so to speak.

¹ See, <http://www.cotu-kenya.org/about> Accessed on 24 April 2014.

Failing to make the distinction between workers and employers as if all are equal in the desire to achieve economic development with minimal disruptions becomes extremely problematic especially if one takes account of the fact that the fruits of this 'development' are often not shared equally. The United Nations Development Programme (UNDP) rankings by income Gini coefficient consistently places Kenya near the bottom quarter of all nations surveyed.² It is therefore disingenuous to say the least, for commentators to highlight unity in this regard and underplay class interests. This is not to say that those pointing out class divisions are against development, indeed going by the UNDP statistics discussed previously, it is precisely those nations that are proactively managing such divides who are scoring well on the Human Development Index. Thus, it becomes apparent that this call for unity actually privileges the capitalist class rather than the working class and overall makes it worse for the nation as a whole in terms of sustainable development.

From the foregoing, it becomes apparent that the use of the term 'unity' in Kenyan trade union discourse has been both diachronic and synchronic in a manner calculated to, whether from government representatives or in the press coverage, to tone down workers' demands. Diachronically, public officials dealt on the theme of unity in order to remind workers how united they once were in the fight against colonialism which led to political independence. They were thus meant to believe that workplace hardships were to be endured heroically as it promotes 'freedom' and makes workers proud of their country. It is as if one were to say that 'this is what we fought for. What else do you want?' And indeed in many instances, those agitating for better working conditions were seen as saboteurs and malcontents or even worse, enemies of development as was demonstrated by the vignette on Mr Adongo and the President earlier.

Synchronically, workers were urged by cleverly designed speeches to see their current woes as only temporary or as something affecting workers all over the world. We therefore read throughout the coverage of exhortations for workers to put in more effort and emulate the President who in many instances is characterised as the No. 1 worker, tireless, self-sacrificing and most benevolent. In the midst of such a campaign accompanied by the might of the state, labour union leaders can hardly be radical given the risk of be seen as anti-government and by extension against development. They are thus literally forced to either cooperate or find other ways of framing their calls for worker mobilization using a richer but much more strategic vocabularies of persuasion (see, Blyton & Jenkins, 2013; Lévesque & Murray, 2013 for examples).

4.2 Cooperation

Cooperation is one other undying theme that one meets over and over again in the Kenyan trade union discourse. If one were to argue that the theme of unity is oppressive, then the cooperation theme is coercive. It is often framed in two main guises. Workers are often urged to cooperate with the government for the sake of development while employers are asked to cooperate with Labour officials for industrial peace. From the perspective of workers, when their representatives talk of cooperation, they would seem to be asking Labour officials to work with them in ensuring that labour laws are effectively implemented.

As we will proceed to show, cooperation seems to be a back-door manner of introducing the concept of participation but only in a more coercive manner and in ways which can only seem to hinder the revitalization and invigoration of workers' concerns. As Huang, Baptista, & Galliers (2013: 113) recount, 'rhetoric is used with specific intent, often to negotiate, generate and reinforce consensus in situations of uncertainty and emerging possibilities.' At the very basic level, when authorities talk of cooperation in this scenario, one would imagine that there are labour friendly legislations in place that are effectively enforced thus all that is needed is awareness for workers to avoid mistreatment at work.

Yet the reality is much more complex in Kenyan industrial relations than conveyed by the preceding sentiments. For example, one of the interviewees alerted me to the fact that Kenya has only recently began processes to develop an employment policy. Going back to the Huang, Baptista & Galliers (2013: 13) citation, one has to determine why cooperation rhetoric is needed and in what ways it reinforces consensus and closes down emerging possibilities and uncertainties. For one, the newspapers often report of instances where labour officials are suspected of collusion with unscrupulous employers. Our interviewees confirmed that indeed such incidences do occur not infrequently.

On the part of labour leaders, especially before the onset of multi-party politics in Kenya, great care was needed in order to avoid rhetorical friction with the authorities. There are many instances where labour leaders were arrested or threatened with dire consequences for not towing the official line on labour relations. Caught between a rock and a hard place, labour leaders chose the safer way of negotiating for tolerance by harping on the 'softer' theme of cooperation rather than demand consultation as stakeholders.

Thus, in my opinion, the labour leaders as well as news reporters often opted to couch their criticism in terms of praise and suggestions. Praise is thus employed to soften criticism rather than an acknowledgement of an ambient workplace climate. This 'praise' came in the form of let us work together. For an innocent observer, the call to work together

² See, <https://data.undp.org/dataset/Income-Gini-coefficient/36ku-rvrj>

(cooperate) would seem to be an acknowledgement of either side's goodwill. While not denying that it is impossible for both capital and labour to achieve progress without mutual accommodation and within prudent legislation and policies overseen by government, it would be disingenuous to assume that the state always put the interest of workers first.

It is not uncommon in Kenya to hear of news broadcasts quoting the President or any one member of the National Executive warning workers to tighten belts and understand that 'hard work' pays. Workers are again and again warned against laziness, drunkenness, and unruly behaviour amongst other ills. It would seem, going by government rhetoric on these occasions, that the core problem facing the industrial population is worker discipline rather than poor pay, unfavourable working conditions and terms of employment not to mention other social ills pillaging the Kenyan working class.

Once laziness, drunkenness, lack of education and skills as well as other minor ills have been foregrounded as the major enemies of the working class, it therefore becomes much easier to beckon the unions to come and lend government a hand in promoting the interests of the working classes. In this manner, emerging possibilities and potential uncertainties are thus shut down at least for a while. These moves are often further sweetened by the ritual raising of the minimum-wage every year during Labour Day (May 1) celebrations with the announcement made either by the head of state or the cabinet minister in charge of labour affairs.

One thus can easily see the lure of cooperation from the government side and how effective it could be. However, the use of the term cooperation from labour leaders even if very intelligently packaged would still be problematic if only at the communicative level. As Hyland & Hyland (2001: 186) contend:

Following Holmes' (1988) characterisation of compliments, we view *praise* as an act which attributes credit to another for some characteristic, attribute, skill, etc., which is positively valued by the person giving feedback. It, therefore, suggests a more intense or detailed response than simple agreement. *Criticism* on the other hand, we define as "an expression of dissatisfaction or negative comment"

There is the very real danger therefore, that the intended suggestions may be lost in the encomiums. So, where participation is called for, it is extremely important that the correct wording is used if one's desire is transformation for the good.

Participation is a key pillar of good governance. Effective participation requires two key tenets namely: control and power. Control is realized by commanding appropriate resources whereas power in this instance is the ability to say no and be heard. Prior to the present day Kenyan constitution that was only promulgated in 2010, stakeholder consultation and public participation was not a legal requirement prior

to the enactment of legislation and government policies. Thus, the then existing labour laws were generally a product of the government with minimal or no input from the grassroots and sometimes were rushed onto the statute books due to pressure from donors and other international strategic partners such as the International Labour Organization (ILO). As one of the union leaders explained to me, the process of non-consultation on key issues and legislation affecting workers is still an on-going frustration and newspaper accounts in Kenya are full of instances where worker representatives and the minister in charge of labour affairs are frequently hurling epithets at each other.

Whereas in some instances one could argue that the labour unions could say no to particular legislation due to their ability to withhold effort, their ability to control the nature of legislation was often, as explained to us by the interviewees, severely limited by human resource capacity knowledgeable enough and well conversant in policy grammar. Thus, throughout the Kenyan trade union discourse, one is inundated with calls for higher wages and barely with stuff that cuts to the root of sustainable and broad-impact policies that would entail human rights, minority protection, gender issues, child labour and so on. This monotony was also witnessed from the government side whose main mantra was centred on attracting foreign investment and economic growth almost to the exclusion of everything else.

Thus, government would often call for better training to avoid industrial disputes, yet this training was often targeted at Labour Officials in the pertinent ministry rather than at organizers and managers of the unions. Again, calls both from the union representatives as well as by newspaper commentators for better training were often to improve work skills for greater employability or productivity rather for the better running and day to day management of unions. It is therefore not surprising that since independence, there has only been one presently derelict school – Tom Mboya Labour College – that deals with the issues pertinent to industrial relations in the country.

In concluding this section, we can therefore see with some clarity why calls for cooperation were often misplaced and quite deleterious to the narrative resources of union mobilization. While there was room for cooperation, the discussions around this theme served to kill or undermine genuine efforts that would have seen greater participation of organized labour in Kenyan socio-economic development. Indeed, the legacy of this wayward phenomenon is still with us today where the Kenyan labour movement seems to be a toothless organization concerning wider public affairs. An example to illustrate this is the fact that during the consultation process in the drafting of the new constitution that was promulgated in 2010, the trade union movement was invited only as part of the wider civil society and none of the interviewees nor ourselves could remember or pinpoint labour unions'

contribution to the document. While playing down participation, another key pillar of good governance, responsiveness, also suffered greatly. This brings us to the next theme, that of responsibility.

4.3 Responsibility

As explained previously, the Kenyan trade union movement were only consulted as part of civil society organizations in the preparation of the 2010 constitution of Kenya document. This contrasts sharply with experiences elsewhere in the globe where the labour unions always played a much bigger role during transitions from one political epoch to another. Whether as part of a major national party such as in the UK and South Africa, or by expressly constituting themselves as a purely political entity as in the case of Poland during the transition from socialism, strong labour unions rarely miss opportunities presented by democratic demands to play a pivotal role in the governance of a country as was witnessed in Kenya prior to the promulgation of the new constitution.

To understand better the Kenyan trade union movement's failure in this regard, we need to remember, as Gahan & Pekarek (2013: 756 & 758) explains, that the well-documented decline in the legitimacy of trade unions globally naturally leads many commentators to ponder their purpose and futures. The authors point out that while resource mobilization theory in Industrial Relations research has generally focussed on the role of internal resources and mobilization efforts, it is important to also take account of the 'political opportunities' approach that emphasizes the role of political structures in shaping the potential opportunities for social movements to attain their objectives.

Rather than address purely workplace concerns, evidence of which is galore in the Kenyan trade union discourse, one struggles to find a sustained rhetorical onslaught challenging other forms of state oppression as the government perpetually successfully dominates both business owners as well as employees in general. Yet it does not have to be this way. As Tufts (2009: 981) explains in his conceptualization in what is increasingly being referred to in the Industrial Relations literature as Schumpeterian unionism, labour union renewal is itself largely a geographical phenomenon that must be integrated into the specific variations of capitalism.

While it is a standard posit in the literature that local labour markets influence successive rounds of accumulation and reproduction, Tufts (2009: 981) contend that labour union renewal is much more than dependent on previous 'layers' of labour mobilization. He argues that the ability to make unions vibrant is largely based on the multi-scalar organization of workers and the ability of unions to 're-scale' their activities in ways which are compatible with contemporary capital and capitalist states. In a number of instances, we read of government warning

unscrupulous business people of dire consequences for infringements of one or the other pertinent policies and labour leaders mildly cheering without questioning state's role in oppressing workers and the society at large in one way or the other. And when labour retreats from engaging relations of production per se to a suspicious rhetoric pleading with authorities for favours, then it becomes easy to see how the supposed power of trade unions atrophies.

We all know that control of state apparatus offers opportunities to extract resources. Thus, a vibrant labour movement should be in constant contestation for a bite of the pie so to speak. Such resources would include, for instances, ability to influence labour legislations and policies. When labour only seeks to join the debate after the fact, or at best, request that such and such a policy be implemented and often without their involvement, then it becomes apparent why the Kenyan labour movement seems to be moribund or ineffective at critical junctures. For instance, we see a number of occasions where labour leaders request government officials to consider turning the National Social Security Fund (NSSF) into a provident fund or asking for house allowance to be paid to married women or indeed any such pertinent goodies in relation to workers but we do not read of them asking to be involved in the drafting of such policies or indeed developing such frameworks and asking the government to adopt the same.

Given the developments above, the government seems to have taken appropriate cues and often went ahead to develop labour laws and policies without consulting the trade union movement. Such legislation, policies and other interventions are then often trumpeted as achievements of the state and labour leaders are then asked to be not only grateful but also to be *responsible* in ensuring the success of these rules. Thus we see a clever ruse by which a key pillar of good governance, *responsiveness* is turned around to *responsibility*.

The usual riders of hard work, savings, skills development, farming as an alternative to formal employment in urban areas and the like are again and again thrown at the workers as solutions to their real and imagined complaints at all times leaving no room for union revitalization or renewal. The only times we read of union renewal or revitalization is when the government is cynically urging the union leaders to unite and avoid factionalism. This is often more malevolent than it seems since often the government is on the side of whatever faction it considers less radical and would offer every assistance to the perceived docile group or out rightly sponsor a rebellion if the mainstream faction is considered out of kilter.

The Kenyan trade union discourse is replete with instances where the rhetoric of nationalism has been deployed to maintain political quiescence and social submission rather than the interests of labour. Added to this unrelenting rhetoric, are sporadic reports of some labour union officials as well as employees of

the Labour Department often caught colluding with unscrupulous employers to swindle workers in one way or the other. These happenings thus serve to lock both union operatives as well as government officials in the suspicious rhetoric of responsibility rather trying to be responsive to workers' needs.

The narrative resources of trade union leaders has therefore been thoroughly eroded with a complicit or incompetent press serving to make matters worse. And so, the Kenyan trade union movement finds herself with a very restricted repertoire of action that can serve to mobilize workers and the public appropriately. We thus find ourselves in a situation where industrial relations are hemmed in by the dictates of 'peace and stability.' It would seem as if not only the government, but also other public institutions in the country had imbibed this discourse on trade unionism that, as Gona (2007) demonstrates, was inherited from the colonialists (see, also, Mkandawire, 2011). The ideology envisions stability and peace, or more crudely put, political order, as the most important requirement for socio-economic advancement.

4.4 Stability (Peace)

Having prioritised political stability and peace at the cost of deepening democracy and a vibrant industrial relations environment, it therefore does not come as surprise the labour leaders repertoire of action have been rather constricted. Politicians continually remind Kenyans that the country is an island of peace in a region ravaged by war and conflict and that the state is responsible for the prevailing peace. Every effort must therefore be made to maintain this peace otherwise Kenya risk going the way of neighbouring countries which have often witnessed internal conflicts and open rebellion save for Tanzania in the South. Nevertheless, the popular understanding has been that Tanzania's peace never seemed to generate similar prosperity as witnessed in Kenya probably due to her previous pursuit of socialist policies that apparently discouraged hard work and individual prosperity.

With this background, especially during the presidency of Daniel arap Moi and Jomo Kenyatta, unions were strongly warned to beware of socialism as it apparently promoted indolence and dependency but rather to continually strive for increased productivity as a sure way to material progress. This forebode ill for union revitalization in many ways as some of the surest ways to promote worker solidarity involve invoking collective active frames that would seem antithetical to liberal pretensions of the state (see, for example, Gahan & Pekarek (2013).

The domestic capitalist class have not fared any better in their ability to influence public policy either in their favour or for developmental purposes generally. As Mkandawire (2001: 301) neatly observes:

There were many historical reasons for the weakness of the African capitalist class *vis-a-vis* the state. For one, colonialism had suppressed the emergence of such a class so that, unlike the case in India, for instance, the national bourgeoisie played a marginal role in the liberation struggle and could easily be marginalized in policy-making. The absence of a group of large indigenous capitalists with sizeable capital, organizational resources and entrepreneurial skills, obviated the need for the new states to form an alliance with such classes for its development project.

Thus all potential critical players are emasculated and made to toe the line as they enjoy the fruits of peace and stability. To give as examples, budding local capitalists and national politicians were at one time or the other either enjoying great leverage in the running of their vast enterprises or on the receiving end of lethal state machinery employed against their commercial interests depending on the whims of the authorities. Whereas it seems obvious that the absence of war and open strife does not automatically signal peace per se, Kenyan politicians and other public affairs stakeholders have nevertheless been able to exploit the situation to subdue alternative or opposing voices that threaten the status quo. So, we find ourselves in a situation where workers are supposed to protect the existing 'peace' at the expense of say decent jobs, better working conditions, higher pay, non-discrimination, greater say at the workplace (consultation) and so on.

Thus, whereas we would not argue that peace and stability is unimportant, our concern here is with the fact that we are settling for a less than optimal peace regarding industrial relations in Kenya. At any rate, it is equally implausible to argue that a more revitalized and invigorated trade union movement would necessarily lead to a disruption of the existing peace or economic and political stability. Indeed there is every possibility that such a development could most probably lead to more development as measured by economic growth and social progress. This is so because, as Mkandawire (2011: 290) explains, a developmental state has both ideological and structural elements. The ideological element refers to the fact that such a state must maintain as its core mission the task of ensuring economic development. This elevates the quest for economic development to a hegemonic project enabling key actors in the nation to buy into the vision voluntarily. On the other hand, the structural element 'emphasizes *capacity* to implement economic policies sagaciously and effectively.'

We now realize that the emphasis on peace may be used to shut down ideas which might very well question the development path adopted, its rate of success, as well as exploring alternatives as these would easily be seen as dissident voices out to cause trouble. The Kenyan trade union movement is thus faced with the task of developing their repertoire of collective action and narrative resources to counter the suspicions rhetoric that seem to frame them as rabble-

rousers. When trade union representatives talk 'peace', this must stand for something over and above the absence of strikes or work shut-downs to include, for instance, sustainable development, gender mainstreaming, accommodation of people with disabilities in the workplace, social security and so on and so forth to force both business and government to also expand their vocabulary with regard to the theme of peace.

What needs to be explored further is how to maintain the desired industrial peace and stability without infringing on the rights of workers. Similarly, workers need to broaden their struggle tactics and rhetoric beyond the formidable threats of shut-downs and go-slows. The media similarly need to broaden their imagination while reporting and commentating on trade union activities to further entrench the message that industrial action does not have to be limited to strikes and pay issues only and that at the very worst, the withdrawal of labour does not have to be a violent or rather non-peaceful activity. The right to go on strikes is indeed a human right and it is not in any way proscribed by the constitution only that it should be managed to limit economic losses.

There is therefore the need to move away from the language of 'disruptions', 'fracas', and so on while describing industrial action as is presently evident in Kenyan industrial discourse. It seems to us that the peace and stability often talked about at political rallies and even during union meetings has mainly been used to provide an environment favourable to the perpetuation of personal authority of those in government as well as the continued tenure of union bosses. Such a stance is compatible with the short-term and opportunistic calls witnessed about peace and stability rather than a strategic engagement with issues that may threaten the long-time viability of the nation and well-being of citizens. Thus not only should union leaders adopt new vocabularies of persuasion, there is also a great need for a revitalized repertoire of action and other narrative resources.

5 Conclusion

Of utmost importance to the study was to establish how the leadership communication of the key protagonists has influenced, over the years, the revitalization and renewal of the Kenyan labour movement. The importance of having a vibrant union movement playing its rightful role cannot be gainsaid. It is self-evident that collective-bargaining and worker rights generally are a key pillar of any robust democratic dispensation. As an example, one only need to look at the recent happenings in Marikana, located in the platinum mining belt of South Africa, to see the dangers of either malfunctioning unionism or inappropriate responses by state organs to bully unions and wild cat strikes. The Marikana case shook the world in 2012 first when striking workers killed two of their colleagues who were going to work in

defiance of the strike and then some time later hacked to death two policemen who had been sent to the scene to maintain peace. A few days later, the conflict escalated to the point where police officers shot and killed thirty four workers at the site. A formal judicial investigation is still going on to determine the cause and what actually transpired in Marikana that led to the eventual shooting and killings at the site³. Nevertheless, it remains a grim example of what can happen when unionists, employers and the government fail to listen to one another.

It is also evident that labour unions offers an alternative space that could be exploited positively for the development of Kenya as a united democratic nation forging ahead in the pursuit of economic and social well-being. The challenge with regard to Kenyan industrial relations discourse, is to go beyond epithets and slogans and explore new rhetoric that advances the welfare of not only of the working public but Kenyans at large by addressing potential fault lines that undermine our developmental aspirations.

We have attempted to point out instances where the Kenyan trade union discourse has been invaded by suspicious rhetoric that does little to advance the cause of workers and indeed in many circumstances actually weaken the trade union movement by making it subservient to political and other external interests. It is our sincere hope that by looking at discourse on trade unionism in Kenya over a long period, we present a fair sense of the repertoires of action and narrative resources characterising the Kenyan labour movement and how the same can be improved to revitalize and renew the unions.

Over the course of the research, it became apparent to us that there is no capacity within the local print press to independently discuss and analyse the happenings in the trade union movement rather than merely reporting happenings. In this way, would be opinion leaders and moderators on the country's industrial relations landscape are found to be wanting and newspaper managers need to address this lacuna. Unless these issues are looked at critically, labour union leadership in Kenya would remain the preserve of aspiring politicians who see representing the workers as a springboard to political offices. Indeed this is an emerging trend in Kenya where national union leaders often transit Solidarity building (COTU headquarters) to Parliament. Examples include such former prominent trade union leaders as Tom Mboya, Clement Lubembe, James Denis Akumu, Jolly Joy Mugalla and Juma Boy.

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³ See <http://marikana.mg.co.za/> for timelines on what happened on the few days leading to the massacre of the workers at the Marikana mine.

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