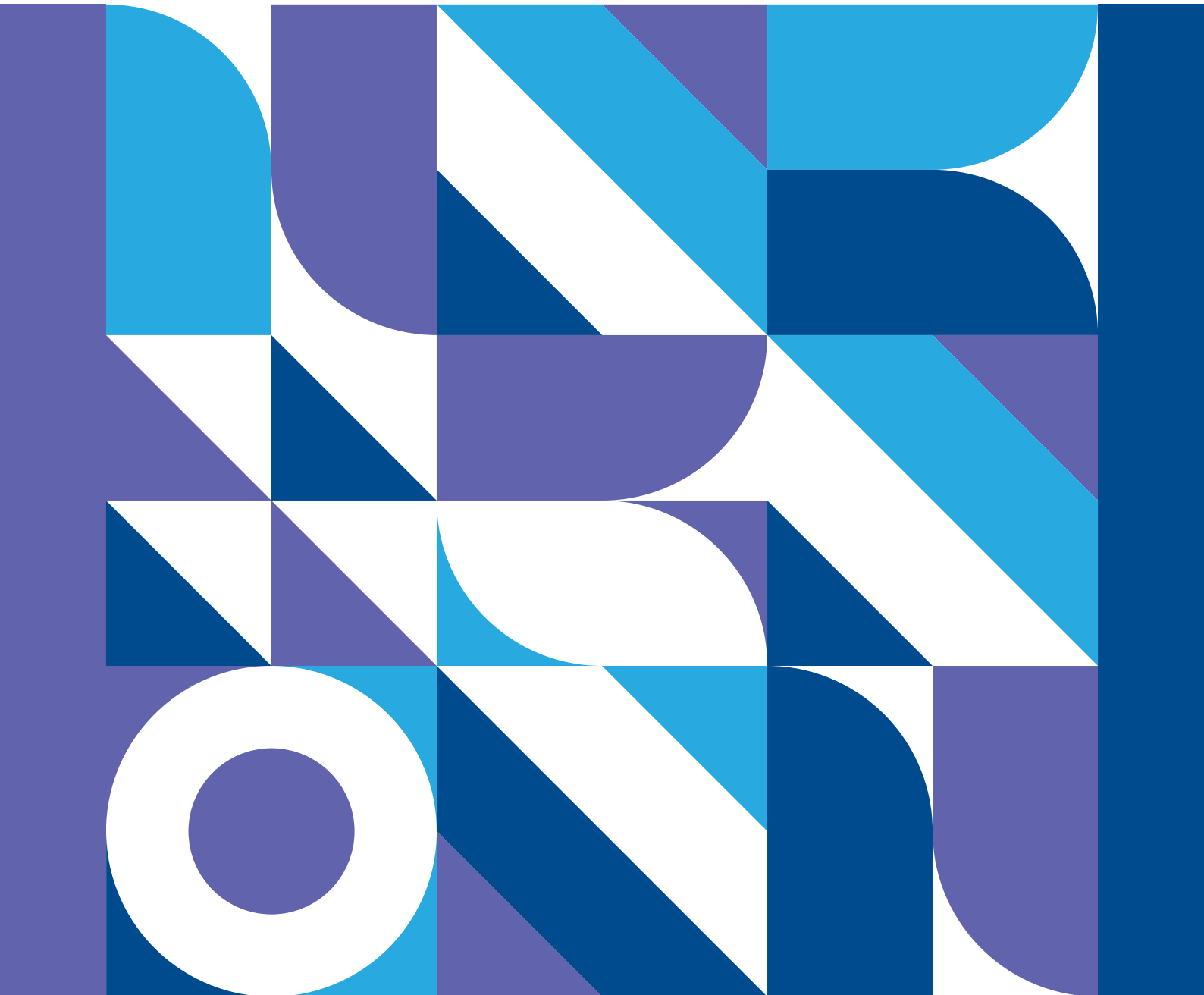




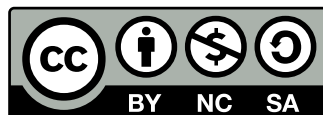
STATE OF LOCAL DEMOCRATIC GOVERNANCE IN KENYA

Abridged Report



© 2022 International Institute for Democracy and Electoral Assistance and Centre for Multiparty Democracy Kenya

International IDEA publications are independent of specific national or political interests. Views expressed in this publication do not necessarily represent the views of International IDEA or the Centre for Multiparty Democracy Kenya, their respective Board or its Council members.



With the exception of any third-party images and photos, the electronic version of this publication is available under a Creative Commons Attribution-NonCommercial-ShareAlike 3.0 (CC BY-NC-SA 3.0) licence. You are free to copy, distribute and transmit the publication as well as to remix and adapt it, provided it is only for non-commercial purposes, that you appropriately attribute the publication, and that you distribute it under an identical licence. For more information visit the Creative Commons website: <http://creativecommons.org/licenses/by-nc-sa/3.0/>.

International IDEA
Strömsborg
SE-103 34 Stockholm
SWEDEN
Tel: +46 8 698 37 00
Email: info@idea.int
Website: <https://www.idea.int>

Design and layout: International IDEA
Copyeditor: Curtis Budden

DOI: <https://doi.org/10.31752/idea.2022.29>

ISBN: 978-91-7671-547-5 (PDF)

STATE OF LOCAL DEMOCRATIC GOVERNANCE IN KENYA

Abridged Report



International IDEA
Strömsborg
SE-103 34 Stockholm
SWEDEN
+46 8 698 37 00
info@idea.int
www.idea.int

Acknowledgements

This study on the State of Local Democracy in Kenya is a demonstration of the Centre for Multiparty Democracy (CMD-Kenya) and International IDEA's commitment to promoting democratic culture in Kenya as well as accountability in the governance process. The success of the study was made possible through the efforts and expertise of various persons and institutions within Kenya and outside.

With utmost appreciation, we acknowledge the funding support of the Embassy of the Netherlands through International IDEA to support the strengthening of democratic institutions and processes that will support accountable democratic governance and active citizenry in Kenya. Their support and contributions enabled the development and publication of this report.

Importantly, we thank the committed teams of CMD-Kenya Secretariat and International IDEA for their dedication in coordinating this project in general and this study in particular. Specifically, we appreciate Frankline Mukwanja and Range Mwita of CMD-Kenya and Gram Matenga, Clara Mutanda and Antonine Riany of International IDEA. Without their input and commitment, we certainly could not have come this far. We also thank the leadership of CMD-Kenya and International IDEA for their guidance and moral support that made this study a reality.

Our utmost appreciation goes to the key informants who participated in the study especially the County Executive Committee members in charge of devolution, and representatives from the Council of Governors, political parties and civil society organizations. Finally, we would like to extend our gratitude to the researchers who went out into the field and whose invaluable dedication made the assessment a success.

Finally, we are indebted to and would like to thank the outstanding work conducted by the consultancy firm Infotrak Research and Consulting, for their professional input, and collection and collation of data that made compilation of this report a success. Their dedication and patience remained a driving force for this undertaking and the ultimate outcome.

Contents

| | |
|--|-----------|
| Acknowledgements | iv |
| Acronyms and abbreviations | 3 |
| Executive summary | 4 |
| Overview of democratic governance in Kenya | 4 |
| Methodology | 5 |
| Survey findings | 5 |
| Chapter 1 | |
| Introduction and survey background | 9 |
| 1.1. Background to the study | 9 |
| 1.2. Conceptual need | 10 |
| 1.3. Objectives of the study | 11 |
| Chapter 2 | |
| Survey approach and methodology | 12 |
| 2.1. Approach | 12 |
| Chapter 3 | |
| Main findings | 14 |
| 3.1. Citizenship at the local level | 14 |
| 3.2. Civil and political rights | 15 |
| 3.3. Awareness of economic and social rights | 16 |
| 3.4. Rule of law and access to justice | 17 |
| 3.5. Elections and mechanisms of direct democracy at the local level | 19 |
| 3.6. Local legislature | 21 |
| 3.7. Political parties | 21 |
| 3.8. Local governing bodies | 23 |
| 3.9. Customary and traditional institutions | 24 |
| 3.10. | |
| Active citizen engagement | 24 |
| 3.11. | |
| Media | 27 |
| Chapter 4 | |
| Conclusion and recommendations | 29 |
| 4.1. Conclusion | 29 |
| 4.2. Recommendations | 31 |
| References | 32 |
| About the partners | 32 |

Acronyms and abbreviations

| | |
|------------------|---|
| CMD-Kenya | Centre for Multiparty Democracy Kenya |
| IEBC | Independent Electoral and Boundaries Commission |
| PLWD | Persons living with a disability |
| RTA | Refused to answer |
| SoLD | State of Local Democracy |

EXECUTIVE SUMMARY

OVERVIEW OF DEMOCRATIC GOVERNANCE IN KENYA

Kenya promulgated a new constitution in August 2010, creating a solid legal platform for enhancing participatory governance through devolved structures at the county level. The emphasis on devolution was spurred by shortfalls that are often distinctive of highly centralized systems, including the marginalization of local communities in development processes.

The establishment of a devolved system of government aimed to move control of power and resources from the central government to the counties.

The establishment of a devolved system of government aimed to facilitate access to power and to move control over resources from the central government to the counties. The intention was to accelerate socio-economic development at the county level in addition to strengthening democratic governance in the devolved units. However, while resources and power were devolved, the rate of citizen participation in county governance is still limited. This is due, in part, to the fact that citizens are largely uninformed about their role in county governance. While devolution is highly popular among Kenyan citizens, there has also been criticism of the costs involved, the increased competition between officers, and corruption and ethnic competition, which have arisen across much of the country. In addition, many counties are now controlled by opposition governors—or at least governors who were not elected as members of the ruling coalition—meaning Kenya now features a number of influential regional leaders who have a vested interest in defending and strengthening devolution. To shed light on the state of local democracy alongside issues of gender and inclusion, CMD-Kenya commissioned a survey which applied the International Institute for Democracy and Electoral Assistance (International IDEA) State of Local Democracy (SoLD) framework, to conduct a 'health check' for democratic governance at the local level in order to identify strengths and weaknesses. The survey covered 24 counties in Kenya.

METHODOLOGY

The survey adopted qualitative and quantitative research methods, which involved a comprehensive literature review and key informant interviews with stakeholders in public institutions, political parties and civil society organizations.

The survey was conducted in 24 counties in all 8 regions of Kenya.¹ During the survey, 2,400 face-to-face interviews were conducted with members of the general public. The sample was distributed using the population-proportionate-to-size formula across the 24 counties. Data collection took place during the month of November 2021.

SURVEY FINDINGS

- Awareness of the levels of government is relatively high; awareness of the arms of the national government is equally high. In terms of gender, men are more aware of the levels and arms of government than women are. Further, a high degree of awareness was more characteristic of the younger respondents than of their older counterparts.
- More than half (51%) of the respondents reported that the government treats its citizens equally in addressing their concerns, interests and rights. However, the majority of surveyed respondents, especially from the Central, North Eastern and Eastern regions, as well as persons living with a disability (PLWDs), noted that the government still did not show sufficient respect for the principle of equality.
- For the most part, Kenyans are not actively involved in the running of government or in governance matters. However, those who felt that they were actively engaged noted that the government informs the public about its decisions and plans, that people have an opportunity to vote on key issues such as constitutional amendments, that the public can take part in regular, free and fair elections and that local and county governments exist.
- Kenyans, and specifically the respondents, have a relatively high level of awareness of their rights, key among them being the right to citizenship, freedom of expression, freedom of movement and the right to life. Respondents further noted that voting stands out as the main way in which Kenyans can participate in governance.
- Overall, ethnic and religious conflicts are not considered a problem within communities. However, they remain a problem for the North Eastern and Nyanza regions, as noted by most surveyed respondents within these regions. For the most part, tension is not considered a problem within communities.
- In general, awareness of government responsibilities towards citizens was considerably high, with almost all (99%) of the respondents indicating that

¹ The Nairobi, Coast, North Eastern, Eastern, Central, Rift Valley, Western and Nyanza regions.

they were aware of such responsibilities. The primary responsibilities that the respondents were aware of included creating a conducive environment for investment, employment and self-employment (17%); protecting citizens against internal and external threats (16%); and ensuring access to quality health care (15%). Further, the survey established that more than half (53%) of the respondents do not think Kenyans are actively involved in the country's economy. However, those who thought Kenyans were actively involved felt that this was the case mainly because jobs are available (26%), banks and other financial institutions give loans to individuals and businesses (23%) and consumers spend a lot of money on goods and services (20%).

- A relatively high proportion (91%) of the respondents indicated that they were aware of the economic and social rights that are guaranteed in Kenya's 2010 Constitution. Of these, 47% were aware of the right to the highest attainable standard of health, 42% were aware of the right to education, and 37% were aware of the right to accessible and adequate housing and reasonable standards of sanitation.
- Respondents indicated that the factors that contribute the most to their identity as Kenyans are respect for different ethnic communities (19%), respect for members of all religions (12%) and respect for all other social classes (12%).
- The survey established that the greatest threats to the rule of law and enjoyment of human rights and freedom included corruption and impunity (70%), the high cost of accessing justice (8%) and ignorance of one's rights (7%).
- The judiciary (37%), the inspector general of police (22%), the Office of the President (20%) and the cabinet secretary for the Ministry of Interior (7%) were the key institutions and individuals most associated with enforcing the rule of law and protecting human rights and freedoms in Kenya. On the other hand, the three organizations most associated with being the greatest threat to the rule of law and enjoyment of human rights and freedoms in Kenya include the inspector general of police, the judiciary and the Office of the President.
- The survey established that respondents were almost equally divided about whether or not the judiciary was independent and impartial in rendering justice: whereas 43% indicated that it was not, 45% said that it was both independent and impartial.
- A majority of the surveyed respondents (57%) indicated that the current Constitution had resulted in Kenyans being better governed. On the other hand, 34% disagreed that the current Constitution had resulted in Kenyans being better governed. More than half of PLWDs (51%) felt that the current Constitution had not led to improved governance to a sufficient degree.
- The survey established that a majority of the surveyed respondents (82%) think that participating in national government and county government decision-making processes is an excellent way to improve governance and government decision-making. Only 14% noted that the participation of citizens in national government and county government decision-making was not good for improving governance and government decision-making.

- A majority (61%) of the respondents indicated that they were not members of a political party. About two in every five (44%) had not participated in a political party nomination over the previous 10 years. On the other hand, whereas more than half (51%) of respondents indicated that being a member of a political party was essential, 38% said that it was unnecessary.
- The survey established that, of the survey respondents who indicated that they were members of a political party, 85% had voted in a political party nomination within the previous 10 years. On the other hand, of those who mentioned that they were not members of political parties, 63% had not voted in a political party nomination within the previous 10 years.
- The survey established that, of the survey respondents who indicated that they were members of a political party, 84% felt that being a member of a political party was essential. On the other hand, of those who mentioned that they were not members of political parties, 55% felt that being a member of a political party was not important.
- A relatively high proportion (93%) of respondents were aware of ways to improve participation in political parties. Of these, 26% felt participation could be improved by eradicating tribalism in parties and educating the public on the importance of political parties (21%), and making political parties more transparent (19%).
- Religious groups (64%), village elders (47%), community elders (40%) and age groups² (41%) were rated as important institutions/entities. On the other hand, it should be noted that significant percentages of respondents said that religious groups (14%), village elders (21%), community elders (25%), and age groups (28%) were not important.
- A relatively high proportion (89%) of the respondents acknowledged that they were aware of how customary and traditional institutions could improve their participation in governance. Of these, 39% mentioned involving them in the planning and execution of policies, 33% mentioned providing government funding for their initiatives, while 27% mentioned capacity-building on government processes.
- The survey established that a large majority (82%) of the respondents considered their participation in decision-making by the government as critical.
- Increased political violence (38%), disagreements between the country's major political leaders (18%), increased ethnic tensions (18%), corruption in the national and county governments (10%), and lack of electoral reforms (8%) were mentioned as the main electoral concerns as the 2022 general election approaches.
- Of the surveyed respondents who mentioned that they believed that their participation mattered in government decision-making, a majority (68%) indicated that they would vote in the 2022 general election no matter what. On the other hand, of those who mentioned that they believed that their participation did not matter in government decision-making, 45% said that they would vote, whereas 34% indicated they would not vote. For the surveyed respondents who indicated that they would not vote, a significant proportion (41%) said that the elections were bound not to be free and fair.

² Age groups should be construed as age sets. These are persons in a community who were born around the same time, have a common identity, and maintain close ties. They can be young or old.

Other critical reasons cited were lack of interest in the elections (33%), not being a registered voter (10%), and a busy schedule (6%).

- More than three in every five (63%) respondents indicated that there were equal opportunities for men and women in electoral processes. A lack of equal opportunities was mentioned by 33%, whereas 4% were not sure. The survey established that a large percentage (42%) of the respondents were indifferent regarding the independence of county assemblies. In contrast, slightly more (43%) of the respondents felt that the National Assembly and Senate were independent.
- Almost all (97%) of the respondents acknowledged that they were aware of efforts to strengthen the county governments. Of these, the top three efforts mentioned included allocating more funds to county governments (26%), allowing public participation in decision-making at the county level (22%), and prosecuting corrupt officials within county governments (21%).

Chapter 1

INTRODUCTION AND SURVEY BACKGROUND

1.1. BACKGROUND TO THE STUDY

History of the Kenyan Constitution

Kenya's 2010 Constitution replaced the 1969 Constitution, which had replaced the 1963 Constitution, following independence. The current Constitution was presented to the attorney general of Kenya on 7 April 2010, officially published on 6 May 2010 and subjected to a referendum on 4 August 2010. The new Constitution was approved by 67% of Kenyan voters and promulgated on 27 August 2010.

The 2010 Constitution introduced a presidential system of governance and gave birth to devolution in the country, the aim of which was to bring resources closer to the people through the 47 county governments. The 2010 Constitution also reinforced democracy by introducing a robust legal framework to enhance participatory governance in devolved local government and in the national government.

Devolution

The new Constitution established a devolved government with 47 lower-level county governments. The new county governments are now in charge of overseeing some functions, such as the provision of health care and pre-primary education as well as the maintenance of local roads, which were previously the responsibility of Kenya's national government. Devolution was intended to bring services closer to the people and create a platform that would enable women, marginalized communities and minorities to participate more effectively in decisions that affected their economic and political well-being. In the post-2013 system, county governments were given a constitutional mandate to raise revenue and to develop and implement budgets, plans and policies for delivering effective services that improve the welfare of Kenyans.

The 2010 Constitution introduced a presidential system of governance and gave birth to devolution in the country.

Notwithstanding the many gains that devolution brought to Kenyans, public participation in devolved governance remains a challenge. Many people remain unaware of their county governments, while a few are focused on keeping the leadership on course. The devolved form of governance has also been criticized largely because of the cost burden it has placed on citizens.

The 2010 Constitution has played an important role in boosting gender representation in Kenya.

The Constitution and gender representation

The 2010 Constitution has played an important role in boosting gender representation in Kenya, a country whose political space has for decades been male-dominated. Some of the key milestones in improving gender balance in governance include the introduction of female representatives in each county and a legal framework for the two-thirds gender rule in government and public offices. Despite the fact that this legal framework has not yet been fully implemented, there is still hope that the problem of gender inequality in Kenyan governance will be solved in the near future.

It is noteworthy that the National Gender and Equality Commission guidelines on gender-responsive budgeting are not widely known and have not been implemented, while the Treasury, which formulates national economic policy and planning, is yet to develop guidelines or a policy establishing how both national and county governments should mainstream gender equality into budgeting and planning. There is therefore no clear policy lead, nor is there a coherent national approach to entrenching gender equality in Kenya.

Partly as a result, most county governments lack formal strategies for gender-mainstreaming, and they often group women, people with disabilities, young people, the elderly and children together under 'special interest groups', failing to consider the different dynamics and needs of each group. Women's empowerment programmes offered by county governments are frequently piecemeal and short-term in scope, and they lean towards traditional roles.

Citizens continue to push for democracy at the county level, expecting to enjoy service delivery that includes everyone and respects human rights.

1.2. CONCEPTUAL NEED

As much as devolution gave birth to local governments and brought services closer to the people, capacity issues have been experienced at the county level. Citizens continue to push for democracy at the county level, expecting to enjoy service delivery that includes everyone and respects human rights. They expect governments to consider their views in decision-making and policy formulation. In essence, true socio-economic development will be realized at the local level only if democracy is felt and practised in the counties.

Citizens therefore have a responsibility to be politically conscious; they have access to information and can be involved in county governance by participating in law making and budgeting. In particular, they must be aware of their rights and responsibilities in the devolved form of governance.

There is a need therefore to conduct periodic assessments of the state of democratic governance in Kenya to identify the progress made while at the same time identifying emerging challenges in order to inform the duty bearers. CMD-Kenya, a political party-based organization established in March 2004, sought to apply International IDEA's SoLD framework in conducting a pilot gender-sensitive assessment of the state of democratic governance in 24 selected counties in Kenya.

1.3. OBJECTIVES OF THE STUDY

The overall objective of the undertaking was to review International IDEA's SoLD framework and conduct a pilot gender-sensitive assessment of the state of democratic governance in select counties. The SoLD framework is aimed at enabling citizens to periodically conduct a 'health check' of their local democracy with a view to learning from good practices and successes, while at the same time contributing to reforms of identified democratic deficits. The assessment sought to capture the voice of the citizenry and contribute to strengthening local and national governments' responsiveness to the needs and aspirations of citizens.

The assessment also had several specific objectives, including (a) reviewing and adapting International IDEA's SoLD framework and tailoring it to the situation in Kenya; (b) conducting a pilot citizenry-led and gender-sensitive SoLD assessment in select counties; and (c) generating a concise report detailing the state of local democracy and citizen participation in the target counties, including issues of gender and inclusion.

Chapter 2

SURVEY APPROACH AND METHODOLOGY

2.1. APPROACH

This study utilized International IDEA's SoLD framework, which was tailored to the Kenyan context in order to complete the gender-sensitive assessment of the state of local democracy governance. This involved an eight-step assessment guide (International IDEA [n.d.]) in the context of Kenya.

The eight-steps approach

Step 1. Preparation, timing and partnership-building

Step 2. Assessment organization

Step 3. Assessment design and work plan

Step 4. Data collection and analysis

Step 5. Report writing and recommendations

Step 6. Validation workshops and report finalization

Step 7. Publication, dissemination, advocacy for reform

Step 8. Evaluation and next steps

A three-pronged approach was adopted that entailed desk research, quantitative research and qualitative research (see Figure 1).

Figure 1. Research methodology

DESK RESEARCH

Review of relevant documents, publications
and reports

QUANTITATIVE RESEARCH

Computer-assisted personal interviews with members of
the public in 24 selected counties across 8 regions in Kenya

Sample: **2,400**

QUALITATIVE RESEARCH

Focus group discussions with members of the public and
key informant interviews with relevant stakeholders
on local democracy and gender inclusion

Chapter 3

MAIN FINDINGS

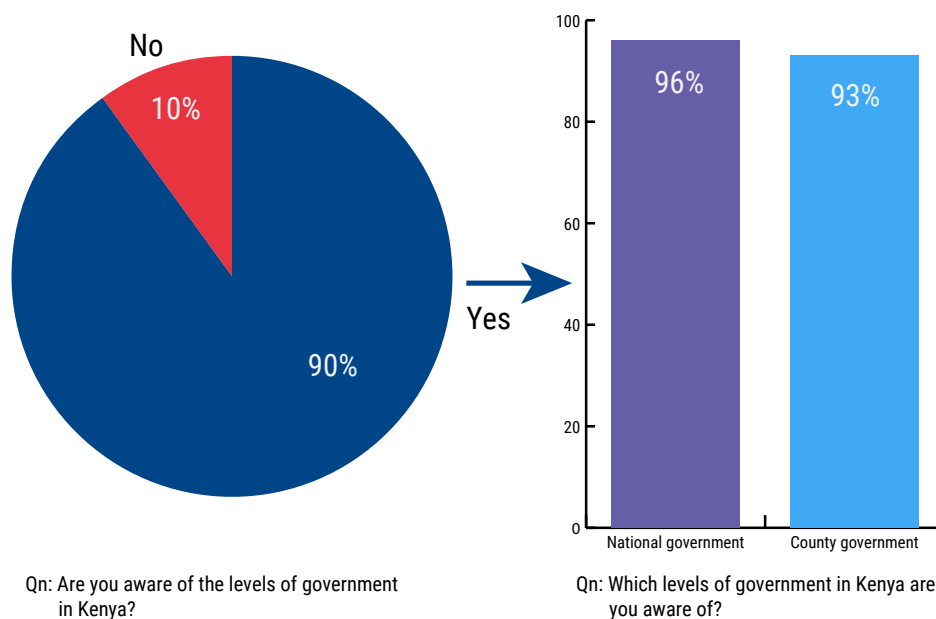
3.1. CITIZENSHIP AT THE LOCAL LEVEL

Awareness of national and county governments

There is a relatively high degree of awareness of the two levels of government. The survey found that 90% of Kenyans were aware of the different levels of government. Of these, 96% were aware of the national level, and 93% were aware of the county level, as shown in Figure 2.

The survey findings provide the data for all of the figures throughout the report.

Figure 2. Overall awareness of levels and arms of government

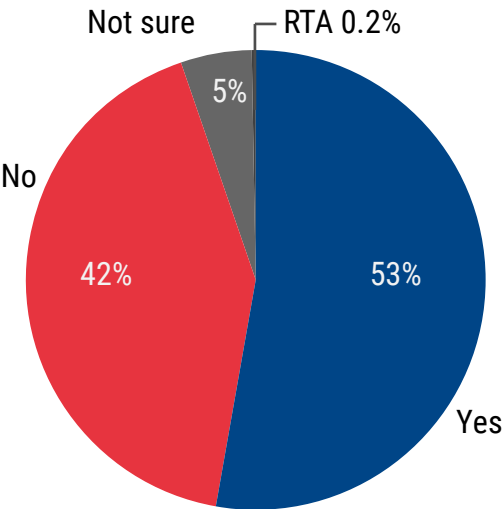


3.2. CIVIL AND POLITICAL RIGHTS

Equal treatment of citizens

A majority (53%) of the respondents felt that they were being treated equally with regard to addressing their concerns, interests and rights. However, a considerable proportion (42%) felt that the government did not treat all people equally in terms of addressing their concerns, rights and interest (see Figure 3).

Figure 3. Feedback on whether the government treats its citizens equally



Qn: At the present moment, would you say the government treats all people equally, especially with regard to addressing their concerns, interests and rights?

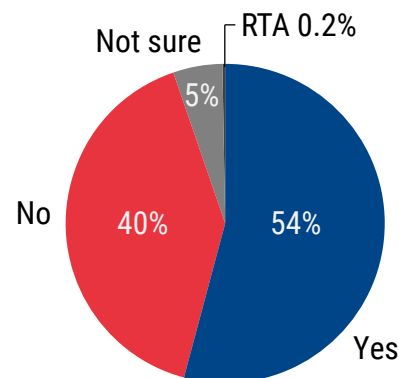
Equal opportunities in political, economic, cultural and social spheres

More than half (54%) of the respondents acknowledged that women and men had the right to equal opportunities in the political, economic, cultural and social spheres. Equally significant, a considerable proportion (40%) was of the contrary opinion, as presented in Figure 4.

Awareness of government responsibilities towards citizens

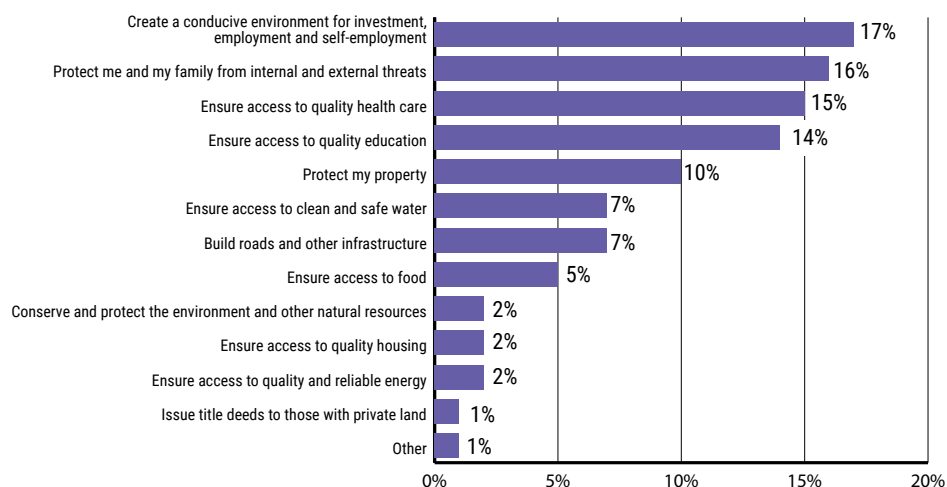
Overall, awareness of government responsibilities towards citizens was extremely high, with almost all (99%) of the respondents indicating that they were aware of said responsibilities. The main responsibilities that the respondents were aware of include: creating a conducive environment for investment, employment and self-employment (17%); protecting citizens against internal and external threats (16%); ensuring access to quality health care (15%); and providing quality education (14%) (see Figure 5).

Figure 4. Perceptions of the existence of equal rights for both men and women



Qn: As per the 2010 Constitution of Kenya, women and men have the right to equal treatment, including the right to equal opportunities in the political, economic, cultural and social spheres. In your opinion, is this the case in practice?

Figure 5. Awareness of government responsibilities towards citizens

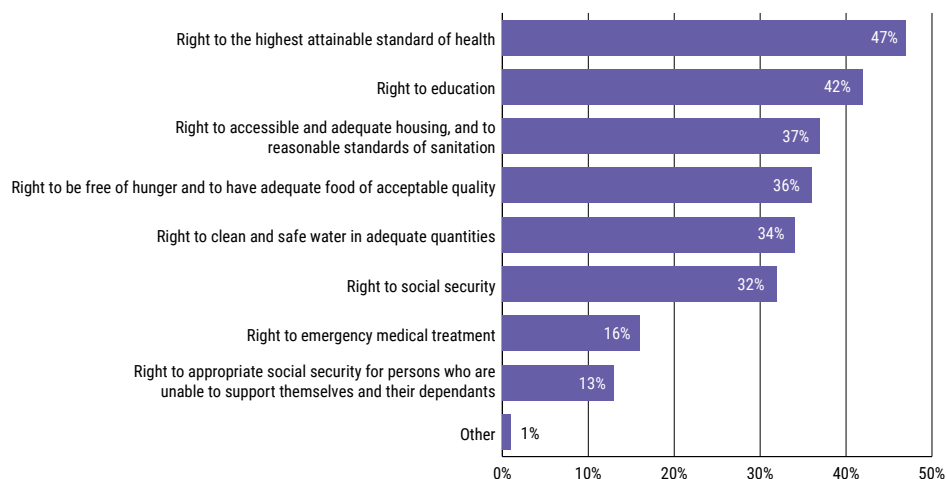


Qn: List three key things the government is supposed to do for you as a citizen.

3.3. AWARENESS OF ECONOMIC AND SOCIAL RIGHTS

Almost all (91%) of the respondents were aware of the economic and social rights that are guaranteed under the 2010 Constitution. Of these, 47% were aware of the right to the highest attainable standard of health, 42% were aware of the right to education, while 37% were aware of the right to accessible and adequate housing, and to reasonable standards of sanitation. Other mentioned economic and social rights are shown in Figure 6.

Figure 6. Economic and social rights that are guaranteed in the 2010 Constitution of Kenya

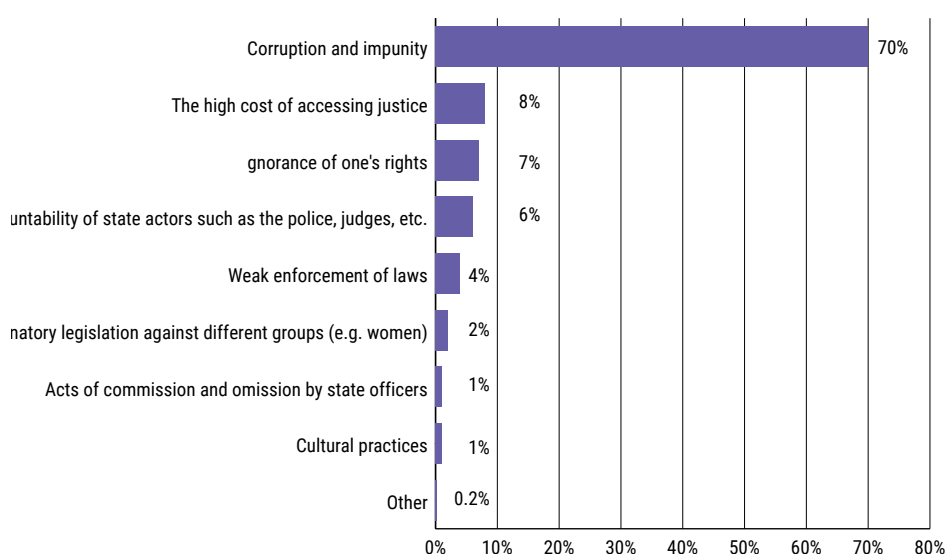


Qn: Please name any three economic and social rights that are guaranteed in the 2010 Constitution of Kenya.

3.4. RULE OF LAW AND ACCESS TO JUSTICE

The survey established that the greatest threats to the rule of law and enjoyment of human rights and freedom in Kenya were corruption and impunity (70%), the high cost of accessing justice (8%), and ignorance of one's rights (7%), among others as shown in Figure 7.

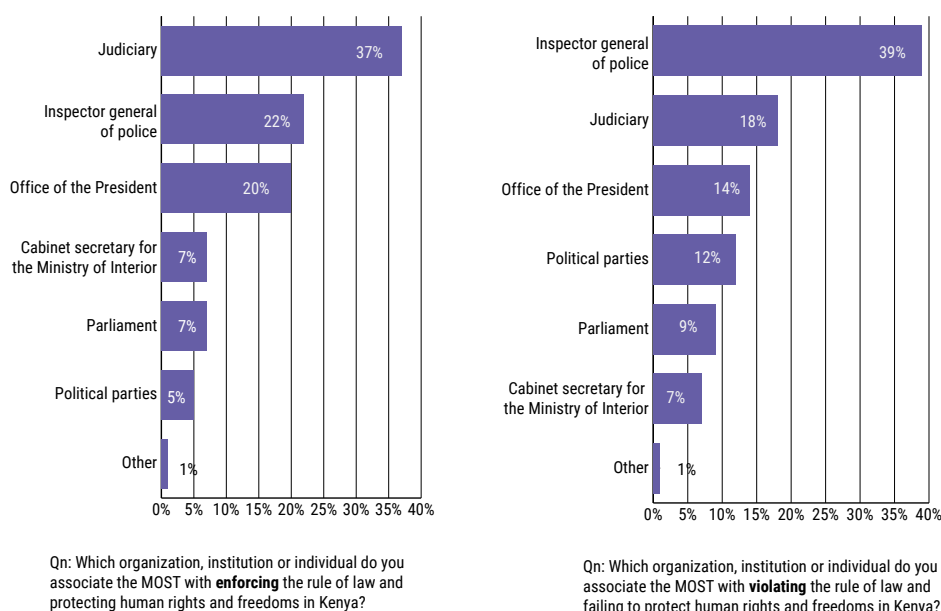
Figure 7. Greatest threats to the rule of law and enjoyment of human rights and freedoms



Organizations responsible for enforcing the rule of law and those that violate the rule of law

The judiciary (37%), the inspector general of police (22%), the Office of the President (20%) and the cabinet secretary for the Ministry of Interior (7%) were the key institutions and individuals most associated with enforcing the rule of law and protecting human rights and freedoms in Kenya. Similarly, the inspector general of police (39%), the judiciary (18%), the Office of the President (14%), political parties (12%) and parliament (9%) were the key institutions most associated with violating the rule of law and failing to protect human rights and freedoms in Kenya (see Figure 8).

Figure 8. Organizations, institutions and individuals associated with enforcing the rule of law and protecting human rights and freedoms in Kenya



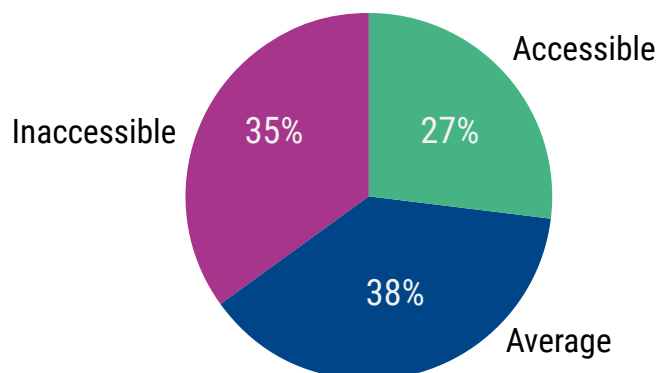
Access to justice

A significant proportion (38%) of the respondents rated accessibility of the justice system as average; 35% rated it as inaccessible, whereas 27% rated it as accessible, as shown in Figure 9.

Impartiality of the judiciary

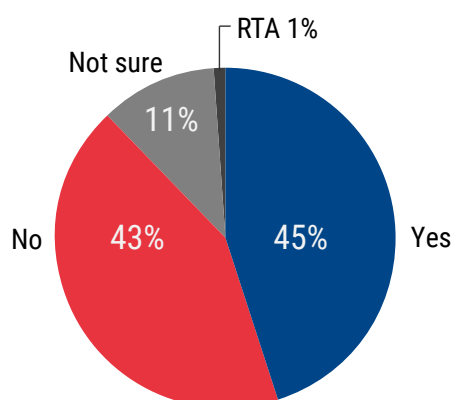
Respondents were almost equally divided about whether the judiciary was independent and impartial in rendering justice. Whereas 43% indicated that it was not independent and impartial, 45% said that it was independent and impartial, as shown in Figure 10.

Figure 9. Accessibility of the justice system



Qn: Focusing on access to justice, how accessible is our justice system, including law enforcement agencies and courts, to citizens—men and women alike—on a scale of 1 to 10, where 1 is not accessible at all and 10 is extremely accessible?

Figure 10. Independence and impartiality of the judiciary in rendering justice



Qn: Would you say the Kenyan judiciary is independent and impartial in rendering justice to citizens?

3.5. ELECTIONS AND MECHANISMS OF DIRECT DEMOCRACY AT THE LOCAL LEVEL

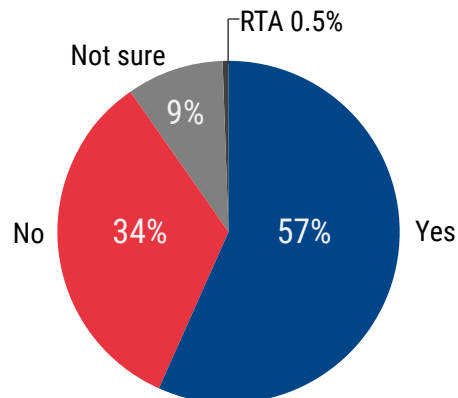
Current Constitution and improved governance

A majority (57%) of the respondents indicated that the current Constitution has resulted in Kenyans being governed better. On the other hand, 34% of the respondents were of the contrary opinion, as shown in Figure 11.

Inclusion of citizens in decision-making in national and county governments

A majority of the respondents felt that the national government mostly included people in decision-making through elections (32%), holding of public

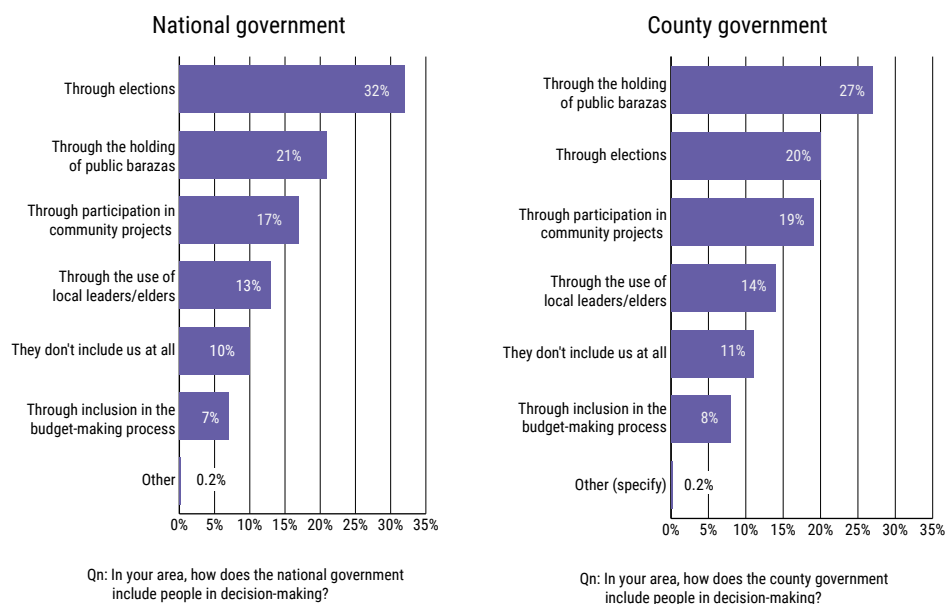
Figure 11. Current Constitution and improved governance



Qn: Do you think the current Constitution has resulted in Kenyans being better governed?

barazas (meetings) (21%), and participation in community projects (17%). For county governments, the surveyed respondents indicated that they were included through the holding of public *barazas* (27%), voting (20%), and participation in community projects (19%), as indicated in Figure 12.

Figure 12. Inclusion of citizens in decision-making in national and county governments

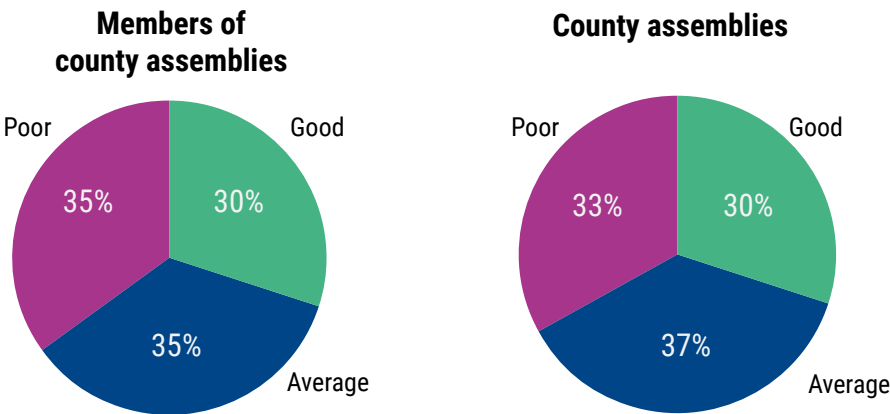


3.6. LOCAL LEGISLATURE

Performance of county assemblies and their members

As shown in Figure 13, a significant proportion (35%) of the respondents negatively rated the performance of the members of county assemblies. Another 35% rated their performance as average, whereas 30% rated it as good. Further, 33% of the respondents ranked the performance of the county assemblies as poor, another 37% ranked their performance as average, and 30% ranked it as good.

Figure 13. Performance of county assemblies and their members



Qn: On a scale of 1 to 10, where 1 is very poor and 10 is excellent, the performance of your county assembly and of your member of county assembly?

Ways of improving local level representation

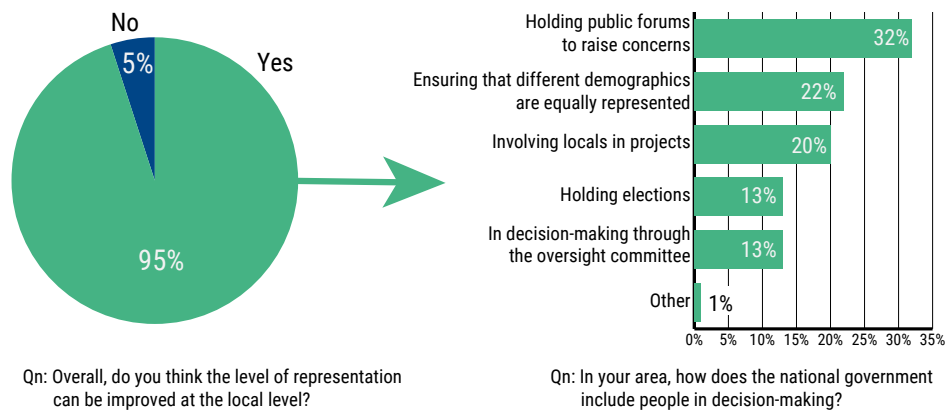
An overwhelming majority (95%) of the respondents indicated that the level of representation at the local level could be improved. Of these, 32% mentioned that representation could be improved through public forums to raise concerns. Another 22% mentioned that local representation could be improved by ensuring that there was equal representation of different demographics, whereas 20% mentioned the involvement of locals in projects. Other suggestions mentioned are highlighted in Figure 14.

3.7. POLITICAL PARTIES

Membership and participation in political party nominations

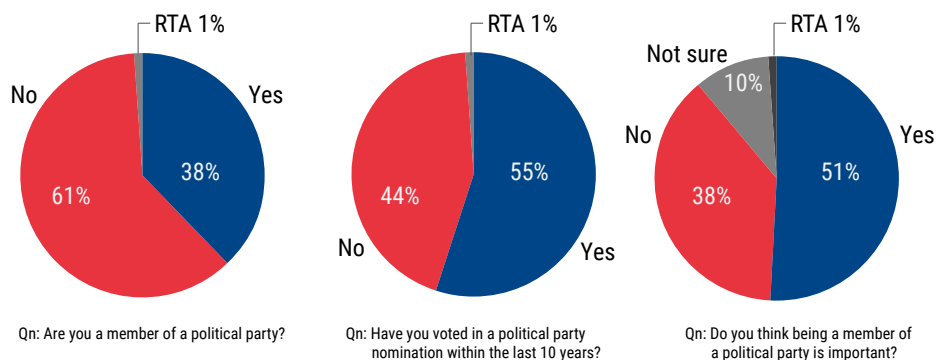
Whereas slightly more than half (51%) of the respondents indicated that being a member of a political party is important, 38% were of the contrary opinion. Further, a majority (61%) of the surveyed respondents indicated that they were not registered members of any political party, with a significant proportion

Figure 14. Ways of improving local representation



(44%) indicating that they had not participated in a political party nomination over the previous 10 years (see Figure 15).

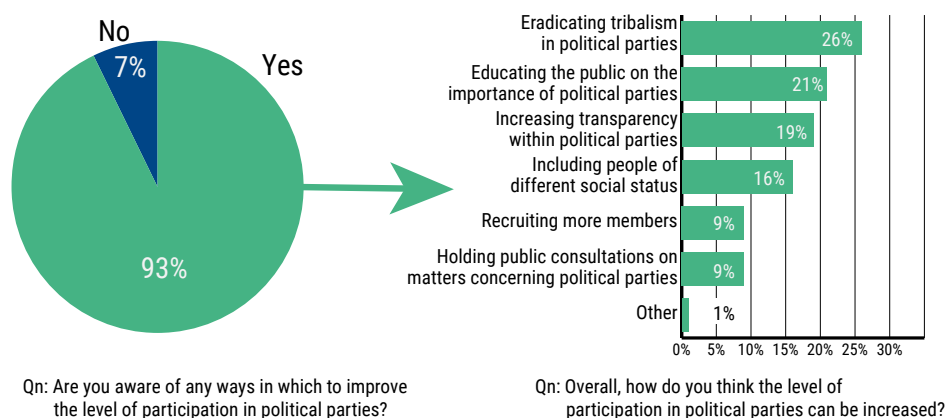
Figure 15. Membership in political parties



Ways of improving participation in political parties

A relatively high proportion (93%) of the respondents were aware of ways to improve participation in political parties. Of these, 26% felt participation could be improved by eradicating tribalism in political parties. Another 21% suggested educating the public on the importance of political parties, while 19% recommended transparency within political parties as a way of encouraging public participation in party affairs. Other suggestions mentioned are shown in Figure 16.

Figure 16. Ways of improving participation in political parties

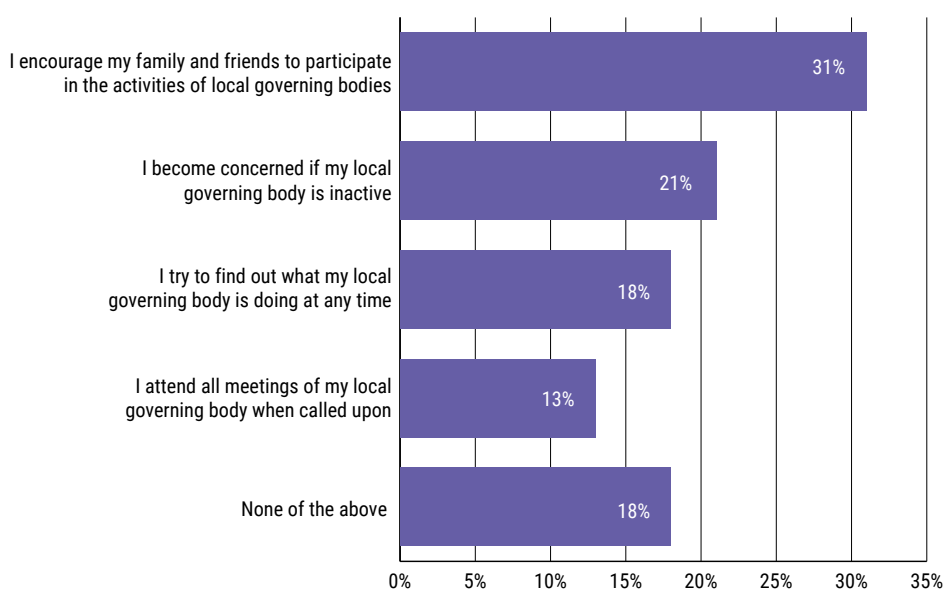


3.8. LOCAL GOVERNING BODIES

Description of local/community participation

Of the respondents, 31% encourage their family and friends to participate in the activities of local governing bodies. Another 21% become concerned if their local governing body is inactive, while 18% try to find out what their local governing body is doing at any time, as shown in Figure 17.

Figure 17. Description of local/community participation

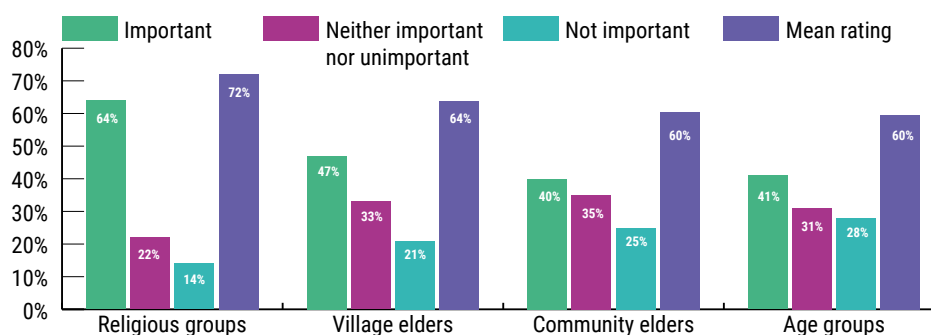


3.9. CUSTOMARY AND TRADITIONAL INSTITUTIONS

Importance of institutions in governance

Religious groups (64%), village elders (47%), community elders (40%) and age groups (41%) were rated as important institutions/entities. It is noteworthy that significant percentages of the respondents rated religious groups (14%), village elders (21%), community elders (25%), and age groups (28%) as not important.

Figure 18. Importance of institutions in governance



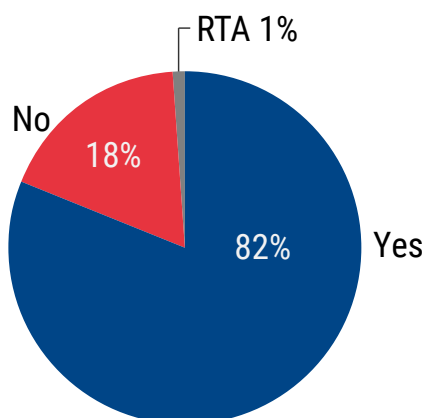
Qn: On a scale of 1 to 10, where 1 is not important at all and 10 is very important, how would you rate the importance of the following institutions in governance?

3.10. ACTIVE CITIZEN ENGAGEMENT

Importance of citizen participation in governance

A majority (82%) of the surveyed respondents considered their participation in government decision-making as critical, as shown in Figure 19.

Figure 19. Feedback on whether participation matters in government decision-making

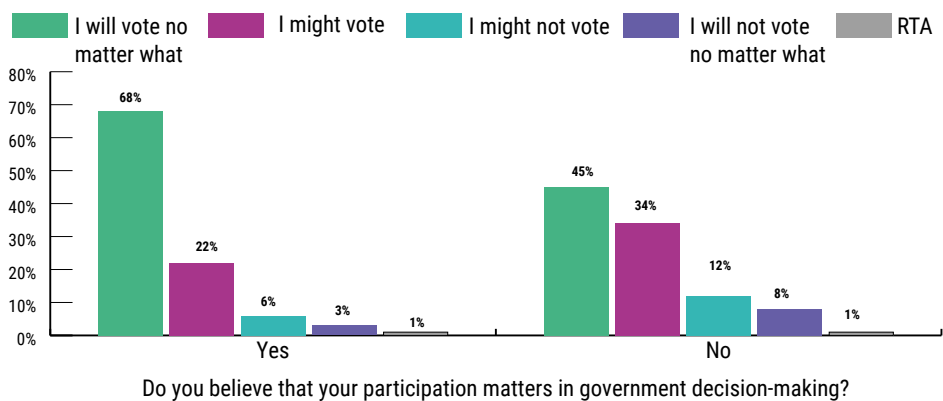


Qn: Do you believe that your participation in government decision-making matters?

Participation in 2022 general election

Of the respondents who mentioned that they believed that their participation in government decision-making mattered, a majority (68%) indicated that they would vote in the 2022 general election no matter what. Conversely, of those who mentioned that they believed their participation in government decision-making did not matter, only 45% said that they would vote, while 34% were unsure whether they would vote (see Figure 20).

Figure 20. Participation in 2022 general elections

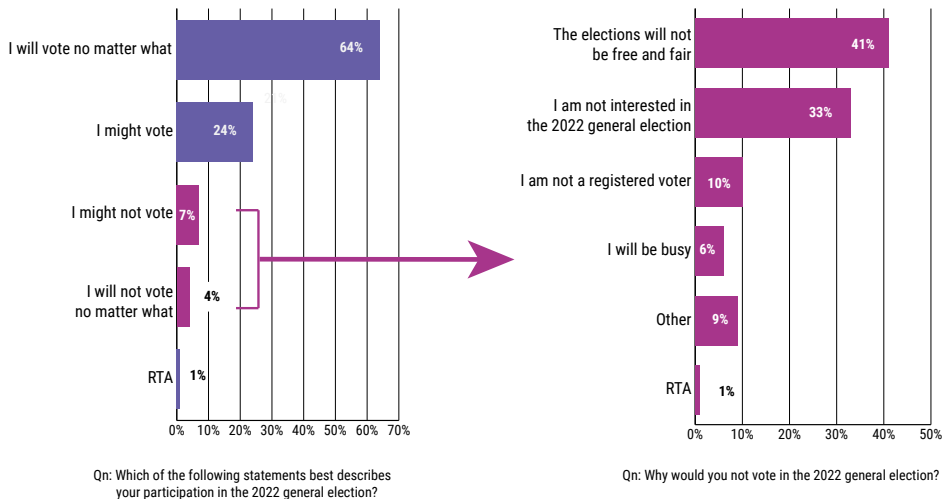


Qn: Which of the following statements best describes your participation in the 2022 general election?

Reasons for not participating in 2022 general election

For the respondents who indicated that they would not vote, a significant proportion (41%) said that the elections were bound not to be free and fair (see Figure 21). Other key reasons cited were lack of interest in the elections (33%), not being a registered voter (10%), and busy schedules (6%).

Figure 21. Reasons for not participating in the 2022 general elections



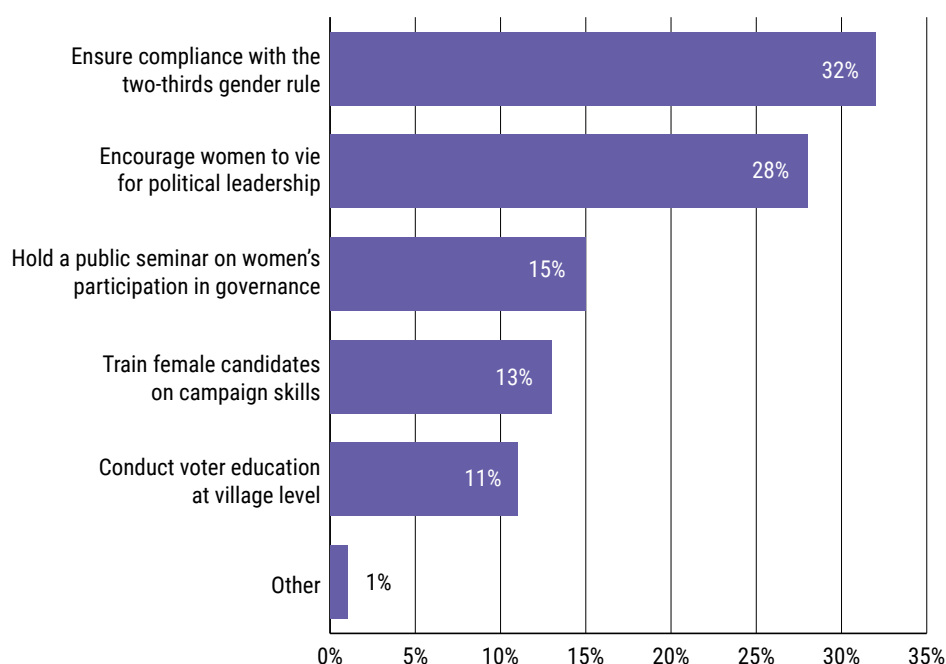
Qn: Which of the following statements best describes your participation in the 2022 general election?

Qn: Why would you not vote in the 2022 general election?

Ways of increasing women's representation in parliament and county assemblies

Surveyed respondents were of the view that increased women's representation in legislative institutions can be achieved by ensuring compliance with the rule that states that not more than two-thirds of the members of a legislative body may be of the same gender (32%), encouraging more women to vie for elective political positions (28%), and organizing public seminars on women's participation in governance (15%) (see Figure 22).

Figure 22. Suggested ways of increasing women's representation in parliament and county assemblies



Qn: In your opinion, what can be done to increase women's representation in parliament and county assemblies?

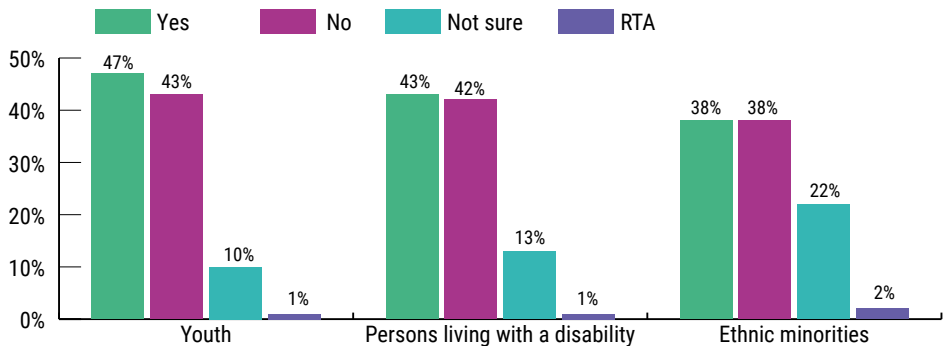
Adequate representation of vulnerable groups

According to a significant proportion of the respondents, vulnerable groups, such as youth (47%), persons living with a disability (43%), and ethnic minorities (38%), have been adequately represented in parliament and county assemblies. On the other hand, a considerable proportion of respondents felt that youth (43%), persons living with a disability (42%), and ethnic minorities (38%) have not been adequately represented (see Figure 23).

Efforts to empower vulnerable groups by county government

Surveyed respondents mostly agree that county governments have made efforts to empower vulnerable groups, in particular women, the elderly, youth and persons living with a disability, as noted by 60%, 60%, 57% and 51% of the respondents, respectively. However, significant percentages of respondents disagreed that county governments had made efforts to empower women

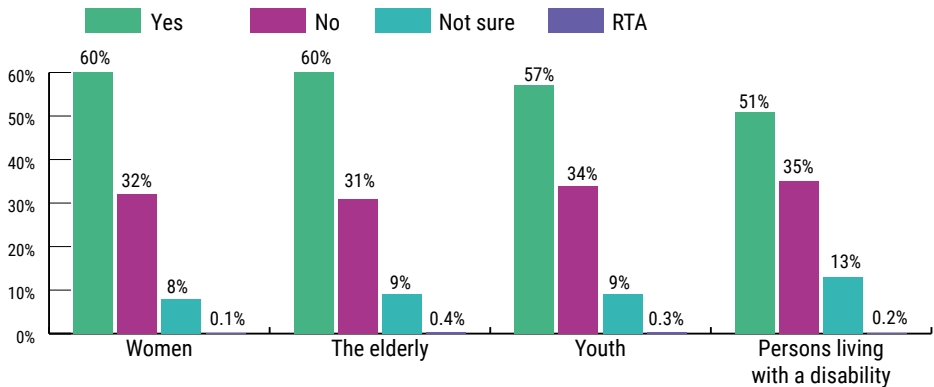
Figure 23. Feedback on adequate representation of vulnerable groups



Qn: In your opinion, are the following vulnerable populations adequately represented in parliament and county assemblies?

(32%), the elderly (31%), youth (34%) or persons living with a disability (35%), as shown in Figure 24.

Figure 24. Perceived efforts by county governments to empower vulnerable groups

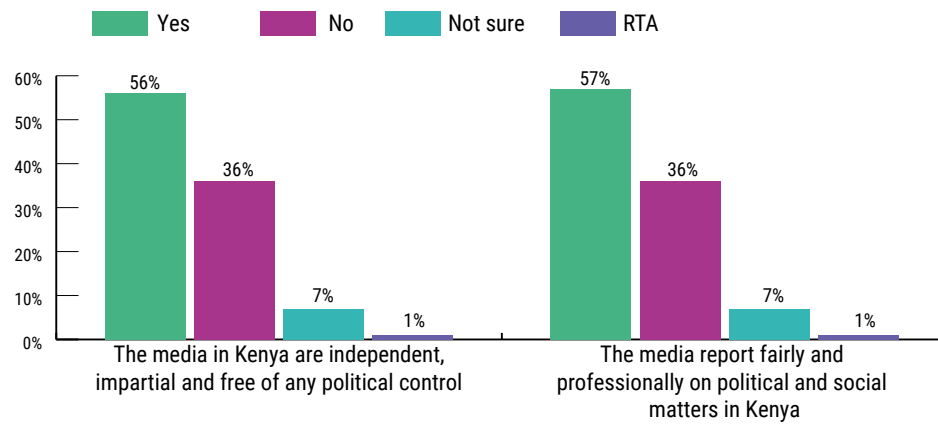


Qn: Are you aware of any efforts by your county government to empower the following vulnerable groups?

3.11. MEDIA

According to a majority (56%) of the respondents, the media in Kenya are largely independent, impartial and free of any political control. Another 57% of the respondents were of the view that the Kenyan media report fairly and professionally on political and social matters (see Figure 25).

Figure 25. Feedback on the media



Qn: Kindly indicate the extent to which you agree with following statements on the media in Kenya.

Chapter 4

CONCLUSION AND RECOMMENDATIONS

4.1. CONCLUSION

- Awareness of the levels of government in Kenya is relatively high. Similarly, the level of awareness of the arms of the national government is high. In terms of gender, more men than women are aware of the levels and arms of government. Further, a high degree of awareness was more characteristic of the younger respondents than of their older counterparts.
- The government mostly treats its citizens equally in addressing their concerns, interests and rights. Further, women and men generally have equal opportunities in the political, economic, cultural and social spheres.
- There is a relatively high level of awareness of government efforts to include key groups such as women, youth and persons with disabilities in governance and decision-making processes. However, a lot more can be done to ensure that they are fully included and accepted.
- Ethnic and religious conflicts are mostly not considered a problem within communities. However, they remain a problem in select areas of the North Eastern and Nyanza regions.
- Kenyans are generally not actively involved in the running of government or governance matters. However, the government does inform the public about its decisions and plans, people have an opportunity to vote on key issues such as constitutional amendments, the public can participate in free and fair elections on a regular basis, and local and county governments exist.
- Kenyans have a relatively high level of awareness of their rights. Equally, citizens have a high level of awareness of their responsibilities as stipulated in the Constitution.
- Voting stands out as the main way in which Kenyans can participate in governance of the country.
- There is a relatively high level of awareness of government responsibilities towards citizens. The key responsibilities of the government that citizens

are aware of include creating a conducive environment for investment, employment and self-employment; protecting citizens against internal and external threats; and ensuring access to quality health care.

- There is a high level of awareness of the economic and social rights that are guaranteed in the 2010 Constitution. In addition, there is a relatively high level of awareness of the right to the highest attainable standard of health, the right to education, the right to accessible and adequate housing, and the right to reasonable standards of sanitation.
- The greatest threats to the rule of law and the enjoyment of human rights and freedom include corruption and impunity, the high cost of accessing justice and ignorance of one's rights.
- The judiciary, the inspector general of police, the Office of the President and the cabinet secretary for the Ministry of Interior are the key institutions and individuals most associated with enforcing the rule of law and protecting human rights and freedoms in Kenya.
- The 2010 Constitution has mostly yielded better governance. Additionally, the national government includes people in decision-making mostly through elections, the holding of public *barazas* (meetings) and participation in community projects. For county governments, inclusion is mainly through the holding of public *barazas*, elections and participation in community projects.
- Most people are not registered members of a political party. For those who are members of a political party, they mostly participate in party activities through voting.
- Religious groups, village elders, community elders and age groups are considered important institutions/entities. Customary and traditional institutions could be strengthened to improve their participation in governance. This can be achieved by involving them in the planning and execution of government policies and procuring governing funding for their initiatives, as well as building their capacity on governance processes.
- Increased political violence, disagreements between the country's major political leaders, increased ethnic tensions, corruption in the national and county governments and the lack of electoral reforms are the main electoral concerns as we approach the 2022 general election.
- County governments have not been fully effective in improving service delivery for citizens. Efforts to strengthen the county governments include but are not limited to allocating more funds to county governments, allowing public participation in decision-making at the county level and prosecuting corrupt officials within county governments.
- The media in Kenya are mostly viewed as independent, impartial and free of any political control. Further, Kenyan media are perceived as reporting fairly and professionally on political and social matters.

4.2. RECOMMENDATIONS

- There is a need to build awareness through civic education of both the national and county levels of government. Further, it is critical to boost awareness of different economic and social rights. This can be achieved through the consistent dissemination of information about the current Constitution at the community level.
- To enhance equality, the government needs to resolve the core, underlying issue by, for instance, offering support to women in the form of training and employment programmes to help them find sustainable employment and by helping poor and marginalized women without assets generate income.
- The government needs to encourage community-driven initiatives such as dialogue, especially between warring communities or groups, as a pathway to addressing ethnic and religious conflicts and violence.
- A multi-stakeholder approach is needed to develop ways to address corruption and impunity, especially within state organs, in a bid to uphold the rule of law and protect human rights and freedoms.
- There is a need to encourage public participation in national and county government decision-making processes in a bid to improve governance and government decision-making. Further, representation can be improved at the local level through public participation forums to raise concerns and ensure that different groups are equally represented.
- To improve confidence in the Independent Electoral and Boundaries Commission (IEBC), there needs to be adequate training and civic education on the IEBC's mandate to improve the public's perception of the institution.
- To improve service delivery at the county level, public participation must be encouraged at that level and corrupt officials within the county governments must be prosecuted.

REFERENCES

International IDEA, State of Democracy: How to Do an Assessment, [n.d.], <<https://www.idea.int/node/255976>>, accessed 19 April 2022

ABOUT THE PARTNERS

Centre for Multiparty Democracy Kenya

The Centre for Multiparty Democracy (CMD-Kenya) is a political party-based organization established in March 2004. It provides a platform for political parties, political actors and policymakers to engage in dialogue and cooperate in strengthening multiparty democracy. CMD-Kenya works closely with political parties, political actors, strategic partners and key stakeholders in promoting social justice, political governance best practices, and respect for human rights and fundamental freedoms.

International IDEA

The International Institute for Democracy and Electoral Assistance (International IDEA) is an intergovernmental organization that supports sustainable democracy worldwide. International IDEA develops, shares and enables the use of comparative knowledge in its key impact areas of expertise, namely electoral processes, constitution-building, democracy assessment, and political participation and representation. The Institute also addresses the important issues of gender equality and inclusion as well as conflict and security.



International IDEA
Strömsborg
SE-103 34 Stockholm
SWEDEN
+46 8 698 37 00
info@idea.int
www.idea.int



Kenya promulgated a new constitution in August 2010, creating a solid legal platform for enhancing participatory governance through devolved structures at the county level. The establishment of a devolved system of government aimed to facilitate access to power and to move control over resources from the central government to the counties. While devolution is highly popular among Kenyan citizens, there has also been criticism of the costs involved, the increased competition between officers, and corruption and ethnic competition, which have arisen across much of the country.

To shed light on the state of local democracy alongside issues of gender and inclusion, CMD-Kenya commissioned a survey which applied International IDEA's State of Local Democracy framework, to conduct a 'health check' for democratic governance at the local level in order to identify strengths and weaknesses. This abridged Report presents the main findings of the survey.

ISBN: 978-91-7671-547-5 (PDF)