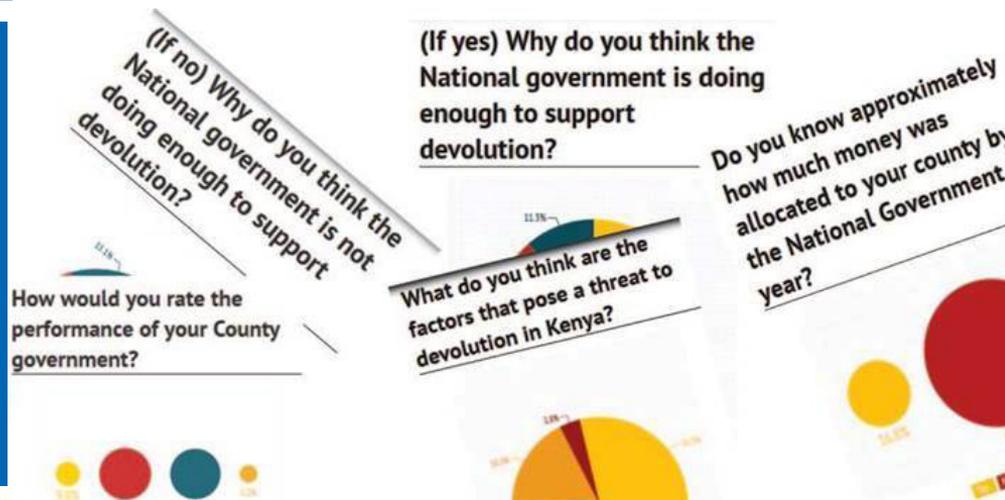


# Towards hazy horizons



TRANSPARENCY  
INTERNATIONAL  
KENYA

An opinion poll on the implementation of devolution and governance reforms in Kenya



# INTRODUCTION

The general elections ushered in an important phase in the implementation of the Constitution of Kenya 2010. Being the first election since the promulgation of the Constitution, the exercise put in place the various officers in the new devolved governance structure as well as setting the stage for institutionalisation of other devolution mechanisms.

At the national level, the elections led to a new government after five years of a coalition government system in which there was no official opposition in Parliament. Though the anti-corruption message was not a very strong rallying point during the campaigns, the Jubilee coalition manifesto<sup>1</sup> promised among other things to-

- Grant the Ethics and Anti-Corruption Commission prosecutorial powers
- Set up anti-corruption boards at the county level and
- Put mechanisms to take action against corporate institutions engaging in corruption.

Under the governance pillar as spelt out in the Jubilee manifesto, the two aspects of anti-corruption and support to devolution stand out as pointers to progress or otherwise. It is therefore imperative that Kenyans keep an eye on any progress made on these and continuously evaluate government efforts and commitments to support the same.

On the anti-corruption agenda, there is near unanimity that the past government did not follow through its promise of zero tolerance to corruption as made by the president in his inaugural speech. Institutions set up to counter corruption faced challenges that compromised delivery on their mandates. It is therefore crucial to do an assessment of how the public view these institutions against the promises of a renewed assault on graft by the Jubilee government.

As a new governance system, devolution is likely to face challenges. Some of these will be ordinary ‘teething’ problems. Additionally, there have been perceptions from some quarters on attempts to derail the process in order to maintain the status quo of a centralized system of government. This has been countered by claims that such perceptions are based on attempts to derive undeserved political capital. To mainstream the voice of the ordinary citizen in this debate, it is therefore imperative to subject this question to the public in a forum devoid of the political smokescreen and manoeuvres.

This national opinion poll was therefore conducted to enrich the public debate on the two key issues of the perceived performance of the new government on the anti-corruption agenda and support for devolution. The poll was founded on the following key themes:

- i. Assessment of the national and county government priorities and the likelihood of realization.
- ii. Assessment of national government support to the devolution process and likely obstacles to the success of the process.
- iii. Public recommendation on areas where the government needs to place priority attention in tackling corruption.
- iv. Assessment of perceived public confidence on various governance and social institutions in tackling corruption

## METHODOLOGY

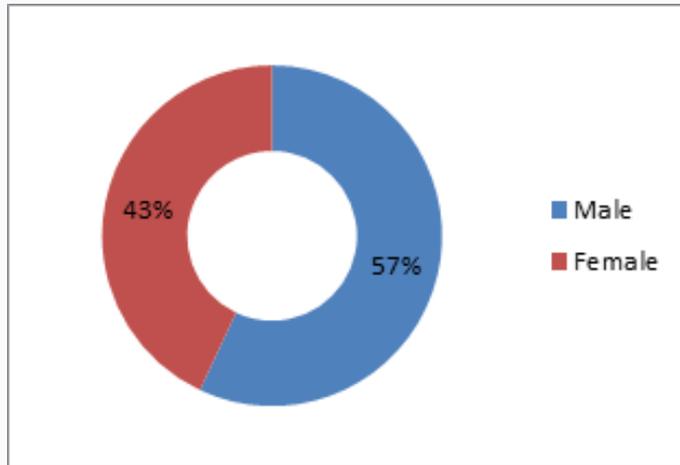
### 1.1 Sampling and sample distribution

The survey was conducted among 1,766 Kenyans of majority age picked across 32 counties and eight regions. Across the regions, Rift Valley accounted for the largest number of respondents with about 28% of the total. The sample for Nairobi was slightly boosted to reflect the higher concentration of media access, higher political activity and reflect on the cosmopolitan nature of the population. This, would in practical terms create room for a wider and more diversified array of responses. Field work was conducted between 6<sup>th</sup> and 25<sup>th</sup> August 2013.

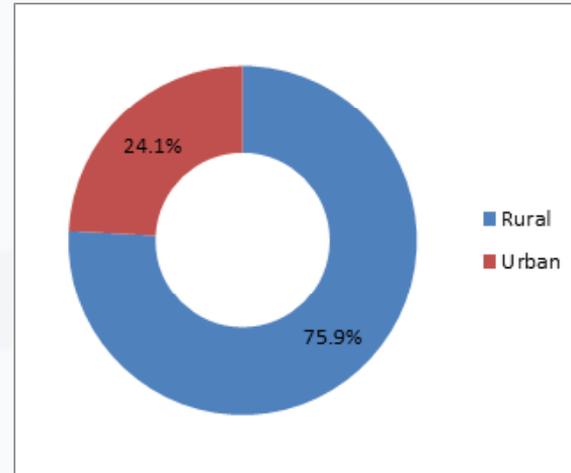
Province	Sample Size	%
Central	143	8.1
Coast	188	10.6
Eastern	252	14.3
Nairobi	202	11.4
North Eastern	73	4.1
Nyanza	227	12.9
Rift Valley	490	27.7
Western	191	10.8
<b>Total</b>	<b>1766</b>	<b>100.0</b>

The survey respondents were mainly from among rural dwellers with 75.9% being from the rural setting. Across gender, more males were sampled at 57%. The survey had targeted par representation across the gender divide but the response rate among the women was reported at a lower level of 43%.

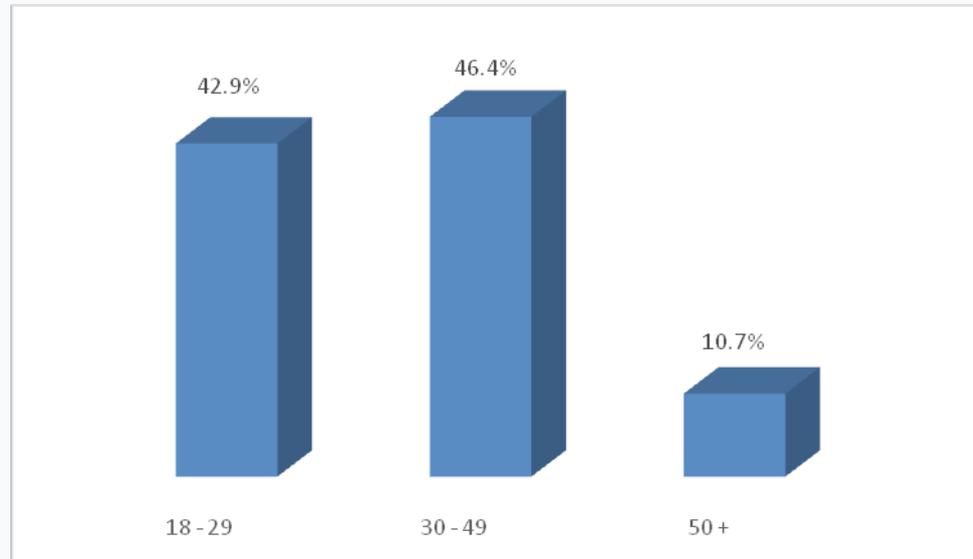
**Gender Distribution**



**Residence Distribution**



The survey respondents were mainly between 18-49 year olds with an almost equal split between 18-29 and 30-49 years age brackets. Only 10% of the sample was picked from Kenyans above 50 years. The two demographic groups were purposely sampled to capture the mood of the country mainly from the most active part of the population. The group is also likely to be more impacted by success or otherwise of such critical issues like improved governance into the future.



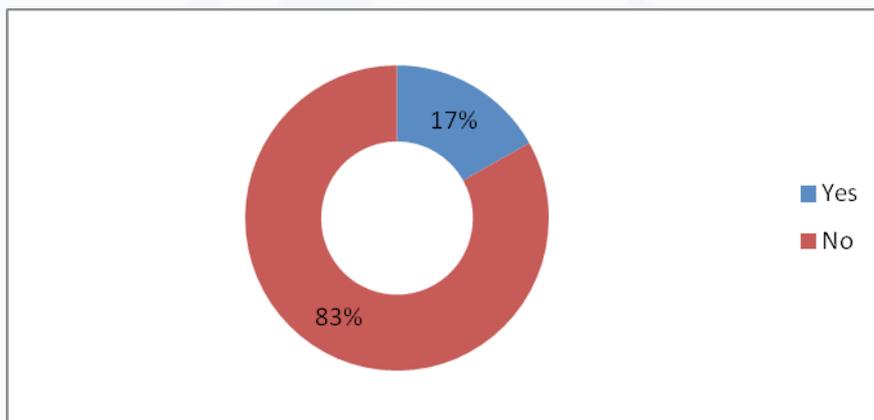
Age of respondents

## 1.2 Data collection and treatment

Data was collected using face to face interviews through semi structured questionnaires. 37 research assistants were hired and trained to conduct this process. The team was supported by six field supervisors to oversee quality assurance. The data was entered and analysed using SPSS software.

## Knowledge on County funds

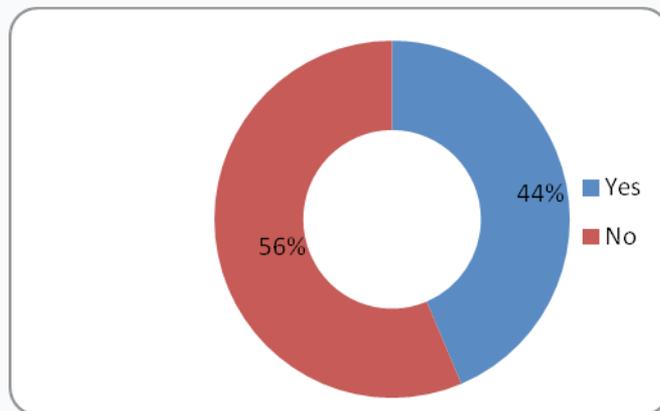
For the citizens to effectively play an oversight role on the running of counties, knowledge about the revenue available for the various activities is very important. It is upon appreciating the amounts available that the citizens are likely to place their expectations on the leaders. Citizens can ask questions on expenditure and value for money from an informed other than a speculative position. Such knowledge also places additional incentive on the leaders to deliver on their responsibilities.



*Awareness of county funds disbursement*

The survey found that the level of awareness on this aspect was very poor with 83% of the respondents reporting that they were not aware of the amounts allocated to their respective counties. The level of ignorance was slightly higher among the female respondents and the rural dwellers.

When a further question was placed on those who reported no to the question above, on whether they know where to get such information, 44% reported in the affirmative.



*Awareness of where to get information*

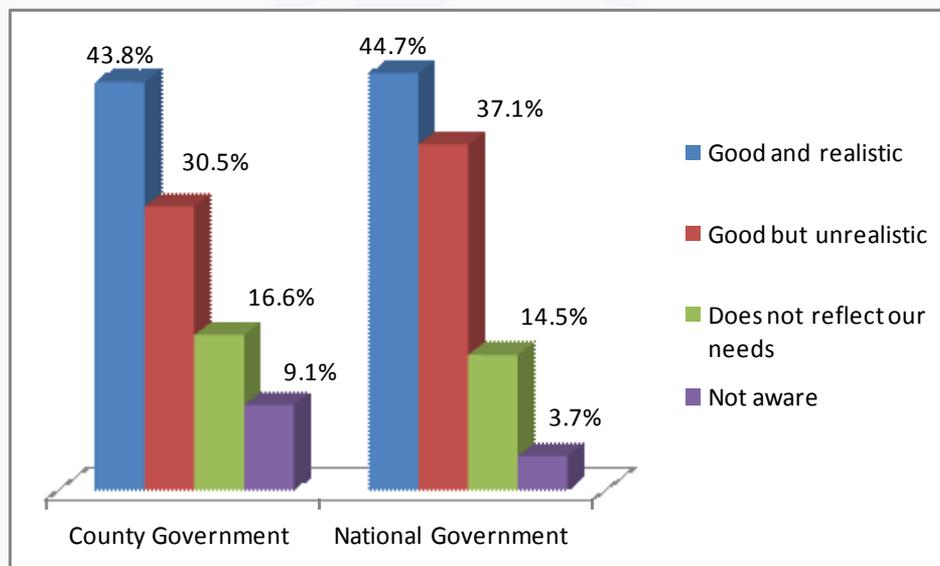
## Implication

It is imperative that public knowledge on the county allocations of funds be enhanced. An empowered citizenry at the local level is very important in ensuring accountability on the part of county governments. It is worth noting that a good proportion of those who do not know about the allocations actually know where to get such information if they wanted. This raises the issue of interest on the part of the citizen to play an active role in local governance. Some of the sources of information mentioned by this group were websites of various relevant institutions and the offices of county governments. It may be implied that the same may not be the most effective and accessible ways of reaching the citizens on this issue. The success of county governments will greatly hinge on the information provided to the citizens and the extent to which citizens can use that information to hold their leaders to account. National institutions with a bearing on the working of county governments such as the Transitional Authority, the Ministry of Devolution and Planning and the Constitutional Implementation Commission (CIC), can support the county governments in creating public awareness on these allocations.

## Rating of development priorities of the government

The survey sought to establish the extent to which the citizens believe in the various development priorities as spelt by the county and national governments. It is notable that less than half of the respondents believe the priorities to be good and realistic.

Priorities of the national government were appreciated to be good but unrealistic by a larger proportion (37.1%) as compared to county governments' priorities at 30.5%. About a sixth of the respondents view the development priorities to be out of touch with the needs of the citizens at both county and national level.



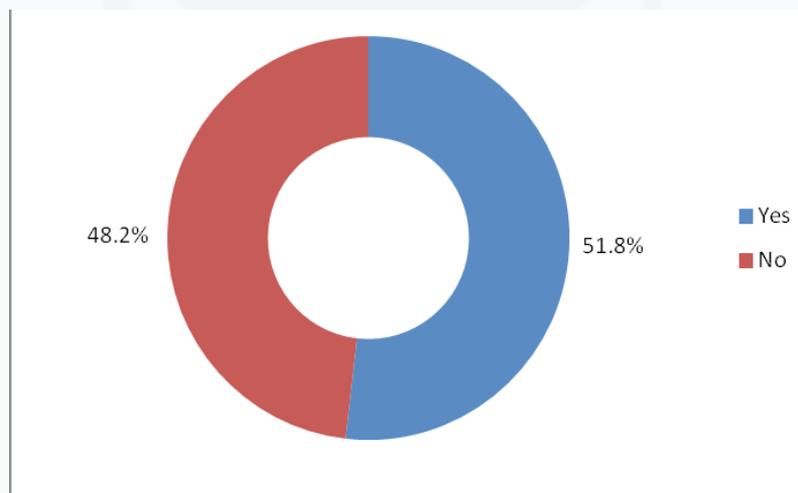
*Rating of Government priorities*

## Implication

In instances where there is concurrence between citizen needs and government priorities, public participation is enhanced. It is therefore a legitimate challenge to the leaders at the national and local levels to align their priorities with the needs and aspirations of the people. Coming soon after elections, this assessment could be an indication for the different levels of government to refocus on the campaign priorities to align them to what the people identify as real and urgent needs through paying fidelity to the participatory planning process enshrined in law.

## Perceived support of the devolution process by the National government

At its nascent stages, devolution will need a lot of support from the central government through its various entities. This support need to derive from such aspects like allowing for the right political environment to operate, enough and timely financial allocations and coordination support.



Asked if they think the central government is granting the county governments enough support, slightly more than half of the respondents (51.8%) responded in the affirmative.

### Reasons for perceived support of devolution by the National government

Among the group, that returned a positive assessment on the above question, a majority (73%) noted that the National government has released funds to support the devolution process. This group also based their position on the apparent goodwill to implement the constitution including the devolution process.

Reasons	%
The government has already released funds and devolved services to the counties	72.7
There is goodwill in the implementation of the constitution which includes devolution	16.0
The national government has provided due support/ facilitation in the setting up the county governments	11.3

### Reasons for perceived lack of support of devolution by the National government

Among those who perceive the government as not granting devolution enough support, the main reasons cited were delay in release of county funds and perceived interference.

Reasons	%
The government has delayed to release funds for counties	42.7
The central government is still interfering with county affairs	42.2
Other	15.1

## Implication

Public opinion is still split on whether the government is fully committed to support devolution. This runs contrary to the numerous assurances made by senior government officials on this issue. Perhaps the missing link is in translating the assurances to actionable responses. There is need to insulate the implementation process from political expediencies of the day through full implementation of critical laws that support devolution, including the County Governments Act 2012 and the Intergovernmental Relations Act, 2012.

## Perceived threats to the devolution process

The survey also sought to establish what issues the respondents perceive as key threats to the devolution process. Corruption was rated as the highest risk at 36%. Insufficiency of funds and political interference were also rated high with slightly more than 20% of the respondents mentioning these. Notable among the identified threats also is the perceived supremacy wars between the two levels of government.

Reasons	%
Corruption	35.9
Lack of adequate funds	21.5
Political interference	20.5
Supremacy battles between County and National government	18.3
Others	3.8

## Implication

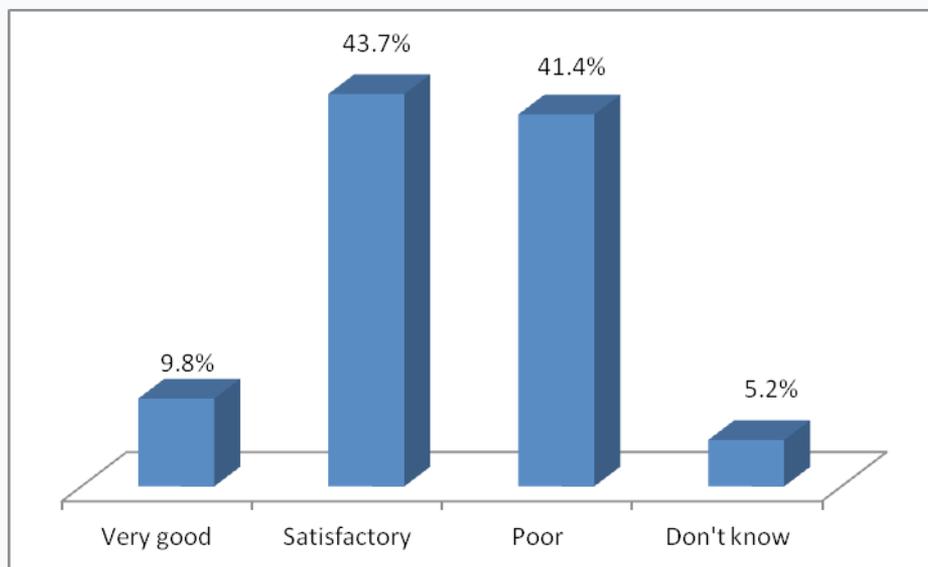
There have been fears that devolution may create an opportunity for corrupt practices to shift or be replicated at the county levels. This fear or perhaps past experience with governance practices may have informed the perception of the respondents on this issue. As it is, the county governments are even more vulnerable due to a set of factors:

- i. The oversight institutions may not have adequate capacities at the county level to ensure proper administration of the devolved funds.
- ii. The capacities of the local citizens to provide oversight may be markedly lower at the initial stages of the devolution process.
- iii. Civic oversight bodies including Civil Society Organizations (CSOs) and the media may take some time before establishing adequate presence at the county level.

It is therefore imperative that measures are taken to ensure that the envisaged benefits of devolution are not compromised by loss of resources through poor governance practices. Relevant state and non state actors need to strengthen their reach and capacities at the county levels in order to effectively play oversight roles.

## Assessment on the performance of your county government

The opinion on the performance of the county governments according to the survey was split with 43.7% viewing the performance as satisfactory against 41% who scored the performance as poor.



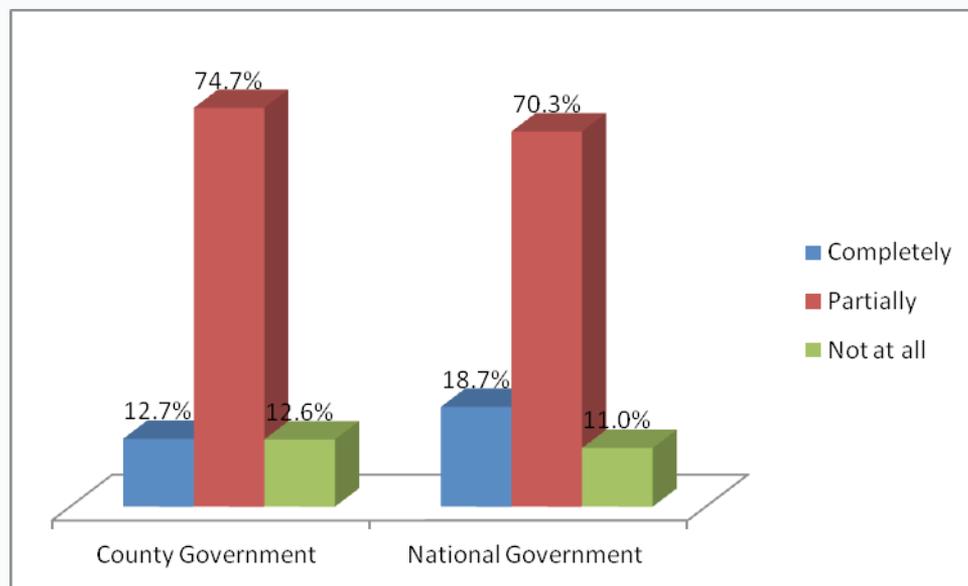
*Perception of county government performance*

## Implication

Though it may be quite early to return an informed judgment on the performance of the county governments, the split perception especially the negative judgment on performance does not auger well with a process that is seen as a strategy to support faster and equitable development. County governments should put apt mechanisms to support public participation as per the County Governments Act, 2012.

## Perceptions whether the County governments will deliver on campaign promises

It is encouraging to note that majority of the respondents believe that both the county and national governments will stick to their campaign priorities at least in part. This positive assessment was above 70% for both levels of government. However, it is imperative to note that approximately 10% of the respondents observe that the governments will not deliver on the promises.



*Perceptions of Government delivery on campaign promises*

### Implication

The county and national governments should build on this perception and goodwill to deliver on the various mandates. However it must be appreciated that the survey results are likely to have captured the more of the popular promises by the political players. It is not clear to what extent the respondents understand the breadth of promises made at different levels. This would by implication mean that this verdict may only relate to a section of the promises and that others may not have been the basis of the positive public assessment. Further, this perception needs to be read alongside the assessment on the appropriateness of the priorities of the national and local government where about a third observes that the priorities may be good but not necessarily realistic.

## Rating of National government on key governance issues

The survey also sought to assess Kenyans' perception on the government's performance on key governance themes. Public assessment on anti-corruption was dismal with close to 50% of the respondents rating government performance as poor and only 8% rating the same as 'good'.

The government was best rated on implementation of the Constitution with 70% assessing the performance as either average or good. Observance of human rights and national reconciliation was also well rated. Perhaps as a reflection of the steady rise of consumer prices, most of the respondents (88%) rated the government either poor or average on the economic development front.

KEY GOVERNANCE ISSUE	POOR (%)	AVERAGE (%)	GOOD (%)
Anti-corruption	<b>49.9</b>	42.0	8.1
National cohesion/ reconciliation	29.6	<b>46.1</b>	24.3
Economic development	44.0	<b>44.4</b>	11.6
Human rights	33.4	<b>48.1</b>	18.4
Constitution implementation	29.5	<b>51.8</b>	18.7

## Implication

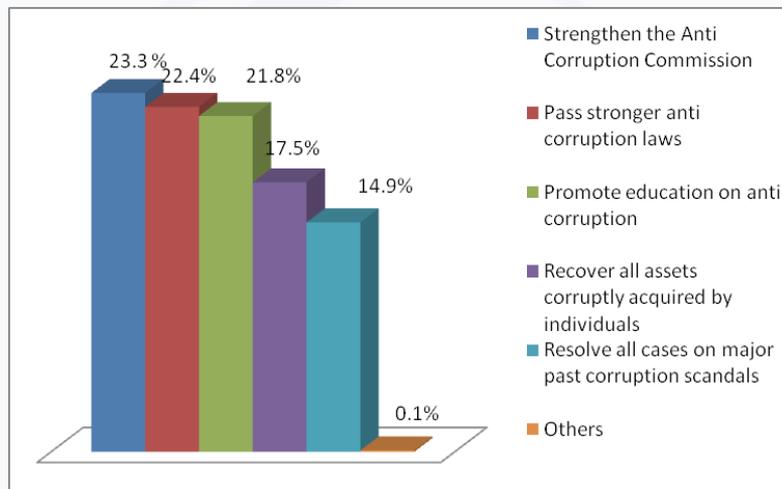
It is a cause for concern when survey findings indicate that more than 90% of the respondents rate government performance on anti-corruption as either average or poor. Since the government has expressed commitment to tackle graft, the implication is clear that the effort so far has not been felt or very little has been done to buttress the expressed commitment.

In terms of economic development, the survey results should be a stark reminder to the government of the various economic challenges facing ordinary citizens.

Though the government may have taken notable positive steps on major social<sup>2</sup> and infrastructural projects<sup>3</sup>, the effects may take time to be felt.

## What the government should take as priority in the anti-corruption efforts

The survey granted respondents five options on what they think the government should prioritize in combating corruption. From among the choices, the opinion was divided almost fairly across strengthening Ethics and Anti-Corruption Commission (23.3%), passing stronger anti corruption laws (22.4%) and promoting public education on corruption (21.8%). The need to revisit past corruption cases did not feature as a strong recommendation. Seventeen per cent of the respondents supported efforts to recover monies corruptly acquired. Seventeen per cent of the respondents supported efforts to recover monies corruptly acquired.



*What the government should take as priority in the anti-corruption efforts*

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2 <http://www.statehousekenya.go.ke>

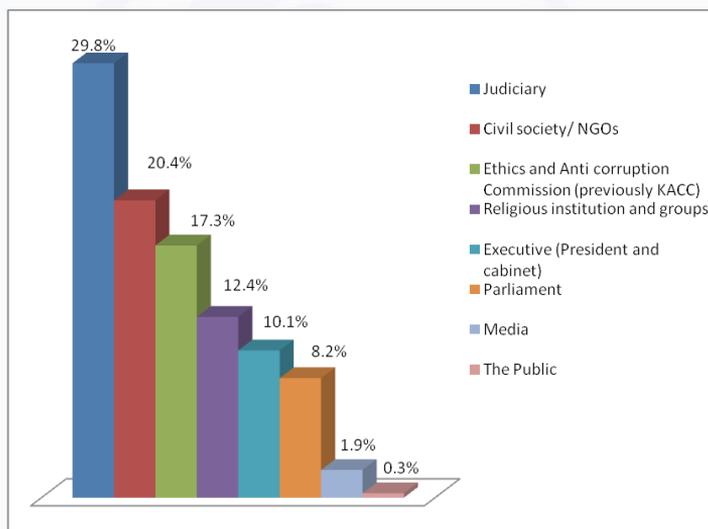
3 <http://www.constructionreviewonline.com/news/latest-news/1328-china-communications-wins-us-488million-lapsset-corridor-project->

## Implication

The divided opinion should be a pointer to the government that a mix of various anti-corruption strategies would receive due public support. Further, the commitment by the government to grant Ethics and Anti-Corruption Commission (EACC) prosecutorial powers is long overdue. The jubilee government should actualize this promise as stated in its manifesto as part of the strengthening of the fight against corruption.

## Institutions most trusted to drive the anti-corruption agenda in the next 12 months

The judiciary was seen as the most trusted institution in the anti-corruption agenda with close to 30% supporting this assertion. The confidence in the civil society and EACC was also notably high at 20% and 17% respectively.



*Institutions most trusted to drive the anti-corruption agenda in the next 12 months*

## Implication

The judiciary continues to enjoy public confidence. This is a positive boost for the on-going reforms in the institution. However, it must be noted that the premium enjoyed by the judiciary can stretch only up to some limit. The stalled reforms in the police, the hitherto drawn out transition of the EACC and the lack of proper and firm leadership on the anti-corruption agenda by the executive does not auger well for the fight against corruption in the present and long-term. It is therefore important that the reform efforts run concurrently in all institutions that have a core anti-corruption mandate.

Parliament is the public's watchdog. There is not much confidence in the respondents that parliament will discharge this important constitutional mandate. It is important for parliament to do a proper introspection to understand why there is so little confidence in its ability to lead the fight against corruption and to adopt appropriate remedial measures. Equally worrying is the premium placed on the potential role of the media and the public generally. The fight against corruption cannot succeed without unequivocal public demand and support. All institutions and agencies engaged in the fight against corruption do so in the name of the public. It is important for the positive trajectory of the fight against corruption for the public to be informed and engaged in this endeavour.



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