IS IT MY BUSINESS?

A national opinion poll on devolution and governance in Kenya

June 2014

TRANSPARENCY
INTERNATIONAL
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List of abbreviations

MCA – Member of County Assembly
MP- Member of Parliament
CIDP- County Integrated Development Plan
CFSP- County Fiscal Strategy Paper
CEC – County Executive Committee member
Women Rep – Women's Representative

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INTRODUCTION

Kenyan promulgated a new Constitution in August 2010 which ushered in a new system of governance with two levels of government that are distinct and inter-dependent. The system of devolved governance has been under implementation since the general elections of March 2013. Devolution has been heralded as a means of facilitating greater citizen involvement and control in public affairs including planning, budgeting and resource allocation among others. Devolution is heavily premised on a foundation of strong civilian oversight and engagement that calls for the involvement of citizens in key county government processes. Therefore access to information and public participation mechanisms need to be in place to anchor transparency and accountability.

It has been a year and three months since Kenya embarked on the journey of transition to devolution. The transition from a central to devolved government has not been smooth, following several challenges pertaining to inter-governmental relations, turf wars among leaders and poorly managed transfer of devolved functions among others. A lot of time and effort has been focused on ironing out these challenges to the detriment of the effective establishment of key pillars of devolution such as transparency, accountability and public participation which are obligations imposed by the Constitution.

To this end, Transparency International Kenya designed an opinion poll with the following objectives:
1. To assess citizen awareness and appreciation of the devolved system of governance.
2. To assess county governments' uptake of the new Constitution with regard to transparency and access to information.

METHODOLOGY

The study was conducted between April 9th and May 7th 2014 in 16 counties in Kenya. These counties were purposively selected with the following considerations: former provincial headquarters, counties where TI-Kenya has a physical presence, and counties included for regional balance. A national sample of 1,993 was used and the breakdown across the counties was based on population size.

Data for the survey was collected through questionnaires administered face-to-face to randomly selected households. Further information was collected through visits to the county offices and websites to seek various county documents central to the study.

	County	Sample size
1	Bungoma	143
2	Embu	60

3	Garissa	74
4	Kakamega	181
5	Kilifi	101
6	Kisii	120
7	Kisumu	98
8	Machakos	123
9	Mombasa	89
10	Muranga	108
11	Nairobi	360
12	Nakuru	180
13	Narok	93
14	Nyeri	72
15	Turkana	94
16	Uasin Gishu	97
	TOTAL	**1,993**

Table 1: Sample distribution across counties

DEMOGRAPHICS

In the selected sample, respondents aged 25 to 44 years made up about 60% of those interviewed, followed by those aged 45 years and above at 20%. The 18 to 24 years age bracket constituted 20% of the sample.

About 36% of the respondents reported they had attained secondary school education and 37% had a tertiary education. 20% reported a primary school level of education, while 7% reported they had an informal level of education.

53% of the sampled population was from the rural areas while 47% were urban residents. Male respondents were slightly more than the women at 52% and 48% respectively.

Half of the respondents sampled were self-employed followed by those employed in the private sector at 13% and the unemployed at 13%. The remaining 24% of the respondents were split between those employed in a family business and those working in the community.

FINDINGS

Knowledge of elective positions

The survey sought to establish whether citizens could recall the positions they had voted for in the 2013 general election. This was the first step in establishing awareness of and interest in devolution. Majority of respondents were aware of the leadership positions they voted for in the last general elections with 90% recalling the President 82% remembered the Governor and an average of 70% recalled the Women's Representative, the Member of County Assembly and the Member of Parliament. The Senator was the least remembered position of leadership as 34% of the respondents could not recall voting for this position.

Figure 1: Citizen recall of the six elective positions
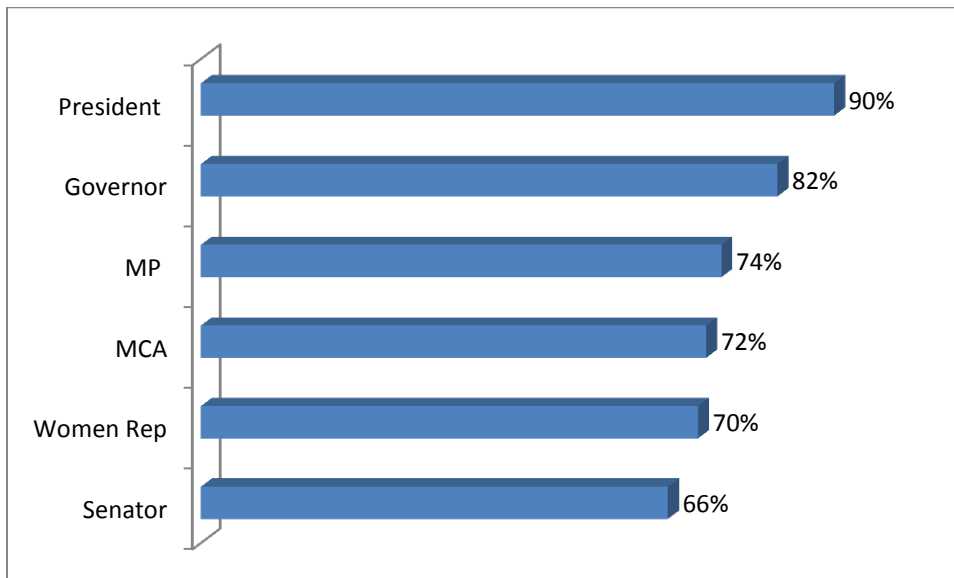
When further asked if they knew the roles of each of the six leaders, a majority of the respondents stated they knew the roles of five of the leaders; the President (81%), Governor (68%), Member of Parliament (60%), Women's Representative (52%) and Member of County Assembly (57%). The converse was true for the Senator as 57% of the respondents did not know the role.
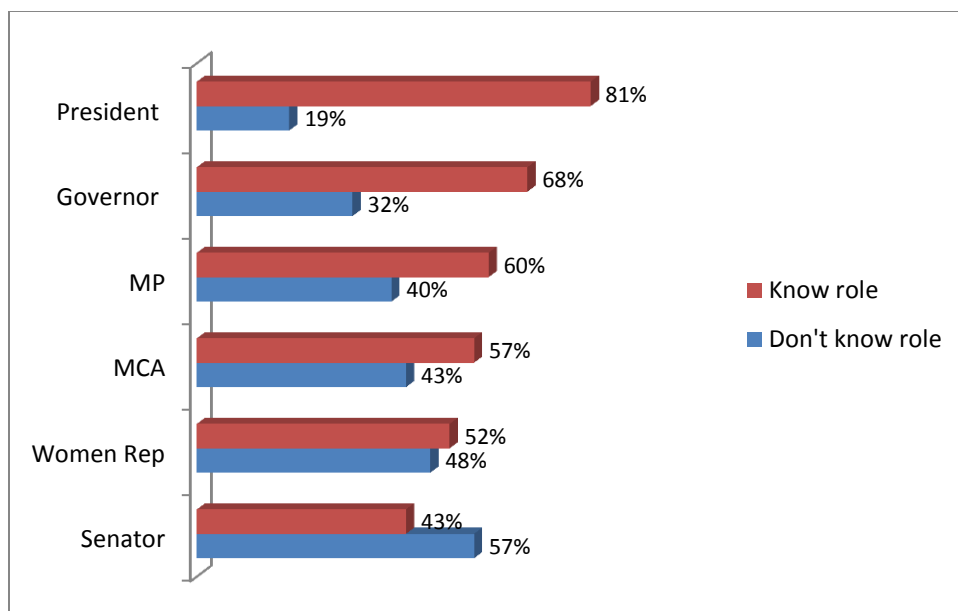
Figure 2: Knowledge of leader's roles

It is worth noting that even among those who stated they knew the roles of the leaders, majority of the respondents provided generic roles.

Leader	Role	Percentage
President	Head of State	79%
Governor	Head of county government	64%
MP	Head of constituency	42%
MCA	Head of ward/Leader of ward	46%
Women Rep	Represent women interests in parliament	75%
Senator	Oversee the county governor	44%

Table 2: Role of various leaders

Contact with the leaders

When asked whether they had contacted any of the leaders in the past twelve months, a majority of the respondents had not done so. Among the six leaders however, the Member of County Assembly was the most contacted at 21%, followed by the MP at 13%. The remaining leaders had been contacted by less than 10% of the respondents. This contact was reported to be largely through chance meetings at social gatherings such as burials, *harambees* among other events at 79% followed by phone calls (13%) and social media (6%).

Out of the 16 counties sampled, all had websites except Turkana County. Only seven of these websites had a link or portal to the County Assembly. All the websites contained lists of County

Executive Committee members, with some of them providing a profile of each committee member. Ten out of 15 websites had a list of MCAs and the wards they represented. Turkana County provided a hard copy of the list of MCAs upon request.

Five out of the 16 counties did not have telephone numbers listed in the website through which county governments could be reached. Bungoma County had a dedicated 24-hour help desk. (See Annex 1)
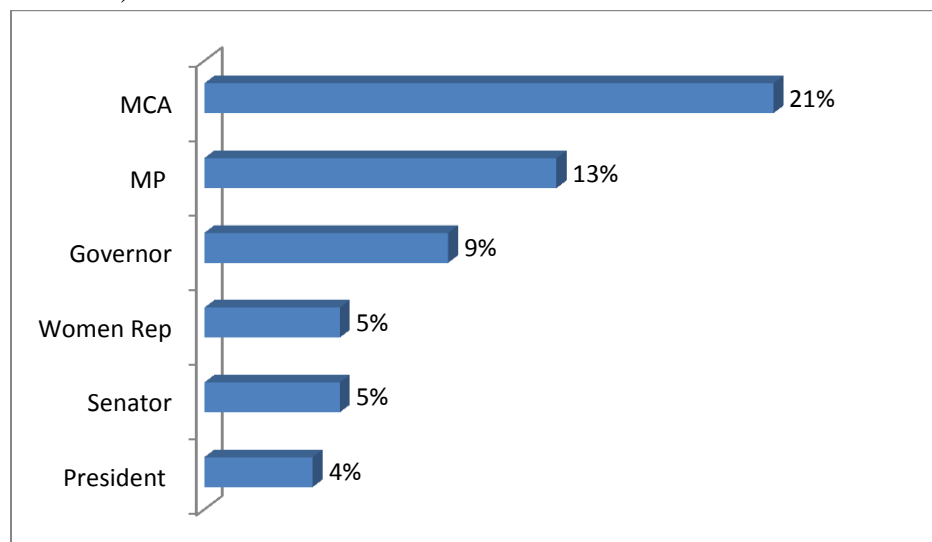

Figure 3: Number of respondents that contacted their elected leaders in the last 12 months

Knowledge of county processes

For effective civilian oversight of the county governments, it is vital that citizens know the types and amount of funds available in their counties, the budgets and the development agenda of their county government leaders. This then facilitates proper interrogation of service delivery standards, expenditure and development priorities. Counties have used various media to proactively make some of this information public. These include websites, newspaper advertisements, electronic and social media, and noticeboards at the county government offices. These, however seem not to be very effective as a majority of the respondents lacked vital county information.

Awareness of county funds

The study found that 83% of the respondents were unaware of the funds allocated to their county by the national government. Even among the 17% that were aware of the allocations, very few were able to give the exact figures as majority opted to give a range of figures. Information on funds' allocation can be found in the County Fiscal Strategy Paper and the County budgets.
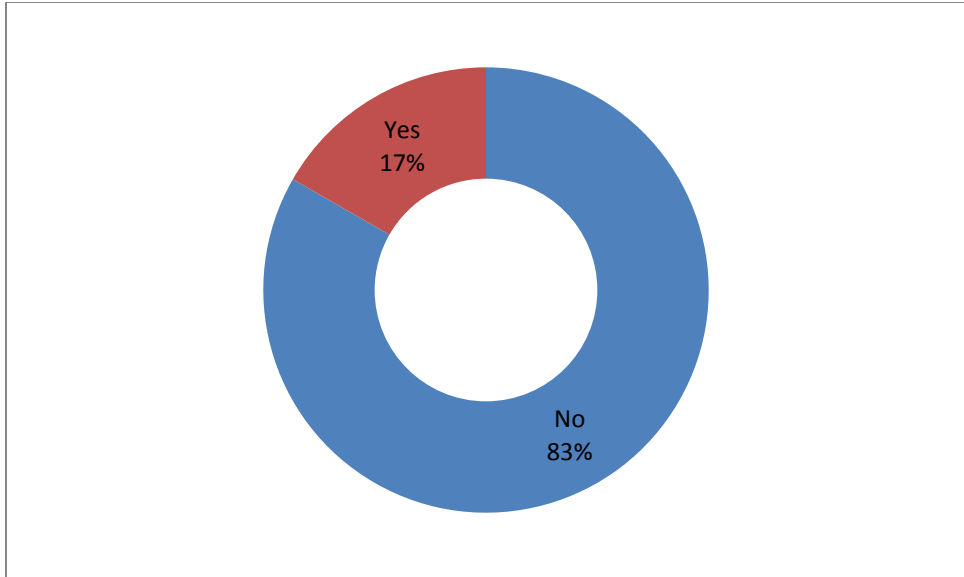
Figure 4: Knowledge of county funds' allocations

Awareness of county jobs and tenders

The survey also sought to establish whether citizens were aware of job advertisements and tenders. 53% of the respondents had come across job advertisements with 33% having heard of county tenders. Asked whether they had applied for any of them, about a third of the respondents had applied for the county tenders and the jobs advertised.
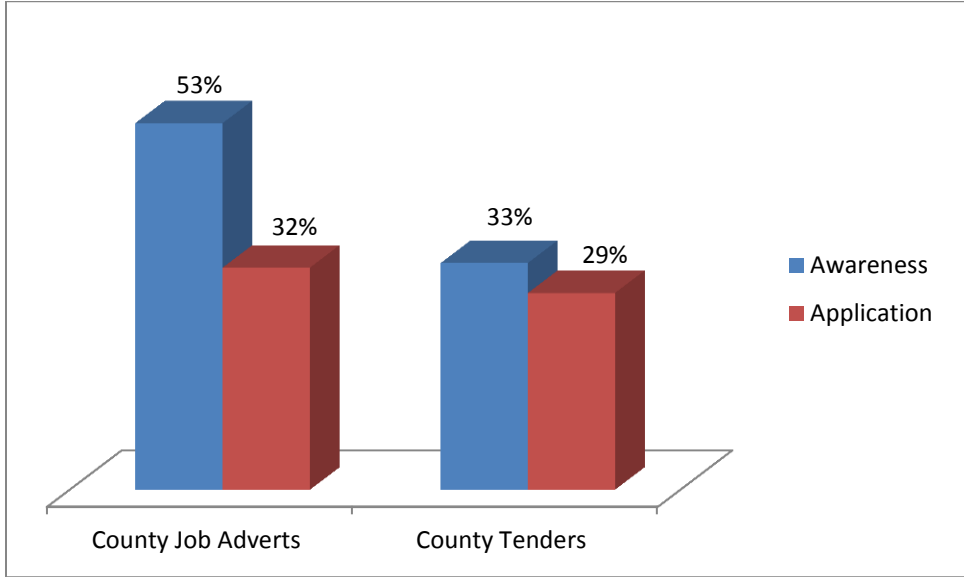

Figure 5: Awareness of county job and tenders

Awareness of vital county documents

The survey sought to establish whether citizens were aware of various documents that were important in the county governance system. Counties are legally required to formulate these

documents with the participation of citizens or at the very least, present them to the public for their input.

The study established low awareness levels on the County Fiscal Strategy Paper at 7% and the County Integrated Development Plan at 16%. The budget was the most widely known document as 41% of the respondents acknowledged awareness of it.
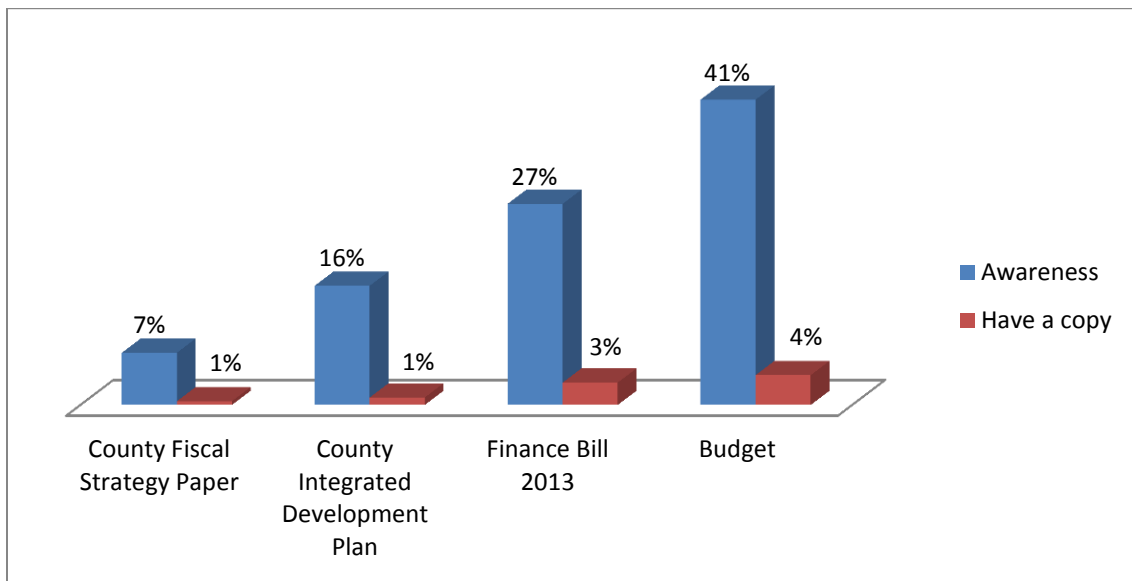

Figure 6: Awareness of vital county documents

Despite some level of awareness of the various county documents, less than ten percent of the respondents reported having a copy of these documents.

It is worth noting that only two counties (Nakuru and Kilifi County) had posted their 2014/2015 budget estimates online. Machakos County had the 2013/2014 budget on its website. Nine out of 15 counties had uploaded the County Fiscal Strategy Paper on their websites while Narok County provided a hard copy of the document to TI-Kenya's research team. Four out of the 15 counties had uploaded their County Integrated Development Plans with Nakuru providing a hard copy of the document. (See Annex 1)

Citizen consultation forums
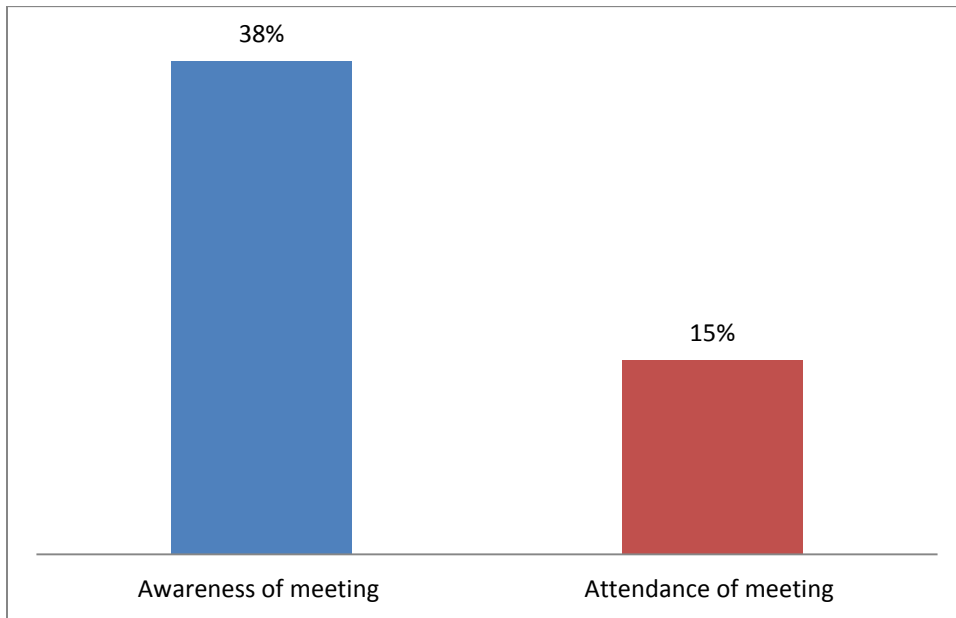
Figure 7: Awareness and participation in meeting

The survey also sought to establish whether citizens knew of any meeting that had been convened by their county government. Only 38% of the respondents were aware of the meetings. Out of those that were aware of the meetings, only 15% attended with the remaining citing other commitments and lack of interest as the main reasons for non-attendance.
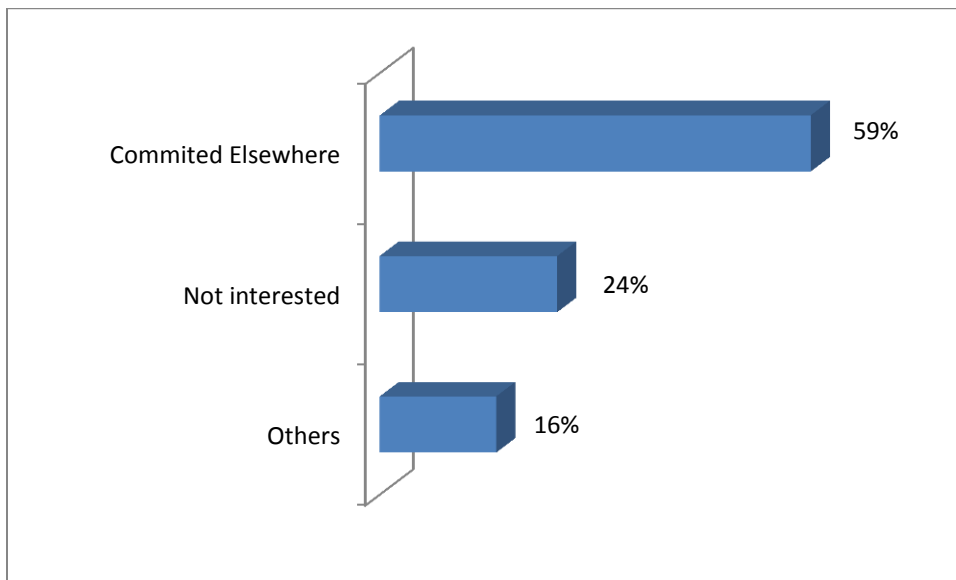

Figure 8: Reasons for not attending county meetings

Knowledge of devolved functions

When asked whether they were aware of the services county governments are responsible for, 28% of the respondents mentioned health services followed by 23% who cited infrastructure (mainly roads and bridges). Other responses included education (which was not specified as early childhood education) and security.
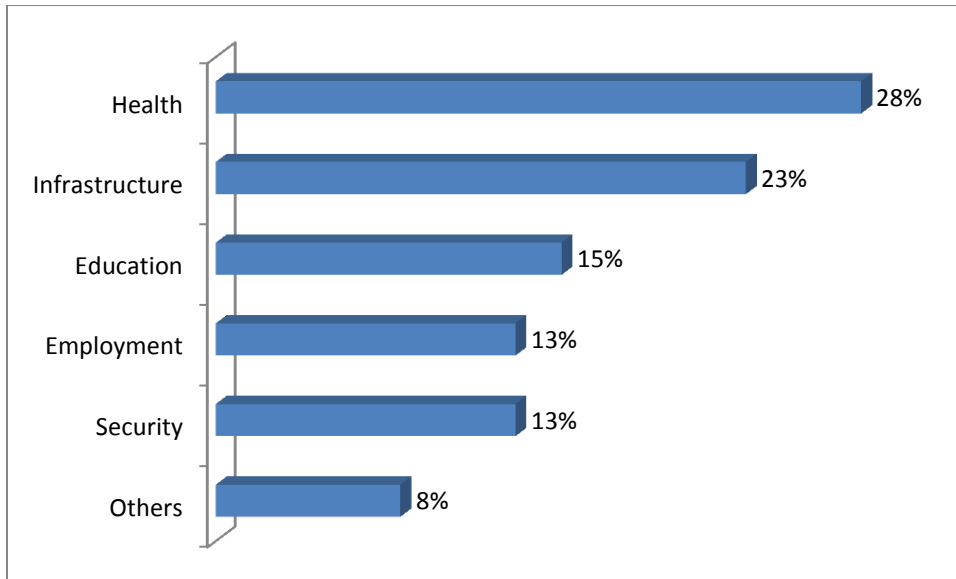

Figure 9: Knowledge of devolved functions

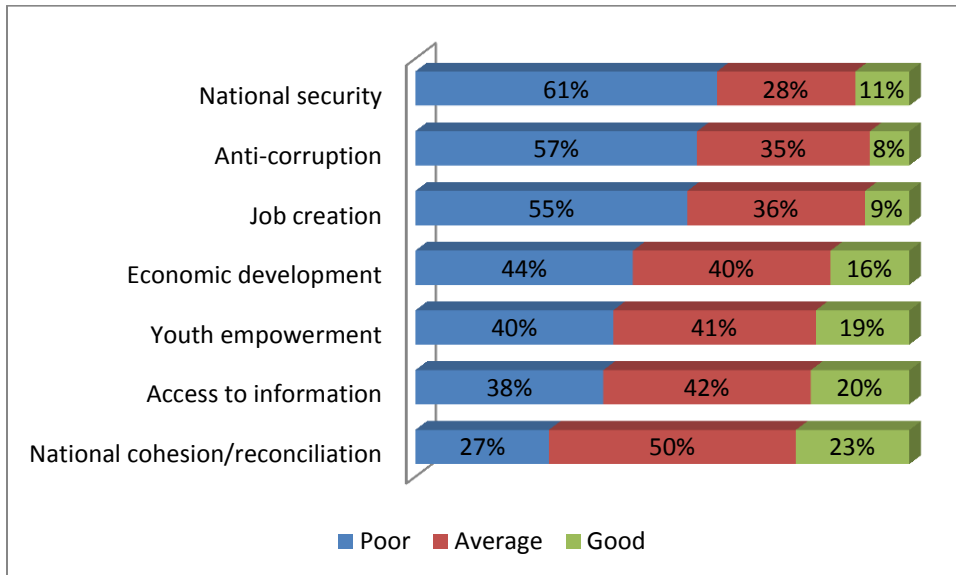## Rating of the performance of National Government on key issues

Figure 10: Rating of the performance of National Government on key issues

The study asked respondents to rate the national government on several key issues affecting citizens. They were most dissatisfied with the National Government's performance in the provision of security, with 61% of them rating it as poor. Anti-corruption and job creation were also poorly rated at 57% and 55% respectively. National cohesion and youth empowerment were among efforts rated as average.

Rating of the performance County Government on key issues
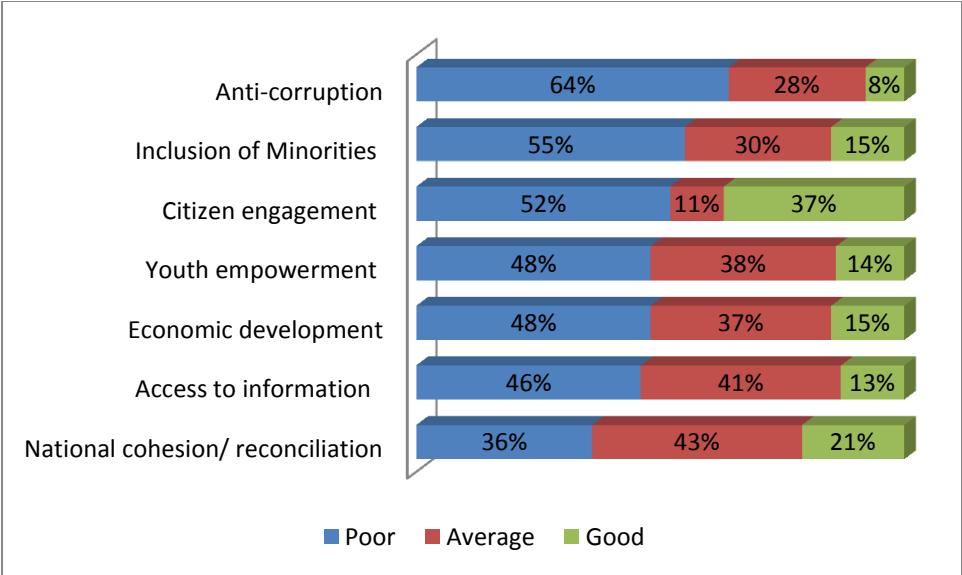
Figure 11: Rating of the performance of County Government on key issues

At the county level, respondents were not impressed by the anti-corruption measures that were employed by their county government as over 60% of the respondents rated them as poor. Majority of the respondents also rated as poor the efforts by the counties to engage citizens in running county affairs. They were somewhat appreciative of efforts to bring together different communities as this was the only issue rated as average by a majority of the respondents.

Satisfaction with County Government

When asked how satisfied they were with their county government thus far, 53% of the respondents expressed dissatisfaction with only 18% of them expressing satisfaction.
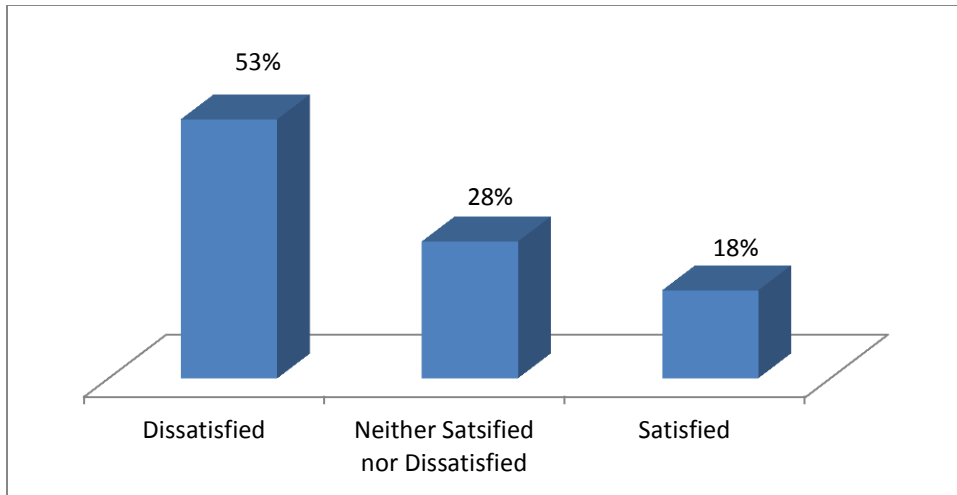
Figure 12: Satisfaction with County Government

Over half of the respondents noted that there was no visible development as a result of devolution yet hence their disappointment. Others (19%) were discontented because campaign promises were yet to be fulfilled.

Figure 13: Reasons for dissatisfaction

Anti-corruption Agenda

Most trusted institutions in the fight against corruption

The media was perceived to be the most trusted institution in the anti-corruption agenda with 19% of the respondents holding this view. The citizens and anti-corruption agencies were also

viewed favorably in this regard. This is a departure from previous findings where the judiciary was the most trusted institution in the fight against corruption[1].
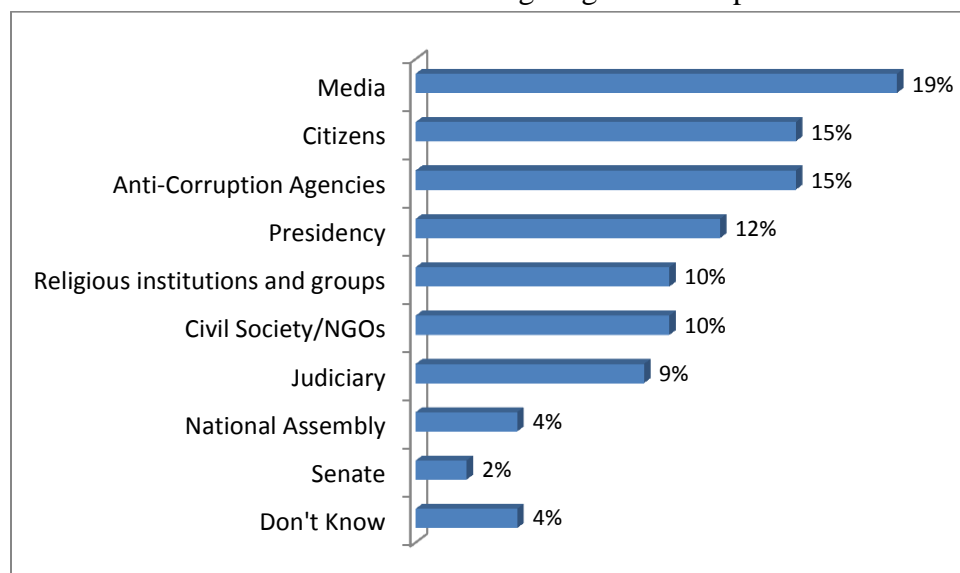
Figure 14: Institutions most trusted in the fight against corruption in the next 12 months
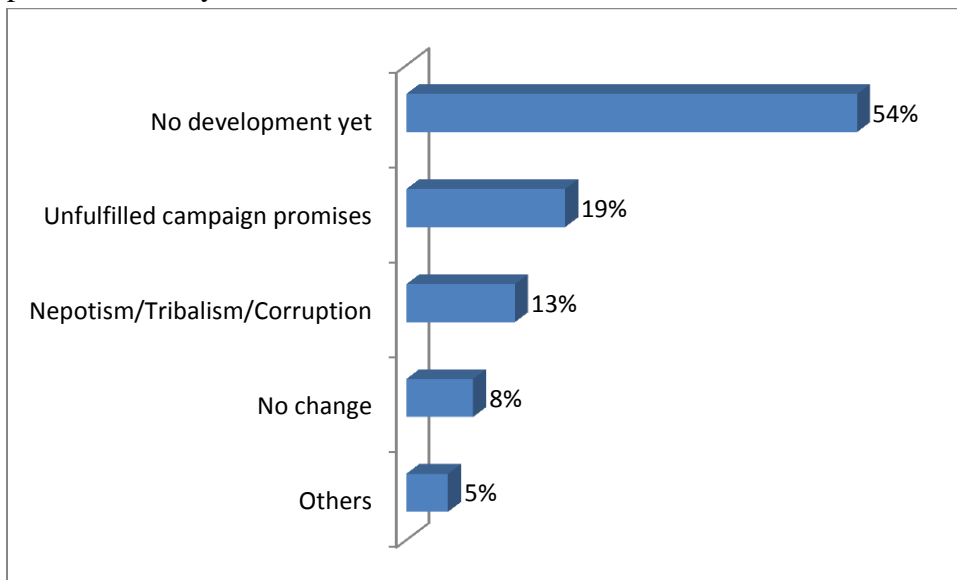
One of the key reasons put forward for the good ratings of the media with the anti-corruption agenda was that it had the capacity to expose corruption and had done so in the past. Respondents also felt that citizens could be effective in the fight against corruption since they had the ability to denounce corruption.

Citizens' role in the fight against corruption

Sixty percent of the respondents believed that ordinary citizens can make a difference in the fight against corruption while thirty percent disagreed.

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[1] Towards Hazy Horizons , a National Opinion Poll by Transparency International Kenya, 2013
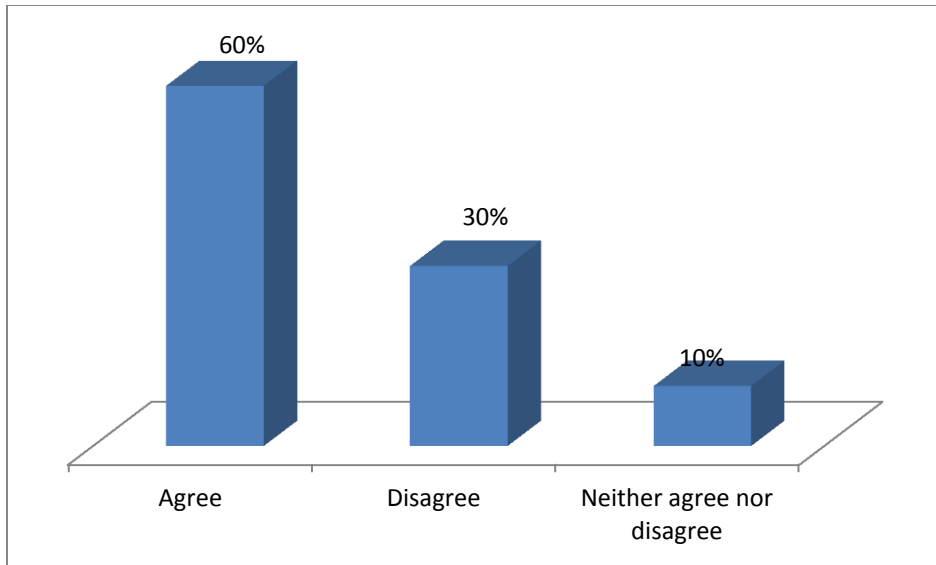
Figure 15: Ordinary citizens can make a difference in the fight against corruption

Among those that agreed, over 40% said that one of the ways for ordinary citizens to contribute in anti-corruption efforts is by refusing to give bribes followed by 21% who felt that reporting cases of corruption is also a good way to tackle it.
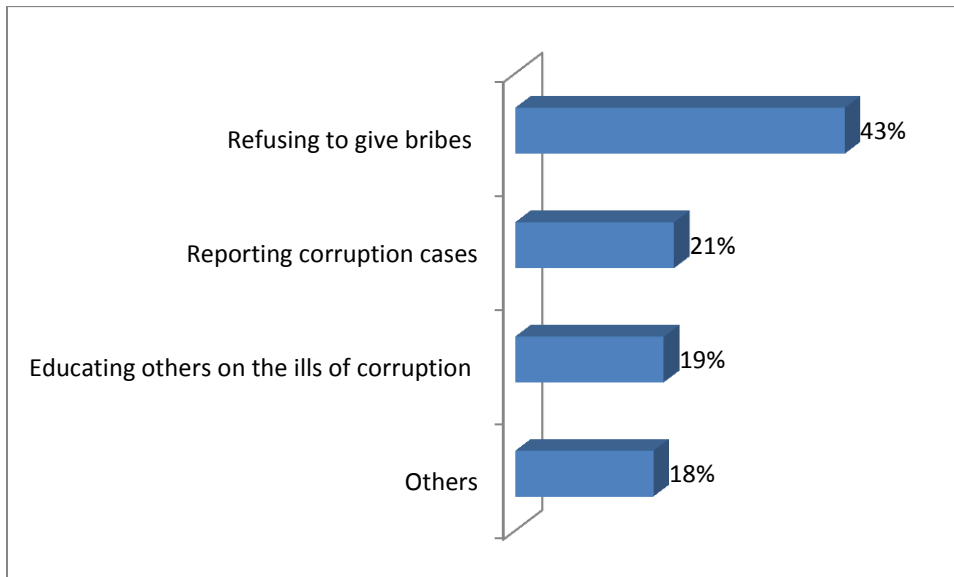
Figure 16: What citizens would do in the fight against corruption

Most pressing issues to be prioritised

The survey sought views from the respondents on critical issues to be given priority by the national and county governments.

Most pressing problem to be addressed at the national Level
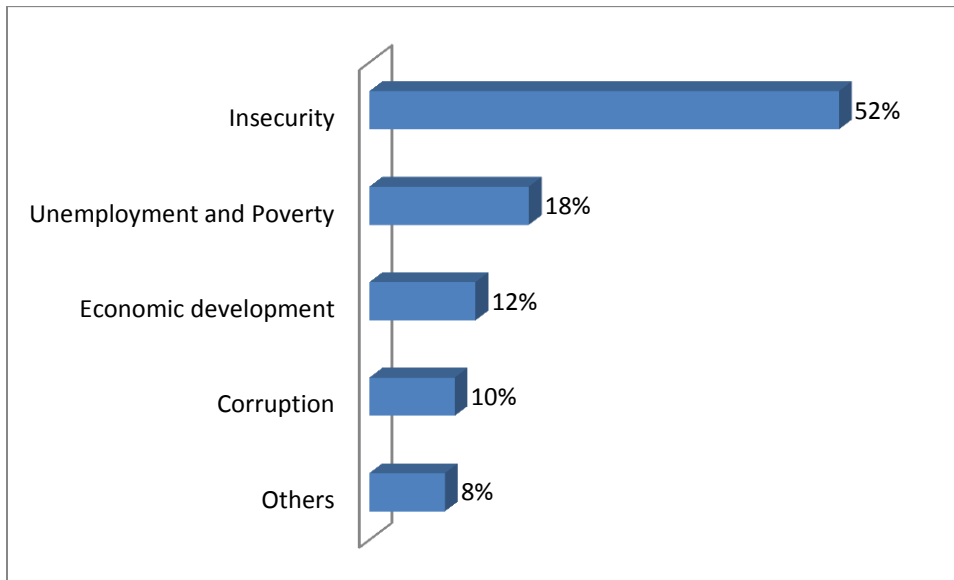
Figure 17: Most pressing problem to be addressed at the national level

Over half of the respondents (52%) cited insecurity as the most pressing problem that should be tackled by the national government. Unemployment and poverty were rated second at 18%. Corruption did not feature prominently as only 10% of the respondents cited it as the priority problem.

Most pressing problem to be addressed at the county level
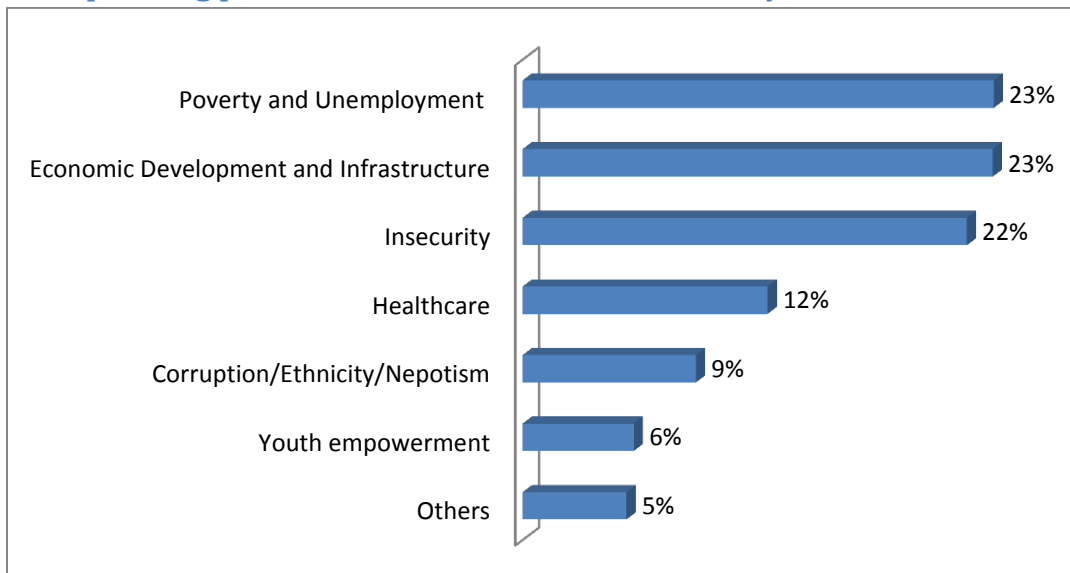
Figure 18: Most pressing problem to be addressed at the county level

At the county level, poverty and unemployment, infrastructure development and insecurity were the three most pressing problems identified by the respondents. It is worth noting that citizens

identified these three as the top most concerns against a backdrop of reports that funds meant for development at the counties lie unutilised at the National Treasury.[2]

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[2] Controller of Budget :Budget implementation review, half year 2013-2014

RECOMMENDATIONS

CIVIC EDUCATION
Awareness on the roles of elected leaders: The national and county governments, the Commission for the Implementation of the Constitution and civil society organisations need to conduct continuous, intensive civic education to increase awareness of citizens on the roles of their elected leaders. This will in turn help citizens to demand more accountability from their leaders.

Awareness on key processes: Civic education is also critical in creating awareness and understanding of various key processes in the county that will in turn spur more public participation and accountability.

Resources: The national and county governments should allocate sufficient resources for civic education.

PUBLIC PARTICIPATION
Participation in county processes: County governments should actively engage the public in key county processes such as identification and prioritisation of county projects, policymaking, oversight and accountability. Involvement of citizens in county development initiatives by way of identification and prioritisation of projects for instance, will enable the county governments to better respond to the public's needs hence contribute towards economic development. Citizen participation in the prioritisation of development projects will in addition increase the counties' capacity to focus on relevant projects and utilise development funds at their disposal, rather than return them to Treasury unutilized at the end of the financial year as has been the norm.

Public participation framework: County governments should develop public participation frameworks to guide civic engagement in county processes. To further institutionalise public participation, it is important that it be anchored in appropriate county legislation and policy.

PUBLIC COMMUNICATION
Use of online and community media: Counties need to boost public communication to increase access to key county information and transparency. These could be through the use of social media and the websites. Key documents such as the CIDP, budgets, Bills and Hansard reports should be uploaded to the websites, which should be updated regularly. Such documents should be simplified for public consumption and posted in noticeboards in public places. The county governments should also use mobile phones through SMS and community media to disseminate key information on public meetings, documents and processes among others. This is potentially a good avenue also for receiving views from the public, especially those who do not have the possibility to attend county consultation forums.

Access to information legislation: Access to information legislation is also key in providing a legal framework for the proactive provision of information to the public, at the national and county level. Both levels of government should therefore take immediate steps to enact the legislation. Without proper access to information, it is very difficult for the public to hold their leaders accountable as envisaged by the Constitution.

ANTI-CORRUPTION

Both levels of government should adopt, and religiously adhere to the policy of zero tolerance to corruption to ensure the country's limited resources are prudently utilised. This should include strict enforcement of the Leadership and Integrity Act and other relevant laws; and enactment of requisite legislation such as the access to information and whistleblower protection laws. The counties should in addition domesticate relevant anti-corruption mechanisms.

INTER-GOVERNMENTAL RELATIONS

To realise national stability, harmony and economic prosperity, inter-governmental relations must be strengthened and structures developed towards collective resolution of major problems such as insecurity. Consultation and cooperation between the national and county governments is key. While the provision of security is a function of the national government, it is important that it coordinates with the county governments in planning for this function, considering several incidents of insecurity witnessed across the country and rising public concerns. The structures of already existing inter-governmental institutions such as the National and County Government Coordinating Summit, Council of County Governors and other concerned national agencies should be reviewed and strengthened to address the challenges. The Intergovernmental Relations Act 2012 gives the Summit and Council of County Governors the mandate to consider and promote matters of national and common interest, therefore critical issues such as that of security should be prioritised by these institutions.

Annex 1: Counties' use of the Internet to promote transparency and increase access to information

County	County Website	Link to County Assembly	General Phone Number /Helpdesk	CIDP	Hansard	CFSP	Budget	MCAs List	CECs list
Bungoma	Yes	No	Yes	No	No	Yes	No	No	Yes
Embu	Yes	Yes	Yes	No	No	Yes	No	Yes	Yes
Garissa	Yes	Yes	No	No	No	No	No	Yes	Yes
Kakamega	Yes	Yes	Yes	No	No	No	No	Yes**	Yes
Kilifi	Yes	Yes	No	No	No	Yes	Yes	Yes	Yes
Kisii	Yes	Yes	Yes	Yes	No	No	No	Yes	Yes
Kisumu	Yes	No	Yes	Yes	No	Yes	No	No	Yes
Machakos	Yes	No	Yes	Yes	No	Yes	Yes	Yes	Yes
Mombasa	Yes	No	Yes	No	No	No	No	Yes	Yes
Murang'a	Yes	No	No	No	No	Yes	No	Yes	Yes
Nairobi	Yes	Yes	Yes	No	Yes	No	No	Yes	Yes
Nakuru	Yes	Yes	No	Yes**	No	Yes	Yes	Yes	Yes
Narok	Yes	Yes	Yes	No	No	Yes**	No	Yes	Yes
Nyeri	Yes	No	Yes	No	No	Yes	No	No	Yes
Turkana	No	No	No	No	No	No	No	Yes**	No
Uasin Gishu	Yes	Yes	Yes	Yes	Yes**	Yes	No	Yes	Yes
TOTAL	**15**	**8**	**11**	**4**	**1**	**10**	**3**	**13**	**15**

Source – County Website
***Source – Documents from office visits*

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