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A national opinion poll on devolution and governance in Kenya

July 2015

A national opinion poll on devolution and governance in Kenya

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Every effort has been made to verify the accuracy of the information contained in this report. All information was believed to be correct as of June 2015. Nevertheless, Transparency International Kenya cannot accept responsibility for the consequences of its use for other purposes or in other contexts.

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INTRODUCTION

2015 marks the third year of devolution which has seen counties establish key structures that are vital in their smooth running. The establishment of the County Public Service Boards and County Assembly Service Boards has allowed counties to hire required staff to enable them fulfil their mandate to the public. Most counties have also set up offices at the ward level which have enabled them to reach citizens at the grassroot levels. The Commission on Revenue Allocation earlier this year provided further guidelines on the formation and functions of the County Budget and Economic Forums to increase citizen participation in county processes. Despite these developments, there have been various resource challenges leading to calls for an amendment of the Constitution in order to increase the funds allocated to counties and review the functions under the purview of both governments.

Against this background, Transparency International Kenya designed a study aimed at tracking the progress of devolution through the eyes of the public. This survey is a follow up to an opinion poll carried out in 2014, *Is it my business: A national opinion poll on devolution and governance in Kenya*. The study was guided by 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 survey sampled 2,153 randomly selected respondents from 16 counties across Kenya. This sample size has a margin of error of +/-2.11 and a 95% confidence level. The 16 counties represent a third of the counties in Kenya and were purposively selected to represent former provincial headquarters and other counties added to provide regional balance.

Questionnaires administered face to face were used to collect primary data while county websites (where available), research publications and media articles were used to collect secondary data. The field survey was conducted between 22nd March and 6th April 2015.

	County	Sample		County	Sample
1	Nairobi	370	9	Machakos	131
2	Bungoma	160	10	Mombasa	98
3	Embu	60	11	Murang'a	109
4	Garissa	70	12	Nakuru	201
5	Kakamega	200	13	Narok	99

6	Kilifi	141	14	Nyeri	77
7	Kisii	142	15	Turkana	81
8	Kisumu	110	16	Uasin Gishu	104
Total Sample : 2153					

Table 1: Sample size distribution across the counties

Demographics
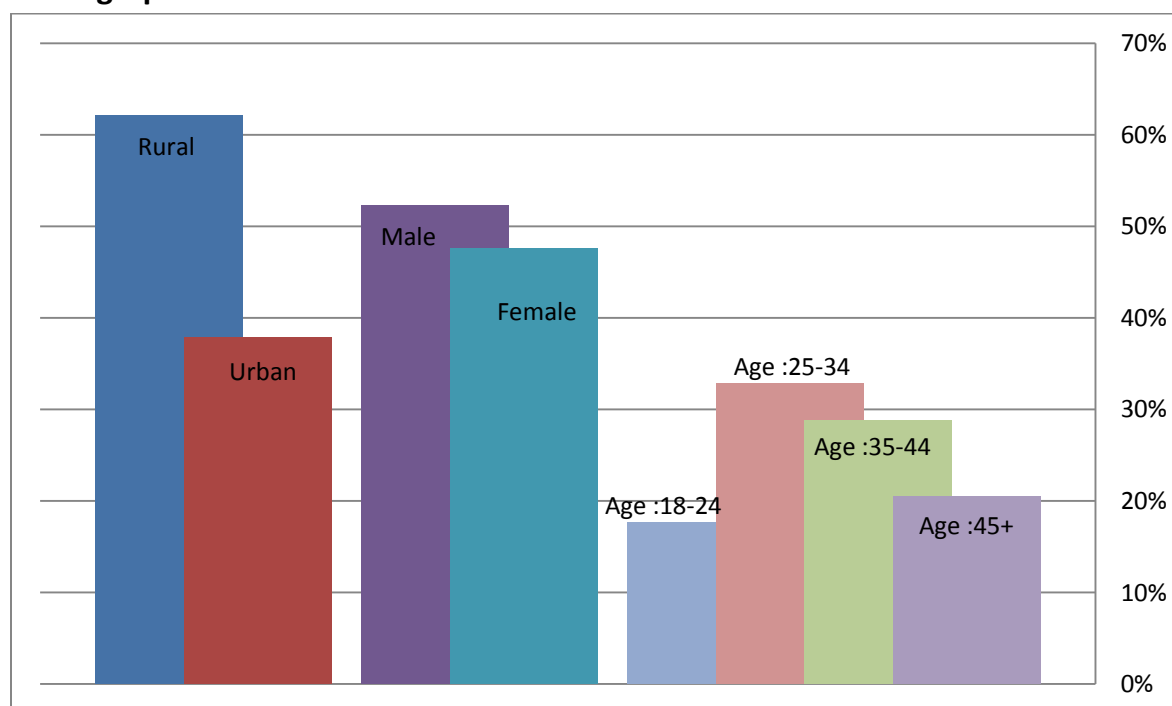
Figure 1: Sample distribution by residence, gender and age

Sixty two percent of the respondents were from the rural areas while 38% were from urban centers. Male respondents made up 52% of respondents, while female respondents comprised 48% of the sample. About 60% of the respondents were aged between 25 and 44 years, representing those that were eligible to vote in the last two elections.

Level of education	Primary school only	27%
	Secondary school	40%
	Tertiary training	22%
	Informal education/No formal education	11%

	Student	4%
	Unemployed	15%
	Self-employed/Employed in family business or farm	55%
Employment status	Employed in private sector	18%
	Employed by national or county government /Parastatal	5%
	Employed in community sector e.g Church/NGO	2%
	Retired	2%

Table 2: Level of education and employment status of respondents

About 40% of the respondents reported having a secondary school education with about a third reporting a primary school education. Majority of the respondents were self-employed or employed in a family business or farm.

FINDINGS

Transparency and Accountability

In order to conduct effective civilian oversight, there is a need for citizens to be aware of the duty bearers at the national and county levels and the roles that they play so they can properly hold them to account. It is also important that citizens are aware of key planning and financial documents for their counties to enable them effectively participate in various decision making processes.

Awareness of roles of leaders
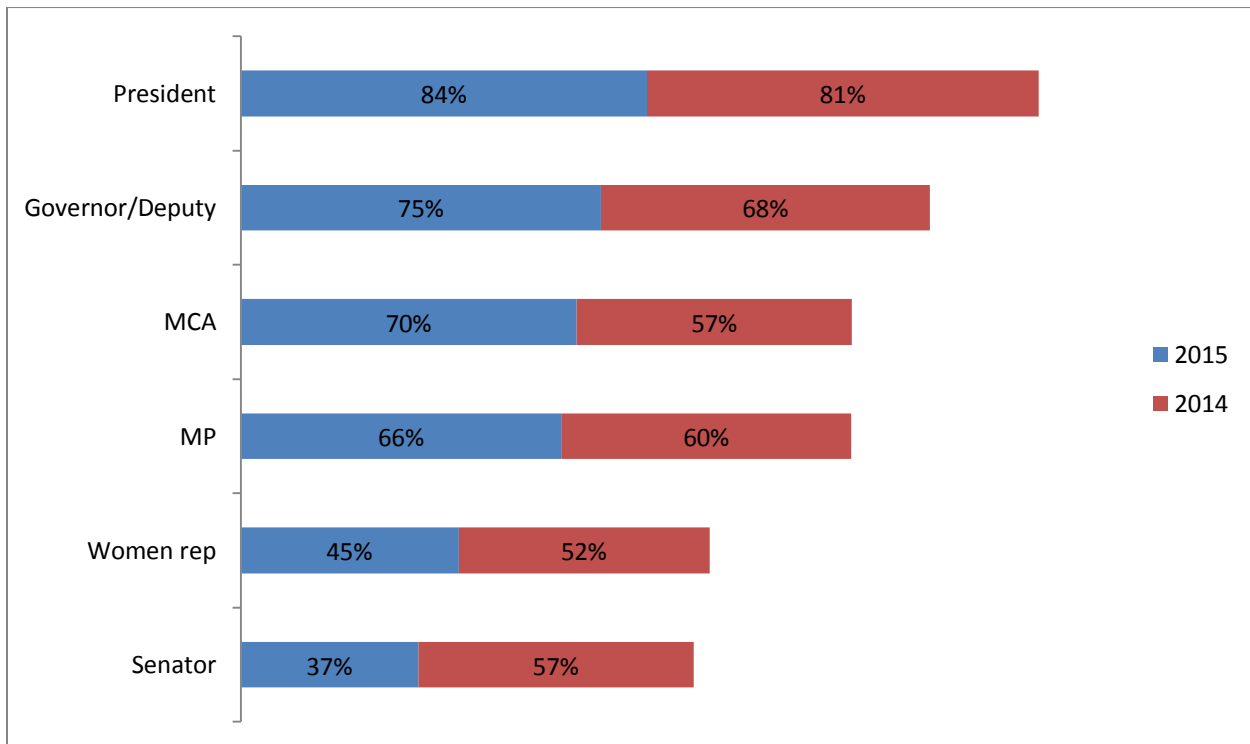
Figure 2: Awareness of role of leaders

The survey sought to establish whether respondents were aware of the roles of the leaders they elected. The number of respondents that knew the roles of county leaders increased significantly especially for the Member of County Assembly (MCA) from 57% in 2014 to 70% in 2015. The level of awareness on the roles of the Member of Parliament (MP) and the President also increased. There was a decrease in the number of respondents that knew the roles of the Senator and Women Representative.

Actual roles of the leaders

The respondents were asked to state the actual roles of elected leaders; 71% and 74% cited the role of the Governor and President as the heads of their jurisdictions, with development distantly ranked second.

Leader	Role of leader	2015	2014
President	**Head of state**	74%	79%
	Developing the Nation	10%	
Governor	**Head of County**	71%	64%
	Development of County	20%	

Table 3: Actual role of leaders – National and County Executive

About a third of the respondents were of the opinion that the role of the Senator was to oversee or monitor the Governor followed by a quarter who thought that the role of the Senator was to represent citizens at the national government level. The constant supremacy rows between the Senate and the National Assembly over their mandates could have contributed to the confusion among citizens over the Senator's role.

Leader	Role of leader	2015	2014
Senator	**Oversee/monitor the Governor/county resources**	29%	44%
	Representing people in Senate/national government	24%	
Women Representative	**Representing women in Parliament**	67%	75%
	Assisting/empowering/fighting for women	25%	
Member of Parliament	**Represent citizens**	25%	42%
	Development in the constituency	23%	
Member of County Assembly	**Ward development**	38%	46%
	Represents the ward	29%	

Table 4: Actual role of leaders – National and county legislature

Sixty seven percent of the respondents associated the role of the Women Representative with representation of women issues in Parliament, followed by 25% who said that the Women Representative had the role of empowering women. While this might have been part of the reason

behind establishing the post of the Women Representative, they form part of the National Assembly whose roles are representation, oversight and legislation.

About a third of the respondents said MPs had the role of representation; a quarter of the respondents felt that Members of the County Assembly had a similar role while 23% and 38% felt that the role of the MPs and MCAs respectively was that of development of their respective jurisdictions. That respondents attribute the role of development to MPs and MCAs, could perhaps explain the push by MCAs to have ward development funds at the county level and the drive by MPs to maintain control of the Constituency Development Fund (CDF).

Contact with the leaders

There was a marked increase in the number of respondents that had contacted their leaders with the MCAs and MPs being the leaders that were most contacted. This could be partly attributed to more members of the public appreciating the representation roles of these leadership positions as evidenced by the increased number of respondents that knew the roles of the MPs and the MCAs.
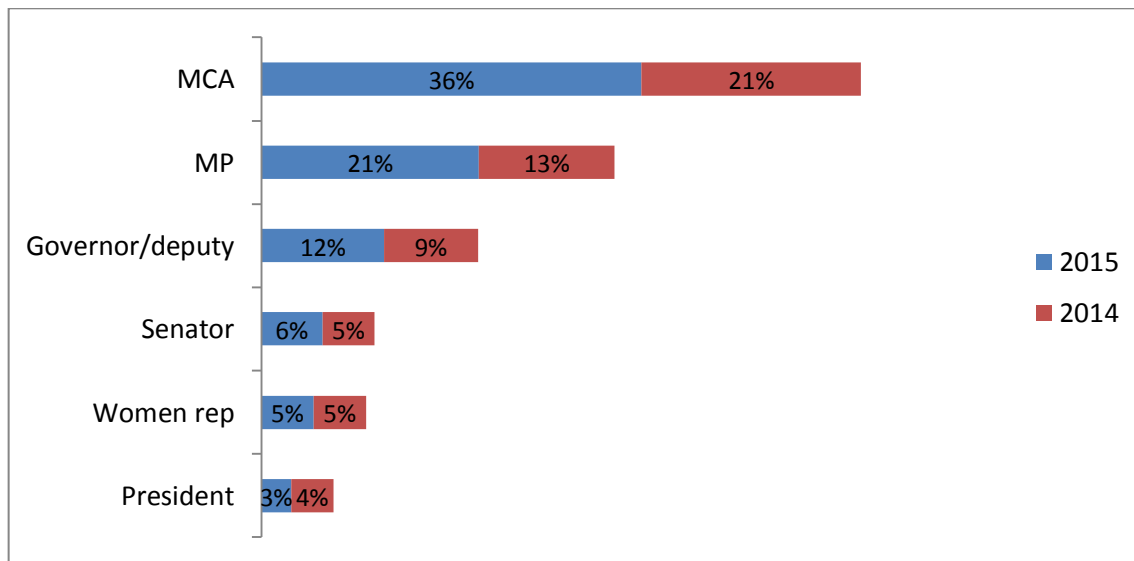
Figure 3: Respondents contact with leaders in the past 12 months

The most common mode of contact for all leaders except the president was through office visits, which is a departure from the most popular mode of contact in 2014 - chance meetings at social gatherings. This could imply that the elected leaders are making efforts to be more accessible to the public. For example, in most counties, the MCAs now have offices at the ward level with full time staff responding to citizens' queries. Most of the respondents that contacted the President indicated doing so through social media; he has active social media pages on Twitter and Facebook.

Leader	Type of contact	Percent
President	Social Media	59%
Governor/deputy	Office visit	39%
Senator	Office visit	40%

Women Representative	Office visit	32%
MP	Office visit	39%
MCA	Office visit	46%

Table 5: Type of contact with the leaders

Awareness of county funds

There was a significant decrease in the number of respondents that were aware of how much money was allocated to their county by the national treasury as nine out of ten respondents did not know the amount apportioned. Some of the documents where citizens could get this information include budgets and County Fiscal Strategy Papers. The survey sought to establish whether citizens were aware of these financial and planning documents.
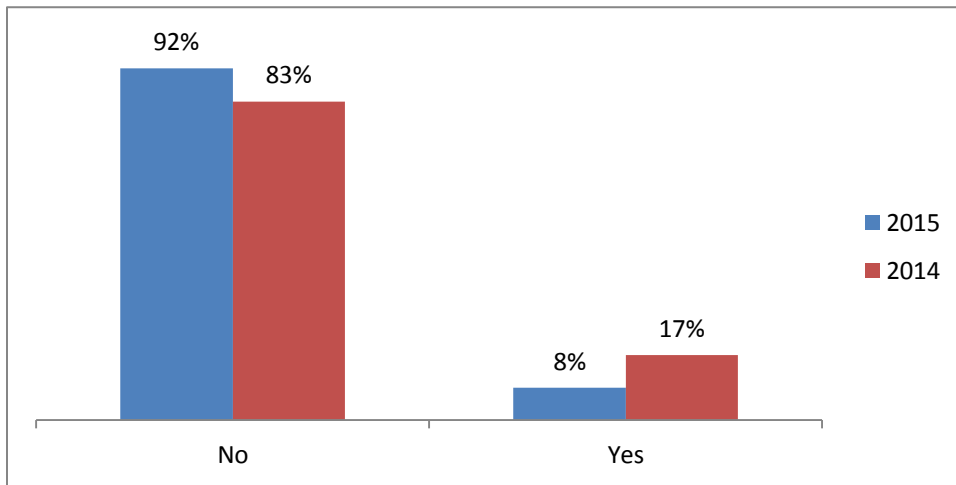
Figure 4: Awareness of county funds

Awareness of vital county documents

Thirty six percent of respondents reported awareness of the budget document but only 9% of those that were aware had copies. In 2014, 41% of the respondents were aware of the budget (2013/2014) and only 4% of them had copies. As was the case in 2014, the County Fiscal Strategy Paper was the least known document among respondents but there was a significant increase in the number of respondents that had copies; from 1% in 2014 to 13% in 2015. Interestingly, the County Fiscal Strategy Paper had the highest proportion of respondents that had copies suggesting that those that had the document did not get it by chance; rather they had a particular interest in it.
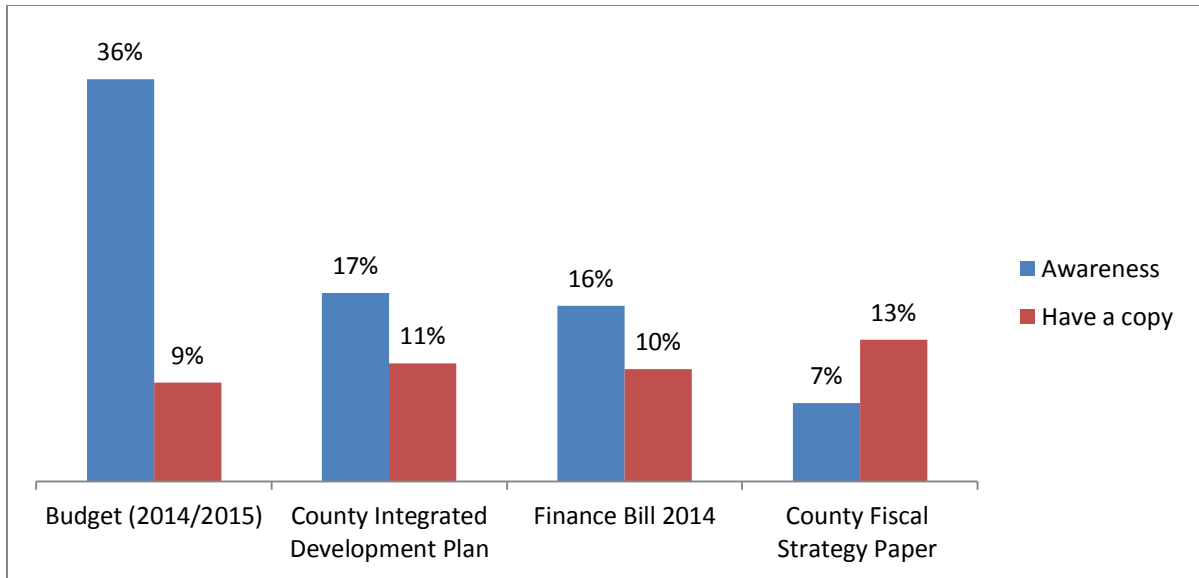
Figure 5: Awareness of vital county documents

It is also quite important to note that 55% of the respondents were self-employed or employed in a family business thus making them directly affected by county taxation policies usually contained in the Finance Bill. Only 16% of the respondents were aware of the Finance Bill and only 10% had copies of the document. This kind of disconnect could perhaps explain instances of demonstrations that have been witnessed in some counties over increased taxes. For example, in March 2015 a protestor was killed in Malindi town during peaceful demonstrations against new license fees issued by the County Government of Kilifi.[1]

In April 2015, Businessmen in Thika also held peaceful demonstrations over increased taxes levied by the County Government of Kiambu, claiming the new taxes were making it difficult for them to conduct business.[2]

Awareness of county jobs, tenders and bursaries
There was a higher interest in advertisements posted by the county governments on jobs, tenders and bursaries with bursaries attracting the highest proportion of applicants of the three. About a third of the respondents reported that they learnt about job advertisements and tenders through the newspapers while about 45% said they heard about bursaries through various officers of the county government including MCAs. The apparent interest in jobs, tenders and bursaries over vital county documents suggests more interest in items that respondents could derive tangible and direct personal benefits over items that had indirect benefits in the eyes of the respondents.

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[1]Daily Nation – 25th March 2015 ,Pg 16.- Article by Kazungu Samuel
[2] http://allafrica.com/stories/201504170379.html
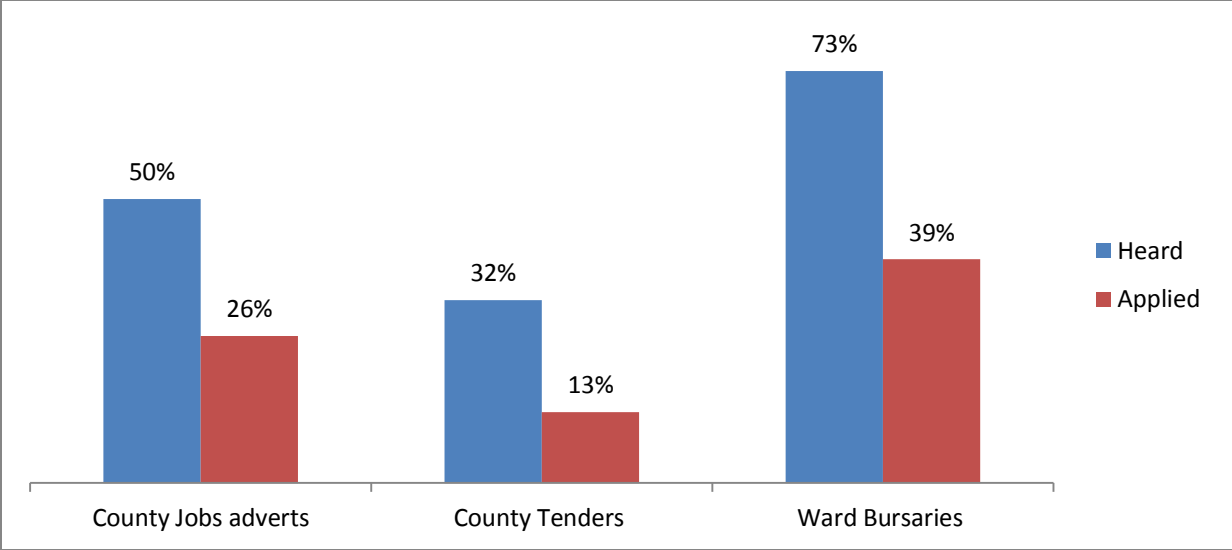
Figure 6: Awareness of county jobs, tenders and bursaries

Awareness and attendance of various meetings convened by the county government

About 41% of respondents were aware of meetings convened by their county governments with 46% reporting attendance of the meetings, a significant increase from the 15% that reported attendance of county meetings in 2014.
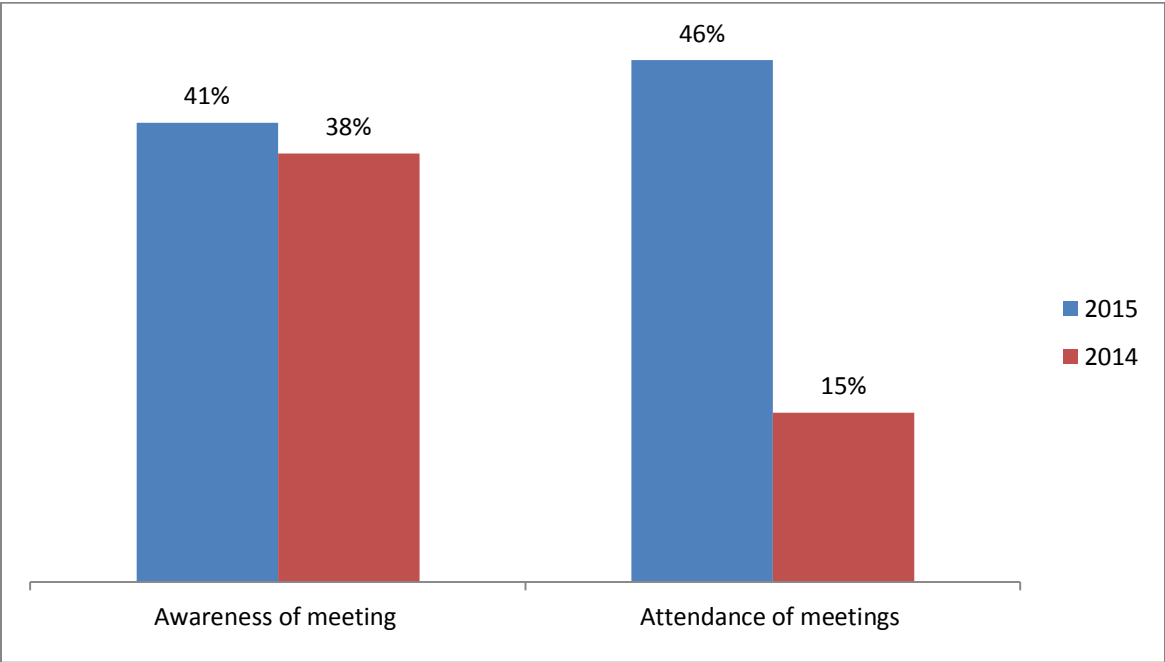
Figure 7: Awareness and attendance of meetings convened by the county government

The survey further asked the respondents to identify the nature of the meetings they had heard about. Respondents largely characterised these meetings as meetings to discuss development projects (42%) and meetings to discuss important documents such as the budget/ finance bill / tax and bills (25%).

About 70% of those that did not attend these meetings cited other engagements (which included work commitments) as the reason for non-attendance which was followed by 22% who did not see the need to attend the meetings. This could imply a lack of appreciation for participation in such meetings. It also calls into question the notice given with regard to time and when such meetings take place since majority of the respondents reported being engaged during these deliberations.

Avenues of communication

Means of communication	Jobs	Tenders	Bursaries	Meetings
Newspapers	35%	38%		
Hearsay from friends/neighbours	20%	22%	32%	32%
Public notices e.g notice boards, announcements	20%	24%		22%
Radio				15%
MCA Offices			45%	20%
Schools and churches			14%	

Table 6: How respondents learnt about county processes and meetings

At least 35% of the respondents reported learning about county jobs and tenders from newspapers, followed by 20% who heard about the two from friends, family and neighbours. About 45% of respondents learnt about ward bursaries from the MCA's office, followed by about a third who heard about them from their friends, family and neighbours. Similarly, a third of the respondents heard about the county meetings from family and friends; 20% learnt of the meetings through public announcements and from the MCA offices.

Availability of county information[3]
The survey sought to establish what information counties proactively availed to the public through their online platforms, primarily county websites.

All counties sampled, except Turkana County, had functional websites that contained different kinds of information about the counties. Six out of the fifteen websites had uploaded their County Integrated Development Plans; four had uploaded their 2015 County Fiscal Strategy Papers; four had shared their 2014/2015 budgets; 7 had shared the 2014 Finance Bill and only three had uploaded their 2015/2016 budget estimates.

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[3] See Annex 3 for a table with this information

In terms of information about various leaders at the county, three out of the 15 counties had not put up any information about the MCAs; the remaining 12 had put up the MCA's name and the ward represented. Similarly, out of 15 counties that had websites, three had not put up the names and dockets of the County Executive Committee Members.

Four out of the 15 websites had a page for the County Assembly and all four had uploaded Hansards of various sittings of the assemblies.

The survey, however, did not try to establish whether all the above mentioned information was available through other means as the focus was on the use of information, technology and communication (ICT) tools in governance.

State of service delivery in counties

The fourth schedule of the Constitution outlines the functions and powers of the county governments, effectively outlining the services to be offered by the county governments. However there has been confusion over the state of transfer of some functions as the national government reports that all functions have been devolved while the county governments claim the contrary. County governments further stipulate that there are several national government agencies, such as the Kenya Urban Roads Authority, that continue to receive funds from the national government to implement functions at the county level while such functions are meant to be performed by the County Governments.[4]

The survey asked respondents to rate the performance of counties in terms of providing the scheduled services.

County Services	Good	Average	Poor	Not aware of that service
Control of drugs and pornography	9%	14%	**57%**	21%
Firefighting services and disaster management.	11%	14%	**52%**	23%
County public works and services, including—water and sanitation	16%	29%	**49%**	6%

Table 7: County government provision of services – Drugs, disaster management, public works

Over half of the respondents rated the control of drugs and pornography, disaster management and provision of firefighting services as poor, followed by about 20% who were not aware that these services were supposed to be provided by the county government. About half of the respondents rated the provision of county public works and services as poor with a third rating them as average – these services include provision of water and sanitation services and storm water management systems.

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[4] Council of Governors,2015 – State of Devolution : Progress and challenges – A press statement

County Services	Good	Average	Poor	Not aware of that service
Control of air pollution, noise pollution , outdoor advertising	14%	28%	41%	18%
Ensuring and coordinating participation of communities in governance	8%	24%	41%	26%
Trade development and regulation-markets, trade licenses, local tourism	19%	29%	40%	12%

Table 8: County government provision of services - Pollution, trade development, public participation

About 40% of the respondents rated the control of air and noise pollution and outdoor advertising as poor, with about a third rating the efforts as average. A similar number of respondents rated trade development and regulation as poor; this service includes ensuring fair trading practices, promotion of local tourism and issuance of trade licenses. It is vital to note that most counties derive a significant percentage of their local revenues from single business permits thus making this function particularly crucial.

That 40% of respondents rated as poor the counties efforts in coordinating and ensuring participation of communities in governance, raises questions on what frameworks are in place to ensure that the public participates in key processes such as the budget making, planning and law making processes. It is important to note that several counties have enacted or are in the process of enacting public participation laws[5] but it is not clear how effective they have been in ensuring that citizens take part in the various county processes or if civic participation has influenced the outcomes.

County Services	Good	Average	Poor	Not aware of that service
County planning and development-land survey, mapping, housing	13%	26%	36%	25%
Implementation of national government policies on natural resources and environmental conservation - forestry and soil conservation	14%	26%	35%	25%
Cultural activities, public entertainment, public amenities	18%	23%	31%	28%
Animal control and welfare	15%	24%	32%	29%

Table 9: County government provision of services - County planning, cultural activities and animal control

About a quarter of the respondents were not aware of the provision of county planning and development services and implementation of national government policies on natural resources and environmental conservation, with an almost similar number rating the provision of these services as average. About 35% said the provision of these services was poor. When asked about services pertaining to cultural activities, animal control and welfare, about a third of the respondents rated them as poorly delivered while a similar proportion were not aware of the service.

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[5] Out of the 16 counties sampled, Mombasa, Turkana and Nakuru have public participation bills while Machakos County has a law.

County Services	Good	Average	Poor	Not aware of that service
Agriculture – abattoirs, livestock sale yards , disease control	32%	38%	27%	2%
County health services - ambulance, health facilities, cemeteries	21%	33%	29%	18%
County transport - county roads, street lighting, traffic and parking	28%	35%	34%	3%
Education – ECDE, village polytechnics, child care facilities	34%	35%	23%	8%

Table 10: County government provision of services - Agriculture, health, transport, education

Only four out of 14 services under the county government were rated favorably by at least a third of the respondents.   These services included health services, county transport, pre-primary education and polytechnics and agricultural services. It is important to note that these services had been prioritised by the counties in terms of budgetary allocations. For example, an analysis of sectoral budget allocations for the financial year 2014/2015 indicate that 21% of the budget was allocated to health, 13% to public works, and transport and infrastructure, 9% to education, sports, culture and social services, ICT, Labour and Youth Affairs and 7% to agriculture and livestock development[6]. Prioritisation in the county budgets translated to the purchase of ambulances and tractors, grading and graveling of roads and construction of classrooms for provision of early childhood education.

Overall satisfaction with county governments
Overall, half of the respondents were dissatisfied with their county government, with only 20% reporting satisfaction. Compared with 2014, there was a slight increase in the number of respondents that were satisfied with the county governments and a slight decrease in those that were dissatisfied. About a third of the respondents were neither satisfied nor dissatisfied with their county government.

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[6] Office of the Controller of Budget – County government budget implementation review report for the half year – FY 2014 /2015
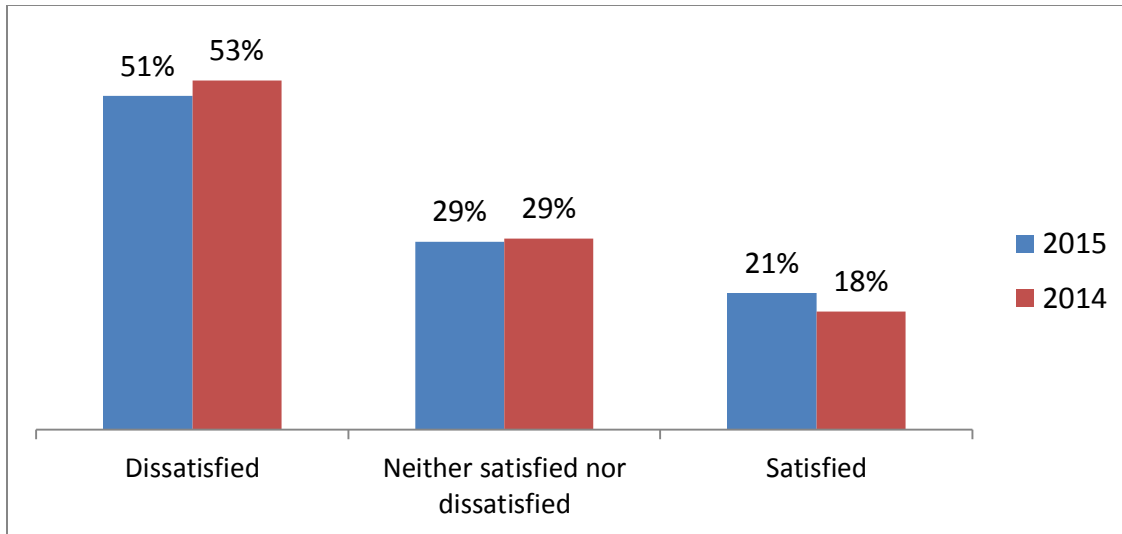
Figure 8: Respondents overall satisfaction with the county government

Forty percent of those that were dissatisfied observed that there was no visible development in their counties especially in relation to the fulfillment of electoral campaign promises. A further 22% were dissatisfied claiming a lot of corruption and mismanagement of funds in the counties. About 70% of the respondents that were satisfied with the county governments noted that there was some form of development in the counties.

Performance of the County Assembly in the past 12 months

When asked to rate the performance of their County Assembly in the past 12 months, about a third of the respondents rated the performance as poor, followed by a third who rated the performance as average. Only 11% of the respondents felt that the performance of their County Assembly was good. This was a new question in the survey, and was not polled in 2014.
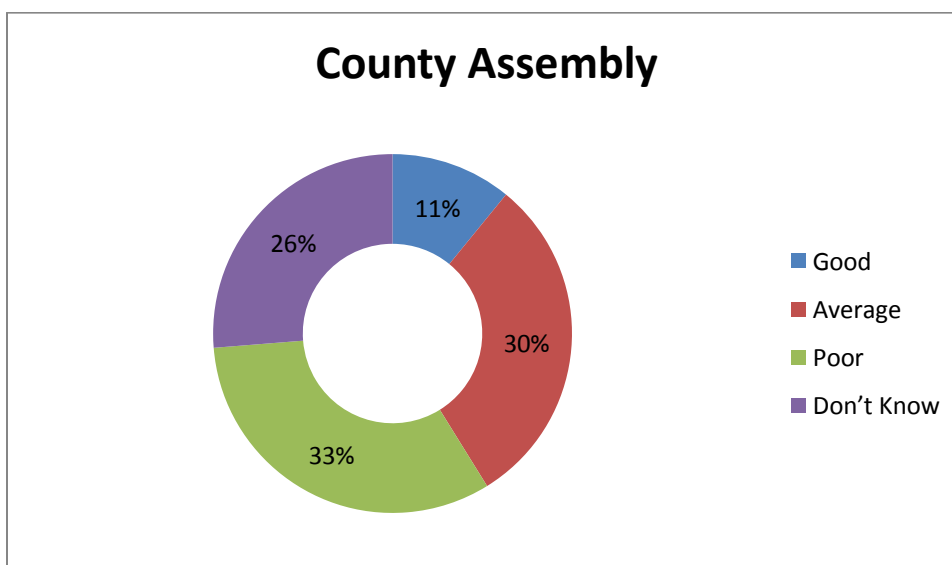
Figure 9: Respondents' assessment of the County Assembly's performance in the past 12 Months

Performance of the national government in the past 12 months

The survey asked respondents to rate the performance of various government institutions in the past 12 months.

The Presidency got the most favorable review in the list with 38% of the respondents rating the performance as good and a further 30% rating the performance as average. Respondents cited the efforts by the President to fight corruption and improved service delivery as some of the reasons for the positive review.
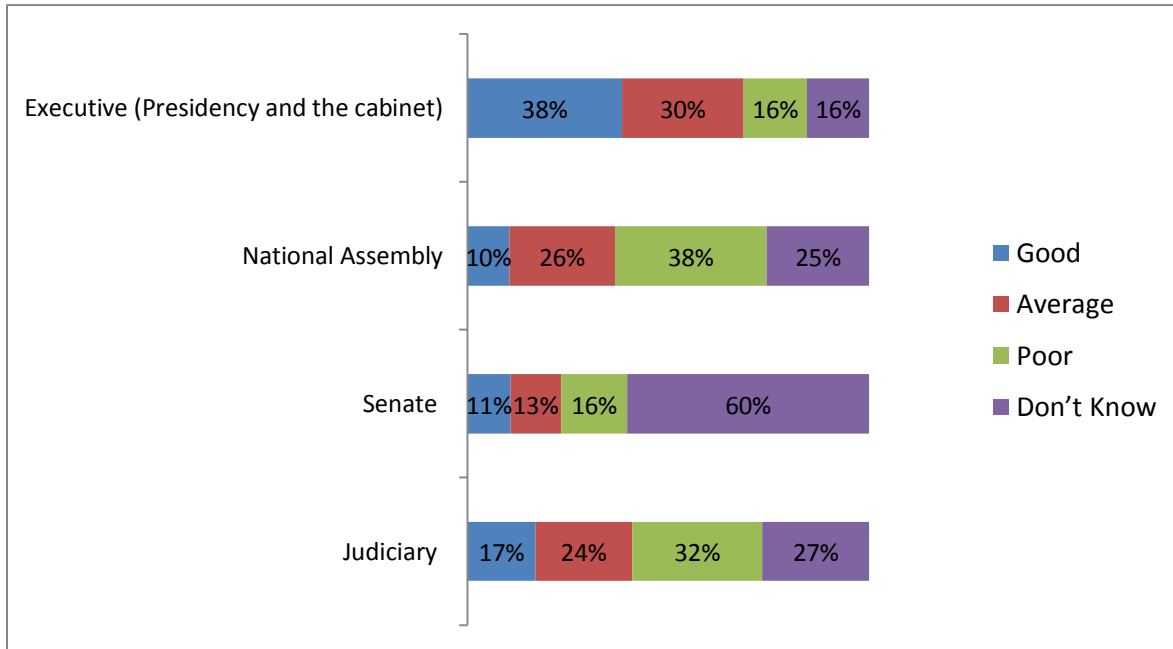
Figure 10: Respondents' assessment of the national government's performance in the past 12 months

Respondents were not impressed by the performance of their legislators as 38% rated the performance of the National Assembly as poor, with only 10% rating it as good. A quarter of the respondents rated its performance as average. Respondents cited lack of visible development and leaders' insensitivity to their needs as some of the reasons for the negative review. Sixty percent of the respondents felt that they did not know enough about the Senate to assess their performance which is in line with an earlier finding where 57% of respondents reported not knowing the role of the Senators.

The Judiciary also received an unfavorable review from respondents as 32% rated its performance as poor, 24 % as average and 17% rating their performance as good.

Most pressing problem that the national government should address

Thirty two percent of the respondents felt that insecurity was the most pressing problem that the national government should address which was a significant drop from the 52% of respondents that had a similar view in 2014.[7]
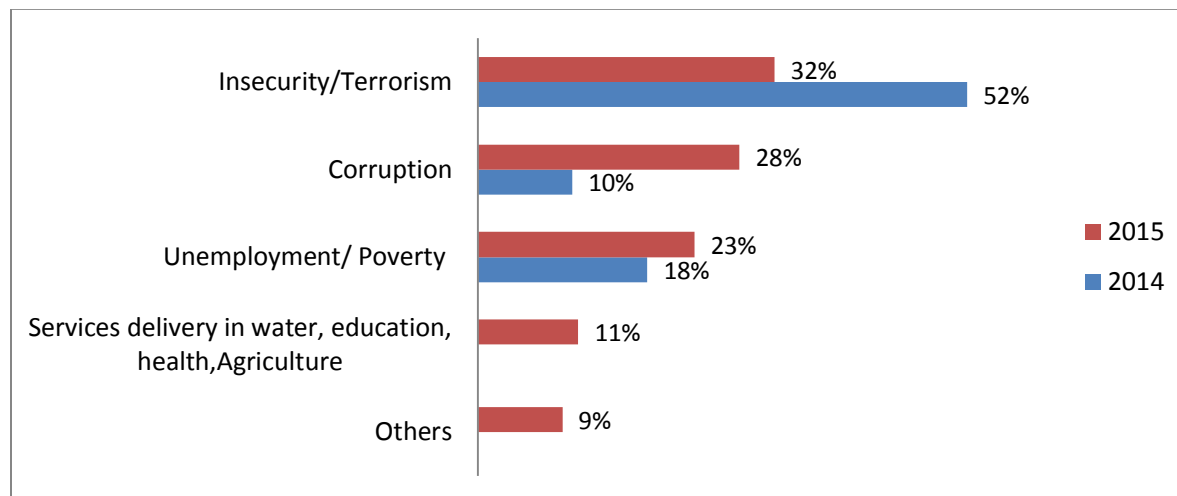
Figure 11: Most pressing problem that the national government should address

Corruption was also identified as a pressing problem to be addressed by the national government by 28% of the respondents. This was a significant increase from the 10% that expressed the need to prioritise the problem in 2014. In this regard, citizens seem to be echoing the sentiments of the President, who has on several occasions, identified corruption as a problem that has besieged this country for some time and one that his administration was determined to tackle. [8]

About a quarter of the respondents identified poverty and unemployment as a pressing problem that needed to be addressed.

Most pressing problem that the county government should address

At the county level, the most pressing problem identified by 25% of the respondents was corruption, which was a significant increase from the 9% that had the same view in 2014. Infrastructure and unemployment were identified by respondents as pressing problems by about 20% of the respondents; these were identified as the most pressing problems by respondents in 2014. The ranking of unemployment as a pressing problem could explain the huge interest that respondents showed in the advertisements for county jobs and tenders.

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[7] Data collection for this survey took place before the Garissa University attacks whereas last year, citizens were still reeling from the Westgate terror attack and other insecurity incidents in Turkana, Bungoma and other parts of the country.
[8] President Uhuru Kenyatta's State of the Nation address – Parliament Chambers – March 26th 2015

Figure 12: Most pressing problem that the county government should address

Biggest threat to devolution

With devolution in its third year, the survey sought to establish what respondents perceived as the biggest threat to the devolved system of governance.

Figure 13: Biggest threat to devolution

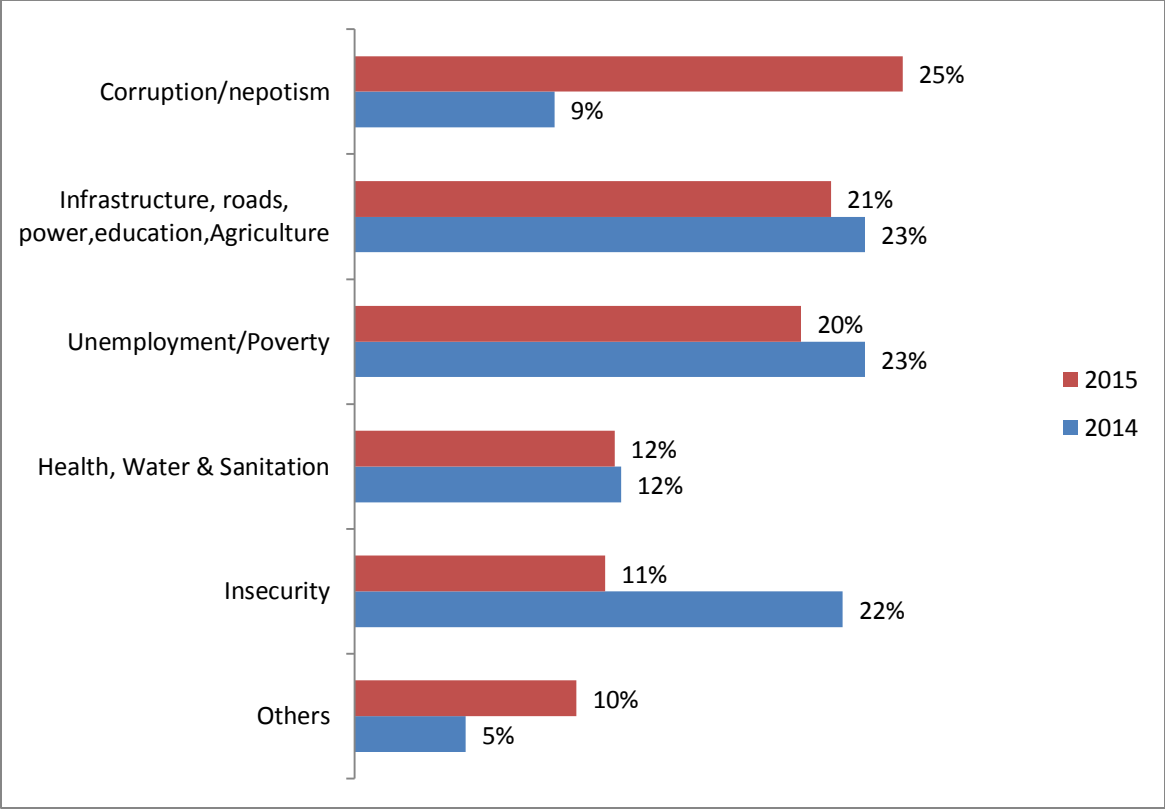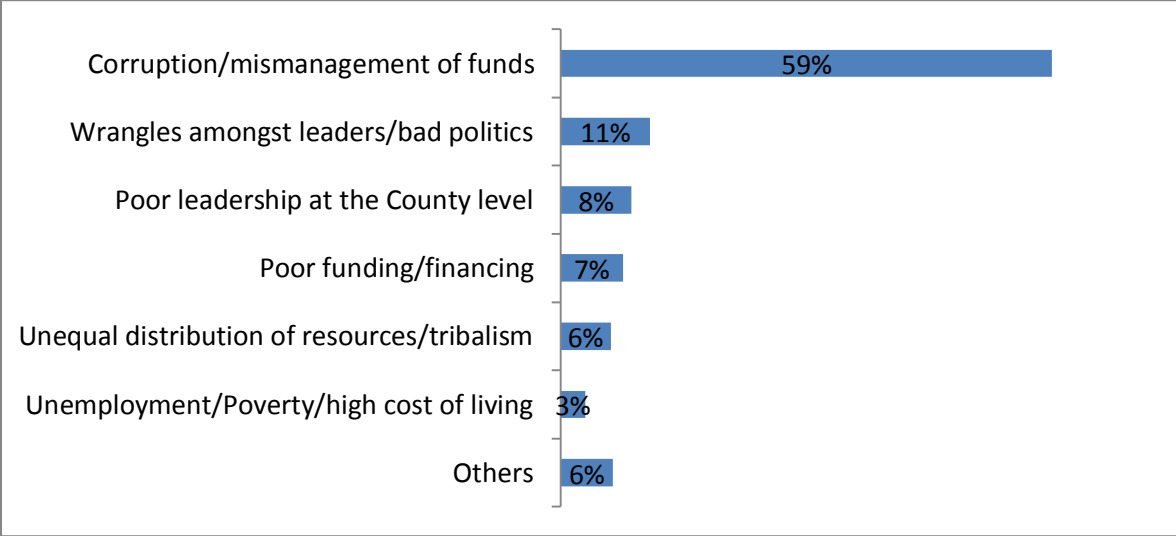Majority of the respondents (59%) perceived corruption to be the biggest threat to devolution followed by 11% who felt that political wrangles were a threat to devolution. Only seven percent of respondents felt that poor funding to counties was a threat to devolution. It is important to note that that while majority of the respondents were dissatisfied with their county governments and were to a large extent unimpressed by service delivery with regard to the 14 devolved functions, they did not attribute these to lack of funds, rather corruption and mismanagement of available funds which was seen to be the biggest threat. This could explain the public's apparent disinterest in the funds allocated to their counties as they could be more interested in how the funds are managed than how much is allocated.

In an opinion poll on devolution conducted by TI-Kenya in 2013, respondents were of the opinion that the biggest threat to devolution was corruption (36%) followed by 22% who identified lack of funds as a threat to devolution. Twenty one percent of the respondents felt that political interference posed a threat to the then new system of governance while 18% felt that supremacy battles between the county and national governments were the biggest threat.[9]

The anti-corruption agenda

Traditionally, civil society has been at the forefront of advocating for better governance and has worked closely with state anti-corruption institutions to realise this. The survey sought to establish the performance of the two in the past 12 months.
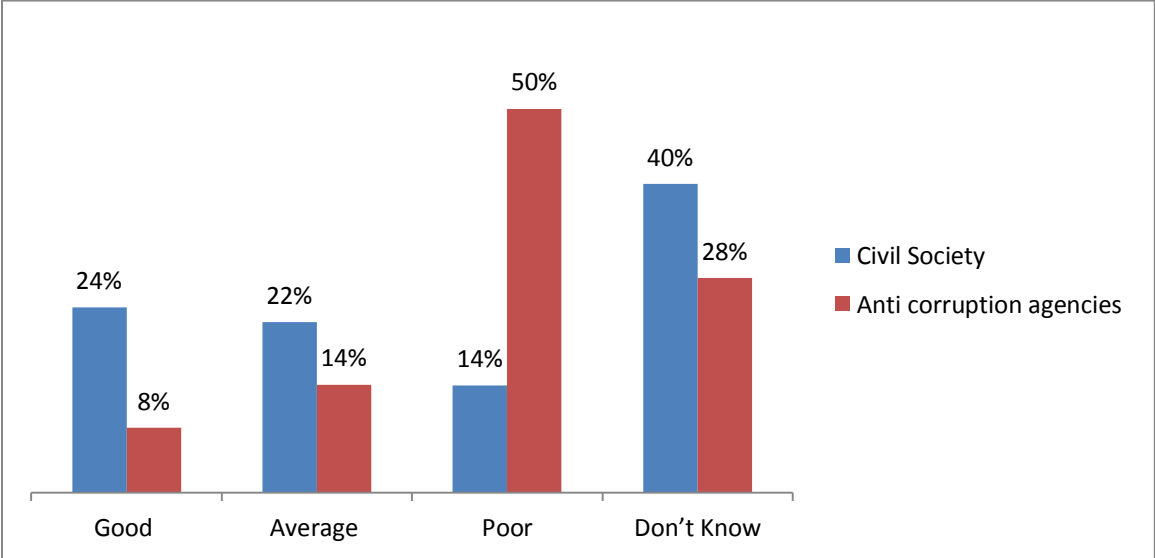
Figure 14: Performance of anti-corruption agencies and civil society in the past 12 months

When asked to rate the performance of the civil society , about a quarter of the respondents rated the performance of the civil society as good , followed by 22% who felt that their performance was average and 14% who rated their performance as poor. It is worth noting that 40% of respondents did not rate the performance of the civil society, returning a response of '*don't know'.*

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[9] Transparency International – Kenya , 2013 – Towards Hazy Horizons : An opinion poll on the implementation of devolution and governance reforms in Kenya

With regard to the performance of the anti-corruption agencies, half of the respondents rated their performance as poor, 15% rated their performance as average and only 8% felt that they had done their jobs well in the last 12 months.

Way Forward

The survey sought to find out who / what institutions the public trusted most to drive the anti-corruption agenda in the next twelve months.

Twenty one percent of respondents were of the opinion that citizens had the best chance to fight corruption in the next twelve months, an increase from the 15% that had a similar view in 2014, edging out the media as the most trusted institution. Respondents observed that citizens had the powers to stop it through various means such as refusing to pay bribes or reporting corruption and as such could be trusted to lead the anti-corruption agenda. It is worth noting that majority of the respondents agreed that ordinary citizens can make a difference in the fight against corruption, although 50% admitted to not having done anything to fight corruption in the past 12 months. A third of the respondents, however, reported that they refused to pay bribes and 9% reported to relevant authorities the corruption experiences they had encountered. This presents a curious scenario where citizens believe they have the power to fight corruption but fall short of taking concrete action towards tackling the vice.

Figure 15: Institution most trusted to drive the anti-corruption agenda
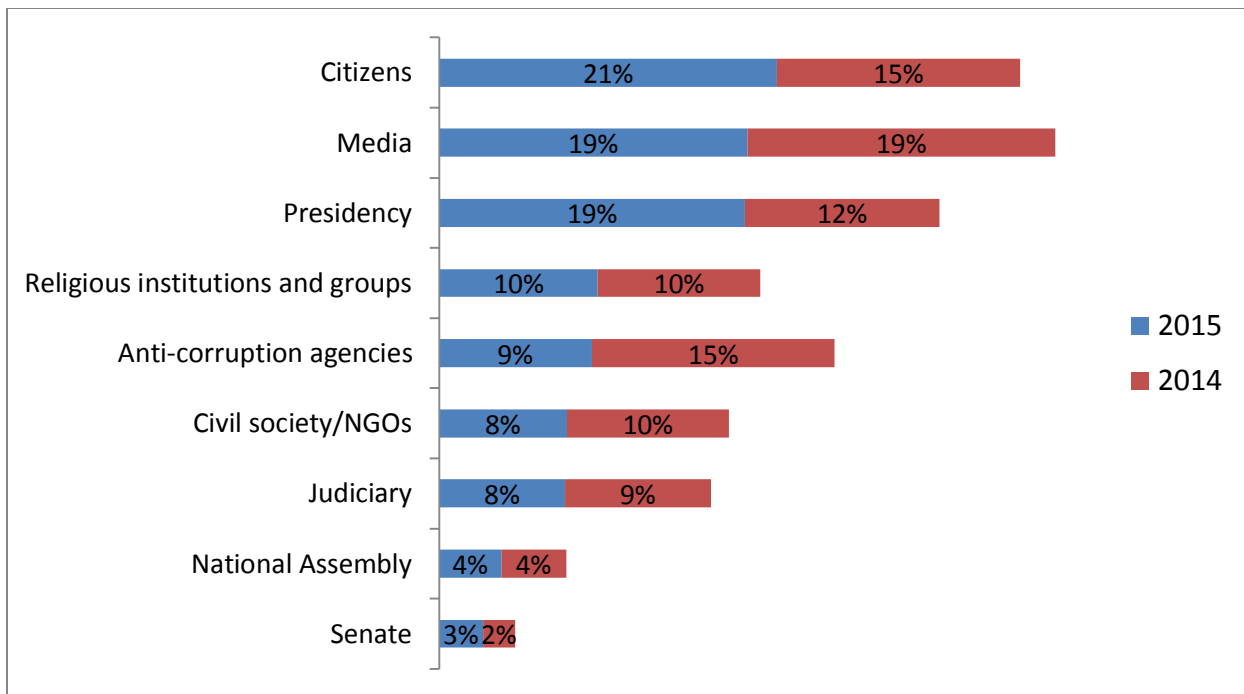
The media and the Presidency were rated second and third respectively as the institutions trusted most to drive the anti-corruption agenda in the next 12 months. This signified an increase in the number of respondents that had faith in the President's ability to drive anti-corruption efforts. Respondents

observed that the media had the means to expose and publicise corrupt persons and their actions while they felt that the President had the ultimate powers to take action against corrupt persons.

There was a significant drop in the number of respondents that trusted anti-corruption institutions to lead the anti-corruption agenda in the next twelve months as only 9% held this view, down from 15% of respondents who had a similar view in 2014. This is not a surprising finding since 50% of respondents described the performance of anti-corruption institutions in the past 12 months as poor. It is possible that respondents could have been reacting to recent public wrangles among top officials of the Ethics and Anti-Corruption Commission (EACC).These included the disagreement between the EACC Chair and the Chief Executive Officer over the suspension of the Deputy Chief Executive Officer following allegations of malpractice and the resignation of the Chair and Vice Chair[10] following the formation of a tribunal by the President to probe their conduct after the National Assembly recommended their suspension.[11]

The civil society was also ranked low, as was the case in 2014, as a trusted ally to lead the anti-corruption agenda in the next 12 months. This could be attributed to the fact that to a large extent, respondents did not know the role of the civil society as indicated in previous responses on its performance.

How citizens are willing to participate in governance

The survey sought to find out what actions citizens were willing to take in the governance of their country.

Public participation avenues

	Action	Yes	No	It Wouldn't do any good
1	Attend various meetings convened by the government to give your views and opinion	81%	14%	5%
2	Engage the government on social media to compel them to implement/ stop a certain action	59%	34%	7%
3	Write a letter to compel the government to implement/ stop a certain action	52%	34%	14%

Table 11: How respondents are willing to participate in governance- Public participation

Eight out of ten respondents indicated a willingness to attend various meetings convened by their county governments so as to give their views; however only 46% reported having attended such a meeting in the past 12 months.

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[10] One commissioner had resigned earlier in March 2015.
[11] Business Daily – March 10th 2015 - Confusion at EACC as CEO Waqo revokes Michael Mubea suspension; The National Assembly recommended the suspension of the EACC Chair and Vice Chair after receiving a petition seeking their removal for incompetence and violation of the Constitution.

While at least half of the respondents were willing to write letters to the government and engage the government on social media to compel them to implement or stop a certain action, these were the least popular actions chosen by respondents compared with other actions outlined. Most county governments have embraced social media as a tool to engage citizens in various processes. All 16 counties sampled have some form of social media platform used to respond to citizens' queries.

Corruption and customer complaints' reporting mechanisms

	Action	Yes	No	It Wouldn't do any good
1	Report / complain about bad service from a government office to relevant authorities	67%	18%	15%
2	Report /complain about corruption and bribery experiences from government offices to relevant authorities	64%	19%	17%

Table 12: How respondents are willing to participate in governance- Corruption reporting

Sixty seven percent of respondents were willing to report or complain about a bad service from a government office to relevant authorities. Sixty four percent also stated that they were willing to report about corruption experiences they encountered while seeking services from the government. Ideally, such reports would be made to the existing complaints' agencies such as the Commission on Administrative Justice and the Ethics and Anti-Corruption Commission. Half of the respondents have rated their performance in the past 12 months as poor, and only 9% of respondents mentioned them as the institution that they trust most to drive the anti-corruption agenda in the next 12 months. Further, these two actions attracted the highest number of respondents that felt that making a complaint or a report would not do any good. This paints a gloomy picture of the anti-corruption scenario in Kenya and provides insight to why it has been difficult to engage citizens to actively participate in the fight against corruption.

Petitions and peaceful demonstrations
The Constitution of Kenya, in Article 37, states that every person has the right, peaceably and unarmed, to assemble, to demonstrate, to picket, and to present petitions to public authorities.

	Action	Yes	No	It Wouldn't do any good
1	Sign a petition to compel the government to implement/ stop a certain action	66%	27%	7%
2	Join a peaceful protest to compel the government to implement/ stop a certain action	65%	30%	5%
3	Sign a petition to recall an elected official	63%	30%	7%

Table 13: How respondents are willing to participate in governance- Petitions and demonstrations

The survey established that over 60% of the respondents were open to signing a petition to compel the government to implement or to stop a certain action. They were also willing to join a peaceful protest for the same reason.

About 63% of respondents were also willing to sign a petition to recall an elected official. The County Government Act, 2012 in Section 27 and the Elections Act, 2011 section 45 provides for the recall of MCAs and MPs respectively. Both laws stipulate that the recall can only take place 24 months after an election and 12 months before the next election.

RECOMMENDATIONS

CIVIC EDUCATION

- **Awareness on the roles of elected leaders:** There is need for civic education on the roles of elective positions particularly those of the Senator and Women Representative. The Senate and National Assembly should raise awareness on the mandates of these leaders. Increased public understanding on their roles will enable citizens to demand more accountability from their leaders and engage them appropriately.
- **Awareness on key processes:** Civic education is also critical in creating awareness and understanding of various key processes such as budget making, planning and legislative development in the county that will in turn spur more public participation and accountability.
- **Resources:** The national and county government structures should allocate sufficient resources for civic education.
- **Collaboration:** The national and county governments should forge partnerships with the civil society in conducting civic education. There is also need to incorporate the media in civic education and communication on key information about counties. Based on the high level of public trust that citizens have in the media's ability to lead the anti-corruption agenda, the fourth estate can also be a useful tool in mounting and maintaining pressure against corrupt entities at the county and national levels.

LOCALISING ANTI-CORRUPTION EFFORTS AT THE COUNTY LEVEL

- **Policy and legislation:** There should be strict enforcement of the Leadership and Integrity Act and other relevant laws. Requisite legislation to bolster the war against corruption such as the access to information and whistleblower protection laws should be developed and enacted. Access to information legislation is particularly important in streamlining how information is shared by the county government as well as what information citizens are able to access from their county government. The legislation should make provisions for counties to proactively share pertinent information such as budget documents, annual development plans, and draft legislations among others.
- **Devolution of anti-corruption agencies:** Agencies responsible for anti-corruption, domestication of national values and principles of governance should be devolved. Given the high public concern on the need to prioritise the fight against corruption at the county level and the perception of corruption as the biggest threat to devolution, there is a need to fast track the roll out of the EACC and Commission on Administrative Justice (CAJ) operations at the county level. The commissions do not necessarily need to establish offices in all counties but rather build strategic partnerships with county

governments, other state agencies and civil society organisations to expand complaints reporting and redress mechanisms. ICT tools should be utilised to further broaden such reporting mechanisms.

- **County corruption prevention mechanisms:** Appropriate mechanisms for preventing and combating corruption at the counties should be established through stakeholder collaboration approaches. Counties should also develop and implement anti–corruption strategies.

PUBLIC PARTICIPATION

- **Public participation framework and legislation:** Engagement of the public in county processes should be guided by public participation frameworks that are anchored on appropriate county policies and legislation. The legislation should also encompass civilian oversight and feedback mechanisms through which citizens' input is considered and incorporated.

- **Public communication:** Developing or improving public participation mechanisms should include enhancing or broadening the channels of communication employed to get citizens to participate in county processes. These need to be anchored in public participation legislation that ensures that citizens are adequately informed about important processes in county governance.

Annex 1: Complete table: Citizen Assessment of 14 devolved Functions

County Services	Good	Average	Poor	Not aware of that service
Agriculture – abattoirs, livestock sale yards , disease control	32%	38%	27%	2%
County Health Services -ambulance , Health facilities ,cemeteries	21%	33%	29%	18%
Control of air pollution, noise pollution , outdoor advertising	14%	28%	41%	18%
Cultural activities, public entertainment, Public amenities	18%	23%	31%	28%
County transport-county roads , street lighting , traffic and parking	28%	35%	34%	3%
Animal control and welfare	15%	24%	32%	29%
Trade development and regulation-markets , trade licenses ,local tourism	19%	29%	40%	12%
County planning and development-land survey ,mapping , housing	13%	26%	36%	25%
Education –ECDE, village polytechnics ,child care facilities	34%	35%	23%	8%
Implementation of national government policies on natural resources and environmental conservation- forestry and soil conservation	14%	26%	35%	25%
County public works and services, including—Water and sanitation	16%	29%	49%	6%
Firefighting services and disaster management.	11%	14%	52%	23%
Control of drugs and pornography	9%	14%	57%	21%
Ensuring and coordinating participation of communities in governance	8%	24%	41%	26%

Annex 2: What citizens would be willing to do to take part in the fight against corruption

	Action	Yes	No	It Wouldn't do any good
1.	Attend various meetings convened by the government to give your views and opinion	81%	14%	5%
2.	Report / complain about bad service from a government office to relevant authorities	67%	18%	15%
3.	Sign a petition to compel the government to implement/stop a certain action	66%	27%	7%
4.	Join a peaceful protest to compel the government to implement/stop a certain action	65%	30%	5%
5.	Report /complain about corruption and bribery experiences from government offices to relevant authorities	64%	19%	17%
6.	Sign a petition to recall an elected official	63%	30%	7%
7.	Engage the government on social media to compel it to implement/stop a certain action	59%	34%	7%
8.	Write a letter to compel the government to implement/stop a certain action	52%	34%	14%

Annex 3: Selected Information published on county websites as at 22nd June 2015

County	County Website	County Assembly Website	General phone number/ Helpdesk	CIDP	Hansard	CFSP 2015	Budget Estimates 2015/16	Finance Bill / Act 2014	MCAs list	CECs list
Bungoma	Yes	No	Yes	No	No	No	No	No	No	Yes
Embu	Yes	No	Yes	No	No	Yes	No	No	Yes	Yes
Garissa	Yes	No	No	No	No	No	No	No	Yes	Yes
Kakamega	Yes	Yes	Yes	No	Yes	No	No	Yes	Yes	Yes
Kilifi	Yes	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Kisii	Yes	No	Yes	Yes	No	Yes	Yes	Yes	Yes	Yes
Kisumu	Yes	No	Yes	Yes	No	Yes	No	Yes	No	Yes
Machakos	Yes	No	No	No	No	No	Yes	No	No	Yes
Mombasa	Yes	Yes	No	Yes	Yes	No	No	Yes	Yes	No
Murang'a	Yes	No	No	Yes	No	No	No	No	Yes	Yes
Nairobi	Yes	Yes	No	No	Yes	Yes	Yes	Yes	Yes	No
Nakuru	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes	Yes	No
Narok	Yes	No	No	No	No	No	No	No	Yes	Yes
Nyeri	Yes	No	Yes	No	No	No	No	No	No	Yes
Turkana	No	No	No	No	No	No	No	No	No	No
Uasin Gishu	Yes	No	Yes	Yes	No	Yes	No	No	Yes	Yes

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