



## **Final Baseline Study Report**

### **Strategic Partnership NIMD-AWEPA**

**This document is part of the 'Dialogue and Dissent Programme' that is being implemented by NIMD and AWEPA in partnership with the Dutch Ministry of Foreign Affairs.**

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**Country: Kenya**

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## **Introduction**

This baseline report is the first step in measuring results and impact achieved by AWEPA and NIMD in Kenya while implementing the Strategic Partnership (SP) programme 2016 – 2020 for the Dutch Ministry of Foreign Affairs. After jointly writing the programme, AWEPA and NIMD designed a set of indicators to measure the impact to which the programme contributes. These indicators and outcome statements constitute the Monitoring and Evaluation (M&E) plan which captures the progress and outcomes of the SP programme in Kenya.

To be able to measure progress and outcomes of a programme it is necessary to establish baseline values for the outcome indicators. It was decided to outsource these measurements to Amwayi Tsuma, a local freelance consultant in Kenya. Based on the report that the consultant delivered, this report was produced.

The measuring of the outcome indicators will be repeated halfway the programme, in 2018, and at the end of the programme, in 2020.

The report starts with an executive summary, then explains the methodology used, and then presents the study results. The indicators are ordered in line with the AWEPA and NIMD Theory of Change for the SP, starting with System indicators, Actor, Culture and Gender & Diversity indicators. Finally, the annexes contain the updated country context analysis together with the updated results table for the programme.

## **Executive Summary**

This baseline report provides measurements and contextualizes the measurements of the outcome indicators of the AWEPA and NIMD SP programme in Kenya. All nine outcome indicators were successfully measured and the corresponding result areas have been described.

On the Political System level, the study found that electoral reform dominates the discussions in the political sphere and that input from civil society is taken along in various legislative processes.

On the Actor level it is found that the level of participation of parliamentarians is low with only a small number of MPs successfully pushing through private member bills. Regarding political parties, although many have the mechanisms on paper for gathering input from citizens, they do not have the structures in place to collect and aggregate these inputs.

On the Culture level the study finds that interaction and trust among political actors is not regular or institutionalized. The relations between the actors are not characterized by trust or a sense of mutual understanding but are opportunistic in seeking coalitions to further their personal gains. On gender and diversity, the 2011 Constitution includes a two-thirds gender rule which is still to be achieved. Although many organizations do have a gender policy implementation appears to be more difficult.

On the basis of these findings the context analysis and the results table were slightly adjusted on the basis of the changed situation and new insights. Both documents can be found in the Annexes to this report.

## Methodology

All of the baseline study components were successfully measured. The consultant did the data collection on eleven of the twelve indicators. The organizational scans were done by the CMD-K and AWEPA offices. The study was conducted during the month of July, 2016 in Nairobi where key civil and political actors are based. This report is based on the final report that the consultant produced which was more extensive.

The indicator measurements mainly came from primary data sources. To ensure a more in-depth process of inquiry with regard to the study topic, Key Informant Interviews (KII) with select stakeholders were held at national level and county level, as well as with private sector and development organizations. This technique adopts a primarily open-ended, discovery-oriented mode of questioning which allows for deeper exploration of the key informants' feelings and perspectives on the study topic.

The table below gives an overview of the key informants that were interviewed.

Category	Institution	Position
Implementing Partner	CMD	Executive Director
	AWEPA	Project Officer
Parliamentary Staff	National Assembly	Deputy Clerk
Political Actors	Ford Kenya Party	Executive Director
	ODM Party	-
	Agano Party	Party Secretary
	Ford People Party	Party Leader
	Safina Party	National Director of Elections
	NARC-Kenya Party	Spokesperson

In order to establish statistically reliable indices, the consultant did a quantitative survey among parliamentarians. This was administered through web based questionnaire forms whose links were sent to MPs via their email addresses. The survey was sent to all 349 MPs. One of the biggest challenges of the baseline research was to get a high response rate from the MPs. The methodology proved to be not very successful since only ten out of 349 MPs completed the survey.

Where necessary the interviews and quantitative survey were supplemented with information from written sources:

- AWEPA-MFA Strategic Partnership Document for the Programme

- Programme M&E Plan
- <http://kenyalaw.org/kl/>
- <http://www.parliament.go.ke/the-national-assembly/house-business>
- <http://www.the-star.co.ke/>
- <http://www.businessdailyafrica.com/>
- <http://www.standardmedia.co.ke/>
- Ford Kenya Party website & Constitution
- NARC Kenya Website & Constitution
- ODM Party Election Manifesto and Constitution

## Baseline Measurement

Findings: System outcomes

Outcome statement S1: Formulation of, proposing to, and approval of jointly formulated policies in parliament, securing civil and political rights.

Baseline description:

With the approach of the 2017 elections and all the controversy around these elections, the topic of electoral reforms has dominated the discussions in the political sphere. This is evidenced by the issues that have emanated from the CMD interparty dialogue platform i.e. electoral laws reforms, reform of IEBC and public participation in devolved governance.

Regarding public participation through Civil Society in legislative processes, input into legislative processes was very active with input from multiple parties. Among others Civil Society, Private Sector, Private Citizens Law Society of Kenya (LSK) do regularly provide input through petitions to respective committees handling various legislation.

Outcome indicator S1.1: # and expected impact of policies securing civil and political rights jointly formulated and submitted to Parliament by the ruling and opposition parties

Quantitative data: 3 bills

Qualitative description:

Over the past one year the political debate has been dominated with reforms around the electoral process and the body in charge of the electoral process.

In the last one year, Three bills have been tabled in Parliament that touch on civil and political rights. These are; (i) The Elections Laws (Amendments) (No. 3) Bill 2015 No. 3; (ii) The Constitution of Kenya (Amendment) Bill 2016; (iii) The Independent Electoral and Boundaries Commission (Amendment) Bill 2016.

The three bills were introduced by the Chair of the Justice and Legal Affairs Committee (JLAC) of the National Assembly Hon. Samuel Chepkonga, meaning that they are bills from the JLAC and hence bipartisan. JLAC has members from the following ruling Jubilee coalition parties: the National Alliance (TNA), United Republican Party (URP), and New FORD- Kenya (NFK). JLAC also has representation from the Kenya National Congress (KNC), and Federal Party of Kenya (FPK) which are opposition parties.

The principal object of the first Bill was to amend the Elections Act, 2011 and the Independent Electoral and Boundaries Commission Act, 2011, in order to address the concerns that resulted following the general election held on 4th March 2013, which was the first under the new constitutional dispensation. Central to the conduct of the elections are the constitutional role and



responsibility of the Independent Electoral and Boundaries Commission (IEBC), and the Judiciary. However the delivery of the 2013 elections, like many aspects of public administration and management involved interplay of several agencies, both State and non-state actors. It is these aspects that this Bill sought to redress.

The principal object of the second amendment bill is to amend various provisions of the Constitution dealing with electoral disputes. It is based on experiential lessons obtained from the challenges previously experienced (particularly the presidential election petition of 2013) in the determination of electoral disputes. This amendment seeks to provide for mechanisms that will facilitate seamless determination of election petitions. Principally the bill seeks to extend the period of hearing a presidential election petition from 14 to 30 days.

The principal object of the third bill is to amend the Independent Electoral and Boundaries Commission Act (No. 9 of 2011), in order to reorganize the procedure for appointment of chairperson and members of the Commission. The bill seeks to establish a Selection Panel that shall be drawn from parliamentary parties on account of their relative strength in the National Assembly. The bill aims to have the commissioners serve on part-time basis. It provides for the formation of a seven-member selection panel approved by Parliament to recruit commissioners. That would mark a departure from the current arrangement that gives the President leeway in appointing the commissioners.

Outcome indicator S1.2: # of law making processes with active CS consultation

Quantitative data: 21

Qualitative description:

Assessment of literature from parliament and Kenya Law Reports indicates that there is a fair level of involvement from CSs in various legislative processes.

Total number of bills with active CS consultation in 2015 and 2016: 21 out of 65. 6 of these 21 bills with CS consultation have been assented to by the President.

Outcome indicator S1.3: % of Afrobarometer respondents expressing trust in political parties

Quantitative data: 54%

Qualitative description:

The most recently available 2013-14 Afrobarometer measured public trust of respondents in the ruling party and in opposition parties separately. Combining these responses and collapsing the categories of "somewhat" and "a lot", we see that there is considerable trust in political parties in

Kenya. This trust is considerably lower in opposition parties (46%) than in the governing party (61%).

## Findings: Actors outcomes

Outcome statement A1: MPs understand the legislative process and have increased capacity to develop and formulate policy ideas into legislation

### Baseline description:

The level of MPs participation in parliament is low with most bills presented coming from government through the Leader of majority party. The study found that the number of MPs who presented bills to parliament was limited to a handful of MPs.

Outcome indicator A1.1: % of private member bills/amendments that are enacted into law

Quantitative data: 17.1%

### Qualitative description:

From assessment of parliamentary records, it was found that between 2015 and the time of the baseline study that 53.8% (35/65 bills) were private member bills. Of these 35, the following 6 have been assented into law by The President thereby implying that 17.1% (6/35) of the private member bills have been enacted into law in the period under review.

- I. The Division of Revenue Bill (No. 7), 2015 – assented
- II. The Finance Bill, 2016 – assented
- III. The Appropriation Bill, 2015 – assented
- IV. The Ethics and Anti-Corruption Commission (Amendments) Bill, 2015 – assented
- V. The Supplementary Appropriation Bill (No. 2), 2015 – assented
- VI. The National Government Constituencies Development Fund Bill, 2015 – assented

Outcome statement A2: Political actors that voice and monitor citizen interests

Baseline description:

At political party level, most parties do have mechanisms for gathering input from citizens. Though most are not well structured due to logistical and budgetary constraints.

Outcome indicator A2.1: # of published political documents (manifestos, election programmes, position papers, policy proposal) by political actors based on inputs from a defined support base

Quantitative data: 15

Qualitative description:

Discussions with political party leaders revealed that all of them have published documents in one way or the other to guide their operations. Of the 27 CMD member parties surveyed, each had at least 2 policy documents. However, it could with strong probability be established that only 15 of such documents had been arrived at through input from a defined support base.

Interviews among select political parties indicated that most political parties have at a minimum one of the following documents with larger political parties have multiple while the smaller parties would have 1 or none.

Outcome statement A3: Improved capability of CMD for bringing political parties together in the dialogue platform and capability of the AWEPA Kenya office to carry out lobby and advocacy

Baseline description:

Feedback from the political parties and implementing partners indicates that CMD has a lot of goodwill and trust from its stakeholders and as such is used to bring together political parties and address their issues.

**Outcome indicator A3.1:** # of joint positions between political actors and/or between political actors and CS stakeholders

Quantitative data: 4

Policy Document Area	Documentation Source	Dates
1) Affirmative Action	CMD - ED	16 <sup>th</sup> of February 2016
2) Public Participation	CMD - ED	27 <sup>th</sup> May 2016; 7 <sup>th</sup> June 2015
3) Electoral Reforms	CMD - ED	16 <sup>th</sup> of February 2016; 17 <sup>th</sup> May 2016; 21 <sup>st</sup> April 2016; 26 <sup>th</sup> April 2016
4) Reforms of IEBC	CMD - ED	17 <sup>th</sup> May 2016; 21 <sup>st</sup> April 2016;

Qualitative description:

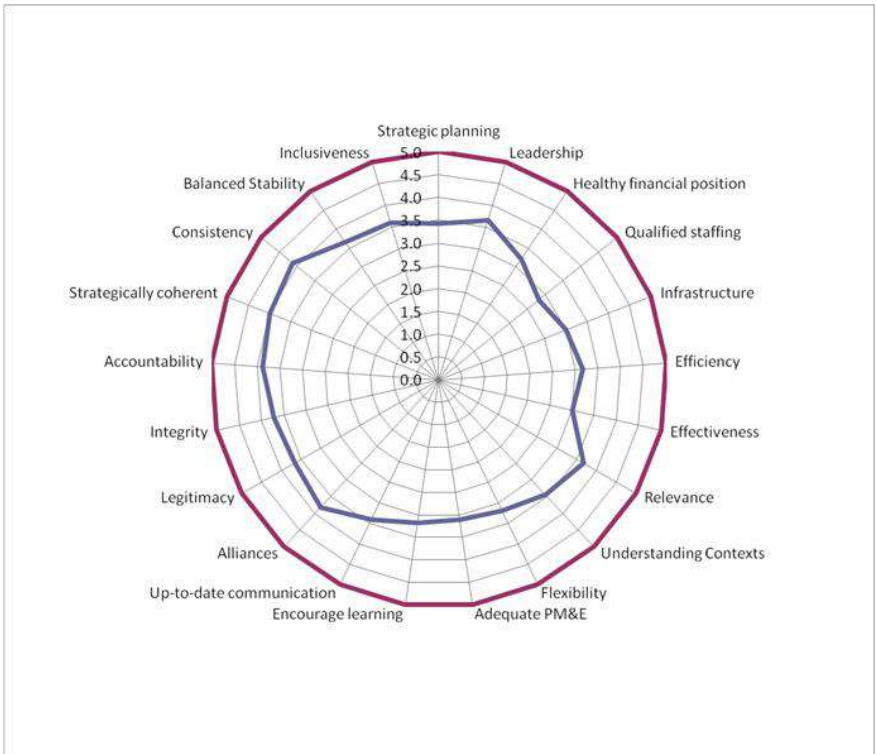
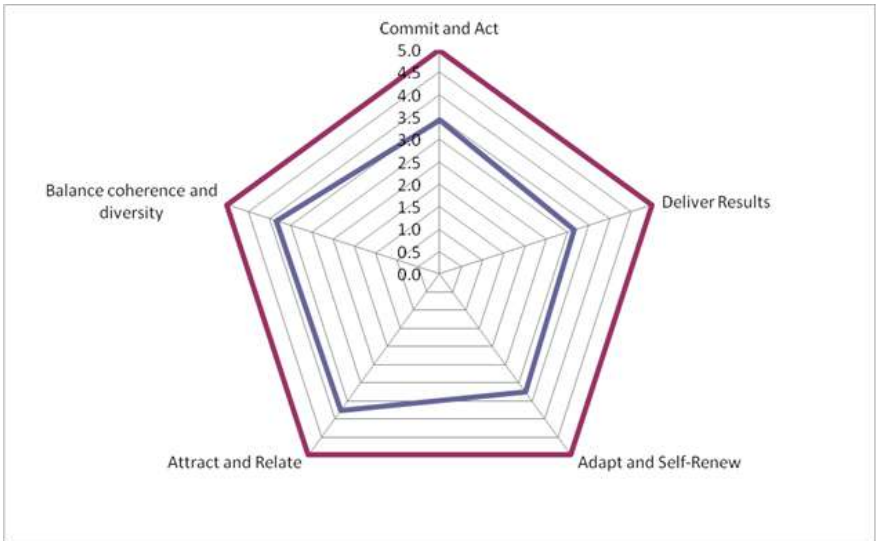
As mentioned above, with the political environment dominated by the electoral reforms, feedback from the baseline study indicated that reforms on electoral laws and laws governing IEBC were the two areas that were reported to have drawn joint positions from various political actors and civil society stakeholders. Further to this, affirmative action and public participation were other areas mentioned.

**Outcome indicator A3.2:** CMD-K has increased their scores in NIMD organisational scan (BART)

Quantitative data:

CMD-K scores an average of 3.5 across all five measured capabilities. The specific scores are shown in the following table and figures.

		Results	Max
C1	Commit and Act	3,4	5
C2	Deliver Results	3,2	5
C3	Adapt and Self-Renew	3,3	5
C4	Attract and Relate	3,8	5
C5	Balance coherence and diversity	3,8	5



Qualitative description:

In general, the organization's higher scores on strategic coherence, accountability, consistency, and relevance demonstrate a strong base for positively impacting Kenya's democratic consolidation over the long-term, even with frequent and rapid shifts in the political environment. Moreover, healthy alliances with international organizations, domestic legal structures, civil society organizations, and political parties offer opportunities for information sharing and coordination on programming, fundraising, and communication.

These are the strong points of the organization and although they need to be maintained, they do not need to be built up any further. The focus of the capacity building programme for the coming years will be on the weaker capacities.

The lowest scores were given on the capability delivering results with an average of 3.16. This score was particularly low on qualified staffing, infrastructure, and effectiveness. A first conclusion is that this points at the lack of a human resource system, risk policies and training of staff. This could be a first point of attention to focus capacity building activities on: developing a strategic and functioning human resource policy which includes a training strategy for staff.

A second conclusion is that the M&E system could be developed further at CMD-K. Activity plans need to be measured and lessons need to be drawn from past experiences. M&E could be a second focus point for capacity building under the SP programme the coming years.

Finally, a low score can also be seen on the healthy financial position and in specific CMD-K scored low on the question on a stable income. This touches on the most immediate worry of the organization to become financially healthy again.

The conclusion of this exercise is that the capacity building activities for CMD-K under the SP will focus on three aspects:

1. Increasing the financial sustainability of the organization. This means help with cost cutting for sustainability in the short term and increasing capacity to fundraise for sustainability and developing the organization in the medium term.
2. Creating a strategic human resources policy. Which includes a staff training programme.
3. Developing the M&E system and to learn as an organization from past experiences.

Outcome indicator A3.3: AWEPA Kenya local office score on the 5-Capabilities scan

Quantitative data: 3.6

The AWEPA Kenya office scores an average of 3.6/5 across the five measured capabilities. The specific scores are shown in the following table and figures.

		Results	Max
C1	Commit and Act	4	5
C2	Deliver Results	3	5
C3	Adapt and Self-Renew	4	5
C4	Attract and Relate	2	5
C5	Coherence and diversity	5	5

Findings: Culture outcomes

Outcome statement C1: Interest in consulting, collaborating, harmonizing, being responsive and a sense of trust and mutual understanding among and between political and civic actors.

Baseline description:

Although interaction and trust among political and between political and civil actors takes place, it is not regular or institutionalized. Actors seek interaction dependent on the issues at hand and that are in their own immediate interest. The relations between the actors are not characterized by trust or a sense of mutual understanding but are opportunistic in seeking coalitions to further their personal gains.

Outcome indicator C1.1<sup>1</sup>: % of political actors who indicate that they collaborate with other political actors (including government actors) at least weekly

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<sup>1</sup> This indicator was reformulated to respond to the finding of the outcome. The original indicator was # of political and civic actors that consider each other as partners in policy development and implementation.



Quantitative data: 50%

<b>Frequency of MP collaboration with other political actors</b>	<b>Incidence as reported by MPs (n=10)</b>
Weekly	50%
Bi-Weekly	-
Monthly	25%
Quarterly	25%
Every 6 months	-
Once a year	-
Other	-

The average frequency of inter-party collaboration over the past one year: 21 times a year, i.e. 0.4 times a week.

Quantitative description:

It emerged from the study that the level or frequency of interaction between political actors and government/other political parties was determined largely by the burning issue of the day. In light of the prevailing electoral reforms discussions, this topic has dominated the types and topic of interaction/collaboration between political parties and government.

Feedback from the political parties indicated that there is a high level of interaction with the frequency of interaction dependent on the thematic issue. This would range from a frequency of daily with the current debate and controversy around electoral reforms to about quarterly for other issues such as internal dispute resolution.

It however was noted that the level of interest and interaction for the political actors was largely determined by political economics i.e. will the party gain materially from the interaction and less by the interests of the citizenry.

Outcome indicator C1.2: % of political actors who indicate that they collaborate with other civic actors at least weekly

Quantitative data: 25%

<b>Frequency party collaboration with other political actors</b>	<b>Incidence as reported by MPs (n=10)</b>
Weekly	25%
Bi-Weekly	12.5%
Monthly	12.5%
Quarterly	12.5%
Every 6 months	-
Once a year	25%
Other	12.5%

The average frequency of party collaboration with civic actors over the past one year: 19 times a year i.e. 0.36 times a week.

Qualitative description:

Through the inter-party consultative forums organized by CMD as well as other civil society actors, most political parties reported to having regular interactions. Most of the interaction between political parties and CSs was skewed towards interaction with CSs that were in the democratic capacity enhancement space e.g. The National Democratic Institute (NDI), Institute for Education in Democracy (IED), Electoral Institute for Sustainable Democracy in Africa (EISA) among others where as CSs that were focused on governance oversight appeared not to feature in the list of collaborators mentioned.

Outcome statement C2: Political processes and policymaking includes the voice of women and minority groups and the gender equality agenda receives wider support in and out of parliament.

Baseline description:

Inclusion of women, youth and minority groups is a factor that is being adopted from the constitution across the political environment. Though the actualization of the two thirds gender requirement is still to be achieved, it is observed that most organizations / players have enshrined the same in their various policy documents.

Outcome indicator C2.1: % of MPs voting in favour of the two-thirds gender principal Bill

Quantitative data: 53.4%

On the 28th of April out of 242 members of the National Assembly present, 195 voted in favour of the gender equality bill, 28 against and 19 abstained. 195 makes 55.9% of 349.

On the 5th 178 MPs voted in favour of the two-third gender bill whilst 16 voted against and there were 5 abstentions. 178 makes 51% of 349.

The average of 55.9% and 51% = 53.4%.

Thus it could be said that the support for gender equality among political leaders in Parliament averages about 53.4%.

Qualitative description:

Interviews with the leaders of political parties indicated that all political leaders are willing to and are actively taking measures towards gender mainstreaming. Very few if at all, of the political leaders in and outside of Parliament, including male leaders, speak negatively about realization of gender equality. However, a key and clear test is of how many and what percentage of those in Parliament actually vote in favour of policies geared to realizing gender equality. This is particularly crucial since stipulations such as that required to realize that each gender has at least 1/3 and not more than 2/3 of representation in Parliament can only be realized if passed in Parliament. Key leaders outside Parliament such as the President and leaders of the opposition CORD Coalition may speak in favour, but in the final analysis this ball is very much in Parliament.

On the 28th of April and 5th of May 2016 a Bill to amend the constitution to ensure that no less than 1/3 and no more than 2/3 of either gender was presented in Parliament but failed to garner the 2/3 majority of 233 out of the 349 members of the National Assembly in order to be enacted into law.

Outcome indicator C2.2: average # of policies developed per political party on inclusiveness of women or minority groups

Quantitative data: 1.96 (51/26)

**Number of documents/policies on inclusiveness of women and minority groups:**

<b>Political Party</b>	<b>Number of Published Documents</b>	<b>Type of Published Documents</b>
Ford People	2	Constitution Nomination rules
Agano Party	2	Constitution Nomination rules
Safina Party	2	Constitution Nomination rules
FORD Kenya	4	Constitution Strategic Plan Student & Youth League Policy CORD Manifesto
ODM	5	Constitution Strategic Plan Policy Equality & Social Protection; Nomination rules CORD Manifesto
Maendeleo Democratic Party (MDP)	2	Constitution Nomination rules
KADU - Asili	2	Constitution Nomination rules
National Vision Party (NVP)	2	Constitution Nomination rules
Wiper Democratic Movement (WDM)	2	Constitution Manifesto Strategic Plan
NARC - Kenya	2	Constitution Manifesto
United Republican Party (URP)	1	Constitution Jubilee Manifesto
The National Alliance (TNA)	1	Constitution Jubilee Manifesto
Kenya African National Union (KANU)	3	Constitution Manifesto Strategic Plan
United Democratic Forum(UDF)	1	Constitution

Muungano Party	2	Constitution Nomination rules
National Rainbow Coalition (NARC)	3	Constitution Jubilee Manifesto Nomination rules
Grand National Union (GNU)	2	Constitution Nomination rules
Alliance Party of Kenya (APK)	1	Manifesto
Progressive Party of Kenya (PPK)	2	Constitution
Federal Party of Kenya (FPK)	1	Constitution
Labour Party of Kenya (LPK)	2	Constitution Nomination rules
Kenya National Congress (KNC)	1	Constitution
Chama Cha Uzalendo (CCU)	1	Constitution
Peoples Democratic Party	2	Constitution Nomination rules
Democratic Party (DP)	2	Constitution Nomination rules
Jubilee Alliance Party (JAP)	1	Constitution

Qualitative description:

From interviews with the political parties it emerged that all the parties interviewed had included within their party constitutions a gender inclusion / mainstreaming policy. It was however noted that this is not detailed and most parties are struggling with operationalization. A few of the larger parties reported to be in the process of empowering their women's leagues within the parties but further reported that greater initiative and ownership from women towards driving the realization of gender equity was needed. This implies that though the structures are in place, there is a cultural / perceptual barrier hindering women from fully utilizing the same provisions.

## Annex I: Updated Country Context Analysis

### Country Context

Kenya is a presidential representative democratic republic with a multi-party system since 1992. Executive power is exercised by the national executive government headed by a President who is also the head of state, and by executive structures in the county governments. Legislative power is vested in the bi-cameral Parliament consisting of the National Assembly and the Senate, and in the legislative assemblies in the county governments.

After years of stability and economic growth, Kenya and the world were shocked to witness the unexpected and severe intercommunal violence in the aftermath of the disputed 2007 general elections. Over 1,100 people were killed and 500,000 were displaced, severely staining Kenya's democratic reputation. This traumatic period not only highlighted the pitfalls of the ethnic tendencies of Kenya's politics, but also challenges in the rule of law and constitutionalism; poverty, inequity, and regional imbalances; unemployment, especially among the youth; transparency and accountability; land issues; and national cohesion and integration. The post-election crisis of 2008 influenced the ongoing debate on the need for constitutional reform and overhaul of the governance system. Eventually a new constitution was written and promulgated through a national referendum in 2010. It was hailed as a progressive and democratic benchmark that serves as guarantor of a broad set of human rights. Moreover, it entailed a completely new governance system by establishing 47 new county governments under a system of devolved government, with a two-tier structure and division of functions and services between national and county level. For the legislature this change was reflected by the introduction of a second chamber. The Senate is a guarantor of devolved government, provides an oversight function to the counties, and participates in the law making process with particular attention to bills affecting counties. The National Assembly was enlarged to encompass 290 single member constituencies, 47 seven seats reserved for women from each county as a single member constituency, and 12 seats for nomination on a proportional basis.

A number of key legislations have been enacted over the last six years to implement the new constitutional set-up including the new devolution, and a number of institutions have been set up to support the devolution and other processes. However the process is facing political and practical challenges, with perceived reluctance on the part of the national executive government to facilitate devolution, and a lack of capacity and functioning of implementing agencies at the local level. New legislation for political parties on paper ensured higher thresholds for registration, better control, and more state funding, but these gains have not resulted in significant improvements in practice. For example a threshold of 5% of votes received in the general election as a minimum benchmark for

political parties to attain state funding means that only 3 parties out of at least 27 parliamentary parties are able to access state funding.

While Kenya has made progress towards gender equality, there is still much to be done and especially in the field of political participation. The March 2013 general election saw women take just over 19 percent of representation in Parliament, which is below the regional average, and even that was only made possible by the creation of 47 county seats reserved for women. Actually only 16 women were elected out of the 290 single member constituency seats of the National Assembly. For the Senate no woman was directly elected out of the 47 single members seats representing the counties, and the 18 women in the Senate are all there out of nomination. This situation is actually in violation of the constitution that stipulates that no more than two-thirds of the same gender is allowed in all elected and appointed positions. A Supreme Court Advisory Opinion in December 2012 stated that a solution was to have been found by August 2015. That was reiterated by a High Court ruling of Justice Mumbi Ngugi on the 29<sup>th</sup> of June 2015. In late 2015, the government through the Majority Leader in the National Assembly, Hon. Aden Duale came up with a bill to effect that principle. Unfortunately, in between April and May 2016 the bill failed twice to garner the required minimum two-thirds votes in the National Assembly needed for it to be enacted into law.

With regard to other underrepresented groups the situation is similar with many of the smaller communities not represented at the national level. The next general elections are slated for 2017.

## **Problem Analysis**

### *Political System*

Kenya's political system is based on interactions between leaders of political parties that often represent a particular ethnic community. This means political competition often becomes a numbers game of adding voter groups from different regions to win power. Although a growing middle class is less likely to vote according to lines set out by political leaders, the tendency not to question political decisions of 'one's own' leader continues to persist and hinders both accountability and inclusive policy making. Although the new 2010 constitution provides for active citizen participation in policy making, there are few mechanisms in place to ensure this. Once elected, MPs rarely interact with their constituents and there is limited engagement with stakeholders on policy making. Although civil society is vibrant, there are only few opportunities to actually influence policies besides activism and demonstrations. This means interaction between pressure groups, civil society organizations, and politicians tend to be confrontational rather than collaborative and supportive.

Within Parliament the introduction of the second chamber, Senate, as well as the fact that there is a relatively high turnover, means there are many newcomers and many of whom are not fully familiar

with parliamentary processes and have limited skills to draft, influence or review policies. The overall skills and capacity to draft, review or influence legislation is low, and most policies actually derive directly from the cabinet. Political parties often do not have strong links to their MPs nor to other mechanisms to influence policy. Only the largest and most institutionalised parties have capacity to engage in policy analysis and making, but in practice they mostly only use this to attack the other side rather than providing constructive input. Moreover, in general parties mostly take the direction of key party leaders rather than their support bases.

### *Political Actors*

First, with regard to Parliament, there is limited capacity within the National Assembly and the Senate to draft and develop high quality bills. Parliamentary staff are overwhelmed by the number and speed with which bills are developed and there are only a few parliamentary officers with capacity to support MPs on parliamentary procedures and processes. Mechanisms to support grassroots outreach by parliamentary committees have not been properly established. In many instances, legislators will take positions without consultation with the electorate hence ignoring broader consideration of societal interest. Therefore bills are often of poor quality, and are often sent back thus creating unnecessary delays and slowing down the policy making process. Parliament also lacks a robust infrastructure to allow for quick dissemination of bills, order papers, and other information critical to parliamentarian functioning. There is no central system for communication with staff and parliamentarians, and neither is there a system for raising attention and broadcasting parliamentary schedule.

Second, political parties have little individual capacity for lobby and advocacy, and where the largest parties have capacity this is mostly geared directly to the individual direction of its leader(s). The party landscape is very fragmented and only a few parties survive their leaders, as the tendency is for secession and merger of parties as vehicles for individual leaders. As a result, manifestos are interchangeable and often there is no clear ideology or basic adhering principle to distinguish one party from another.

Third, there is an interparty dialogue platform that brings together all parliamentary parties plus those with at least 5 county assembly members. The Centre for Multiparty Democracy (CMD) – Kenya, with 28 member parties, facilitates joint lobby and advocacy by hosting dialogue sessions between parties on governance and thematic issues.

### *Political Culture*

The interaction and relations in the Kenyan political landscape are dominated by competition. This type of competition is not only between the two current large blocks – ruling and opposition - but also competition within parties. There is strong competition for posts within parties, and as a result, quite often when candidates lose a nomination they shift to another party. The stakes are high due to the



winner takes all electoral system and therefore campaigning is vibrant and intense. Parliament can also be described as quite divided and partisan, and this is often played out in the media or on the floor of the house. However, and ironically, partisanship seems to be set aside when an issue of common interest, e.g. salaries and allowances of legislators, is the matter of discussion.

Relationship between media, CSOs, and politicians is never very cordial or collaborative, although media are by international standards rated as free. In most instances media reports focus on the confrontational discourse rather providing constructive analysis and reporting. This creates a wall between media and political actors, not only feeding mistrust, but at the same time serving a mutual purpose or a symbiosis of sorts with the focus on sensational reports by media benefiting the tendency for inflammatory statements by politicians.

### *Inclusiveness & Gender Equality*

While gains have been made with regards to representation of women in parliament, the general attitude towards gender equality is lukewarm at best. Many male parliamentarians seem to lack real interest on issues of gender, with many perhaps viewing efforts to increase the number of women in representative positions as a threat to their own interest. In daily political interaction, many male political leaders seem to view women MPs as not really “leaders” but mainly as just tokens. This perception and challenge pervades all levels from the national level to county assemblies. There is also lack of mechanisms to involve men in gender related issues right from the start so as to make men an integral part of gender sensitive policymaking process. In this regard there is a small but emerging group of young male legislators who are supportive and willing to champion gender equality. However their numbers are small and their influence is still limited, as they face an uphill battle to change perceptions on women leadership. As politics is dominated by men there is little space for diversity beyond these groups. Significantly, more outlying regions and their inhabitants are underrepresented at the national level, just as youth in general.

## **Target Group (Southern CSOs and Local Partners)**

### *Direct Target Group*

Capacity development for lobby and advocacy is primarily targeted at two groups: the Parliament with its members, staff, and internal process, and at political parties as a group. In addition, direct party capacity building is being offered on specific policy formulation issues.

As for Parliament, the programme is directly targeting the National Assembly staff whose capacity to develop timely and quality bills, as well as to guide parliamentary processes for parliamentary deliberations will be built. The programme also aims to target parliamentarians and selected parliamentary committees seeking to build their capacity to consult and engage with the electorate, CSOs, pressure groups and media. The project also aims to directly benefit the Kenya Women Parliamentary Association (KEWOPA) by seeking to increase its capacity to engage and influence policy and discourse at both national and county levels. By working with The Office of the National Assembly Clerk, the programme will build capacity of the Petition Department staff to be active in the collection and compilation of citizen voices in policy making process.

As for parties, the key focus for capacity development is to strengthen the common lobby and advocacy of the 28 members parties of CMD-Kenya and to ensure their views are taken into consideration in policy making, especially in those areas that directly affect them. This will thus also have an impact on supporting the enabling environment for lobbying and advocacy, as well as linking the common party platform and its advocacy agenda to other civil society organizations so as to improve the quality of the policies. This target group will be served through the interparty dialogue platform described below in section 3.2. In addition, some 5-10 more institutionalized parties are to be targeted with direct policy development support based on existing strategic plans.

### *Local Implementing Partner*

For NIMD the local partner is the Centre for Multiparty Democracy (CMD) – Kenya, and primarily its secretariat. They function as the lynchpin between the common party platform and the programme's activities, while benefiting from enhanced capacity development to improve lobbying and advocacy of the joint party position (see 3.1). The Centre is set up as a membership organisation where currently 28 political parties participate. They sign up to the statutes and pay a modest contribution fee, while they all are represented by one person in the CMD Oversight Board. To be more flexible and engaged, a Steering Committee is elected out of these, including a Chair, which is the main operating organ for 3 years per session. The secretariat is headed by an Executive Director, and has other programme, as well as support staff.

AWEPA has a Memorandum of Understanding with the National Assembly since 2013, and uses the office of the Clerk as key counterpart. The MOU has since been renewed to 2022. The local AWEPA office in Kenya mainly focused on programming in Somalia, however it is now coordinating the Kenya programme. Together with the office of the Clerk of the National Assembly, AWEPA has developed a schedule of activities and events aimed at building capacity and facilitating consultation among parliamentarians, CSOs, citizens, and media, as well as coordinating activities aimed at the parliamentary committees. Within Parliament, the women's parliamentary Caucus – KEWOPA – is a key counterpart being capacitated to establish caucuses' country wide.

### **Causal Pathways and Strategies**

Based on the context and political analysis on four levels (system, actors, culture, and gender equality and inclusion) the NIMD-AWEPA strategic partnership is tackling specific barriers that hinder the objective of sustainable policy change. The programme is working on creating an enabling environment where lobby and advocacy efforts by both political actors as well as other civic actors fall on fertile ground, against a backdrop of devolution and limited capacities on policy making.

#### **System**

Barriers being addressed on the system level include the lack of outreach capacity and mechanisms for Parliament and parties to meet, interact, and receive feedback from citizens or constituents. Individual MPs barely go out to their constituencies unless it is for campaign or public relation purposes, and committees usually have little interaction with either citizens or civic groups. Parties also have little meaningful dialogue, as interactions for the public eye are geared towards conflict and such altercations with political opponents. These processes overall are internally looking and not inclusive of other views in society.

#### **Interventions include:**

- Organise an outreach campaign for relevant parliamentary select committees (e.g. budget, equal opportunities, and gender) and political party representatives to discuss and debate with citizens on priority themes and issues. This could be related to pending draft legislation or to see how policies work in practice.
- Facilitate broad cross-party dialogue on those issues that come out of the outreach sessions, or where relevant on issues of national concern and those related directly to political parties (parties act, electoral legislation, registrar of parties). By linking the discussions with citizens to a higher level of dialogue, and by subsequently facilitating a common agreed position, a strong base for further lobby and advocacy can be created.
- Organise consultative hearings between parliamentary committees, representatives of the interparty dialogue platform, and civil society actors. By bringing together the positions of citizens,

other civic groups, and political parties to the forum for legislation drafting, the policy making process is enriched and made inclusive.

- In addition, the programme will organise consultative meetings where thematic CSOs relevant to the parliamentary committees, and party leaders and experts can delve deeper into issues and learn from each other how to develop specific positions with an eye to enhance legislation and raise key issues.
- Improve communication mechanisms to better disseminate parliamentary proceedings to inform MPs themselves, the general public, and civic interest groups. This will make the policy making process is more transparent and inclusive.

**Causal Pathway:**

**If...** there is better linkage and outreach between civil and political actors; and

**If...** political parties can agree on basic positions vis-à-vis development issues; and

**If...** these common issues can be presented to relevant parliamentary committees; and

**If...** there is better and more transparent information available for all parties during policy making processes.

**Then...** civil and political actors will have a conducive environment for improved interaction and increased joint promotion of issues for inclusive development

**Because...** linking people’s observations and priority issues to political processes enhances public accountability; political and civic actors see benefit in adopting information technology as a means of communication, which improves the quality of the policy process and output; enhanced communications and exchange of information levels the playing field for lobby and advocacy so civil actors are part of the policy making processes.

**Actor**

Barriers to effective lobby and advocacy on the part of political actors include a lack of capacity on the side of parliamentary staff to support the legislative process, and a lack of capacity in the parliamentary committees to review, amend, and develop high quality policies. Moreover, weaknesses in the Petition Department in Parliament mean that it cannot effectively link citizen initiatives to parliamentary work. On the side of political parties there is need for better collaboration on common issues, while individual party capacity is limited as regards policy formulation.

**Interventions** include:

- Provide external expertise and support on legislative processes to parliamentary support staff. By training and providing best practices to support staff they are better able to support

parliamentarians in their functioning. In contrast to MPs who rotate in and out of Parliament with each election, support staff form the institutional memory and backbone of Parliament.

- Support petition dissemination to MPs in innovative ways. By using better electronic ways to disseminate petitions to MPs, like through apps or websites, MPs can be made better aware of existing petitions and processes. This will benefit transparency and support more collaboration on issues shared between MPs.
- Provide technical assistance and training to parliamentary committees. Supporting specific committees dealing with themes that have a direct relevance to the outreach campaign or to issues that are relevant to the programme enhances their understanding and legislative skills. International expertise can be used to enhance this process.
- Support the cross-party partner platform to be able to facilitate and host interparty dialogue as means for joint lobby and advocacy. By supporting the capacity of joint party lobby and advocacy, parties have a stronger voice to promote their issues and policy ideas. The support includes hosting the dialogue, use of means to petition and disseminate, meeting with other interest groups and experts, and carrying out common lobby activities.
- In support of the proceedings in the interparty dialogue, additional Round-Table workshops can be organised to support political parties in formulating policy recommendations by linking to international best practices on this theme, or where relevant to other Strategic Partner alliances operating in Kenya – in collaboration and coordination with the Dutch Embassy in Kenya.
- Provide direct policy development support to a limited number of parties based on identified issues in previously developed strategic planning reports. A group of 12 parties have already developed strategic plans that specify amongst others certain policy issues the party commits to. Building on this, the programme can support further policy formulation to enrich the ongoing policy debates with specific alternatives where relevant.
- Strengthen the existing Constituency Offices: These offices will enable the Parliament, parliamentarians, and parliamentary committees, to effectively engage with the electorate and support bases on policy dialogue and feedback.

**Causal pathway:**

**If...** parliamentary staff have more capacity to draft legislation; and

**If...** the Petition Department is able to link civic initiatives to MPs; and

**If...** parliamentarians in select committees have a better understanding of policy issues and policymaking; and

**If...** political parties have more capacity to jointly advocate for relevant development issues; and

**If...** political parties propose alternative policy proposals and ideas that are informed by their constituency

**Then...** Parliament and parties jointly and individually promote and develop policies and legislation that focus on inclusive development and incorporate society's interest.

**Because...** enhanced capacity in Parliament and in parties leads to better quality policy proposals. Improved capacity also entails that the voice of citizens is heard, which leads to better quality proposals. Common agreement on development initiatives can be facilitated across party lines; improved quality of procedures and processes enhances ability of parliamentarians to lobby and advocate for inclusive development as they understand -and feel- the need to do so.

## Culture

The political culture in Kenya hinders collaboration between political actors, and between political and other civil society groups and citizens in general. Public trust in politics as expressed in polls and research is very low, and this is exacerbated by instances of partisan policymaking, exposed corruption scandals, and sometimes nepotistic tendencies. This is also partly due to a lack of transparency in political proceedings, and by a tendency of the media to focus on conflict and attacks between politicians. However, media in general are vibrant and relatively independent.

**Interventions** include:

- Organise innovative trust and relationship building events (e.g. sports matches, joint visits). By using NIMD and AWEPA's network and experience, targeted trust building events can be organised to bring adversarial sides from political life together. This can entail short and intensive retreats in response to a heated situation (mediation) or to other more informal events that can build rapport between political actors. Overall, by implementation of the interventions under the other levels, engagement and improved relations are facilitated simply by organising joint activities. Moreover, these activities can take place on the national and on the county levels – where needed.
- Implement Open Parliament concept to improve public access to information on parliamentary proceedings. This concept entails providing a medium to engage and follow parliamentary proceedings and link civic groups to parliamentarians.
- Facilitate 'meet the press' forums and interactive meetings where MPs and senior politicians can explain and discuss progress and proceedings around policy development processes. Rather than media always concentrating most of their reporting on conflict, these forums can discuss in more neutral ways the political process, while building a certain level of more constructive relations between media and politics.

**Causal pathway:**

**If...**relations, contact and understanding between Parliament and citizens is improved; and

**If...**relations between political actors, both on national as well as county levels, is improved; and

**If...** relations between media and political actors is improved.

**Then...** improved interactions between political and civic actors ensure harmonisation of agendas and mutual understanding

**Because...** citizens are willing to engage with political actors; a negative relation between different actors hinders effective collaboration; media reporting greatly influences mutual relations in the political arena so that more space for collaboration develops and trust among actors is at a level that is conducive for policy development in which all parties play their role.

### **Inclusiveness and Gender Equality**

Due to male dominance of Kenyan society and even more so in the political arena, there is little room for divergent views and participation by other groups than (older) men and usually from similar cultural backgrounds. In addition, one of the key challenges is the lack of recognition of women as leaders by their male counterparts and the perception that gender issues are all about women seeking equal status with men. In order for gender discussions to get traction among male parliamentarians and politicians, there is a clear need to go beyond involving women and to bring the men along as perceptions are deeply engrained at both national and local levels. On the national level the percentage of women elected is very low, and this is mirrored on the county level. However, on the latter level there has been implemented a constitutional compliance mechanism that ensured that in all county assemblies there is at least one third of women as members. Nevertheless, the capacity on that level is limited as devolved government and the establishment of county assemblies are only a recent innovation.

Therefore the proposed **interventions** are to:

- Support the Kenyan Women in Parliamentary Association (KEWOPA) with Technical Assistance to establish county chapters. KEWOPA is the primary body that links women MPs in parliamentary work. They engage with citizens and constituents to explain and articulate the role of women in national development and to influence attitudes towards women leaders at the grassroots.
- Support and mobilise political party women members that are active on the county level. CMD has contact with all 47 county women chairs of the assemblies and also has identified a party women focal point. By providing county level training on how to promote policies in line with their party ideas, but also on cross party issues pertaining to women, they are more effective in their daily work. Moreover, this pool of over 800 women serves as a testing ground for those women eager to move to the national level.

### **Causal pathway:**

**If...** perception of male politicians about women in leadership is positively changed; and

**If...** men are engaged to champion gender equality; and

**If...** county assembly women are organised for collective action related to key gender issues in line with national initiatives; and

**If...** county assembly women have more capacity to play a role in effective policy making and promoting issues related to gender and inclusion; and

**If...** the dialogue and exchange sessions represent views of underrepresented and minority groups.

**Then...** political processes and policymaking includes the voice of women and minority groups and the gender equality agenda receives wider support in and out of Parliament.

**Because....** perceptions of male politician are more open to views of women and minorities and less dominated by (older) men; capacity strengthening on county level has a lot of impact potential; capacitating women on county level supports future national level women MP candidacies; without multiple voices in the process new policies and legislation will not be inclusive

## **5. Harmonisation and (International) Complementarities**

There are several other actors working on governance issues in Kenya and that work with Parliament or political parties. They include America's National Democratic Institute (NDI) and International Republican Institute (IRI) that work with some county assemblies, and support Parliament. Equally the German Stiftungen also work in Kenya, and other bilateral donors support elections and offices like the Independent Electoral Boundaries Commission (IEBC) and the Registrar of Political Parties (ORPP). AWEPA has contact with the Federation of Women Lawyers (FIDA) and Institute for Education in Democracy (IED). Coordination with the Clerk's office in Parliament ensures complementarity with other actors, just as CMD's relation with the ORPP and IEBC ensures no overlap related to political parties exists.

As for gender equality, the CMD implements the Respect for Women Political Rights Programme also funded by the Dutch MFA. This focuses on working with parties to remove key barriers that hinder women's participation and improves the knowledge gaps on why this is the case and how to engage with men to overcome them.

## **6. Roles and Responsibilities**

AWEPA will be responsible for those activities related to directly relating to Parliament, and for those elements in the joint programming that involve members of Parliament or their staff. NIMD will be responsible for those activities pertaining to the party dialogue, to the capacity building of the local partner office that directly support the joint party lobby and advocacy agenda. CMD as local partner will implement and coordinate the additional activities on national and county level.



## **7. Programme Implementation**

The programme focus on the Parliament will be coordinated by AWEPA in agreement with the office of the Clerk. AWEPA project implementation team, headed by a Programme Manager will work closely with office of the Clerk to ensure implementation of the project. Where possible the office of the Clerk would second a senior officer to work on this programme where resources allow. To ensure that the activities of the project are well coordinated and effective, the project team will work closely with staff in the offices of parliamentarians for scheduling of interactions with constituents and CSOs, as well as with the Secretariat of KEWOPA. The office of the Clerk will coordinate interactions between the project team and parliamentary committees and parliamentarians. Where possible the Office of the Clerk will be encouraged to house the project in order to ensure close collaboration with project team and to ensure close and effective communication.

The CMD secretariat will be the main implementer for all non-parliamentary activities and acts as the convener of the interparty dialogue platform for joint lobby and advocacy. See section 3.1 and 3.2.

## **8. Sustainability**

The programme will build on existing relations and structures so there already is limited need for new structures that face sustainability challenges.

Parliament of course is already self-sustaining and will continue to be supported under the aegis of the constitution and the state. The implementing partner CMD also has other project funding and is in a continuous process to remain relevant. It has developed a new strategic plan 2015-2020 that forms the basis for operation. This is supported by commitment of the member parties that also contribute in cash and kind to the existence of the organisation. Lobby to agree on part government funding for the party platform from the allocated public financing for political parties will be increased as well.

Annex II: Updated Country Results Tables (2 pages)

Outcome statement	Outcome indicator	Intermediate Outcome	Intermediate indicator	Intervention
S1: Formulation of, proposing to, and approval of jointly formulated policies in parliament securing civil and political rights	S1.1 # and expected impact of policies securing civil and political rights jointly formulated and submitted to Parliament by the ruling and opposition parties	Common issues emerging from the Interparty Dialogue are presented to relevant parliamentary committees	S1.1.1 # of policy issues jointly formulated at the inter-party dialogue platform presented to parliament	Facilitate broad cross-party dialogue on priority issues (NIMD)
	S1.2# of law making processes with active CS consultation		S1.2.1 # of parliamentary consultations organized	Organise consultation hearings between Parliamentary Committee, representatives of interparty dialogue platform and civil society (AWEPA)
A1: MPs understand the legislative process and have increased capacity to develop and formulate policy ideas into legislation	A1.1: % of private member bills/amendments that are enacted into law	Parliamentary staff have more capacity to draft legislation	i2.1.1 # of capacity development activities	Provide external expertise and support on legislative processes to parliamentary support staff (AWEPA)
			i2.1.2 Extent to which knowledge-base on legislative processes has increased	Technical assistance and training of parliamentary committees relevant for the themes identified in the outreach campaign. (AWEPA)
			i2.1.3 Level of follow-up undertaken by parliamentary support staff	
A2: Political actors that voice and monitor citizen interests	A2.1: # of published political documents (manifestos, election programmes, position papers, policy proposal) by political actors based on inputs from a defined support base	Political parties propose alternative policy proposals and ideas that are informed by their constituency	i3.1.1: # of functional dialogues to co	Organise Round-tables and support for political parties to formulate policy recommendations (NIMD)
			i3.1.2: # interparty dialogue meetings	Provide direct policy development support based on strategic planning reports (NIMD)
A3: Improved capability of CMD for bringing political parties together in the dialogue platform	A3.1: # of joint positions between political actors and/or between political actors and CS stakeholders	Political parties have more capacity to jointly advocate for relevant development issues.	i4.1.1: Average # of successfully advocated policy positions as indicated by political parties (disaggregate jointly)	Support dialogue platform secretariat to facilitate and host interparty dialogue as means for joint lobby and advocacy (NIMD)
	A3.2: CMD-K has increased their scores in NIMD organisational scan (BART)			

Outcome statement	Outcome indicator	Intermediate Outcome	Intermediate indicator	Intervention
C1: Interest in consulting, collaborating, harmonizing, being responsive and a sense of trust and mutual understanding among and between political and civic actors	C1.1: % of political actors who indicate that they collaborate with other political actors (including government actors) at least weekly	Relations between political actors, both on national and county levels, are improved	i5.1.1: # of consultation meetings i5.1.2: # recommendations made during the consultation meetings i5.1.3: expected impact of follow-up	Organise consultation meetings where thematic CSOs relevant for the committee and party leadership interact (NIMD & AWEPA) Innovative trust and relationship building events (eg. sports matches, joint visits) (NIMD & AWEPA)
	C1.2: % of political actors who indicate that they collaborate with other civic actors at least weekly	Better linkages, knowledge/expertise sharing between political actors and civil society and the wider public	i5.2.1: # of consultation meetings i5.2.2: # recommendations made during the consultation meetings i5.2.3: expected impact of follow-up	Organise outreach campaign for parliamentary select committee (eg. Budget, equal opportunities, gender) and political party reps. (AWEPA & NIMD)
		Relations between media and political actors improved	i5.3.1: % increase in the # of requests for structured interviews with MPs	Facilitate 'meet the press' forums and interactive meetings (AWEPA & NIMD)
	C2: Political processes and policymaking includes the voice of women and minority groups and the gender equality agenda receives wider support in and out of parliament	C2.1: % of male leaders in political parties that are willing to enhance gender equality in party regulations and practices	Men are engaged to champion gender equality	i6.1.1: % of political parties that have female leadership i6.1.2: % of Members of Parliament that are female
C2.2: # of policies developed on inclusiveness of women or minority groups		County assembly women are organised for collective action related to key gender issues in line with national initiatives	i6.2.1: # of KEWOPA county chapters established	Support Kenyan Women in Parliament (KEWOPA) with Technical Assistance to establish county chapters (AWEPA)