



Policy Brief

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Youth Participation in Governance and Effects of Corruption: Policy Gaps Analysis

Executive Summary

This brief assesses and analyses policy gaps on the youth participation in governance processes as well how corruption affects the participation. In particular, the brief analyses youth participation, political leadership, political parties, as well as participatory budgeting. The quest for youth participation in governance, politics and other developmental processes is an increasing global concern. To this end, the UN General Assembly adopted the World Programme of Action for Youth to the year 2000 and beyond to advance the youth agenda in matters of governance. For the last decade, KNBS data shows that the youth between 18-34 years constitutes on average about 30% of Kenya's population.

Despite them being the largest demographic group, they have remained at the periphery of the country's affairs (CMD Kenya, 2018; CMD Kenya 2015; IEA-Kenya, 2013). Their concerns and needs have not been addressed in a satisfactory manner since independence even with ratification of international instruments on youth affirmative action as well as enactment of local and regional legislations on youth participation in governance affairs. In particular, the youth have not been adequately involved in the designing, planning and implementation of policies and programmes that affect not only them but also the country at large. Consequently, their knowledge, skills and energy end up being underutilized. Furthermore, by not participating effectively their voice and ability to hold the government to account especially in situations where their rights are infringed is compromised.

The youth in Kenya have been marginalized and excluded from political leadership since independence; this has placed the youth at periphery with regards to all decision-making spaces in Kenya (Youth Agenda, 2017). Based on the number of youth who were cleared by IEBC and the number that won different political seats in 2017 general election, it is evident that youth participation in political

leadership is still far below the target standards by the current affirmative action initiatives in Kenya as well as regional and international instruments on youth participation in governance matters.

Studies have revealed various factors that impede the youth from active participation in governance, political representation and matters of national development at large. Inadequate education and training to equip the youth with skills and prepare them to participate in decision-making process is one of the challenges. This consequently denies them necessary analytical skills for critical thinking or problem-solving through participatory and active learning. Moreover, the youth are not able to access direct institutional systems and structures in the government and therefore unable to meaningfully participate in public policy formulation foras.

The youth themselves have contributed to their own exclusion owing to the notion that their voices cannot be heard. Access to information by the youth from the government has been a challenge with regards to participation in governance affairs. The information may entail updated data on the current policies/interventions and programmes in place to address youth issues. Another challenge revolves around imposing youth programmes on the youth by the government without prior consultation and involvement. It is prudent for the relevant stakeholders and actors to involve the youth from project planning all through to implementation and monitoring in order to induce sense of ownership and therefore enhance sustainability of youth programmes in the long run.

1.0 Introduction

The quest for youth participation in governance, politics and other developmental processes is an increasing global concern. To this end, the UN General Assembly adopted the World Programme of Action for Youth to the year 2000 and beyond to advance the youth agenda in matters of governance. This framework calls for full and effective participation of the youth in the decision-making spaces within its priority areas¹.

Similarly, in 2003, the UN General Assembly demonstrated its commitment to youth participation through the issuance of Resolution No. 58/133 (policies and programmes involving youth). It requires upon all Member States, United Nations bodies, specialized agencies, regional commissions and intergovernmental and nongovernmental organizations concerned to make every possible effort to implement cross-sectoral policies relevant to the youth. Regionally, Article 11 of the African Youth Charter adopted by the African Union was dedicated to the participation of young people in all spheres of society². In this regard, many national governments in Sub-Saharan Africa including Kenya have adopted and ratified several international/regional covenants with an aim of providing a framework for youth inclusion in decision-making process as well as participation in politics³.

¹CMD-Kenya (2018) Youth Involvement and Political Dialogue: A Baseline Survey Report on The Status of Implementation of Article 55(B) of the Constitution of Kenya 2010

²Ibid

³Ibid

Additionally, the Constitution of Kenya, 2010 and coming to effect of devolution in 2013-heralded positive reforms in creating an enabling environment for increased youth participation in governance processes. The IEA-Kenya (2013) notes that various opportunities for youth engagement in governance and generally, in decision making processes, should ensure that policies formulated and services provided respond to their needs and concerns⁴.

This brief assesses and analyses policy gaps on the youth participation in governance processes as well how corruption affects this processes and policy gaps towards mitigating its effects.

The rest of the brief is organized as follows; the context of youth participation in governance and Economic Development in Kenya, Corruption and its effects on the youth participation, challenges to the youth participation and concludes with emerging policy gaps in youth participation in governance and corruption and recommendations.

2.0 Context of Youth Participation in Governance Processes

For the last decade, KNBS data shows that the youth between 18-34 years constitutes on average about 30% of Kenya's population. Despite them being the largest demographic group, they have remained at the periphery of the country's affairs (CMD Kenya, 2018; CMD Kenya 2015; IEA-Kenya, 2013). Their concerns and needs have not been addressed in a satisfactory manner since independence even with the ratification of international instruments on youth affirmative action as well as enactment of local and regional legislations on youth participation in governance affairs.

In particular, the youth have not been adequately involved in the designing, planning, and implementation of policies and programmes that affect not only them but also the country at large. Consequently, their knowledge, skills and energy end up being underutilized. Furthermore, by not participating effectively their voice and ability to hold the government to account especially in situations where their rights are infringed is compromised⁵.

2.1 Youth Participation in the Budget Process

The question of whether the youth have utilized the elaborate public participation framework that is provided at both the national and county government as stipulated in the Public Finance Management Act, 2012 in the budget cycle is debatable. There is no comprehensive analysis of youth participation in the budgeting policy window. Whatever piecemeal or case studies available are only for select counties.

So far and despite enhanced participatory budgeting process, the majority of the youth are still not pulling their weight. Although opportunities to participate publicly in governance exist, majority of youth and women are not engaged effectively according to the World Bank and findings from a consultative forum in 2018 by the Carter Center in partnership with various local CSOs.

⁴IEA (2013); The Futures Bulletin; Opportunities for Youth to Engage in Devolved Governance and Economic Development in Kenya; Page 3-4

⁵CMD (2015); A Baseline Study on Youth in Political Party Participation in Kenya; Page 5

Box 1: Cases of Successful Participatory Budgeting Initiatives for the Youth

Community Centered Approach to Engaging the Youth

The World Bank worked with Baringo and Elgeyo Marakwet Counties to implement and design Community Centered Approach to engaging the youth in Kenya. Through a series of workshops, space was created for young women and men to engage with their respective county government on county priorities, youth priorities and better allocation of resources. Out of these youth-led discussions various recommendations were made including the need for training the youth to self-organize, create more spaces to directly influence policies and budgets and the need for a youth friendly way of sharing information by Counties.

Participatory Budgeting Model

Kenya Accountable Devolution Program of the World Bank through Kenya participatory budgeting initiative (KBPI) has worked with Makueni and West-Pokot in the development of a participatory Budgeting Manual. This PB manual was developed to facilitate knowledge sharing and learning amongst practitioners involved in the county level budget cycle. Of note is that there is an emphasis on the involvement of thematic groups particularly women and youth from the highest administrative level, at the county all the way to the village, the lowest administrative unit. https://cog.go.ke/phocadownload/reports/PB_report_2017_FINAL.pdf

To this end, the government of Kenya is working in conjunction with the World Banks' Kenya Accountable Devolution Program (KADP) to put measures in place for enhanced civil engagement by the youth. Box 1 presents some case studies of a few counties that have made some milestones in this regard.

2.2 Youth Participation in Political Processes

Literature shows that participation of the youth varies along the continuum of political process right from the electoral process to participate in political parties and indeed representation in political leadership. By and large, the participation of the youth in formal political processes is short of expectation. According to the Carter Center 2018 report⁶, the majority of young people's participation in political processes is motivated by the need to exercise their civic duty to choose leaders and bring positive change. In some cases, participation in the electoral process presents the youth, especially during the campaign period with an opportunity to earn money.

2.2.1 Youth Participation in Electoral Processes

According to the IEBC statistics on registered voters, the total youth registered voters in 2017 accounted for 51% of the 19.6 million registered voters up from 46% in the 2013 election ((see figure 1). There was an almost equal gender split on the number of registered youth voters, 5.1 million male voters against 4.8 million female voters. Figure 2, on the other hand, shows the first-time youth

⁶The Carter Center in collaboration with local CSOs (May to August 2018) Youth and Women's consultations on political participation in Kenya: Findings and Recommendations

registered voters in 2017, with age group between 18-24 years having the highest number, 3.4 million. This in part explains the increase in the number of registered youth voter between 2013 and 2017.

Figure 1: % age of Youth Registered Voters in 2013 and 2017 a Share of the Total Registered Voters

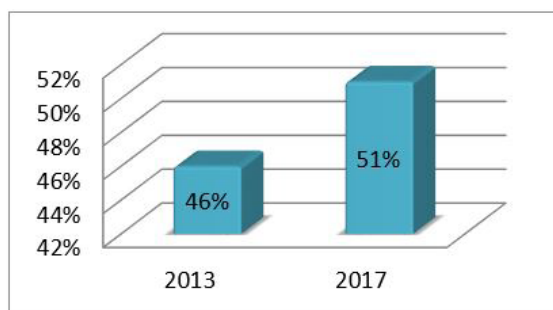
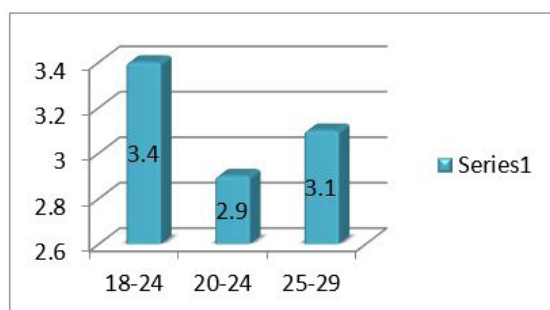


Fig 2: Number of 1st Time Youth Registered Voters per age as a Share of the Total Youth Population in 2017



Analysis of IEBC statistics on registered voters on the different youth cohorts shows that the highest increase from 15% in 2013 to 33% in 2017 was for the 25-35 year demographic. For this group, most of the increase was attributed to female, 62% compared to male registered voters who increased by 50%. Conversely, there was no change for the 18-24 years. However, the increase was slightly higher for the male (41%) against 38% for female.

Table 1: Top 5 and Bottom 5 Counties with Highest Youth Registered Voters in 2017

Top 5 Counties with Highest Youth Registered Voters in 2017

No.	County	Youth Registered voters	Total County Population	Total Youth Population (approx. 30%)	Registered Youth voters as a share of total youth Population (%)
1.	Nairobi	1,300,000	4,697,274	1,409,182	92.3
2.	Kiambu	619,869	1,905,110	571,533	108.5
3.	Nakuru	504,721	2,103,510	631,053	80.0
4.	Kakamega	349,287	1,908,309	572,493	61.0
5.	Mombasa	330,927	1,225,363	367,609	90.0

Bottom 5 Counties with Lowest Youth Registered Voters

1.	Lamu	34,000	132,523	39,757	85.5
2.	Isiolo	38,874	157,082	47,125	82.5
3.	Samburu	42,885	294,007	88,202	48.6
4.	Tana River	61,722	313,374	94,012	65.7
5.	Taita Taveta	68,279	369,507	110,852	61.6

Source: Own computation, Youth Agenda and KNBS Statistical Abstract, 2018

Table 1 gives a snapshot of the top 5 and bottom 5 Counties based on the number of youth registered voters, which correlates with the total county population. Given that the youth constitutes about 30% of total national population, we used this assumption to compute the total youth population by county and in turn the share of registered youth voters to total youth population. Interestingly, for the top 5 Counties with highest youth registered voters in 2017, the order changes. Nairobi is first followed by Mombasa and then Nakuru. Surprisingly, for Kakamega the share of youth registered voters to the total youth population was 61%. For Kiambu it is not clear why the share is more than 100% and can only be verified by using the actual total population of the youth age cohort.

For the bottom 5 counties with the lowest youth registered voters, again just like mentioned above the order changes. Samburu, Taita Taveta and Tana River with comparatively higher youth registered voters than the other two Counties, their share of registered youth voters is the lowest, 48.6%, 61.6% and 65.7% respectively.

National voter turnout reduced from 86% in 2013 to 79% in 2017. Various reports show that a majority of the registered youth voters turned out to vote. For those who did not turn out to vote, various reasons were noted including: that they were unable to travel to polling stations where they were registered because of work, lack of interest and some said that they were engaged as electoral administrators (Carter Centre Report 2018). However, it is not clear whether youth voter turnout matched the overall voter turnout in 2017.

2.2.2 Youth Participation in Political Parties

Studies show that the youth have limited roles in political party leadership, in this regards the youth are often relegated to lower levels of political influence in political parties and never featuring at key decision-making positions of parties⁷. The youth is not homogenous, and as a result, groups of elite youth due to the connection manage to favorably penetrate the party system and to propel themselves to national leadership. This goes against the Kenya National Youth Development Policy that calls for the youth to be treated as heterogeneous.

It would be therefore imperative to meaningfully improve the role of youth in governance spaces through promotion of youth participation in political party affairs. Furthermore, youth participation in party politics is affected most fundamentally by the nature of the political systems. At least for Kenya, the system is open unlike in other countries especially in the Middle East that have closed systems. Indeed, Kenya has made strides towards democratization and providing opportunities for youth participation. Nevertheless, not much success has been achieved concerning the ‘institutionalization of political parties. Instead political parties have taken an ethnic character and the simple majority required to win an election encourages political entrepreneurs to mobilize based on ethnicity as they compete for power.

Most political parties do not espouse a coherent ideology or doctrine on which to articulate interest, mobilize supporters and shape public opinion. This calls for institutionalization of political parties, whose foundation is anchored in the CoK, 2010 and the Political Parties Act, 2011. Besides having

⁷CMD (2015) A Baseline Study on Youth in Political Party Participation in Kenya; Page 12

the law, its enforcement must be effective to realize the desired outcomes, especially regarding participation of the youth at all levels of party politics.

Since political parties in Kenya are institutionally weak, effective youth participation in party affairs remains constrained, with negative implications for democratic consolidation in Kenya. Studies across the globe indicate that the participation of the youth in formal, institutional political processes is relatively low compared to the older citizens. This poses questions regarding representativeness of political systems and inclusivity. It is important to note that effective participation of the youth in governance depends on the creation of opportunities to engage meaningfully and effectively in policy and decision-making processes.

Table 2: Percentage Youth Membership in Select Political Parties in Kenya

No	Political party	Percentage in party membership	Percentage of National Party officials that are youth
1	KANU	10	25
2	NARC-Kenya	17	Missing Data
3	CCU	15	58
4	NARC	20	25
5	UDF	60	22
6	FORD-Kenya	40	Missing Data
7	Safina	40	Missing Data
8	URP	35	38
9	PPK	55	41
10	TNA	50	50
11	ODM	61	18

Source: CMD (2015); A Baseline Study on Youth in Political Party Participation in Kenya; Page 19 and 23

NB: There is no Up to date data on Youth Participation in Political Party Participation from ORPP or any other Source

One of the key functions of political parties is the recruitment of members into party ranks. Kenya's political parties have varied proportions of youth members as shown in table 2. The average youth membership in political parties in Kenya is approximately 36%. The variation by political parties is clear with ODM and UDF political parties having the highest youth membership of 61% and 60% respectively. The column on national party officials that are youth generally confirms their limited role in leadership structures with the exception of a few parties including TNA and CCU.

2.2.3 Youth in Political Leadership

The youth in Kenya have been marginalized and excluded from political leadership since independence, this has placed the youth at the periphery with regards to all decision-making spaces in Kenya (Youth Agenda, 2017). However, the same report by the Youth Agenda notes that this narrative changed in 2013 when Kenyans elected the highest number of youths in leadership in the history of Kenya both

at the national and county level. Notably, in 2017 was not a smooth journey for those who expressed interest to vie and especially through political parties whose primaries were shambolic and marred by irregularities.

According to the ORPP, the current status of registered political parties is quite different from list in table 2. TNA UDF, URP and another eight bringing the total to 12 political parties dissolved and merged to form Jubilee Party in September 2016. There is however no publicly available up to date data from the ORPP or other sources on youth participation. This information may exist at individual political parties level but is not available in a consolidated version.

Table 3: Youth Cleared Candidates by IEBC versus Elected in 2017 Elections

Position	Number Cleared By IEBC	Number Elected	% of Elected Youth as Share of Total Cleared by IEBC
Governor	8	1	13
Senator	66	5	8
MPS	357	23	6
MCAAs	606	303	50

Source: Youth Agenda; Youth Electoral Participation 2017 Quick Facts

Table 3 above shows the number of youth cleared by the IEBC and those who were elected. It is evident from the data above that youth participation in political leadership is still far below the target standards by the current affirmative action initiatives in Kenya as well as regional and international instruments on youth participation in governance matters.

3.0 Impediments to Youth Participation in Governance Processes

The Institute of Economic Affairs - Kenya (2013) shows that there are various factors that impede the youth from active participation in governance, political representation and matters of national development at large⁸. Inadequate education and training to equip the youth with skills and prepare them to participate in the decision-making process are one of the challenges. This consequently denies them the necessary analytical skills for critical thinking or problem-solving through participatory and active learning. Moreover, the youth are not able to access direct institutional systems and structures in the government and therefore unable to meaningfully participate in public policy formulation forums.

The youth themselves have contributed to their own exclusion owing to the notion that their voices cannot be heard. Access to information by the youth from the government has been a challenge with regard to participation in governance affairs. The information may entail updated data on the current policies/interventions and programmes in place to address youth issues. It could also be and concerns as well as how and when the youth should be involved in the initiatives.

⁸IEA (2013); The Futures Bulletin; Opportunities for Youth to Engage in Devolved Governance and Economic Development in Kenya

Another challenge revolves around imposing youth programmes on the youth by the government without prior consultation and involvement. It is prudent for the relevant stakeholders and actors to involve the youth from project planning all through to implementation and monitoring in order to induce a sense of ownership and therefore enhance the sustainability of youth programmes in the long run.

3.1 Specific Gaps to Youth in Political Participation

This section reviews and analyzes the meaningful participation of the youth in both electoral and political processes in Kenya. It gives a vivid analytical view of their strength in supporting various political parties, their party of choice as well as the kind of elective positions they are aspiring for. Additionally, it analyses some of the challenges the youth face in participation in the electoral process as a component of leadership and governance⁹.

3.1.1 Lack of Internal Party Democracy

The Kenya political party system is not wholly guided by professionalism and values but rather some forms of the undemocratic process including rigging and intimidation by the older people thus denying the youth a favorable environment for effective participation in the polity and development agenda. According to the study by Youth Agenda in 2014, intra-party democracy was a major barrier to youth participation in political parties. For example, there are cases party officials issued direct party nominations to particular candidates contrary to party guidelines. These missteps are attributed to poor leadership, governance and corruption within the political parties' system in Kenya.

3.1.2 Lack of Involvement in Decision-Making and Minimal Recognition

The participation of youth in political parties' decision making spaces has been minimal. For instance, during party discussions on party mergers and coalition building when political leaders embark on boardroom negotiations, youth are often left out. This demonstrates the lack of commitment and attention to the youth by political leaders. These acts, therefore, lead to discrimination and marginalization by the political elite and entrenchment of patronage politics.

3.1.3 Tribalism and Euphoria

The Youth Agenda (2017) found that tribalism and fear is still a major barrier to youth participation in political competition as well as governance platforms. As a result, the youth find it comfortable and safe aligning themselves with parties of their own tribes. This propagates ethnic based politics as opposed to issue-based politics and therefore, weakened participation in national political agenda among the youth.

3.1.4 Lack of Awareness of Party Manifesto

For the youth to participate in governance and leadership, they should be involved in the development of policies, regulations as well as relevant laws on issues that touch on their daily lives. Youth in Kenya have little understanding of the constitution and manifestoes governing various parties. Partly, this is because they were not actively involved during the design and development of party constitutions, manifestoes, and policies further contributing to tribal party affiliations in Kenya.

⁹Youth Agenda (2012) Factsheet on Youth; Preparedness in Kenya's; Electoral Process Page 31

3.1.5 Lack of Finance

Lack of finance has been a stumbling block to the potential and capacity of young people to participate and emerge victorious in party election and/or nomination processes. This has also contributed significantly to non-involvement of the youth in political party processes. Besides, huge nomination fees levied on young aspirants was found to be a constraint to youth participation in electoral and political process.

3.1.6 Incitement by Politicians

High poverty levels among the youth enable politicians to make inflammatory statements and incite the youth along their clan/tribal lines to cause mayhem to their rivals. This is an area where a lot of civic education is needed to sensitize the youth against the perils and consequences of political violence. Additionally, the government should have in place stringent measures including heavy penalties to stop politicians from incitements as well as sensitized the youth themselves to ignore such incitements.

3.1.7 Lack of Political Support by Peers

Studies have shown that the youth are enemies of their own such that they do not support their fellow youth due to myriad of factors that includes the following but not limited to; poverty whereby they end up stepping down in favor of old people for money exchange as bribery, the old people have created perceptions among the voters that the youth do not have political experience thus should not be voted in. Based on this there is a need for continuous sensitization among the youth to enhance their self-esteem hence contesting in political seats.

3.1.8 Political Patronage

Status quo mentality is still at the apex of political parties that those who are in power will continue being in power thus the new generation should not contest for political positions. This notion has kept the youth away from vying for political positions. To address the political patronage, political parties should ensure the following; sensitize the youth to ignore this perception, give a greater role to young people in party management to enhance their visibility in political arena, enhance political literacy through the establishment of the institutes to promote political literacy, as well as conducting trainings on political education to educate and motivate the youth on political matters. Considering that the national youth policy discourages from treating youth as homogeneous it is therefore imperative to target uneducated youth and young women. Lastly, political parties and civil society organizations should come up with measures to sensitize the youth on the importance of voting as their democratic and constitutional right consequently enhancing youth participation in political process.

3.1.9 Corruption and Poor Management of Parties

Political parties have been experiencing corruption and mismanagement; this has been in the past demonstrated through recruiting of party officials from family members something that can lead to conflict of interest, corruption and accountability gaps in the parties. In this regard, parties should come up with coherent mechanisms with clear punitive measures to deal with whoever gives or accepts bribery during party nomination/election phase.

3.1.10 Non-Registration by Youth

Some youth are not registering as members of political parties yet they want to hold key party positions. However, this has emanated from low levels of awareness by the various parties. In this regard, it is imperative to encourage the youth to register as members of political parties as this will enhance their potential to fully engage and actively participate in electoral and political process.

3.1.11 Skewed Dominance of the Party Structures

The fact that political parties are still dominated by few wealthy individuals compromises the capacity of young people to make meaningful contribution to party matters. Youth need to be included in the daily management of political parties.

4.0 Effects of Corruption on Youth Participation in Governance Processes

Kenya is perceived as one of the most corrupt countries based on the corruption perception index conducted by Transparency International in 2017 where it was ranked 143 out of 180 countries¹¹. Additionally, Kenya has been plagued by a long list of corruption scandals including Goldenberg, Anglo leasing and Eurobond which have been reported in the media and reflected in various research work¹².

Notably, the youth are the most affected by corruption in Kenya, according to ISS Policy brief and JIACTIVATE Initiative Survey¹³. The right of the youth to participate in all spheres of the society and indeed be able to address issues such as corruption is yet to be fully realized as envisioned in Article 11 of the African Youth Charter. This is evident from the one-off discussions they are invited implying minimal influence on policy decisions¹⁴.

According to JIACTIVATE Initiative, the government's statistics show that 30% of government spending which is equivalent to Sh 600 billion is lost through corruption. This in effect means that the government is unable to effectively deliver services to the public. In this regard, the Government spending on infrastructure is thus schemed off and therefore fewer jobs are created for the burgeoning youth population. The other way in which they suffer is through bribery cases in government offices.

The survey however further shows the youth is increasingly tolerating and condoning corruption. About 30% of young people in Kenya believe corruption is profitable. These findings indicate that if the war on corruption is to be won, the youth need to not only to meaningfully participate in the anticorruption agenda at all levels, but must also stop being drivers of corruption¹⁵.

¹¹<https://theconversation.com/understanding-the-economic-cost-of-corruption-in-kenya-98255>

¹²Most recent publication by Maina W. (May 2019) State Capture: Inside Kenya's Inability to Fight Corruption. Africa Centre For Open Governance-AFRICOG, Nairobi, Kenya

¹³JIACTIVATE was a National Wide Survey that aimed to capture and elevate the voice of Kenyan youth beyond the 2017 General Elections. The initiative provides a broad framework within which all stakeholders, including political parties, Government, private sector and civil society, can contribute to youth development in Kenya.

¹⁴Institute of Security Studies (ISS); Policy Brief; arresting corruption in Africa Role of the

¹⁵Ibid

Of importance to note is the impact of corruption on the youth manifests itself in various key areas of their lives. For instance, bribes demanded by government officials make it difficult for a huge number of youths to enjoy their civil and political rights. Demands for bribes for the youth to acquire national identification documents can prevent them from participating in national elections either as voters or candidates in elections.

Other effects mean a lack of access to public services including health and education. Corruption has also manifested in the education sector whereby youth from underprivileged families are hindered from gaining access to public colleges due to demands for bribes before admission; forcing many of them to join informal trade.

Youth access to employment opportunities had the biggest impact with regards to demand for bribe by the employers. The JIACTIVATE youth survey found that of all the respondents, 46% had paid bribes to government officials. An analysis of the services for which bribes were demanded shows that 80.3% of the respondents had been asked to pay a bribe for a service that was youth related. Such services included an application for national identification, reporting a crime to the police, seeking medical attention, law enforcement on traffic, and application for college¹⁶.

4.1 Policy Intervention's in the Fight Against Corruption

Since the late 1990s, anti-corruption has been a major policy issue in Kenya. The government initially linked the growing corruption with foreign donor intervention, though it later gradually began to address the issue¹⁷. Despite this, corruption in Kenya's public sector remains a major issue of concern, studies have been done on corruption and mostly it has attributed the major causes of corruption to impunity. In this regard, citizens perceive bribery experiences with great frequency and variations.

Additionally, civil society organizations have, for at least a decade, freely exposed corruption scandals, and, in truth, operate in an environment that is not as oppressive as the first three decades of independence. This is a significant improvement in terms of democratic space with regards to fight corruption. Despite the improved democratic space corruption still manifests itself in Kenya's governance system thus unable to address it sustainably. In its effort to address corruption, the Kenya government has put in place laws and institutions to combat the endemic and yet the situation has not improved. In particular, EACC was established pursuant to the Constitution of 2010 as an investigative body without prosecutorial powers thus limiting its ability to fight the vice effectively¹⁸.

¹⁶JIACTIVATE was a National Wide Survey that aimed to capture and elevate the voice of Kenyan youth beyond the 2017 General Elections. The initiative provides a broad framework within which all stakeholders, including political parties, Government, private sector and civil society, can contribute to youth development in Kenya.

¹⁷AfriMap (2015) Effectiveness of Anti-Corruption Agencies in East Africa Kenya, Tanzania and Uganda

¹⁸Ibid

In its anti-corruption effort, Kenya adopted several legal frameworks to address the vice. This section analyses these interventions and emerging gaps thereof to understand how to close these gaps.

4.1.1 Ethics and Anti-Corruption Commission Act, 2011

This Act establishes the EACC and outlines its mandate, independence and oversight. Though endowed with robust powers of investigation and arrest, the EACC does not have prosecutorial powers thus making it not able to execute its duties effectively.

4.1.2 Election Campaign Financing Act, 2013

This Act was passed and received presidential assent on 24 December 2013. It empowers the EACC to make rules for purposes of administration of the Act and to regulate management, expenditure and accountability in respect of election-campaign funds during the election and referendum campaigns, and for related purposes. Some of the issues that the regulations seek to address include the spending limits for candidates, political parties or referendum committees during the election period. The regulations also provide guidelines on campaign-financing donations, expenditure, reporting and disclosure, as well as dispute-resolution mechanisms. Even though the Kenya political system has been operating with a lot of irregularities including shambolic party primaries as well as undisclosed sources of campaign funds. In this regards a need to enhance implementation and enforcement of the law consequently increased transparency and accountability in political party operations in Kenya's political party system.

4.1.3 Leadership and Integrity Act, 2012

This Act is informed by chapter 6 of the 2010 Constitution on leadership and integrity and is meant to enforce standards of ethics and integrity among public officers. In particular, it is intended to give effect to, and establish, procedures and mechanisms for the effective administration of chapter 6 of the Constitution. To this end, the Act obliges state officers to: respect and abide by the Constitution and the law, and lays down that the public trust, and the authority and responsibility, vested in a state officer must be exercised by the state officer in the best interest of the people of Kenya, take personal responsibility for the reasonably foreseeable consequences of any acts or omissions arising from the discharge of the duties of the office, carry out the duties of the office efficiently and honestly, and in a transparent and accountable manner as well as observing, and subscribing to ethical and professional requirements. Ironically, many corruption cases have been reported in public offices, in this regard, it is crucial for the enhancement of implementation of the law.

4.1.4 Proceeds of Crime and Anti-Money Laundering Act, 2009

It is evident that one cannot overlook money laundering while addressing corruption, in this regard, Kenya's Anti-Money Laundering and Combating the Financing of Terrorism regime has been under review by the International Cooperation Review Group (ICRG) since June 2009. The review was informed by the fact that, Kenya was initially referred to the ICRG for being a high-risk area/ jurisdiction as it lacked anti-money laundering and terrorist financing laws. This culminated in enacting the 2009 Proceeds of Crime and Anti-Money Laundering Act (POCAMLA) and its regulations, which provide for the criminalization of money laundering. This notwithstanding, Kenya has reported many mega corruption scandals and no recoveries have been successful so far.

4.1.5 Witness Protection Act, 2006

The Bill of Rights (chapter 4) in the Constitution 2010, requires Witness protection to be treated as a fundamental human right. Additionally, Article 48 of the act guarantees the right to access to justice, while article 50(9) provides for the need to legislate for the protection, rights and welfare of victims of offences. The two articles read together obligate the government to protect witnesses in Kenya. Section 4 of the Witness Protection Act obligates the witness protection agency concerned to establish and maintain a witness protection programme and further provides for protection measures to be applied by the agency.

4.1.6 Public Officer Ethics Act, 2004

The Act sets forth a code of conduct for public servants, this code is divided into six parts: Part 1 (sec 1–4) contains preliminary provisions; part 2 (s 5–6) provides for specific codes of conduct and ethics; part 3 contains a general code of conduct and ethics (sec 7–25); part 4 (sec 26–34) regulates declarations of income, assets and liabilities; part 5 (s 35–39) deals with enforcement of the code of conduct and ethics; and part 6 (s 40–42) contains general provisions.

4.1.7 Anti-Corruption and Economic Crimes Act, 2003

The act calls for selflessness, financial probity, integrity, transparency and accountability, which includes instilling public confidence in public office, avoiding conflicts of interest, observing work hours, respecting constitutionalism/the rule of law, as well as not compromising the public interest.

4.1.8 Access to Information

It is almost impossible to discern and report corruption in an environment where access to public information is limited. Basically, the right to access public information refers to the right of any person to look for, request, and receive information held by the government. To this end, the Constitution of Kenya provides for access to information under article 35. Thus: (1) Every citizen has the right of access to (a) information held by the state and to (b) information held by another person and required for the exercise or protection of any right or fundamental freedom. (2) Every person has the right to the correction or deletion of untrue or misleading information that affects the person. (3) The state must publish and publicize any important information affecting the nation. The state is obliged by article 35(3) of the Constitution to publish and publicize any important information affecting the nation.

The EACC National survey conducted in 2017 had different views on the effectiveness of anti-corruption initiatives in Kenya, notably the survey assessed the role of different initiatives in the fight against corruption. See Annexe 1 on cross-county perceptions on commitment in the fight against corruption by different actors, and also Annexe 2 on regional perceptions on the effective measures to fight corruption.

5.0 Recommendations

Below are two matrices, the first presents a summary of gaps and corresponding recommendations about youth participation in governance and in the same breadth the second matrix concerning effects of corruption;-

5.1 Summary of Gaps and Recommendation on Poor Governance and Leadership

Intervention	Gaps/Challenges	Recommendations
Youth Participation in Governance Processes	Lack of Internal Party Democracy	<ul style="list-style-type: none"> The National Assembly should allocate sufficient funds to ORPPs to strengthen its capacity to implement its mandate and enforcement of intra-party democracy and youth engagement in party politics and national affairs.
	Lack of Involvement of Youth in Decision-Making Processes	<ul style="list-style-type: none"> MPs and MCAs should exercise oversight role to ensure national and county governments enforce and implement affirmative action and youth inclusion policies. MCAs in conjunction with youth led groups should spearhead youth inclusion campaigns and grass root mobilization strategies at the Ward level in decision making processes and in the formulation of political parties' agenda.
	Tribalism/Nepotism and Favoritism	<ul style="list-style-type: none"> MCAs in collaboration with other political leaders through advocacy strategies should push for the party nomination to be conducted by IEBC and observed externally to bring confidence of the party among the youth.
	Lack of Awareness of Party Manifesto	<ul style="list-style-type: none"> MCAs should push for a budget on civic education to enhance awareness among the youth on party constitution, policies, and strategies for winning an election. MCAs should engage and partner with all youth led organizations at the county level to share and enhance awareness of all party policy documents using youth friendly avenues.
	Steep Nomination Fees that hinder Youth Participation in Electoral and Political Processes	<ul style="list-style-type: none"> YMCAs and KYMPAs should advocate for youth friendly party nomination fees to enhance youth participation and competition in political processes.

Intervention	Gaps/Challenges	Recommendations
	Incitement by Politicians	<ul style="list-style-type: none"> Political parties should enforce mechanisms to hold party members accountable for breaches of the Political Party Code of Conduct with regards to political incitements.
	Lack of Political Support by Peers	<ul style="list-style-type: none"> MCA should map out all youth organizations within the county and mobilize them for solidarity among the youth thus enhancing support to their fellow youths during elections
	Political Patronage	<ul style="list-style-type: none"> MCA should come up with an advocacy initiative to push for political parties to give a greater role to young people in their programmes to enhance their visibility in the political arena. There is need to enhance political literacy through the establishment of the institutes to promote political literacy among the youth at the county level.
	Corruption in Management of Political Parties	<ul style="list-style-type: none"> MCA should initiate social media campaigns to advocate for coherent mechanisms with clear punitive measures to deal with whoever gives or accepts bribery during election of party officials as well as party nominations/primaries.
	Non-Registration by Youth	<ul style="list-style-type: none"> MCA should push for regular mobilization and sensitization among the youth by their respective parties to register and vote as this will enhance their potential to fully engage and actively participate in the electoral and political processes.
	Culturally-Based Prejudices against the Participation of Young Women Politicians and Youth.	<ul style="list-style-type: none"> MCA in collaboration with opinion leaders should have in place youth mentorship and guidance programmes through the creation of forums for party youth and youthful elected and nominated leaders at all levels of governance to sensitize the youth on culturally based prejudices
	Weak Representation by the Youth in Party Leaderships	<ul style="list-style-type: none"> MCA in collaborations with relevant actors should push for Affirmative action to increase the number of youths in party leadership at all levels.

Intervention	Gaps/Challenges	Recommendations
	Weak Party Youth Leagues	<ul style="list-style-type: none"> MCA should push for strong, autonomous youth Leagues as incubators of youth leadership in the country, this could be achieved through grass-root mobilization and sensitization among the youth
	Limited Party Policy Development and Oversight Skills among the Youth.	<ul style="list-style-type: none"> MCA should push for capacity building in policy-making and implementation as well as monitoring of party operations, this could be achieved through the enhancement of youth mentorship programmes on youth leadership development

5.2 Summary of Gaps and Recommendation on Corruption

Issues	Gaps/Challenges	Recommendations
Corruption	Mega Corruption Scandals	<ul style="list-style-type: none"> The government should come up with stringent measures to fight mega corruption scandals, this could be achieved through MCAs and MPs pushing for life imprisonment of the culprits, repossession of the stolen properties by the government as well as barring them from doing business with the government.
	Corruption in Access to Public Services by the Youth	<ul style="list-style-type: none"> The MCAs and MPs should push for legislations advocating for values and ethics to be indoctrinated in education curricula from primary to university level thus educating the masses that hard work is the only means to wealth accumulation. The MPs in partnership with MCAs should push for electronic government procurement transactions in all departments thus limiting interactions with procurement officers thereby reducing corruption related cases
	Lack of powers by EACC to Enforce Implementation of its Corruption Prevention Recommendations.	<ul style="list-style-type: none"> There is need for massive nationwide campaigns by MCAs and other relevant actors through social media by advocating for the Office of the Auditor General (OAG) and the Ethics and Anti-Corruption Commission (EACC) to be granted prosecutorial powers.

Issues	Gaps/Challenges	Recommendations
	The Politicization of EACC Leadership and Integrity Mandate.	<ul style="list-style-type: none"> • There is a need for massive campaigns to make EACC independent thus undertaking its duties objectively
	Limited Awareness among the Citizens on the Effects of Corruption	<ul style="list-style-type: none"> • MCAs should push for adequate budgetary allocation for civic education among the citizens on the effects of corruption to the country and citizens.
	Weak Corruption Reporting Channels	<ul style="list-style-type: none"> • Enhance corruption reporting channels countrywide, as well as regular monitoring of the implementation of the already mainstreamed anti-corruption and ethics in Kenya education system
	Poor Coordination in the Fight against Corruption	<ul style="list-style-type: none"> • There is need for concerted effort through enhanced collaborations and coalitions in the fight against corruption among the relevant actors thus avoiding duplication.
	Weak Implementation of Whistle Blower Protection Law/Bill	<ul style="list-style-type: none"> • There is need for an introduction of award and reward system for anti-corruption champions
	Weak Asset Recovery Mechanisms	<ul style="list-style-type: none"> • There is need to push for enhancement of asset recovery and restitution mandate as well as auditing of public and state officers annually to establish their net worth hence enhancing accountability.

References

1. Africa Centre for Open Governance (2019) State Capture: Inside Kenya's Inability to Fight Corruption. Nairobi, Kenya
2. AfriMap (2015); Effectiveness of Anti-Corruption Agencies in East Africa Kenya, Tanzania and Uganda
3. CMD (2015); A Baseline Study on Youth in Political Party Participation in Kenya
4. CMD-Kenya (2018) Status of Implementation of Article 55(B) Of the Constitution of Kenya 2010
5. EACC (2017); National Ethics and Anti-Corruption Survey: <https://theconversation.com/understanding-the-economic-cost-of-corruption-in-kenya-98255>
6. IEA (2013); the Futures Bulletin; Opportunities for Youth to Engage in Devolved Governance and Economic Development in Kenya
7. JIACTIVATE (2017) Welcome to the State of the Youth Report
8. The Carter Center (2018) Youth and Women's Consultation on Political Participation in Kenya: Findings and Recommendations
9. Youth Agenda (2012) Fact sheet on Youth Preparedness in Kenya's Electoral Process
10. Youth Agenda (2014) Situational Analysis of the Youth
11. Youth Agenda (2015); Youth Participation in Governance and Development Processes in Kenya the Case for Affirmative Action
12. Youth Agenda (2017); Youth Electoral Participation Quick Facts
13. Government of Kenya (2010); Constitution of Kenya, 2010, Nairobi
14. Government of Kenya (2012); Public Finance Management Act, 2012, Nairobi
15. Government of Kenya (2018); Kenya National Youth Development Policy 2018, Nairobi
16. Government of Kenya (2011); Political Parties Act, 2011, Nairobi
17. Government of Kenya (2011); Ethics and Anti-Corruption Commission Act, 2011, Nairobi
18. Government of Kenya (2013); Election Campaign Financing Act, 2013, Nairobi
19. Government of Kenya (2012); Leadership and Integrity Act, 2012, Nairobi
20. Government of Kenya (2009); Proceeds of Crime and Anti-Money Laundering Act, 2009, Nairobi
21. Government of Kenya (2006); Witness Protection Act, 2006, Nairobi
22. Government of Kenya (2003); Public Officer Ethics Act, 2003, Nairobi
23. Government of Kenya (2003); Anti-Corruption and Economic Crimes Act, 2003

Annexes

Annexe 1: Cross-Country Perceptions on Commitment in the Fight against Corruption by different Initiatives/Actors

No.	Initiative	Perception
1	The Role of Individual Citizens in the Fight against Corruption	At a personal level, 61.7% of the respondents pointed out that they had no role in the fight against corruption, while 5.1% pointed out to be reporting corruption. Lastly, 4.8% engaged in public education while 4% sensitized others on the harmful effects of corruption on the society at large.
2.	Government Commitment to Fight Corruption	The Survey observed that the government commitment in the fight against corruption had been declining, compared to the 2016 Survey. The commitment rating was insignificant while lack of commitment rose to 51.2% from 44.9%. Among those who felt that the government is committed in tackling corruption mentioned visible efforts from government agencies (22.1%), investigation of top government officers (13.5%), good service delivery (12.1%) and the President's condemnation of the vice through media (12.1%) as evidence of commitment. On the other hand, those who indicted government as uncommitted cited corrupt State and Public Officers (37.6%), high levels of corruption (26.1%) and inaction (12%) on reported matters of corruption and unethical conduct.
3	Citizens Perceptions on Provision of Government Services	About 59.4% of the respondents pointed out that government services had improved while 35.8% were of the opinion that the services had not improved, whereas 4.8% were not aware if the services were better or worse. Among those who believed that government services were improved cited overall improvement in provision of all services (21%), provision of services at Huduma Centre (12.6%), improved health care services (11.7%), better roads and infrastructure (11%) and devolution of services (8.9%). Those who reported government services as "not improved" linked lack of improvement with poor government services that stood at (34.4%), inaction on complaints (27.6%), high level of corruption (19.8%), delays in service provision (14.8%); and poor health care services (11.8%).
4	Uptake of Huduma Centre Services	The Survey 2017 observed that majority of respondents that stood at (94.1%) were aware of the Huduma Centres in the country, but only 35.4% of the respondents had utilized its services. Among those who utilized Huduma Centre Services described them as good (48.6%), efficient (29.1%), effective (8.1%), satisfactory (3.7%) while 3% felt that the staffs were friendly. However, some respondents encountered incidences of poor services (1.8%), delays (1.4%) and corrupt officers (1.5%).
5	Citizens Confidence with Government Institutions	Judiciary (59.8%) commands the highest confidence followed by the Executive (57.3%) and the Ethics and Anti-Corruption Commission (54.9%) in the fight against corruption, on the contrary, 71.4% of the respondents had no confidence in the police; County Governments (51.7%) and National Land Commission (49%) to fight corruption.

No.	Initiative	Perception
6	Effectiveness of Anti-Corruption Measures	Respondents rated the effectiveness of various measures in combating corruption and unethical conduct in the country. Public education and awareness creation (76.3%) were ranked highest as an effective measure to enhance combating of corruption followed by user friendly corruption reporting channels (71.7%), employment creation (71.7%), imprisonment of offenders (71.6%), and eradication of poverty (71.5%) and mainstreaming of anti-corruption into the school curriculum (71.2%).
7	County Government Service Delivery	County government services were rated average by the respondents balloted. It was noted that provision of education services such as early child development education, management of village polytechnics and childcare activities was rated highest as good by 35.5% of the respondents. Poor rating, reported firefighting services and disaster management (52.2%), control of drugs and pornography (50.8%) and County public works including water and sanitation, storm water and management systems (43.9%) were ranked highest poor.
8	Government Ministries and Arms of Government	The Ministry of Interior and Coordination of National Government (64.7%) ranked first followed by the Ministry of Health (27.8%), Ministry of Lands, Housing and Urban Development (23.9%), Ministry of Transport and Infrastructure (13%) and Ministry of Education, Science and Technology (11.7%). These findings resonate with those of the 2016 Survey by EACC.
9	Government Departments and Agencies	The Kenya Police was ranked as most prone to corruption followed by the National Police Service Commission (13.7%), Public Hospitals (9.8%), Kenya Revenue Authority (8.2%), National Land Commission (7.3%), National Transport and Safety Authority (4.9%) and Immigration Department (4.3%), respectively
10	County Government Departments and Sections	The Finance and Planning Department in County Governments was perceived to be most corrupt recording 17.8% of the respondents followed by County Health Services including ambulance, health facilities and cemeteries (15.2%) and County Transport encompassing roads, street lighting traffic and parking (12.6%).

Source: EACC (2017) National Ethics and Corruption Survey

Annexe 2: Regional Perceptions on Effective Measures to Fight Corruption per Region

No.	Region	Perception
1.	Nairobi	37% of respondents were confident that sensitizing the population on the effects of corruption would be an effective way of ending corruption, while 17% preferred collective responsibility approach to end corruption. Lastly, 16% of respondents believed that electing ethical leaders with high standards of integrity could end corruption.
2	Central Kenya	The region had the lowest number of youths at 32% who believed that educating and sensitizing the public on the effects of corruption would kill the vice. 22% of the youth were for the opinion that personal and collective responsibility would end corruption, while 19% believed in prosecuting the corruption culprits as the best approach to address the vice in Kenya.
3	Coastal	53% of respondents pointed out that educating/sensitizing the people on the effects of corruption would end corruption, while 16% of the respondents proposed for reporting corruption cases as the most tenable approach to address corruption. Lastly, 11% felt that electing ethical leaders with high standards of integrity would be their preferred way of fighting corruption.
4	Rift Valley	48% of the respondents in Rift valley region believed that educating/sensitizing the people on the detrimental effects of corruption would end corruption, while 16% of respondents felt that falls largely under personal and collective responsibility.
5	Nyanza	43% of respondents pointed out that educating/ sensitizing the population on the effects of corruption would be the best strategy to address corruption. In the same vein, 14% stated that electing ethical leaders with high standards of integrity would assist in the fight against corruption
6	North Eastern	39% proposed that sensitizing the community on the negative effects of corruption would be the best approach to address corruption in Kenya. Similarly, 18% believed that prosecuting corrupt people could end corruption. Lastly, electing ethical leaders with high standards of integrity as an approach to fight corruption stood at 12%.
7	Western	38% of respondents from Western said educating/sensitizing the population on the effects of corruption would end corruption while 18% said personal and collective responsibility would play a role in ending corruption. A similar proportion of total respondents said electing ethical leaders with high standards of integrity would end corruption.
8	Eastern	53% for the respondents from Eastern region believed that sensitizing the community on the harmful effects of corruption would be the best approach to adopt in the fight against corruption. Secondly, 16% of the respondents felt that reporting corruption cases would end corruption. Lastly, 11% said ensuring that elected leaders embrace high standards of integrity could be the best way to address corruption in Kenya.

Source: JIACTIVATE National Wide Survey 2017; The survey aimed at capturing and elevating the voice of Kenyan youth beyond the 2017 General Elections. The initiative provides a broad framework within which all stakeholders, including political parties, Government, private sector and civil society, can contribute to youth development in Kenya.

NOTES

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Written by:

Dominic Mutuku



Institute of
Economic Affairs

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ACK Garden House, 5th Floor, 1st Ngong Avenue

P.O. Box 53989 – 00200, Nairobi~Kenya

Tel: +254 -20-2721262, +254 -20- 2717402

Fax: +254 – 20- 2716231

Email: admin@ieakenya.or.ke

Website: www.ieakenya.or.ke

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