



Devolution

Educating the Public: Addressing the gaps



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Contents

Introduction.....	1
What is the level of awareness of the new constitution?.....	1
What do citizens know about counties?	2
How will counties be funded?	3
Will devolution eradicate corruption?.....	3
Where are the knowledge gaps?	3
Addressing the knowledge gaps	4

Introduction

AfriCOG's work in the area of devolution is aimed at strengthening good governance in Kenya with objective, high-quality research and advocacy; and generating useable information for building Kenyans' capacity to be vigilant and monitor progress on governance and governance reform processes in Kenya.

In 2012 AfriCOG commissioned Infotrak Research and Consulting to carry out research on devolution in Kenya.¹ The research took the form of a survey completed over one week in May 2012. The survey sample consisted of 2400 people (respondents) from all eight Kenyan provinces (regions). The number is representative of Kenya's adult population of nearly 20 million, and was calculated to give a minimum margin of error.

There were more people surveyed in the Rift Valley region than in any other and only a small percentage in North Eastern, thus representing the population sizes of each region. The survey sample was approximately half male and half female and the age range was from 18 to 50+ with the largest group consisting of 21-25 year olds. All respondents had received some education, with the majority educated to secondary level. Two thirds of those surveyed live in rural areas. Interviews were carried out face to face.

What is the level of awareness of the new constitution?

Over three quarters of the people surveyed said that they were aware that Kenya has a new constitution, with those in the 26-30 year range showing most awareness at 85%. Nevertheless, there was actually less than 10% difference between the most aware group and least aware group (18-20 years), illustrating that there is a high level of awareness among all age groups.

When it comes to the provisions of the new constitution almost two thirds indicated that they were 'somewhat informed' (the highest being 'very informed'). Urban dwellers seemed to be more informed than their rural counterparts, with Nairobi residents being most informed.

It appears that of the 18 chapters contained in the new constitution, plus schedules and subsidiary legislation, the Bill of Rights and the Citizenship chapters were the most well known to those surveyed, in that nearly a third of respondents admitted to being 'well informed' about them. On the other hand, half of those surveyed said that they were only 'somewhat informed' (rather than well informed) on the chapters dealing with the Judiciary, the Executive, Leadership and Integrity, Devolved Government and Representation of the People. The chapter entitled The Legislature was the least known to respondents.

A large majority of respondents get their information on constitutional and political affairs from the radio, followed by (in order of preference) television, newspapers, word of mouth, friends and the internet (the latter only 8% - despite Kenya having an advanced internet infrastructure, it has not penetrated rural areas in the same way as towns and cities). Rural residents in particular relied on the radio, while urbanites cited television as a close second. Radio turned out to be the most trusted medium for all respondents.

¹See Survey at: www.africog.org/sites/default/files/Devolution_Survey_by_AfriCOG.pdf

What do citizens know about counties?

When asked if they were aware of the county governments established under the new constitution over three quarters of respondents said yes. Again, more urban (76%) than rural residents (71%) responded positively, and more male than female, though the difference between genders was only 7%. When dividing the responses into regions, North Eastern, Nairobi and Nyanza had the highest levels of awareness on the establishment of county governments in the new constitution (all over 80%).

However, not all Kenyans support the creation of county governments (just over two thirds do) with corruption cited as the main reason for lack of support, followed by the cost implications of establishing and running county governments. On the other hand, approximately half of those who support county governments think that they will lead to better and more equal resource distribution among the regions. This was underlined in a question about what people expected from county governments, when over one third of respondents cited their highest expectation as 'bringing resources closer to the people', followed by 'effective service delivery'.

When considering those two expectations, nearly half of those surveyed rated healthcare as their greatest priority, and then education. While 18% cited transport infrastructure and 13% cited water, only 12% mentioned job opportunities as their priority expectation. The regions most interested in healthcare, according to the survey, were Coast and Rift Valley. Standing out as exceptions were North Eastern, where the priority of respondents was to see government offices (such as birth registration) brought closer, and Eastern, a third of which cited water as a priority.

Less than half of those surveyed, and more men than women, (42% as opposed to 33%) thought they could participate in county government, believing their most important role was to ensure accountability.

According to the new constitution County Assemblies will be established after the next election. The survey asked if respondents were aware of this. Just over half of those who responded from Nairobi were aware, while nearly half of the Nyanza respondents and slightly less Rift Valley respondents also indicated their awareness. Low awareness levels were recorded in Central, Coast and Eastern regions.

Over half of those surveyed correctly thought that the governor would lead county government (although there will be others representing counties) and this opinion was spread through all age groups. When asked what qualities they would like to see in both governors and senators,

transparency was placed first, above education. When presented with a list of qualities that would be important in choosing a leader, transparency, accountability and integrity were seen as most important by the great majority of respondents, while all of them rated tribe as the least important, preceded by gender, religion and age.

Less than half of those surveyed, and more men than women, (42% as opposed to 33%) thought they could participate in county government, believing their most important role was to ensure accountability. Over a third didn't know whether they could or not. In the same vein, about a third of the respondents felt that they had a part to play in the law-making process, mostly by sharing their opinions, or through policy formulation and implementation. Electing good leaders, or the right ones, and paying taxes to their county governments, were low down on both lists.

How then, would the respondents hold their leaders accountable? About a quarter said they would do so by ensuring transparency, with one fifth citing the quality of service delivery.

How will counties be funded?

When it comes to funding the county governments, most of those surveyed thought that the money would come from revenue collection and taxes and were willing to pay (yet taxes were low on the list of priorities when it came to participating in county government – see above), while less than a quarter thought funding would come from the national government.

When asked why they should pay taxes, two thirds of respondents cited infrastructure development as a good reason, while nearly half felt that taxes were too expensive and were thus unwilling to pay.

Over two thirds of those surveyed felt that they and their constituencies had benefited from the Constituency Development Fund and a similar number were in favour of keeping it. The main reason cited to keep it was that it would contribute to resources such as health and education. However nearly a third felt that the CDF should be scrapped for two main reasons: that devolution is now in place and that funds have been misused.

Will devolution eradicate corruption?

The survey asked respondents to list types of corruption. Over three quarters mentioned bribery, far above misuse of public funds, which was cited by only 13%. Bribery is considered common by the majority of people surveyed, although land-grabbing in Rift Valley was seen as significant corruption by a third of respondents from that region, despite being cited by only 1% of respondents overall.

Even though there is widespread awareness of bribery as a form of corruption, less than one third of those surveyed admitted to bribing a public officer in the last 12 months. Those that did admit it said that it was to avoid arrest, to receive a favour, or to receive a service (in descending order).

When comparing the level of corruption before and after the promulgation of the new constitution, over one third thought it was worse than before, while a similar amount thought the level was the same. Only a quarter thought it was lower than before the new constitution was promulgated. Nevertheless, about half of the respondents decided that county governments would offer better services than the national government; about 3% thought that devolution would be used as a highway to corruption.

Where are the knowledge gaps?

It would appear from the survey that there are gaps in people's knowledge of the new constitution, devolution and county governments. The difference between levels of knowledge varies according to age and gender, but mostly according to the region in which a person lives.

Knowledge gaps include the following:

- The concept of devolution – respondents did not clearly perceive that devolution amounts to 47 county governments and 1 national government and that functions would be shared between them. They also did not understand the relationship between counties.
- County and national government responsibility – who manages what? For example, who is responsible for local services such as education? Are responsibilities split? What is the difference between a senator and a governor when both represent the county? Where do they base themselves? What are their responsibilities?² The functions of both positions need to be explained.
- Funding of county governments – how will they be funded? How will funding be split between county and national government?
- Elections and participation in government – how can citizens get involved in local government?
- Changes in the Judiciary – this despite the many judicial reforms put in place since the new constitution was promulgated.

Addressing the knowledge gaps

The role of civil society

Civil society has an important role to play in educating citizens about the new constitution, devolution and county governments and the right to public participation. By using the medium that is most trusted by the people (radio and television) CSOs (civil society organisations) can impart valuable information, therefore reaching all parts of society including the youth and minority groups. Civil society can also play a part in creating a clear and all encompassing public participation policy to ensure that public participation is entrenched at both levels of government and in all political processes and decision making. CSOs should play a part in advocating for, and educating the public on the following:

Devolution

- Citizens need a better knowledge of Chapter 11 of the constitution, which deals with Devolved Government, yet they cannot all be expected to understand the formal, legal language that is used. Thus the chapter should be simplified and disseminated as such. It should also be translated into vernacular languages for the benefit of those who do not understand English. The simplified and vernacular versions should include a graphic representation of the county structure and also leadership at county level
- New creative methods should be employed to transmit the messages of Chapter 11, such as public meetings on civic education, the training of community trainers who could disseminate information and the integration of the constitution into the school curriculum. The latter would ensure that young people become familiar with the concepts of devolution at an early stage and thus can effectively participate later.

²The responsibilities and functions of the national and county governments are laid out in the Fourth Schedule of the constitution

- The relationship between counties should be explained (not just between national and local government) so that citizens' expectations, especially in terms of service delivery by the counties, are not unrealistic. Responsibilities of counties, as compared to the national government, need to be explained more fully. This explanation should also include sources of funding for county governments from the national government, as explained in the constitution and through possible loans. In addition the funding formula established by the Commission for Revenue Allocation should be explained.

Electoral choices

- Chapter 6 of the constitution, titled 'Leadership and Integrity', highlights the qualities desirable in elected official. These include trust, objectivity in decision making, accountability, integrity, honesty and how to deal with conflict of interest and gifts. Citizens should become familiar with these qualities so that they can take them into account when electing officials. CSOs can play an active role in consistently educating the public on these qualities.
- Media messages need to be monitored, possibly by CSO-appointed 'media ambassadors' who would liaise with the media focusing on objectivity and accountability. Focusing on specific interest groups, such as women's groups or business organisations could also be an effective way of spreading specific information that is relevant to these groups.

Citizen participation

- Citizens should be aware of Chapter 7 of the constitution which is titled 'Representation of the People' and focuses on fair and inclusive representation by elected officials, election legislation (including a code of conduct and disputes) and legislation on political parties. Inclusive representation means representing women, youth, and the disabled and other minority groups, as well as ordinary citizens. People from all groups should be educated in electoral processes so that they are able to exercise their votes within the law.
- People should be made aware of their right to participate in government, and how to go about it, whether by electing officials, scrutinizing proposed legislation or demanding accountability.
- It is important for people to know the consequences of not participating in government as well as reasons why they should. And if their desire to participate is declined by authorities, citizens should know that they are entitled to an explanation.

Structures, functions and resources of County Governments

- An asset register should be established for all counties, detailing assets and resources of each county. This would assist the allocation of resources and budgets.³
- Maps of counties showing key areas such as health and education facilities should be drawn up.
- Each county should establish a headquarters with a clear explanation as to why that place has been chosen.
- Each county should have an information centre which would organise the dissemination of electoral and government information and education. This information can also cover certain aspects of leadership, such as responsibilities of governors and senators, where they are located and how they can be reached. Written information should also be available in Braille or in other forms accessible to the visually impaired.
- Information centres should create innovative and entertaining means of imparting information, such as road shows, theatre groups etc. These can be presented in areas where people naturally congregate, such as schools and health facilities, avoiding the need for organized and costly venues.
- Media and other well-known personalities could be appointed as information ambassadors, spreading the word about how county governments work.
- Local people can be trained to spread information about county structures and resources within their communities. This can be done through CSOs, which can identify knowledge gaps in communities and teach community representatives how to impart the correct and relevant information.
- Service delivery scorecards could be created so that citizens can give feedback on services. In turn, service providers would be required to respond to the feedback and act on it if necessary.

³The Transition Authority is embarking on this task: *Transition body seeks Sh5bn to compile list of public assets*, <http://www.businessdailyafrica.com/Transition-body-seeks-Sh5bn-to-compile-list-of-public-assets/-/539546/1670466/-/134fafgz/-/index.html> (20 January 2013)

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