



**MZALENDO**

**BEYOND THE BALLOT: AN ANALYSIS OF  
CITIZEN PERCEPTIONS OF THE ROLES  
OF PUBLIC AND STATE OFFICERS**



**A Civic Awareness Case Study  
by Mzalendo Trust**



**Mzalendo Trust**

Beyond the Ballot: Citizens Perceptions on the Role of Public and State Officers.

A case study.

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## List of Abbreviations

<b>CS</b>	-	<b>Cabinet Secretary</b>
<b>CSOs</b>	-	<b>Civil Society Organisations</b>
<b>CoK 2010</b>	-	<b>Constitution of Kenya 2010</b>
<b>HELB</b>	-	<b>Higher Education Loan Board</b>
<b>KANU</b>	-	<b>Kenya African National Union</b>
<b>TNA</b>	-	<b>The National Alliance</b>
<b>TSC</b>	-	<b>Teacher Service Commission</b>
<b>KCSE</b>	-	<b>Kenya Certificate of Secondary Education</b>
<b>KCPE</b>	-	<b>Kenya Certificate of Primary Education</b>
<b>MCAAs</b>	-	<b>Members of County Assemblies</b>
<b>MNAs</b>	-	<b>Member of National Assemblies</b>
<b>MP</b>	-	<b>Member of Parliament</b>
<b>MOJNCCA</b>	-	<b>Ministry of Justice, National Cohesion and Constitutional Affairs</b>

*The Constitution of Kenya, 2010 created a decentralized system of government where two of the three arms of government; namely the Legislature and the Executive are devolved to the 47 Political and Administrative Counties as provided for under Article 6 and specified in the First Schedule. The primary objective of this decentralization is to devolve power, resources and representation down to the local level.*

## ACKNOWLEDGEMENT

Over the months of June and July 2019, print, electronic and social media has been awash with conversations on MPs salaries. The point of contention has been the demand for a house allowance and alleged reports of other “allowances” due to the Members. Parliamentarians have justified their demands for more pay - as indicated in some of the quotes in this report - with the argument that they have to meet unending demands from citizens to support personal needs such as educational fees or medical expenses among others. This debate has increasingly given rise to the conversation around what the Constitution provides as the role of these state officers vis-a-vis public perception, expectation and understanding. The release of this report is therefore timely as even though the period under review is 2013-2017, the issues in question are still pertinent.

It is our hope that by releasing this report, we can catalyse action on the need for civic education for citizen to understand the roles of their elected and appointed members and therefore direct demands related to the correct offices. We also hope that the report will inform State and Public Officers on the need to profile and position their service delivery on the Constitution as opposed to un-related citizen interests.

We are grateful to our Consultant, Regina Opondo and our Senior Advisor and Immediate past Executive Director Jessica Musila, under whose watch this research was commissioned for the great work and analysis. Special thanks to Rachael Gichuki, our Programme Officer for her review and insights into the research.

Our special thanks also go to our Partners, National Endowment for Democracy (NED) who made the research possible and Hanns Seidel Foundation who have made the printing and launch of the report a reality.

We look forward to your feedback on the report.



**Caroline Gaita**  
**Executive Director**

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## EXECUTIVE SUMMARY

Kenya's 2013 General Elections gave way to six Elective positions – President, Senator, Members of National Assembly, Woman Representative, Governor and Members of County Assembly, ushering in the devolved system of government. The elections were the first since the promulgation of the 2010 Constitution. Of these three positions – Senator, MNAs and Woman Representatives – populate the 416 member bi-cameral parliament. The President and his Deputy run the executive arm of government, which includes the Cabinet Secretaries while the Governors and MCAs oversee the county level of government.

Since 2013, separate civic awareness research reports by the Kenya Human Rights Commission (KHRC) and Constitution and Reform Education Consortium (CRECO) have revealed that there is a gap in the public civic awareness. Kenyans do not understand the role and responsibilities of the various elected and appointive office holders. In view of this, Mzalendo undertook an analysis of the most interactive profiles on the institutional website focusing on the period from March 2013 to 8 August 2017. The main objective of this research was to compare the nature of interaction and questions citizens ask to the legislators in comparison to those asked to the executive – Cabinet and the Presidency.

The research reveals a gap in civic awareness about the roles of the Parliamentarians and a better understanding of the roles of the Cabinet and President. The public were able to engage the appointed Cabinet Secretaries on their actual tasks but demands to Parliamentarians were unrelated to their official roles and responsibilities.

The research attributes this to the visibility of Cabinet Secretaries, who are appointed under the watchful eye of the media, and consistently engage the media on the challenges and progresses of their respective dockets. This underpins the role of the media in agenda setting, shaping citizens' perception and informing public understanding of the roles of the various public officials and institutions.

## INTRODUCTION

Over the course of the months of June and July 2019, Parliament has received media and public attention owing to controversies concerning the remuneration of Parliamentarians and the tensions between the Senate and the National Assembly.

Members of Parliament (MPs) contend, their salaries fail to take into account, the fact that citizens expect and request compassionate support to pay bills for health and education. As a justification for seeking an increased salary and additional allowances, the Members argue they finance this expectation.

Given the tensions between the two Houses, over the division of revenue between the national and county governments, Senators as defenders of the constitution demand additional funding to counties while the National Assembly members counter the Senate's position on account to loss of revenue at the county level due to corruption and mismanagement of public funds.

Citizens have taken note of the Members of Parliament in support of increased salaries and the stalemate has greatly undermined service delivery at the grassroots therefore undermining citizens' livelihoods.

In the contending of the foregoing issues, MPs come across as being self-seeking and the executive as being terrible in executing its mandate. Citizens feel and perceive the Parliamentarians as being overpaid individuals whose role is not entirely clear while the executive is seen as not being considerate of citizen's realities and pressures in the delivery of its function.

For instance, in June 2019, the Executive under the leadership of the relevant Cabinet Secretaries and the President have managed to roll out new currency notes, a service delivery number called Huduma Numba and referendum talks. The Constitutionality of the new notes is questionable, owing to the inclusion of images of the founding President of Kenya, contrary to Article 231 (4) of the Constitution which provides that currency notes and coins should not bear images of an individual.

On the other hand, the Huduma Numba is a move by the government to shift to a biometric based system of citizen registration. However, the proposed registration system threatens constitutional rights such as key social, political and economic rights of Kenyans. Lastly, Kenyans are weary that talks of referendum have little regard to the welfare of citizens but are about realignment of interests and deepening state capture. Furthermore, the Executive stands accused of running a superficial war fight against corruption.

Mzalendo ('Patriot' in Swahili) is a non-partisan organisation that keeps an eye on Kenyan Parliament with a mission to facilitate public participation in Parliamentary processes through Information Sharing, Research and Networking. Among the tools Mzalendo uses to engage with the public is the Mzalendo website that seeks to promote greater public voice and enhance public participation in politics by providing relevant information about the National Assembly and Senate's activities. As part promoting legislative transparency and accessibility, Mzalendo endeavours to provide contact details of elected officials and whereas there are ways to reach relevant officers and officers such as websites, physical offices, email addresses and telephone numbers etc. Despite the constitutional promise of the right to information in Article 35, many Kenyans still struggle to access state and public offices for information. To understand citizen's perception of the various public offices, Mzalendo reviewed several executive and legislature profiles as availed in the institutional website.



*Masime, K CIVIL SOCIETY, CIVIC EDUCATION AND ELECTION OBSERVATION IN KENYA Paper presented at the African Research and Resource Forum (ARRF) Expert Analysis and Reflection Meeting, on 22nd August 2012, at Hotel Boulevard*

Mzalendo undertook an analysis of the questions and comments left by Users on the profiles of Parliamentarians, Cabinet Secretaries and the Presidency from March 2013 to 8 August 2017. The analysis focused on the following three leaders, who had the most engagements as captured :

1. A legislature (Gideon Mbuvi) - in 2013, he was the senator of Nairobi
2. A Cabinet Secretary (Fred Matiang'i) – During the period under research, he had held two powerful portfolios ICT and Education but his profiles received most posts while he served under the latter docket.
3. The President Uhuru Kenyatta - is on the portal as he is also a former MP. He is currently serving his last term as President after a tumultuous election in 2017.

## **PROBLEM STATEMENT**

Civic awareness research reports by the Kenya Human Rights Commission (KHRC) and Constitution and Reform Education Consortium (CRECO) have revealed that there is a gap in the public civic awareness. Kenyans do not understand the role and responsibilities of the various elected and appointive office holders. Although the number of legislators has significantly increased, the general perception in the country is that it has not borne much value. When ranking a Parliamentarians success and impact the public seems to apply a yardstick unrelated to the official roles and responsibilities of MPs.

For this reason, Mzalendo being rooted in empowering citizens decided to interrogate the above by analysing the communication of visitors to their site to various leaders profiles. The three leaders' profiles – listed above – had the most comments and were selected for the case study. This analysis looked at the comments, requests made and any other information provided by those that visited the profiles and compared it with the role of the leaders.

This report presents a snapshot of public demands of elected and appointive political leaders with a view to inform the evolution of communication policies of duty bearers and civic education provided by various CSOs and other stakeholders. The report will also be a commentary on Mzalendo's work and its impact on public participation.

The intention of this report is to catalyse a conversation on citizen awareness on the roles of the different state and public offices. This is especially pertinent given the current calls for constitutional amendments. For citizens to make informed choices on the sort of amendments required, they need to have a clear understanding of the roles and expectations of each of these offices.

### ***Why is civic education important?***

“The price of apathy towards public affairs is to be ruled by evil men”

## **Plato**

The Constitution of Kenya 2010 marked a power shift from a centralized, all-powerful leader to the citizens of Kenya. Sovereignty of the people is the first article in the document. However, this ideal risks remaining just that, unless citizens have the awareness, knowledge and capacity to exercise this sovereignty. Sovereignty is exercised directly and indirectly through elected and appointed leaders. These leaders are tasked to deliver certain obligations for the public to transform their lives in the manner envisioned by CoK 2010. Therefore, citizens, like any good supervisors, must oversight, give feedback and correct their members of parliament. To do this, citizens must understand the roles and responsibilities of their leaders/servants; they must know how to access them and must have the relevant information to act.

While the Constitution of Kenya 2010 is not overt in a provision for civic education, this is presumed in the following;

1. Article 1 (1) and (2) declares that sovereignty belongs to the people and that they can either exercise it directly or through democratically elected representatives, respectively.



2. Article 10 (2) (a) provides for public participation.
3. Article 118 obligates Parliament to put in place systems for public participation.
4. Article 174 provides that among the objects of devolution was to give powers of self-governance to the people of Kenya and enhance public participation.
5. Article 201 provides public participation as among the principles of public finance management in Kenya.

Civic education refers to the process of conveying aspects for citizenship including rights and duties, related knowledge, skills and dispositions to the people of a country. Civic knowledge has to do with the content of what citizens have to know; for example, the institutions and processes as well as the values and principles of democracy. Civic skills are the intellectual skills or critical thinking skills and participatory skills for interacting, monitoring, and influencing. Civic dispositions refer to private and public character traits that support democratic governance. The private character traits include moral responsibility, self-discipline, and respect for human rights whilst public ones include civility, respect for the rule of law, compromise etc. (Branson and Quigley 1998).

Civic education has been used in other jurisdictions to inculcate democratic values, skills and practices among citizens; for example, in the United States after the 1861 to 1865 civil war which claimed more than 685, 000 lives 85 years after independence, and (West) Germany after the Second World War (see MOJNCCA 2012:3). Both countries became very successful democracies.

Unfortunately, the mechanisms in place for civic and voter education are far from adequate. Although there are a number of civic and voter education initiatives that are already taking place, the efforts are hampered by weak policy and legislative frameworks and lack of political will, especially at the National level. Civil Society and Media play a major role in existing initiatives but this is also not consistent due to resourcing, shrinking civic space and diversity of the actors.

## FINDINGS

### 1. - LEGISLATURE

Gideon Mike Mbuvi was the profile selected to represent the citizens interaction with the legislature. He was the Senator, Nairobi County in the 11th Parliament and Member of Parliament for Makadara Constituency in the 10th Parliament. He rose to national political prominence when he was elected as the MP for Makadara Constituency, at the age of 35.

With the promulgation of the Constitution of Kenya 2010; the 2013 General Elections ushered in new political representation such as the Senate and County Governments . Sonko ran for Senator in Nairobi County and won becoming the first Senator of Nairobi after the General Elections of 2013. Whereas his stint in the 10th Parliament was marked with his notoriety for is also during this time that he formed the Sonko Rescue Team that provided government-like services to residents of Nairobi's informal settlements. This initiative was later registered as an NGO in 2017 just before the General Elections.

He is however, not known for substantially contributing to policy discussion or legislation; in fact Mzalendo reports show his performance in the house to be lacklustre. In 2015, Sen. Sonko only spoke four times in the Senate and there was nothing substantial that he said. In his four "speeches" one of them was a point of order and the second one was welcoming MCAs in the Senate. Nevertheless, due to his flamboyant persona outside the precinct of Parliament, his profile on Mzalendo received highest interaction from the public.

Sonko served a full term until 2017 when he ran for and won the position of Governor becoming the second Governor of Nairobi County. For the purposes of this report, we will be analysing perceptions during his period as Senator of Nairobi.

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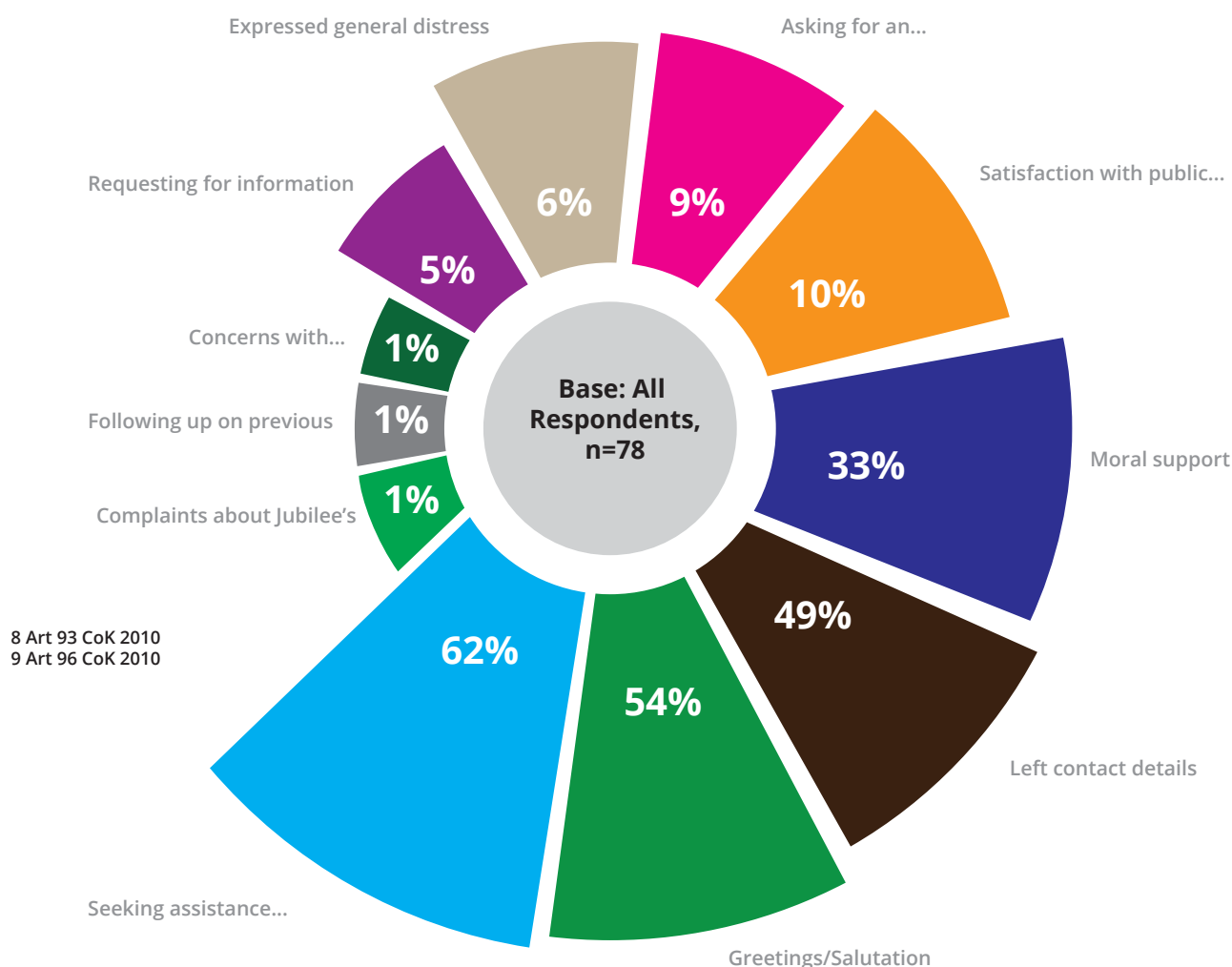
*The Constitution of Kenya, 2010 created a decentralized system of government where two of the three arms of government; namely the Legislature and the Executive are devolved to the 47 Political and Administrative Counties as provided for under Article 6 and specified in the First Schedule. The primary objective of this decentralization is to devolve power, resources and representation down to the local level.*

Analysis shows received few requests on his roles as a senator. According to the constitution, the Role of the Senate and therefore the Senator is to represent the counties, and serve to protect the interests of the counties and their governments. Secondly, the Senate is expected to participate in the law-making function of Parliament by considering, debating and approving Bills concerning counties, as provided in Articles 109 to 113.

The Senate and the National Assembly are both mandated to determine the allocation of national revenue among counties, as provided in Article 217, and exercises oversight over national revenue allocated to the county governments. Lastly, Senate participates in the oversight of State officers by considering and determining any resolution to remove the President or Deputy President from office in accordance with Article 145.

**Analysis of Data**

In the period of 2013- 2017, Mzalendo received a total number of 78 requests (from 78 individuals) to the Senator on their Social Media platforms. An analysis of these requests are as follows.



**Summation of Findings.**

62% of the comments sort the intervention of the former member of Parliament for individual needs such as educational and health payments support and business interests.

90% of the citizens on the platform were not clear with the role of a senator as outlined in the Constitution of Kenya 2010 and therefore expectations are very high. Gideon Mike Sonko Mbuvi's public persona

(Sonko rescue) overshadowed his actual role as a senator. This can be seen in the diversity of requests made to him and the appreciation for the perceived good that he is doing.

There are many citizens outside of Nairobi, including out of the country that think he can solve their problems even if he is not their elected representative.

## **2. EXECUTIVE (CABINET)**

The representative profile that informed this research for the Cabinet was that of Fred Matiang'i. Fred Okeno Matiang'i is a Cabinet Secretary (CS) currently serving as the head of the Ministry of Internal Security and Coordination of National Government after his appointment in January 2018 by President Uhuru Kenyatta . He has previously served as Cabinet Secretary in several ministries since joining public service.

He first served as the CS for Information Communication and Technology from 2013. In 2015, President Uhuru Kenyatta, appointed him as the CS for Education Science and Technology in a cabinet reshuffle. He had also previously been in acting capacity as the Cabinet Secretary for Lands. In 2017 after the sudden demise of Gen. Joseph Kasaine Ole Nkaissery, he was added the responsibility of the acting Cabinet Secretary for the Ministry of Internal Security and Coordination of National Government in Kenya. He took up this position substantially after being appointed by the President in January 2018 in the president's second broad cabinet appointments.

For the purpose of this report, we will be looking at his tenure as the CS for Education, Science and Technology. During the period in review this was the second most powerful Ministry after Internal Security in terms of budgetary allocation. His appointment came at a time when the education sector was rife with allegations of cheating and leakage during the national examinations. Dr. Matiang'i embarked on radical reforms starting with sending home officials from the examining body; Kenya National Examination Council (KNEC) and restructuring the security protocols for handling exam papers and administration of exams. Other policy reforms put in place regarding the examination of the national Secondary and Primary examinations included;

Head teachers were now directly responsible for examinations carried out in their examination Centre instead of the County Education officer as had been the case before.

Social activities were banned in the third term of the school calendar in order to reduce unnecessary contact between the exam candidates and outsiders.

The maximum duration in which the KCSE examination could be carried out was limited to four weeks from the initial six.

Results from the KCSE national examination were released within one month down from the three months that it took before. This was to prevent the possibility of alteration of results.

The Constitution of Kenya 2010 provides for a maximum of 22 ministries, each headed by a Cabinet Secretary who is not a Member of Parliament unlike previously. The CS must be vetted by a parliamentary committee before their appointment.

The idea of a technically qualified minister rather than a purely political minister who was also an MP appeared during the era of the Constitution of Kenya Review Commission (CKRC) and was popular with the Kenyan public eventually resulting in the provision within CoK 2010 for ministers to have relevant skills or qualifications.

The role of a Cabinet Secretary as per CoK 2010 includes

- i. being accountable individually, and collectively, to the President for the exercise of their powers and the performance of their functions.
- ii. attending before a committee of the National Assembly, or the Senate, when required by the committee, and answer any questions concerning a matter for which the Cabinet Secretary is responsible.
- iii. act in accordance with the Constitution; and provide Parliament with full and regular reports concerning matters under their control.

Furthermore, in relation to Education the responsible CS is responsible for national policies and programs that help Kenyans access quality and affordable, school education, post-school, higher education and academic research.

The Ministry of Education, Science and Technology derives its mandate from the Constitution of Kenya, Chapter Four, Articles 43, 53, 54, 55, 56, 57, and 59 which have provisions on children's right to free and compulsory basic education, including quality services, access to education institutions and facilities for persons with disabilities that are integrated into society, to the extent compatible with the interests of the person.

Provisions on the use of Sign language, Braille or other appropriate means of communication, and access to materials and devices to overcome constraints arising from the person's disability are also included. Additionally, the articles address issues of youth access to relevant education and training; access to employment; participation and representation of minorities and marginalized groups in governance and other spheres of life, special opportunities in educational and economic fields, and special opportunities for access to employment. The rights of minorities and marginalized groups to reasonable access to water, health services and infrastructure are also enshrined, as it is incumbent upon government to develop a culture of human rights, promote gender equality and equity and facilitate gender mainstreaming in national development"

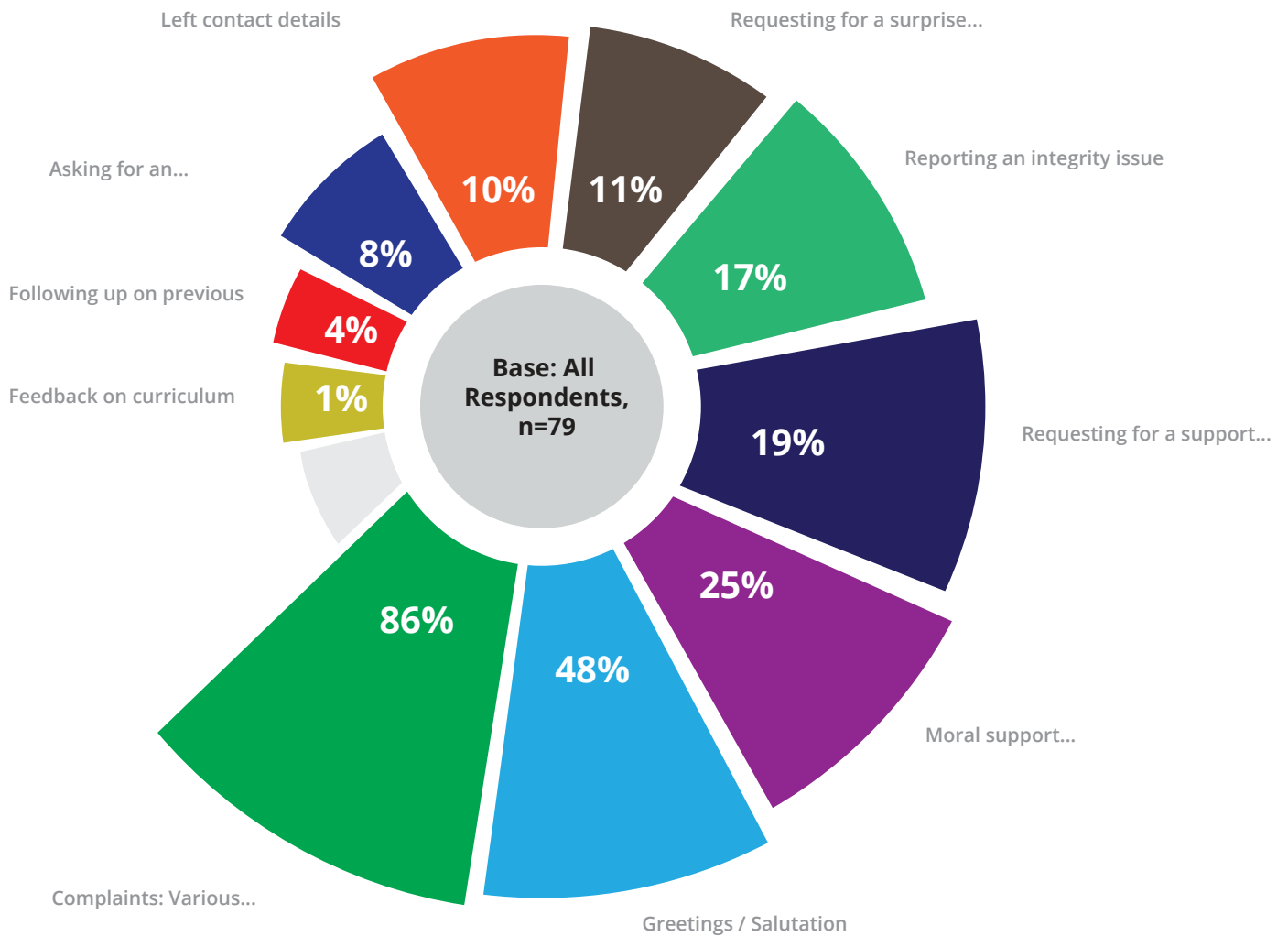
#### **Summation of findings**

- i. 86% of the requests or inquiries made to the CS were directly in relation to his role as the CS for Education unlike in the case of Senator Sonko. This could imply that when citizens understand a public officer's role then they can interrogate or measure the performance the officer/office accordingly.
- ii. There is great appreciation by citizens for the work Mr. Matiangi was doing as the CS Education. A large number of the comments were appreciation and congratulations on a job well done.
- iii. Similarly, expectation on the individual is higher than for the office. Matiangi's reputation especially boosted by the media for his no-nonsense approach enhanced his public image to the extent that many feel he can solve their problems and make his juniors do their jobs. Many citizens are just looking for information or clarification so there is a need to create awareness on where information can be found publicly.
- iv. Many respondents mentioned specific schools (and/or location) and even individuals in their complaints. The relevant offices and feedback given could easily follow up this information.
- v. Complaints varied from various institutions of learning to policy and administrative institutions like HELB, KUCCSP and TSC.

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<https://www.voanews.com/a/a-13-a-2002-12-29-8-kenyatta-66272807/539991.html>  
*Rice, Xan (2008-04-14). "Kenya announces new power-sharing cabinet". The Guardian. According to the IEBC, Raila Odinga who had contested under ODM in the CORD coalition with Kalonzo Musyoka of Wiper Party as his running mate garnered 5,340,546 votes (43.4%) and was thus the second in the field of eight candidates. CORD, under the leadership of presidential candidate Raila Odinga, lodged a petition with the Supreme Court of Kenya on 10 March 2013 challenging Uhuru's election*

- vi. The cost of education still remains a major barrier for Kenyans despite the moves to make primary and secondary education free. More needs to be done.
- vii. Many citizens are desperate to reach their duty bearers but do not know how to. There is a gap in knowledge on which departments deal with which issues as well as frustration with lack of feedback or resolution of their issues.
- viii. There is a need to do more civic education on Education in the devolved structure and the responsibilities of different state actors in the education sector so that citizens also know where to channel their issues.
- ix. Citizens and privacy – many people leave personal numbers, email addresses and information for all to see. There is a need to do more sensitisation about digital security and use of social media.



### 3. THE PRESIDENCY

Uhuru Muigai Kenyatta is the fourth and current President of the Republic of Kenya. He served as a Member of Parliament (MP) for Gatundu South from 2002 to 2013. He is also the current party leader and a member of the Jubilee Party of Kenya, he was previously involved with The National Alliance (TNA) and before that the Kenya African National Union (KANU).

Uhuru was nominated to Parliament in 2001 and appointed Minister for Local Government under President Daniel Arap Moi. In the General Elections of December 2002, he ran as KANU's candidate for president, but lost to the opposition candidate Mwai Kibaki by a big margin. Later he became Leader of the Opposition in Parliament. He was re-elected MP for Gatundu South in the December 2007 General Elections and was appointed Minister of Local Government by Kibaki in January 2008, before becoming Deputy Prime Minister and Minister of Trade in April 2008 as part of a coalition government. Thereafter, Uhuru was appointed Minister of Finance from 2009 to 2012, while remaining Deputy Prime Minister.

Uhuru was accused by the International Criminal Court (ICC) of committing crimes against humanity in relation to the post-election violence of 2007/8, he resigned as Minister of Finance on 26 January 2012. He was elected as President of Kenya in a close contest during the March 2013 presidential election under The National Alliance (TNA), which was part of the Jubilee Alliance coalition with his running mate William Ruto's United Republican Party (URP). Raila Odinga disputed the election results at the Supreme Court which however held that the election of Uhuru was valid and such irregularities as existed did not make a difference to the final outcome.[1] Uhuru Kenyatta was therefore sworn in as President on 9 April 2013.

On 11 August 2017, the Chairman of the IEBC, Wafula Chebukati announced Uhuru's re-election to a second term in office during the 2017 Kenyan general election, with 54% of the popular vote. This was later contested in the Supreme Court which annulled the Presidential Election. Following this annulment, a second election was required in which Uhuru Kenyatta won with 98% of the vote with a 38% voter turnout, the Court upheld this latter election and Kenyatta was duly sworn in.

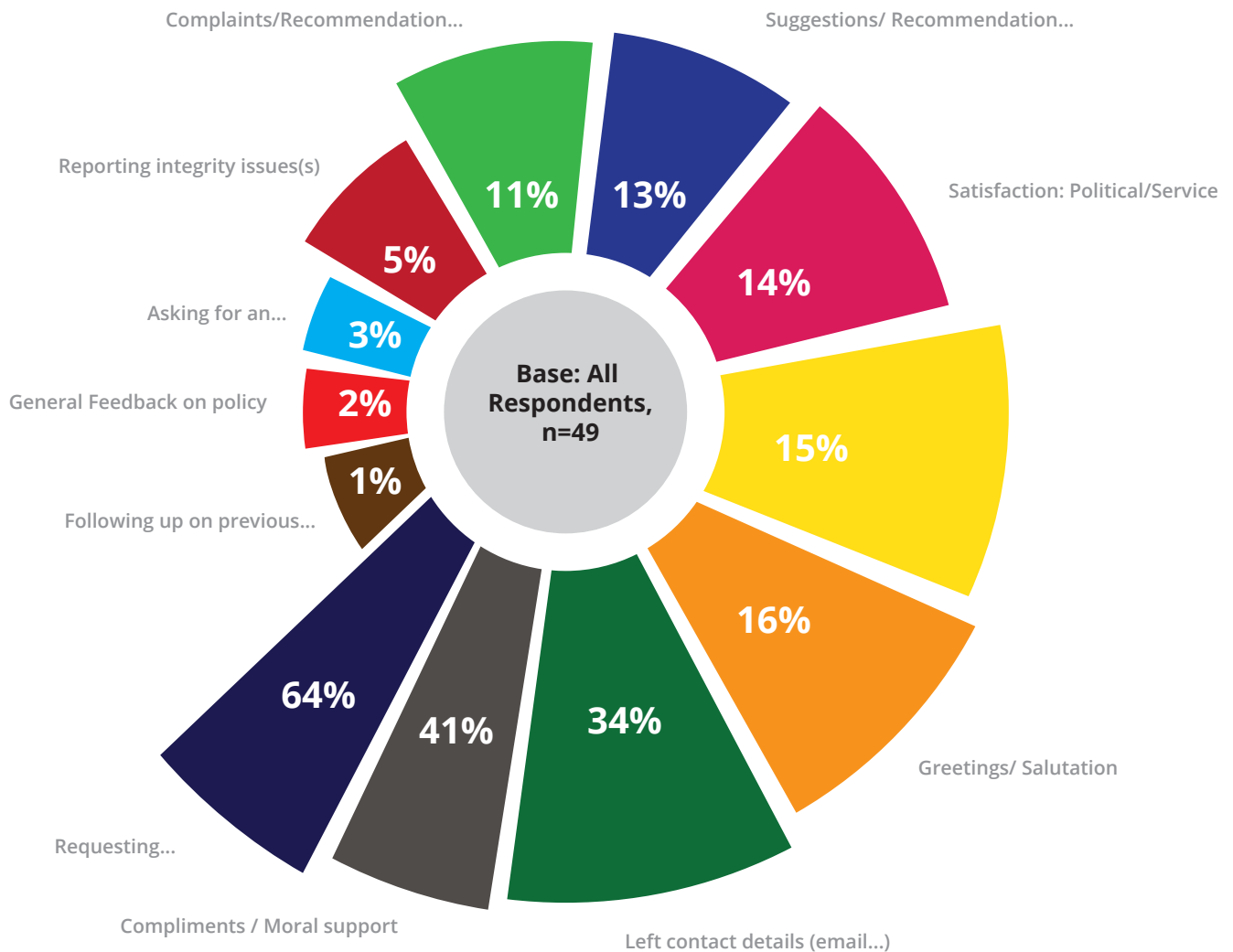
This report covers Uhuru Kenyatta's first term (March 2013 – August 2017). The Constitution of Kenya 2010 states that the President is the Head of State and Government and exercises the executive authority of the Republic, with the assistance of the Deputy President and Cabinet Secretaries. He/She is also the Commander-in-Chief of the Kenya Defence Forces, the chairperson of the National Security Council; and is a symbol of national unity.

Therefore, the president of Kenya is responsible for organising and coordinating government business in the most effective and efficient way by robust policy formulation, review and decision-making, giving technical direction for the performance of key public sector entities and appointing the right people to Cabinet, the Attorney General amongst other offices.

The President is expected to respect, uphold and safeguard this Constitution; the sovereignty of the Republic; promote and enhance the unity of the nation; promote respect for the diversity of the people and communities of Kenya; and ensure the protection of human rights and fundamental freedoms and the rule of law.

Article 132 of the Constitution of Kenya details the functions of the President which include Parliamentary functions, reporting on implementation of the Constitution, International Obligations, appointing and dismissing State and public officers and running government business.

## Analysis of Data



### Summation of findings

- i. There are comments from Diaspora from both Kenyan and non-Kenyans with comments varying from support, complaints about the Consulate, trade/investments and condolences. People try to reach the presidency on a wide number of issues globally.
- ii. Despite the polarisation witnessed in Kenyan politics, those trying to reach the President are very diverse geographically including opposition strongholds. Interestingly, it also includes public servants.
- iii. There is a gap in knowledge on which departments deal with which issues and frustration with lack of feedback or resolution of their issues. The latter in particular comes out strongly in those reaching out to the president. He had the highest number of people leaving personal contact details, requesting appointments or contact details and following up on previous communication.
- iv. The largest number of requests/issues were around financial assistance/economic empowerment and employment. This could be an indicator of the cost of living being a challenge to many.
- v. The second largest comments were appreciation for the President's work and moral support especially closer to election time.
- vi. Citizens and privacy – as earlier observed citizens share a lot of personal information on public platforms (34%).
- vii. Despite the fact that Uhuru Kenyatta had both personal and official Facebook, Twitter, Website and Official Office where he could be reached, citizens feel that platforms like Mzalendo is an alternative to reach their leaders.

## SUMMARY OF FINDINGS

The following is a summary of key findings:-

1. There is an obvious gap in civic awareness about the roles of the President, Parliamentarians and Cabinet Secretaries. It was interesting to note the public found it easier to engage the appointed Cabinet Secretaries on their actual tasks but demands to the elected officials - President and Parliamentarians were unrelated to their official roles and responsibilities. The challenge is caused by several factors which include lack of consistent Civic Education, lack of information, poor public service, lack of feedback amongst others.
2. Media plays a key role in public perception and capacity. Media can shape public perception in the coverage that they give individuals occupying some of these offices. The media also has a role to provide information and can bridge the gap mentioned above however they have not always stepped up in directing the public to the right place. This is particularly evident when you look at the requests to Sonko. In contrast, the coverage of CS Matiang'i has profiled the CS in relation to his actual role bolstered as delivering on the same. What did the CS do that was different to the Senator?
3. Although there is a need to do more work on civic awareness we can see that a mind shift has happened in Kenya from the Kenyan under single party rule to the Kenyan under CoK 2010. This Kenyan is more aware of their rights, more confident in their ability to ask for services and explore alternative means to do so.
4. The role of technology cannot be gainsaid in the access that it has afforded Kenyans. Kenyans do not have to physically go to offices to get information or services. Nevertheless, majority of Kenyans are still not on digital spaces so there must be a balance to cater for all categories of Kenyans.
5. However, with technology and digital spaces also come new risks. Many of the people that posted on the Mzalendo left personal details like name, telephone numbers (sometimes more than one number) and email address where anyone can see. One of the ways the state can also protect citizens is through privacy and data regulations coupled with robust civic education on digital safety.
6. From the analysis of the requests made, it is evident that many of these Kenyans were very frustrated. Some had tried official channels severally, failed, and thus resorted to other means such as the Mzalendo portal. Therefore, platforms like Mzalendo's are invaluable for increasing access to information for Citizens.



## RECOMMENDATIONS

There is a need to identify the Policy and institutional gaps in providing information, public participation and accessing Public and state offices and put in place measures to address them.

### *Parliament*

1. There is need to develop the capacity of State and Public officials in public communication beyond campaigning and populism to ensure people focused messaging and information. Parliament should invest in a communication plan for the institution and relevant training and induction for the MPs and staffers.
2. MPs have a responsibility to educate the public or redirect their issues to the relevant office. The Member of Parliament is an office comprising the elected individual and functionaries paid for by the taxpayers; that support the individual to deliver on his/her mandate. This office must be deliberate in its information and communication strategy including allocating resources (financial and personnel) to this function. The personnel designated must have clear Terms of Reference and Capacity.
3. The MP's office would designate certain days for responding to issues and even generate score sheets of which issues have been handled, referred elsewhere and feedback given
4. It would be important for MPs to utilise their official communication channels such as their office, official email, telephone number, parliament website profile etc. Not only would this be clear for public matter but also easier to analyse and get a sense of the emerging issues.
5. Parliament should provide live-feed to committee work accessible via their Television Channel, Radio and via You-tube for greater transparency, accountability and easy reference by media and the public.

### *Executive – Cabinet*

1. State and public offices must provide clear and up to date information on their services including service charters using means accessible to the public - online and offline.
2. There is need to develop the capacity for State and public officials in public communication to ensure people focused messaging and information.
3. They must also invest in robust complaints and redress mechanisms; strong and responsive communication strategies which could include polls and surveys to improve the strategy. There is value in having dedicated persons or teams to analyse requests and respond to them if required.
4. It is also important to have information officers at Director level. State and public offices should ensure that Information officers should have strong and clear TORs.
5. These offices should partner with Civil Society, media and other actors who can direct citizens, support Civic Education, awareness creation and strengthen the capacity of citizens to engage.

### *Executive - Presidency*

1. The Presidency (the individual and the office) must understand the role well and articulate it consistently and correctly. This can be a challenge when the office bearer is also a political figure however it is possible. The office must have strategic communication interlinked with the communication strategies of other offices under the executive and even the legislature.
2. The Presidency should be accessible through out without appearing to be more accessible during the electoral period and less in between.
3. The office should have dedicated email, social media accounts, current website and telephone numbers. These could be analysed regularly and re-directed accordingly for response.
4. There should be regular official communication from the office based on emerging issues, existing plans being implemented by Government and generally progress in relation to the role.

### *Media*

1. Media plays a key role in public perception. It can shape public perception in the coverage that they give individuals occupying State and public offices. The media also has a role to provide information, educate and interrogate for accountability.
2. Therefore, media practitioners must be informed and understand CoK 2010 and any other relevant laws or policies.
3. The media should profile State and Public officers in relation to their roles and responsibilities rather than sensationalising. It should provide the public with objective assessments of the performance of these officers in relation to the assigned roles.
4. The media should partner with Civil Society and other actors to support Civic Education, awareness creation beyond the elections, holding state and public officers accountable and strengthening the capacity of citizens to engage.

### *Mzalendo and Other CSOs*

1. There is a need to do more work educating citizens on the Constitution of Kenya (CoK); especially roles and responsibilities of State actors at both the National and County levels. Civic Education must be continuous, consistent and innovative.
2. More research should be done to see how citizens contact their leaders and the efficacy of the various platforms available for doing so. This could include letters sent, social media of the representatives or their offices, visits to their offices etc.
3. There should be advocacy and policy dialogue to push for more accessible, accurate and timely information from state and public offices.
4. There is need for citizen sensitisation and education on using digital spaces safely and advocacy for the enactment of data protection and privacy laws to protect citizens.
5. Mzalendo should also make their website more accessible for the diversity of its audience. Mzalendo could consider having Kiswahili as an option for language and formats that can be accessed by PWDS.
6. Mzalendo should consider partnerships with Parliamentarians using their official emails to engage the public for a pilot on possibilities and impact.
7. Platforms like Mzalendo and other CSOs should enhance the resources available for civic education on the roles of public officials.

## CONCLUSION

Paulo Friere wrote thus of leaders interested in changing the state of their society: “Revolutionary leaders do not go to the people in order to bring them a message of “salvation” but in order to come to know through dialogue with them both their objective situation and their awareness of that situation – the various levels of perception of themselves and of the world in which they exist. One cannot expect positive results from an educational or political action programme, which fails to respect the particular view of the world held by the people. Such a programme constitutes cultural invasion, good intentions notwithstanding.

There must be deliberate and sustained efforts to ensure that Kenyans benefit from the Public Servants elected and appointed to provide service for them. The CoK2010 guarantees the sovereignty of Kenyan citizens and enshrines the responsibility of these public servants to activate that sovereignty. Furthermore, it provides an overall framework through the National Values and Principles of Governance in Article 10 and various rights in the Bill of Rights.

Kenya still has policy, legislative, institutional and political hurdles, compounded by the lack of clear implementation and complaints mechanisms; an entrenched culture of secrecy; citizens’ lack of awareness of their right to information; and public officials’ limited understanding of their obligations under the same.

A policy framework must therefore be put in place with comprehensive legislation and actively implemented at both National and County level. These would include Public Participation, Civic Education and Access to information.

There are many advantages if even just information is made available to the public. First of all, access to the right information has an impact on the enjoyment of other fundamental rights including life, health and education. Which as is evidenced from this research are the main concerns of citizens.

The right information has ripple effects on all other aspect of life, be they political, economic, social or cultural. The provision of correct information gives individuals the facts and awareness they require to participate effectively in the democratic process that Kenya embarks on. As Article 19 points out, an informed public is more likely to contribute to the economic development of any society compared to an ignorant public, and may also act as a guard against corruption within and outside of government.

Therefore, concerted efforts must be taken to remove the many obstacles that prevent Citizens from receiving quality services from their leaders and participating effectively in their governance; and these leaders have an opportunity to champion these efforts.

## Annexures

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