



MZALENDO

# **From Promise to Implementation:**

A Review of the 2017  
Political Party  
Manifestos and the  
Impact on the  
Legislative Agenda

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Mzalendo Trust

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## ABBREVIATIONS

ANC	African National Congress
ANC	Amani National Congress
ARC	Alliance for Real Change
BBI	Building Bridges Initiative
CCM	Chama Cha Mapinduzi
CCM	Chama Cha Mashinani
CCU	Chama Cha Uzalendo
CHADEMA	Chama Cha Demokrasia na Maendeleo
CORD	Coalition for Reforms and Democracy
CSO	Civil Society Organization
DA	Democratic Alliance
DP	Democratic Party
DPP	Director of Public Prosecutions
ECK	Electoral Commission of Kenya
EFF	Economic Freedom Fighters
EFP	Economic Freedom Party
FDC	Forum for Democratic Change
FORD-K	Forum for the Restoration of Democracy – Kenya
GBV	Gender Based Violence
ICC	International Criminal Court
JKIA	Jomo Kenyatta International Airport
JP	Jubilee Party
KADU	Kenya African Democratic Union
KANU	Kenya African National Union
KENDAK	Kenya National Democratic Alliance
KII	Key Informant Interviews
KNC	Kenya National Congress
KPIs	Key Performance Indicators
KPU	Kenya People's Union
KSC	Kenya Social Congress
MCCP	Maendeleo Chap Chap
MOH	Ministry of Health
MP	Member of Parliament
NARC	National Rainbow Coalition

## ABBREVIATIONS

NASA	National Super Alliance
NDC	National Democratic Congress
NGO	Non-Governmental Organization
NIMD	Netherlands Institute for Multiparty Democracy
NP	National Party
NPP	New Patriotic Party
NRM	National Resistance Movement
NYS	National Youth Service
ODM	Orange Democratic Movement
ORPPK	Office of the Registrar of Political Parties of Kenya
PDR	Party for Development and Reform
PEV	Post Elections Violence
PICK	Party of Independent Candidates of Kenya
PNU	Party of National Unity
POA	Party of Action
PWD	Persons with Disabilities
RBK	Restore and Build Kenya
RC	Republican Congress
TNA	The National Alliance
UDP	United Democratic Party
UPDF	United Democratic Front
URP	United Republican Party
WDM	Wiper Democratic Movement

## ABOUT MZALENDO

Mzalendo Trust is a Kenyan non-partisan Parliamentary Monitoring Organization (PMO) registered in 2005 whose mission is to 'keep an eye on the Kenyan parliament.' Through information sharing, research and networking, Mzalendo promotes greater public voice and enhances public participation in politics by providing relevant information about the National Assembly and Senate's activities.

The organization endeavours to build the people's trust and interest in parliamentary business through a number of initiatives, including tracking and communicating the outputs of the Members of Parliament (MPs). In so doing, Mzalendo entrenches democratic and good governance values, in line with the Constitution of Kenya, 2010.

Through research in various topical governance issues, Mzalendo aspires to inform and engage in fact driven advocacy for improved governance. Target areas include fair representation and participation of Special Interest Groups: Women, Youth and Persons with Disability (PWDs), data protection and access to information, open and accountable government and political party governance.

## FOREWORD

Party manifesto is the primary tool via which every political party makes its position known in a raft of issues touching on the governance of a country. They play a crucial role in capturing, presenting and communicating a party's organized thinking. It is a tool that ideally allows for accountability in political party systems. In organized systems, where political parties are anchored on sound structures and crafted along strong ideological foundation, manifestos form part of the tools and platforms via which the parties are able to engage with the electorate through definite and clear elucidation of standpoints on various political, economic and social issues that are of paramount importance to the country. Their visibility and utility materialise during elections, whereby they enable the electorate to delineate their choices from a cocktail of alternatives.

In Kenya, the Constitution of Kenya, 2010 (COK, 2010) seeks to streamline political parties within the country's governance ecosystem. Articles 91 and 92 provides for, among other things, a basic regime guiding responsible governance of political parties, including composition, leadership and principles. The Political Parties Act, 2011 further seeks to entrench effective management of political parties. Specifically, with regard to party documentations, Section 17 (1) (c) provides that: 'A political party shall maintain at its head office and at each of its county office in the prescribed form, an accurate and authentic record of... a copy of the policies and plans of the political party.' Besides, the Constitution establishes central values that bind every person and entity within the country's bounds. Article 10 of the COK, 2010 provides, among other things, that '(T)he national values and principles of governance include good governance, integrity, transparency and accountability.'

Despite the robust and revolutionary legal provisions, effectiveness of party manifestos, as tools of accountability and good governance in the political space remains a challenge in Kenya. In light of the foregoing, Mzalendo Trust commissioned the study to prompt a profoundly informed understanding of the place of party manifestos in the country (Kenya). To help guide and achieve the overall objective, the study was designed to undertake the following: Review the history of political party manifestos in Kenya; review the existing legislation and policies that provide for party manifestos (if any); review the party manifestos used by different political parties in the 2017 national elections; identify the implementation of various legislation and policies stemming from party manifestos; provide a thorough analysis of the impact of these policies and legislation and; identify potential opportunities for political parties to improve their party manifestos and how to promote their awareness to citizens. Ultimately, it is hoped that the final output would creatively steer the conversation toward establishing the optimal role and place of party manifestos within Kenya's governance ecosystem.

**Caroline Gaita**



**Executive Director**

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## EXECUTIVE SUMMARY

This report examines the promises in the political party manifestos that prevailed during Kenya's 2017 general election, and their implementation thereafter. The report evaluates whether, and how the political parties/coalitions fulfilled the promises in their manifestos towards the promotion of constitutional principles of: (1) inclusion and equality, (2) good governance, and (3) devolution. The report reveals that political parties/coalitions do not make explicit references to the manifestos in their legislative agenda, and largely disregard them immediately after elections.

As such, the ruling Jubilee Party's (JP) legislative agenda was influenced by the government's priority areas, rather than an exploration of the ideas in the 2017 manifesto. The opposition's National Super Alliance (NASA) was at a more disadvantaged position in the implementation of its 2017 manifesto, given the prioritisation of government legislations in Kenya's presidential system, and its subsequent disintegration and promotion of government policies.

More so, the report establishes that the political parties/coalitions' negation of their manifestos is enabled by their lack of strong ideological positioning. Additionally, Kenya's political outcomes are influenced by ethnicity, personalities, and other considerations, rather than policy positions. The lessons learned in this project provide the way forward on how political parties/coalitions can execute their manifestos to trigger a paradigmatic shift towards issue-based politics in the country.

## CHAPTER

## 1

# INTRODUCTION

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### 1.1. Introduction

Since attaining independence from the British in 1963, Kenya's political culture has been synonymous with the salience of ethnicity, personalities, regionalism, clannism, and other factors than policy considerations during elections. At the same time, political parties consistently use manifestos to outline their programmes for the people in case they win elections and form government. Against this backdrop, Mzalendo Trust (hereafter 'Mzalendo') seeks to trigger a national conversation on how political party manifestos can be used by the electorate and civil society as tools for political accountability, hence the commissioning of this study.

This study is part of Mzalendo's Strengthening Civil Society Impact on Kenya's Policy Making and Governance Processes for Inclusive Democracy project. Supported by the Netherlands Institute for Multiparty Democracy (NIMD), the project seeks to strengthen civic engagement in political processes for responsive, inclusive, and accountable governance. The study of political party manifestos in Kenya is therefore part of Mzalendo's contribution towards deepening issue-based politics in the country. Some of the questions that this report grapples with include: the extent to which political party manifestos count during and after elections; how they translate into policy and legislation; and whether party manifestos actually influence parliamentary agenda and policy initiatives.

The study is set against the backdrop of Kenya's new constitutional dispensation that was envisaged to transform the country's governance trajectory and political culture. Particularly, Article 91 of the Constitution of Kenya, 2010 outlines the basic requirements for political parties, including adherence to national values and the principles of governance as specified in Article 10. The Article establishes that the national values and principles of governance are: patriotism, national unity, the rule of law, democracy and participation of the people, social justice, devolution, inclusiveness, equality, human rights, non-discrimination and protection of the marginalised, good governance, integrity, transparency and accountability.

Towards the realization of the the national values and principles of governance, this study reviewed the various political party/coalition manifestos during the 2017 election. This is with regards to their promises and subsequent legislations and policy initiatives or proclamations on the following issues:

- Promotion of inclusion and equality (including ethnic diversity and the use of Kiswahili, and empowerment of women, youth and, persons with disabilities (PWDs);
- Promotion of good governance (including anti- corruption campaigns, transparency and accountability, and the rule of law);
- Promotion of devolution.

## 1.2. Contextual background

Globally, political parties campaign on the platform of manifestos that are derived from their distinct ideological orientations. For example, the United Kingdom's Conservative Party is center-right and founded on conservatism, while the center-left Labour Party is based on social democracy. Hence, the political parties articulate varying policy positions in their manifestos. Africa has its fair share of consolidated democracies whereby political parties are founded on distinct ideological positions, notably post-apartheid South Africa and Ghana. The two countries' experiences with democratization can provide important lessons to Kenyans' quest for issue-based politics.

In South Africa's constitutional democracy, there are a number of contending political ideologies that shape the countries' political party positions on governance, and the subsequent formulation of their manifestos. This is well exhibited in the dominant African National Congress (ANC), and its challengers such as the Democratic Alliance (DA), the Economic Freedom Fighters (EFF) and several others.

Since its establishment in 1918, the ANC has been known to champion African nationalism, which has evolved to include aspects of social democracy and inclusive nationalism that rest on "freedom for all" and "unity for all."<sup>1</sup> Partly due to these ideals, the ANC has won all the elections in democratic South Africa, albeit with apparent difficulties in transitioning from a liberation movement to a ruling party.<sup>2</sup>

The ANC's failures have led to demands for change among section of South Africans, which new entrants such as the DA and the EFF have tapped into by offering alternative ideals and policy positions. Although the DA in its present form is a relatively new political party, it can be traced to the 1950s' Progressive Party (PP) that was opposed to the ruling National Party (NP). Formally consolidated as the DA in 2003 (after several splits and mergers), the party is generally a centrist party based on liberal-democratic ideals. The party sums up its ideology as "open, opportunity driven society for all" as opposed to the ANC's "closed, crony society for some"<sup>3</sup>. Conversely, the EFF was founded in 2013 as a "radical and militant economic emancipation movement"<sup>4</sup> that struggles for economic emancipation of the majority black South Africans. Led by Julius Malema, the EFF builds upon Marxist-Leninist ideologies in its "analysis of the state, imperialism, culture and class contradictions in every society."<sup>5</sup>

Similarly, Ghana is a progressive democracy that conducts regular, competitive, free and fair elections, with peaceful transfer of political power<sup>6</sup>. Ghana's success has been enabled by vibrant political parties that compete on the basis of different ideologies, hence significantly neutralizing the salience of ethnicity and other anti-democratic platforms.

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<sup>1</sup>Chitja Twala, 'The African National Congress (ANC) and its ideological shifts over time: Attempts to define or re-define its ideological identity?' *Mediterranean Journal of Social Sciences*, 5, No.20 (2014): 1988-1992.

<sup>2</sup>Pankratius Bojabotseha and Kholeka Moloi, 'A critical analysis of the African National Congress's dominant hegemonic liberal Discourse', *Mediterranean Journal of Social Sciences* 5 no.1 (2014):313-323.

<sup>3</sup>The Democratic Alliance, 'DA manifesto: election 2009', 2009, <https://allafrica.com/download/resource/main/main/idadcs/00011762:c63b905661cdf37bc81bd375119b1044.pdf> (accessed 21 September 2020), 2.

<sup>4</sup>Economic Freedom Fighters, 'About us', 2020, <https://effonline.org/about-us/> (accessed 22 September 2020).

<sup>5</sup>Ibid.

<sup>6</sup>Cadman Atta Mills, 'Politics, policy and implementation: the Ghanaian paradox', 2018, , <https://www.brookings.edu/blog/africa-in-focus/2018/07/18/politics-policy-and-implementation-the-ghanaian-paradox/> (accessed September 18, 2020).

In Ghana's 'Fourth Republic,' party politics is structured around two main political traditions: Nkrumaism, that is considered by many as the political left, and Danquah-Busiaism as the center right. The ideological variances are manifested in the New Patriotic Party (NPP) and the National Democratic Congress (NDC), which belong to the latter and the former, respectively. The two political parties have dominated the Ghanaian political scene since the post 1992 new constitutional dispensation.

At the same time, the two political parties generally follow the same path with regards to policy propositions: "neo-liberal economics and liberal democracy with a huge dose of populism"<sup>7</sup>. Hence, the political parties often exhibit similarities in their manifestos, thus blurring their ideological differences. This phenomenon is similarly observable in the Kenyan context, which is further aggravated by instances of anti-democratic behaviour such as state repression on the opposition and manipulation of electoral outcomes. These tendencies are synonymous with the emerging democracies in the East African region and beyond.

The implication is that the prevalence of anti-democratic practices limits the relevance of political party manifestos in electoral competitions and outcomes. In Uganda for example, those who prefer continuity often vote for the ruling National Resistance Movement (NRM) that boasts of 'broad based politics' and having restoring peace and stability. Alternatively, groups that aspire for change and have traditionally been marginalized opt for the Forum for Democratic Change (FDC) and other opposition parties. Whereas the NRM regime often taps into such ideals as "patriotism (anti-sectarianism and anti-gender-chauvinism); pan-Africanism; socio-economic transformation; and democracy"<sup>8</sup> in drafting its manifestos, the limitations on the opposition's activities give it undue advantage.

The same scenario applies to Tanzania, where the ruling Chama Cha Mapinduzi (CCM) deploys repressive tactics against the main opposition, Chama Cha Demokrasia na Maendeleo (CHADEMA). Over the years, CCM has drifted away from its founding pedestals of socialism (ujamaa) and adopted social democracy. Given that CHADEMA is also founded on social democracy, the two political parties usually adopt similar policy positions with minor variations. On a positive note however, Tanzania's politics has overcome the ethnic problems that are associated with Kenya, as the electorate identify with the various political parties based on their positions on governance and affinity with the founding foundations of the nation under Julius Nyerere.

Therefore, Kenya can learn from South Africa's, and to a lesser extent Ghana's and Tanzania's success stories of establishing political parties on firm ideological foundations that transcend ethnicity, regionalism and personalities. Despite a history of campaigns on political party manifestos since independence in 1963, Kenya's political contests have continued to relegate policy positions to the periphery. This eventuality has provided incentives for political parties to negate on their campaign promises immediately after elections.

In the 1963 independence election, KANU campaigned on a platform of African socialism, with strong commitments to centralization and revolutionary changes in the health, education, land and industrial sectors<sup>9</sup>. Alternatively, KADU advocated majimboism (regionalism) and a less dynamic programme. However, the basis for the political parties' support was their ethnic bases, with KANU representing

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<sup>7</sup>Gyimah-Boadi and Emmanuel Debrah, 'Political parties and party politics,' in: Agyeman Duah (ed.) *Ghana: Governance in the Fourth Republic*. (Accra: CDD-Ghana, 2018), 151-2

<sup>8</sup>Yoweri Museveni, 'Refocusing on the National Resistance Movement (NRM) ideological orientation,' 26 July 2016, <http://www.statehouse.go.ug/media/speeches/2016/07/26/re-focusing-national-resistance-movement-nrm-ideological-orientation> (accessed 21 September 2020).

<sup>9</sup>Ibid.

the interests of the dominant Kikuyu, Luo and Kamba communities as KADU stood for the minority Kalenjin, coastal and white communities.

Whereas KANU won the independence elections and embarked on implementing some of the promises on its manifesto<sup>10</sup>, the party's leadership abandoned the democratic ideals that formed part of its African socialism<sup>11</sup>. Kenya's founding President, Jomo Kenyatta, increasingly adopted authoritarian tendencies and abandoned the party's promises on land redistribution, equal opportunities for all, regional balance and so forth. Kenyatta prohibited multipartyism, leading to KANU's reign of terror against dissent, and the privileged access of Kenyatta's Kikuyu community to employment and economic opportunities.

Perhaps in an effort to boost its legitimacy, the single party state conducted periodic elections in which political competition was limited to the parliamentary level as the presidency remained uncontested. Nonetheless, KANU dutifully published manifestos in every electoral cycle for the sole reason of stating the party state's programmes for the people. This trend continued after Kenyatta's death in 1978 and his succession by Daniel Toroitich arap Moi. Following in Kenyatta's footsteps, Moi intensified KANU's authoritarianism, with adaptations to his own philosophy of peace, love and unity.

However, political liberalisation that began in the early 1990s led to the registration of several political parties, including: the Forum for the Restoration of Democracy (FORD)<sup>12</sup>, the Kenya National Congress (KNC), the Kenya Social Congress (KSC), the Party of Independent Candidates of Kenya (PICK), the Kenya National Democratic Alliance (KENDA), the Democratic Party (DP), and so on. The advent of multiparty politics challenged KANU's dominance in a number of ways, including the presentation of competing ideas for the country's governance.

Thereafter, political party manifestos evolved from merely portending as state policy documents to a marketplace of alternative ideas and programmes that the electorate were to choose from. This would be the case in the first multiparty general election of 1992, and the subsequent ones in 1997, 2002, 2007, 2013, and 2017 that were contested by the old political parties and newly established parties/coalitions. In all the elections, policy considerations played peripheral roles in the electorate's choices, as ethnicity, regionalism, and the state's manipulation of the processes were more pronounced.

The 2013 general election was the first to be conducted under the new constitutional dispensation. The election also coincided with ongoing cases at the International Criminal Court (ICC) against alleged masterminds of the 2007/2008 post-election violence (PEV), including Uhuru Kenyatta and William Ruto who had presidential ambitions. Collectively, these realities influenced the establishment of political parties, coalition building, and the subsequent ideas in the manifestos. The most common theme was the parties/coalitions' commitments to the implementation of the provisions of the Constitution of 2010.

First, Kenyatta and Ruto formed the Jubilee Alliance as a coalition of the former's The National Alliance Party (TNA) and the latter's newly crafted United Republican Party (URP). The Jubilee Alliance

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<sup>10</sup>See for example, Republic of Kenya, 'African socialism and its application to planning in Kenya,' (1965), <https://www.knls.ac.ke/images/AFRICAN-SOCIALISM-AND-ITS-APPLICATION-TO-PLANNING-IN-KENYA.pdf> (accessed 10 September 2020).

<sup>11</sup>Amos Kareithi, 'Ideology rows and power battles that killed the dream of Lumumba College,' Standard 31 March 2019; Bildad Kaggia, w.de Leeuw and Katz Kaggia, *The struggle for freedom and justice: The life and times of the freedom fighter and politician Bildad M. Kaggia (1921-2005)* (Nairobi: Transafrica Press, 2012).

<sup>12</sup>Later on, FORD split into FORD Asili and FORD Kenya owing to disagreements over the party's leadership.

later roped in Charity Ngilu's National Rainbow Coalition (NARC), and Najib Balala's the Republican Congress Party of Kenya (RC). Given the Jubilee Alliance's origination from the 2007/2008 PEV events, its leadership developed a manifesto that was anchored in the ideology of order, unity and progress that Kenyatta and Ruto adopted in their opposition to liberal democratic norms.<sup>13</sup>

More specifically, the Jubilee Alliance's manifesto titled *Transforming Kenya: Securing Prosperity 2013-2017* was based on three pillars: unity (*umoja*), economy (*uchumi*) and openness (*uwazi*) that were separately expounded with clarifications of a set of sub-themes.<sup>14</sup> The Jubilee Alliance's 2013 manifesto also made references to adherence to constitutional provisions, such as the third gender principle in government appointments, national cohesion and unity, devolution, and the overall implementation of the constitution.<sup>15</sup>

The promises on implementation of the new constitution were most conspicuous in the Coalition for Reforms and Democracy's (CORD) manifesto. Comprising Raila Odinga's Orange Democratic Movement (ODM), Moses Wetangula's FORD-Kenya, Kalonzo Musyoka's Wiper Democratic Movement (WDM), and other small parties, CORD anchored its 2013 campaigns on institutional reforms.<sup>16</sup> CORD stated its vision as "commitment to the realisation of a Kenyan society founded on popular democracy and social justice, where all citizens enjoy equal political, economic and socio-cultural rights and live in harmony and unity."<sup>17</sup>

Similarly, undertones of implementation of the new constitution were evident in the Amani Coalition of Musalia Mudavadi's United Democratic Front (UDF) Party, Eugene Wamalwa's New Ford-Kenya and Gideon Moi's KANU. The coalition pledged full implementation of the constitution, adherence to the rule of law and the gender principle, equitable distribution of resources in the 47 counties, in addition to a number of economic and social welfare interventions.<sup>18</sup>

The same tone of implementing the new constitution was seen in Martha Karua's NARC-Kenya, Joseph ole Kiyiapi's Restore and Build Kenya (RBK), Paul Muite's Safina, and Mohammed Dida's Alliance for Real Change (ARC). Additionally, the Eagle Alliance that brought together Peter Kenneth's Kenya National Congress (KNC) and Raphael Tuju's Party of Action (POA) campaigned on a platform of transformational leadership.<sup>19</sup>

Overall, there are glaring differences among Kenya's political parties, albeit with possibilities and opportunities for shifting alliances. This is enabled by the dynamic nature of Kenyan politics, in which the conclusion of an electoral cycle immediately marks the beginning of the next. The consequences have been the formation of new political parties/coalitions in order to serve emerging interests. Kenyan political parties Kenya are often willing to compromise on their positions, hence the idea that they are less ideologically distinct. As a result, they can easily adopt compromises on policy positions, regardless of their core ideological orientations.

Most importantly, Kenyan elections are often perceived as inter-group contests in zero sum games whereby the winner takes all, rather than a competition over ideas. This has led to electoral related conflicts amongst competing ethnic groups, whose disastrous repercussions are best illustrated by the 1992, 1997, 2007, and 2017 post-election violence.

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<sup>13</sup>Ibid.

<sup>16</sup>Coalition for Reforms and Democracy, 'Manifesto 2013: Unleashing Kenya's potential', 2013, <https://www.kenya-today.com/wp-content/uploads/2013/01/CORD-Manifesto-2013.pdf> (accessed 13 September 2020).

<sup>17</sup>Ibid.,10.

<sup>18</sup>The Standard, 'Amani team outlines national growth agenda,' The Standard, 11 February, 2013.

Nevertheless, manifestos are permanent features in Kenya's political ecosystem. In all the country's post-independent elections, competing political parties/coalitions have dutifully published and publicized their manifestos, outlining their ideological orientations and promises to the electorate. According to a Member of Parliament (MP), political parties spend a lot of energy in developing manifestos with the awareness that they are not necessarily the basis upon which Kenyans vote, but as plans for 'a government in waiting'.<sup>20</sup> These sentiments were echoed by a political party official with the view that "although the majority of Kenyans might not be interested in political party manifestos, they make sense in preparing parties/coalitions to be in government<sup>21</sup>." A seasoned political party official opined, thus: "manifesto are written as promises to be effected if elected."<sup>22</sup>

Seemingly, manifestos are important tools that Kenyan political parties have to contend with owing to a number of reasons. First, manifestos are only part of the wider campaign framework whereby political parties deploy a number of strategies in reaching out to a dynamic electorate. Whereas the majority of the population often make their choices based on ethno-regional, personality, financial and other motivations, a few others consider the promises that parties advance as partly communicated in their manifestos.<sup>23</sup>

Second, manifestos portend as markers of distinct identities of various parties/coalitions, thus distinguishing them from other contenders to political power. In so doing, manifestos offer operational frameworks for political parties/coalitions, even in the absence of strict adherence to the spirit and letter of the manifestos. In other words, manifestos define party positions on various issues affecting the country, and provide solutions on how to address them.

Given the usefulness of manifestos, they will still continue to be important aspects of Kenya's political discourse. Moreover, the less consideration of party manifestos by the electorate is not unique to Kenya, as politics across many other parts of the world are centered on specific social inclinations such as race, religion, ethnicity, regionalism, and so forth. In the absence of a radical shift, party policies will still rank at the bottom of the voter's choice, and hence the urgent need to find modalities of moving towards policy-based politics in the country. This is the conversation that the findings in this report seek to trigger.

### 1.3 Justification for the study

The findings in this study have implications on triggering conversation on issue-based politics in Kenya. Beyond the study's significance in highlighting the immediate use of political party manifestos (in election campaigns) as well as their long-term impacts (in development of policies and legislation), the study portends as a social audit of the various promises that were made by various political parties/coalitions during the 2017 general election. Hence, this study contributes to holding political parties accountable to the promises they make to the electorate. It is also expected that the findings of this study will increase awareness among the general population on political party manifestos, including their relevance during election and afterwards.

Moreover, the recommendations in this study provide opportunities for various stakeholders to engage with political party manifestos, ranging from their central roles in campaigns and impacts on legislation

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<sup>19</sup>British Broadcasting Corporation, 'Profiles of Kenya's presidential candidates,' BBC, 1 March, 2013.

<sup>20</sup>Interview with Member of Parliament, Nairobi, Kenya, 11 September, 2020.

<sup>21</sup>Interview with senior official, FORD-Kenya, Nairobi, Kenya, 11 September 2020.

<sup>22</sup>Interview with senior official, FORD-Kenya, Nairobi, Kenya, 12 September 2020.

<sup>23</sup>These sentiments were expressed by a number of interviewees who participated in this project.

and policies. Particularly for political parties, this study has important recommendations on how promises in political party manifestos can be linked with legislative agenda, as well as communication to the wider public for more access and impact.

#### 1.4 Methodology

The study employed descriptive research design that benefited from primary and secondary data sources. Qualitative primary data was obtained from 24 key informant interviews (KIIs) with officials of political parties, elected representatives, and political party experts between September 4 2020 and October 6 2020. Quantitative primary data was derived from an online administered survey that attracted 207 respondents in September 2020. Secondary data was obtained by evaluating the available literature on political parties and manifestos, such as legislations, journal articles, media and online sources, and government and non-governmental organizations (NGOs) repositories.

The qualitative primary data collected was subsequently analyzed through the more grounded theory approach where evidence collected raised new sub-questions for further investigations. Following the theory, data was concurrently collected and analyzed, as opposed to other methodologies. Quantitative data was entered into statistical software in order to generate descriptive statistics, which was summarized and cross tabulated per question asked.

#### 1.5 Organization of this report

This report is presented in six chapters. This introduction is followed by chapter 2, which focuses on the policy and legal framework of political parties in Kenya. The chapter describes the contributions of the Constitution of 2010, the Political Parties Act, 2011 and the Office of the Registrar of Political Parties (ORPP) in the regulation of political parties more generally, and their specific roles in governing political party activities, including manifestos.

Chapter 3 attends to the political party manifestos during the 2017 elections, with respect to their promises on the promotion of the constitutional provisions on inclusion and equality, good governance and devolution. The chapter examines the particular promises in the manifestos of the Jubilee Party (JP), the National Super Alliance (NASA) coalition, the ARC, the United Democratic Party (UDP), as well as those of independent presidential candidates.

Chapter 4 evaluates the extent to which the 2017 political party manifestos were translated into parliament's legislative agenda and policy initiatives. It is herein revealed that the JP has thus far failed in fulfilling most of the promises in its manifesto despite having a clear majority in parliament owing to the shifts in government priorities. For its part, the NASA coalition has thus far been unable to implement the promises in its manifesto given its failure to form government, and a feeling of less obligation to do so after the voters' verdict in October 2017. The chapter also attests to responses on non-implementation of the constitutional principles by the public and political parties.

Chapter 5 concludes the report with the lessons learned between the promises in the party manifestos and their implementations. The chapter further provides a number of recommendations to various actors on how to improve the probabilities of the manifestos' implementation, and increasing their access to the citizenry as a roadmap to issue based politics in Kenya.



## CHAPTER

## 2

# THE POLICY AND LEGAL FRAMEWORK FOR POLITICAL PARTY MANIFESTOS IN KENYA.

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### 2.1 Introduction

Kenya has a total of 71 fully registered political parties and an additional 10 parties that have provisional registration<sup>24</sup>. The multiple political parties articulate diverse views and aggregate various interests within the Kenyan society. The political parties are governed by an elaborate legal and policy framework, as part of the country's efforts towards the institutionalization of politics. Generally, political party activities in Kenya are guided by the provisions of the Constitution of Kenya, 2010 and the Political Parties Act, 2011. In turn, the Political Parties Act, 2011 provides for the establishment of the Office of the Registrar of Political Parties (ORPP) that regulates the affairs of political parties.

### 2.2 The Constitution of Kenya, 2010

Between 1963 and 2006, political parties in Kenya were regulated by the Registrar of Societies within the ambit of the Societies Act (Cap.108), that covered private associations such as women organizations and football clubs<sup>25</sup>. Subsequently, in 2007, Political Parties Act was enacted by the National Assembly in order to provide for the "registration, regulation, and funding of political parties and for matters incidental thereto and connected therewith<sup>26</sup>.

The Political Parties Act, 2007, which came into force on 1st July 2008, provided for the establishment of the office of the Registrar of Political Parties within the Electoral Commission of Kenya (ECK). The registrar's mandates included inter alia, "the registration of political parties in accordance with the provisions of this Act, the arbitration of disputes between members of a political party and maintaining a register containing a list of the registered political parties and such other particulars relating to

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<sup>24</sup>Office of the Registrar of Political Parties of Kenya, 'List of political parties,' September 2020, <https://www.orpp.or.ke/index.php/en/political-parties/list-of-political-parties> (accessed 3 September 2020).

<sup>25</sup>Office of the Registrar of Political Parties, 'Historical evolution of political parties,' 2020, <https://www.orpp.or.ke/index.php/en/2-uncategorised/7-political-parties> (accessed 17 September 2020).

<sup>26</sup>Political Parties Act, 2007.

a registered political party as may be prescribed.<sup>27</sup> Closely linked to the notion of political party manifestos, section 22 (c) of the Act affirmed that provisionally registered parties were entitled to “the provision by the State of fair opportunity to present the party’s programmes to the public.”<sup>28</sup>

More explicitly, the Constitution of Kenya, 2010 revolutionized the administration and regulation of political parties with express provisions on their alignment with Kenya’s quest for democratic consolidation. As the country’s overall governing framework, the Constitution of Kenya, 2010 guides the operations of all political parties whether it is their recruitment processes, leadership structures, campaign strategies or even articulation of their programmes in various platforms, including manifestos. For instance, Article 91 of the constitution establishes the basic requirements for political parties and states the principles upon which political parties shall be founded. The Article stipulates, inter alia, that political parties should adhere to national values of unity, equality and equity, as well as democratic principles of good governance. In turn, national values and principles of good governance are highlighted in Article 10 of the Constitution. They include inter alia: “patriotism, national unity, sharing and devolution of power, the rule of law, democracy and participation of the people, human dignity, equity, social justice, inclusiveness, equality, human rights, non-discrimination, good governance, integrity, transparency and accountability.” Further, Article 92 provided for Parliament to enact legislation on political parties, a provision that occasioned the enactment of the Political Parties Act, 2011.

### 2.3 The Political Parties Act, 2011

The Political Parties Act, 2011 was enacted by Parliament to “provide for the registration, regulation and funding of political parties, and for connected purposes<sup>29</sup>” In so doing, the Act has express provisions for the formation, and requirements of political parties which are tied to the provisions of the Constitution of Kenya, 2010. The Act also provides for mergers, coalitions and deregistration of political parties.

With regards to political party manifestos, section 15 (c) of the Act states that provisionally registered parties are entitled to “the provision by the State, of fair opportunity to present the political party’s programmes to the public by ensuring equitable access to the State-owned media.” Furthermore, section 17(1) of the Act stipulates that “a political party shall maintain at its head office and at each of its county office in the prescribed form, an accurate and authentic record of”, inter alia, “a copy of the policies and plans of the political party.”

As further clarified, the obligation on political parties to keep records serves the goals of institutionalization, deepening public participation, educating party members and the larger public, and enhancing accountability and transparency<sup>30</sup>. Among the records that political parties are required to keep are: the party constitution, nomination and internal election rules, party manifesto and other policy documents including policy, strategic plans, reporting documents, party financial records and latest audited accounts, as well as names and contacts of party officials and elected representatives to public offices<sup>31</sup>.

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<sup>27</sup> Ibid.

<sup>28</sup> Ibid.

<sup>29</sup> Political Parties Act, 2011.

<sup>30</sup> Office of the Registrar of Political Parties, *supra* note 104.

<sup>31</sup> Ibid.

## 2.4 The Office of the Registrar of Political Parties (ORPP)

Pursuant to the Political Parties Act, 2011, the ORPP was established for enforcement purposes. Section 33 of the Act states that the ORPP is a state office in accordance to Article 260 of the Constitution, and “shall be independent and shall not be subject to direction or control of any person or authority.” The ORPP performs a number of functions, including the registration, regulation, monitoring, investigating and supervising political parties in order to enhance compliance with the Act.

In respect to political party manifestos, the first schedule of the Political Parties Act, 2011 lists the code of conduct of political parties. These are: (1) the promotion of policy alternatives that respond to the concerns, needs and the interests Kenya (2) respecting and upholding the democratic process in their competition for political power in order to implement their policies, and (3) promoting consensus building in deliberations on national policies. Additionally, the third schedule of the Act on ‘basic requirements for coalition agreements’ alludes to the notion of political party manifestos by enlisting (1) “the policies and objectives of the coalition” and (2) “the policy initiation, policy consultation and policy decision making structure, rules and procedures” as significant elements for such arrangements. The ORPP has made some remarkable achievements since its establishment. These include enforcing compliance with the Political Parties Act, 2011 and regulating political parties. Although there are still challenges, the ORPP has established an institutional environment that is predictable and transparent in the operation of political parties.

## 2.5. Conclusion

Seemingly, Kenya has developed elaborate legal and policy frameworks for the regulation of political party activities. These include the Constitution of Kenya 2010 which acts as the country’s overall governing framework, the Political Parties Act, 2011 and the ORPP. However, there are no explicit provisions for the regulation of political party manifestos, as they are generally subsumed within the rubric of political party activities.

## CHAPTER

## 3

# POLITICAL PARTY MANIFESTOS IN THE 2017 GENERAL ELECTION

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### 3.1 Introduction

The 2017 general election was the second in Kenya under the 2010 Constitution. Characteristic of Kenyan politics, the main political parties/coalitions that participated in the previous 2013 general election had transformed in their identities and composition. To illustrate, the ruling Jubilee Alliance had morphed into the JP following the dissolution of its constituent members (TNA, URP and RC), as well as other 14 political parties that joined the Alliance. Moreover, the JP cooperated with KANU and other small parties, such as Maendeleo Chap Chap Party (MCCP), Economic Freedom Party (EFP), Party of Development and Reform (PDR), the DP, and PNU. For its part, the opposition's CORD had transformed into the NASA coalition. The coalition was joined by Charity Ngilu's NARC, and the newly established Amani National Congress (ANC) of Musalia Mudavadi, Isaac Ruto's Chama Cha Mashinani (CCM) and Wavinya Ndeti's Chama Cha Uzalendo (CCU).

However, Mohammed Dida's ARC, Shakhhalaga Jirongo's UDP and Ekuru Aukot's the Thirdway Alliance did not form coalitions. There were also three independent presidential candidates, namely: Japheth Kaluyu, Michael Wainaina and Joseph Nyagah. Perhaps, all the three independent presidential candidates together with the ARC and the UDP did not publish comprehensive manifestos owing to their limited organizational capacities. Nonetheless, their promises to the electorate can be gleaned from their engagements with the electorate on a number of platforms, such as social media, the televised presidential debate, occasional media briefings, roadshows, personal websites and so on. Nonetheless, the UDP failed to actively campaign hence the inability to access the party's promises during the 2017 elections.

The JP, the NASA coalition and the Thirdway Alliance published manifestos under which they outlined their visions for the country and a number of governance programmes. This chapter highlights the contents of the political party manifestos and those of independent candidates during the 2017 general

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<sup>32</sup> Alphonse Shiundu, 'Factsheet: Kenya's new parliament by numbers,' Africa Check, 31 August 2017, <https://africacheck.org/factsheets/factsheet-kenyas-new-parliament-numbers/> (accessed on 23 September 2020).

<sup>33</sup> Christopher Nyamuta, 'Only four political parties have published their manifestos, shows report,' Baraka FM, 24 July 2017, <http://barakafm.org/2017/07/24/only-four-political-parties-have-published-their-manifestos-shows-report/> (accessed 6 October 2020).

election. This is with regards to their promises on promoting constitutional principles of: (1) inclusion and equality (2) good governance and (3) devolution.

The JP marched into the 2017 general election against the backdrop of an incumbency advantage, hence its subsequent campaigns on a platform of progress from its achievements over the years. As the first government under the new constitutional dispensation, the JP had enacted many legislations that gave life to the new constitution, in addition to undertaking many development programmes. Hence, the JP framed its 2017 manifesto as “continuing Kenya’s transformation together.”<sup>34</sup>

Although the JP’s transformational agenda was dominated by developmental discourse (such as development of physical infrastructure, information and communication technology (ICT), agriculture, health, housing, job creation and so on), the party also committed to implementing the provisions of the Constitution of Kenya, 2010.<sup>35</sup> With regards to the latter, pillars one and two of the JP’s manifesto (transforming lives, and transformation of societies, respectively) focused on fulfilling the ideals of the new Constitution.

While launching its manifesto on 27th June 2017, the NASA coalition presented itself as the vanguard of Kenya’s democracy, change and implementation of the provisions of the 2010 Constitution. In this regard, leaders of the opposition coalition framed the impending elections as a choice between “faithful implementation of our new constitutional dispensation, and yet another triumph of the old order.”<sup>36</sup>

Thus, the NASA manifesto titled ‘A strong nation: National Super Alliance coalition manifesto 2017’ contained a six-point plan with elaborate promises on implementing the constitutional provisions of inclusion and equality, good governance, and devolution alongside development, job creation and poverty eradication and so forth. In summary, NASA presented itself as the “coalition of the constitution” and its manifesto as that of “fundamental change”<sup>37</sup>. The coalition’s manifesto was largely influenced by the political ideals of its most dominant partner—the ODM— which had already developed its own manifestos in readiness for the elections<sup>38</sup>.

The Thirdway Alliance was established in 2014 to ostensibly bring about change in Kenya’s political leadership by uniting Kenyans from all walks of life and championing transformational, responsive and progressive politics<sup>39</sup>. The Alliance positions itself as “the people’s alternative leadership with a country of one nation with one people exercising and enjoying their political, social, economic, cultural, religious rights and freedoms in an environment of respect, dignity and replete with integrity”<sup>40</sup>. With this idealist orientation, the Thirdway Alliance contested the 2017 elections as the best choice for Kenyans vis-à-vis the JP and the NASA formations. These ideals were elaborated in the party’s six pillars that dealt with various aspects of governance.

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<sup>34</sup> Jubilee Party, ‘Continuing Kenya’s transformation, together,’ 2017, <http://deputyresident.go.ke/images/jpmanifesto2017.pdf> (accessed on 22 September 2020).

<sup>35</sup> NTV, ‘Overview of the Jubilee Party manifesto 2017 pledges,’ 26 June 2017, [https://www.youtube.com/watch?v=umjMGT6pEJQ&ab\\_channel=NTVKenya](https://www.youtube.com/watch?v=umjMGT6pEJQ&ab_channel=NTVKenya) (accessed 18 September 2020).

<sup>36</sup> Aggrey Mutambo, ‘Nasa launches six-point manifesto,’ Nation, 27 June, 2017.

<sup>37</sup> The National Super Alliance, ‘A strong nation: National Super Alliance coalition manifesto 2017,’ 27 June 2017, <https://s3-eu-west-1.amazonaws.com/s3.sourceafrica.net/documents/118488/NASA-Manifesto-2017.pdf> (accessed 27 September 2020).

<sup>38</sup> Interview with a former senior advisor to the NASA technical committee, Nairobi, Kenya, 11 September 2020. See also, The Orange Democratic Movement, ‘Deepening reforms for equity and justice: Our plan for government 2013-2017,’ [https://www.odm.co.ke/images/downloads/odm\\_manifesto.pdf](https://www.odm.co.ke/images/downloads/odm_manifesto.pdf) (accessed 17 September 2020), 21.

<sup>39</sup> The Thirdway Alliance of Kenya, ‘About us,’ September 2020, <https://thirdwayalliance.com/about-us> (accessed 17 September 2020).

<sup>40</sup> Ibid., 1.

### 3.2 Promises on promoting inclusion and equality

The JP made many commitments towards promoting inclusion and equality, which would build on the party's achievements during its first term in office. First, on women empowerment, the JP listed its 2013-2017 successes of enacting legislations on women affairs, and increased funding and development of women friendly policies. Going forward, the JP committed to "build on the momentum of the last four years to align policy and practice to our Constitution which gives equal rights to women<sup>41</sup>."

Conversely, the NASA coalition did not provide for explicit programmes on women, and only mentioned them alongside other issues. The most concrete commitment of the coalition was constitutional amendments on the principle of gender balance within the broad framework of constitutional consolidation and refinement. These were connected to envisaged changes to the system of government, sharing of resources, and involvement of county governments in the provision of security<sup>42</sup>.

Moreover, the Thirdway Alliance based its commitment to women affairs in its second pillar that was framed as 'the inclusion of the excluded'<sup>43</sup>. Alternatively, the ARC together with the independent candidates made broad promises on the inclusion of women in governance alongside other marginalized groups.

**Table 1.1. to highlight the party/coalition promises on the promotion of women's affairs**

Political party/coalition	Promises on the promotion of women's affairs
JP	<ul style="list-style-type: none"> <li>▪ Full implementation of the two-thirds gender rule in all government and parastatal appointments.</li> <li>▪ Raising women's profile in management and leadership by increasing to 30 percent the number of women appointed to CEO positions and Board chairs of public institutions.</li> <li>▪ Provision of direct lending to women-led and owned Savings and Credit Cooperative Societies (SACCOs).</li> <li>▪ Extension of the "Linda Mama" programmes for both ante-natal and post-natal services to a one-year period in order to reduce child mortality and maternity rates.</li> <li>▪ Promotion of the study of Science, technology, engineering and mathematics (STEM) among girl in schools</li> <li>▪ Streamlining the laws on property and succession with the Constitution in order to close lacuna in the law for protection of widows and safeguard women equal rights.</li> <li>▪ Provision of support and guidance on gender-based violence (GBV) in every Huduma Centre.</li> </ul>

<sup>41</sup> Jubilee Party, supra note 34.,27

<sup>42</sup> Ibid

<sup>43</sup> Ibid.

<b>The NASA coalition</b>	<ul style="list-style-type: none"> <li>▪ Constitutional amendments on the principle of gender balance</li> </ul>
<b>The Thirdway Alliance</b>	<ul style="list-style-type: none"> <li>▪ Appointing at least 1/3 of women in the cabinet.</li> <li>▪ Restricting women and youth to paying only half the amount of nominations fees for political seats.</li> <li>▪ Establishing a micro finance bank for the women and youth entrepreneurs in all the 47 counties, in cooperation with the county governments</li> </ul>
<b>Michael Wainaina</b>	<ul style="list-style-type: none"> <li>▪ Establishing the Women and Youth Finance and Development Bank by consolidating all the women and youth funds</li> <li>▪ Leading popular amendments to chapters 7, 8 and 11 of the Constitution of 2010 in order to achieve the inclusive representation of the women and youth (50 percent) in both national and county governments.</li> </ul>
<b>Joseph Nyagah</b>	<ul style="list-style-type: none"> <li>▪ Broad promises on inclusivity</li> </ul>
<b>Japheth Kaluyu</b>	<ul style="list-style-type: none"> <li>▪ Broad promises on skills training</li> </ul>
<b>ARC</b>	<ul style="list-style-type: none"> <li>▪ Broad promise on the creation of job opportunities and the welfare of the disadvantaged in the society.</li> </ul>

With regards to the inclusion of the youth in public affairs, the JP acknowledged the group's critical place in the country's future, as well as its entrepreneurial and creative spirit. Consequently, the JP made a commitment to the Kenyan people to undertake many youth specific policies and programmes if it won the 2017 elections<sup>44</sup>.

The JP's trend of overpromising the youth continued in its articulation of a vision for sports, culture and the arts, which it considered among the nation's strong unifying factors<sup>45</sup>. Overall, the JP promised to support athletes in Kenya's traditional sports of excellence, and encourage young people to explore their potentials in other sports such as basketball, rugby, swimming, cricket, hockey and volleyball<sup>46</sup>. The JP further committed to strengthening talent development teams at the ministerial level for the identification and nurturing of athletes<sup>47</sup>. Also lined up for strengthening was the institutional framework for uplifting the creative arts programmes in film, music and dance for the industry's growth, and job creation<sup>48</sup>.

The NASA coalition's promises to the youth included commitments to transforming sports. As the coalition argued, "nothing unites us as Kenyans as watching our athletes win"<sup>49</sup>. The coalition further noted how "young Kenyans have shown great potential in sports ... and yet this success and potential is not anchored on government policies or adequate support"<sup>50</sup>. More elaborate commitments to the youth were made by the Thirdway Alliance and Michael Wainaina as highlighted in the table below.

<sup>44</sup> Ibid.

<sup>45</sup> Ibid., 31.

<sup>46</sup> Ibid.

<sup>47</sup> Ibid.

<sup>48</sup> Ibid.

<sup>49</sup> The National Super Alliance, *supra* note 37.,8.

<sup>50</sup> Ibid., 8.

*Table 1.2 to highlight promises to the youth*

Political party/coalition	Promises to the youth
JP	<ul style="list-style-type: none"> <li>▪ Creating a Youth Development Council (YDC) that would facilitate all youth relevant activities and the requisite training, and mentoring and capacity building in order to link them with emerging job opportunities</li> <li>▪ Expanding young people’s participation in national development and apportioning them 30 percent of all government jobs, projects and budgets.</li> <li>▪ Transforming the National Youth Service (NYS) to implement commercial projects in Kenya and abroad in order to secure more opportunities for the youth.</li> <li>▪ Continuous Ward, Constituency and County level registration processes via the Ajira platform in order to identify young job seekers, and linking the youth to specific public projects.</li> <li>▪ Introducing a Young Professional Management Programme (YPMP) that will prepare highly talented youth to work in the Public Service.</li> <li>▪ Expanding the tax incentive framework in order to encourage organisations to engage interns.</li> <li>▪ Establishing the Biashara Bank through consolidating the Micro and Small Enterprise Authority, the Youth Enterprises Development Fund, the Women Enterprises Fund and the Uwezo Fund, with a view of coordinating support for business development and affordable financing.</li> <li>▪ Providing a structured support to the creative sectors, with high potential for youth employment and including them in the mainstream economy.</li> <li>▪ Scaling up the Studio Mashinani and Talent pia ni Kazi programmes under which the youth can record and expose creative talents to the wider market.</li> <li>▪ Continuous provision and improvement of sports facilities by completing three major stadia in Nairobi, Mombasa and Eldoret, together with the Kenya Academy of Sports.</li> <li>▪ Upgrading regional stadia (in Makueni, Kiambu, Nyeri, Chuka, and Elgeyo Marakwet).</li> <li>▪ Supporting national football clubs, and setting up youth teams and providing the sporting facilities for nurturing and developing young talent.</li> <li>▪ Implementing the Finance Act of 2015 that outlined the incentives for the growth of the local film industry, and setting up a rebate system in order to attract international film makers to the country.</li> <li>▪ Enacting the Music Bill that will promote effective music management and the development of the music industry.</li> </ul>



	<ul style="list-style-type: none"> <li>▪ Completion of the Ultra-Modern National Library at Upper Hill (Nairobi) and operationalizing the Kenya Film School</li> </ul>
<b>The NASA coalition</b>	<ul style="list-style-type: none"> <li>▪ Transforming and strengthening the legal and institutional frameworks of sporting infrastructure (government agencies, sports associations and all sporting structures).</li> <li>▪ Developing the sports industry as an opportunity for economic growth and employment platforms for the youth.</li> <li>▪ Work with county governments on sports development.</li> </ul>
<b>The Thirdway Alliance</b>	<ul style="list-style-type: none"> <li>▪ 50/50-gender and youth representation in government appointing posts, based on the country's population distribution.</li> <li>▪ Streamlining the law on the Higher Education Loans Board (HELB) loans.</li> <li>▪ Addressing penalties on unemployed graduates</li> </ul>
<b>Michael Wainaina</b>	<ul style="list-style-type: none"> <li>▪ Directing 70 percent of development expenditure for youth empowerment via skills and talent development, job creation and technological transfer.</li> <li>▪ Building the biggest youth skills and talent development center on earth.</li> <li>▪ Establishing the Millennium University of Kenya as a center of excellence.</li> <li>▪ Universal and compulsory education</li> <li>▪ Establishing a national education financing authority</li> <li>▪ Termination of performance-based discrimination in schools</li> <li>▪ Sponsorship of youth 'airlifts' to developed countries</li> <li>▪ Establishing a national mentorship programme</li> <li>▪ Establishing a national innovation center</li> <li>▪ Reviewing all education and teacher training curricula</li> <li>▪ Positioning Kenya as the creative arts and film making destination of Africa</li> <li>▪ Establishing a national youth development and support infrastructure, starting from the development of such platforms in every constituency.</li> <li>▪ Subsidizing small scale enterprises (SMES) and the cottage industry to enhance skills development and youth employability.</li> <li>▪ Partnership with the civil society, the private sector and development partners to prioritise skills development among the youth and technological transfer.</li> <li>▪ Revitalizing and modernizing agriculture in order to encourage the youth in the economic activity. Incubating at least 100 youth businesses in every county yearly</li> </ul>
<b>Joseph Nyagah</b>	<ul style="list-style-type: none"> <li>▪ Broad promises on inclusivity</li> <li>▪ Substantial funding to the youth</li> <li>▪ Regional youth conferences across the country culminating in a national conference to ensure the youth share their views</li> </ul>
<b>Japheth Kaluyu</b>	<ul style="list-style-type: none"> <li>▪ Broad promises on skills training and job creation</li> </ul>
<b>ARC</b>	<ul style="list-style-type: none"> <li>▪ Broad promise on the creation of job opportunities and the welfare of the disadvantaged in the society.</li> <li>▪ Education for all.</li> </ul>

For the promotion of ethnic diversity, the JP acknowledged that Kenya's rich diversity of culture, religion, geography and natural resources ought to be celebrated and appropriated for shared prosperity<sup>51</sup>. Subsequently, the party reiterated the constitution's narration of how "we are proud of our ethnic, cultural and religious diversity and are determined to live in peace and unity as one indivisible sovereign nation<sup>52</sup>". Thus, the JP declared its vision of "a Kenya where every person and every community is proud to be Kenyan and actively contributes to strengthen our national fabric<sup>53</sup>."

Likewise, the NASA coalition promised to "work with all Kenyans to develop" one nation that (1) considers ethnic diversity and collective aspirations, (2) is rooted in Pan-Africanism, and is (3) based on good citizenship<sup>54</sup>. The coalition made a commitment to promote national values, integrate the traditionally marginalized groups, and unleash the power of culture to unite Kenyans. The Thirdway Alliance similarly committed to 'ending tribalism and negative ethnicity', while Wainaina pledged to convene an all-inclusive national dialogue in order to chart a new path for Kenyans.

**Table 1.3 to highlight the promises on promoting ethnic diversity.**

Party/coalition	Promises on promoting ethnic diversity
<b>JP</b>	<ul style="list-style-type: none"> <li>▪ Ensure balanced development across all counties, including establishing one industry in each depending on comparative advantage.</li> <li>▪ National education in nationhood and enabling national schools as champions of integration.</li> <li>▪ Reform the National Cohesion and Integration Commission's (NCIC) mandate for effective performance of national integration functions.</li> <li>▪ Register all births and issue national identity cards (IDs) to all eligible citizens.</li> <li>▪ Use information and communication technology (ICT) in order to enable citizens to make complaints and make suggestions on matters affecting them.</li> <li>▪ Promote Kiswahili as the main language of communication</li> </ul>
<b>The NASA coalition</b>	<ul style="list-style-type: none"> <li>▪ Mainstreaming the national values in all government operations, including the requirement by all public servants to be oriented to accept that these values will govern all aspects of governance and public affairs.</li> <li>▪ Resourcing all constitutional commissions and other government structures to play proactive roles in internalization of these values throughout the country.</li> <li>▪ Mainstreaming constitutional education in the school curriculum</li> <li>▪ Reviving the Kenya National Integrated Civic Education Programme (KNICE) that was established during the Kibaki and Odinga regime.</li> <li>▪ Promoting national symbols, especially the national flag, as well as the anthem and its values and aspirations. This will include using national days and celebrations to build cohesion and unity.</li> <li>▪ Fair treatment of all Kenyans, individuals and communities, and respect to, and enforcement of their rights.</li> </ul>

<sup>51</sup>Jubilee Party, supra note 34.

<sup>52</sup> Constitution of Kenya, 2010.

<sup>53</sup> Jubilee Party, supra note 34., 38.

<sup>54</sup>The National Super Alliance, supra note 37.

	<ul style="list-style-type: none"> <li>▪ Establishment of a government that reflects the face of Kenya, including the representation of women, youth, PWDS, and marginalized communities.</li> <li>▪ Commitment to an inclusive national leadership structure.</li> <li>▪ Supporting the promotion and development of culture, including the status of Kiswahili as the national and official language, and protection of all indigenous languages and the Kenyan sign language.</li> <li>▪ Developing emerging cultural, creative and performing industries that would in turn transform Kenya as an African hub for music, fashion, cuisine, radio and television and so on, with knock on effects on creating employment opportunities for the youth.</li> <li>▪ Establishing the Kenya National Languages Council as an institutional base for the promotion and development of Kenyan languages and Kiswahili.</li> </ul>
<b>The Thirdway Alliance</b>	<ul style="list-style-type: none"> <li>▪ Creating unity in diversity as a fundamental departure from Kenyans' socialization in tribalism and tribal oppressors</li> </ul>
<b>Michael Wainaina</b>	<ul style="list-style-type: none"> <li>▪ Convening an all inclusive national dialogues</li> </ul>
<b>Joseph Nyagah</b>	<ul style="list-style-type: none"> <li>▪ Creating a government that accommodates the underprivileged and previously marginalized groups in national leadership</li> </ul>
<b>Japheth Kaluyu</b>	<ul style="list-style-type: none"> <li>▪ No specific promises</li> </ul>
<b>ARC</b>	<ul style="list-style-type: none"> <li>▪ No specific promises</li> </ul>

### 3.3. Promises on promoting good governance

The JP contested the 2017 general election with a poor history on good governance, given rampant corruption in government<sup>55</sup>, the excesses of the executive and lack of accountability<sup>56</sup>, human rights violations, impunity, and so forth<sup>57</sup>. Given the opposition's sustained attacks and campaigns on the platform of reforms, the JP developed an elaborate campaign message that captured their intentions to change course.

Particularly, the JP dedicated pillar two of its manifesto to addressing, and committing to the promotion of good governance. First, the JP focused on the fight against corruption, and reiterated its considerable progress as seen in the digitization of most public delivery services for efficiency, establishment of a multi-agency team (MAT), institutional trainings, assets recovery, enacting legislations (The Proceeds of Crime and Anti-Money Laundering Act, 2014; The Public Audit Act, 2015; and The Bribery Act, 2016), judicial reforms and enactment of the Legal Aid Act of 2016. Building on these achievements, the JP promised to regain public trust through ensuring a "transparent, efficient and accountable

<sup>55</sup>Dorothy Otieno, '11 mega scandals that hit the Jubilee Government,' Nation, 6 February, 2017.

<sup>56</sup>Kenya National Commission on Human Rights, 'Realisation of the national values and principles of governance and fulfilment of Kenya's international obligations for the period 2013-2017: Jubilee government score card, December 2017, <https://www.knchr.org/Portals/0/GeneralReports/Jubilee%20Government%20Scorecard.pdf?ver=2018-06-06-193327-647> (accessed 16 September 2020).

<sup>57</sup>Jubilee Party, supra note 34.

public service delivery<sup>58</sup>." The JP also committed to ensuring efficiency and integrity in public service delivery<sup>59</sup>.

Similarly, the NASA coalition made promises on transforming governance with particular attention to: (1) governance culture, (2) corruption, (3) public service, and (4) economic governance. The coalition promised to revert the country on a positive trajectory by embarking on a transformative process that would lead to servant leadership in all levels of authority.

Specifically, on corruption, the NASA coalition observed that the vice was deeply rooted in a tradition of impunity in government in a clear violation of the rule of law, with the complacency of the presidency<sup>60</sup>. According to the coalition, corruption was also a leadership imperative rather than a government policy issue<sup>61</sup>. Subsequently, the coalition promised to end the culture of impunity on day one if it formed the government<sup>62</sup>. More concrete commitments included the coalition members' pledges on a strict code of conduct that was spelt out in the coalition agreement alongside other measures that are outlined in table 1.4<sup>63</sup>.

The Thirdway Alliance's commitments to the promotion of good governance were centred on addressing economic and social injustices and ending theft of public funds. The Alliance also pledged to protect the constitution and the rule of law. Likewise, the independent candidates made a number of related promises on good governance.

***Table 1.4 to highlight promises on promoting good governance.***

Political party/coalition	Promises on the promotion of good governance
<b>JP</b>	<ul style="list-style-type: none"> <li>▪ Significant expansion and automation of public payment systems.</li> <li>▪ Increasing the judiciary's capacity for enhanced disposal of economic crimes, and reduced timelines for completion of economic crimes within six months.</li> <li>▪ Protection and reward frameworks for whistle-blowers.</li> <li>▪ Publication of procurement awards of major government projects at the end of each financial year.</li> <li>▪ Continuous values and ethics training for public servants.</li> <li>▪ Elimination of organized gangs, militias and vigilante groups to enhance ease of doing business.</li> <li>▪ Rolling out a service charter framework with specific timelines for rendering services and frameworks for individual accountability.</li> <li>▪ Cultivating servant leadership that is underpinned by effectiveness, efficiency and respect.</li> </ul>

<sup>58</sup>Ibid., 35.

<sup>59</sup>Ibid.

<sup>60</sup>The National Super Alliance, supra note 37.

<sup>61</sup>Ibid.

<sup>62</sup>Ibid.

<sup>63</sup>Ibid.

	<ul style="list-style-type: none"> <li>▪ Eliminating wastage in the utility of public resources, and the establishment of a General Services Agency (GSA) for administrative coordination and all procurements.</li> <li>▪ Constitution of key performance indicators (KPIs)</li> <li>▪ Implementing the states corporation’s performance programme.</li> <li>▪ Building high human capital in the school of government and other public institutions.</li> </ul>
<b>The NASA coalition</b>	<ul style="list-style-type: none"> <li>▪ Not doing business with government, directly or indirectly.</li> <li>▪ Zero tolerance of conflict of interests between public and private affairs</li> <li>▪ Full disclosure of financial interests for all officials</li> <li>▪ Demand on members and appointees to take political and moral responsibilities in case of misconduct, or dismissal.</li> </ul>
	<ul style="list-style-type: none"> <li>▪ Transforming the public service with prudent fiscal policy and public finance management.</li> <li>▪ Ending the culture of extravagance</li> <li>▪ War on cartels.</li> </ul>
<b>The Thirdway Alliance</b>	<ul style="list-style-type: none"> <li>▪ A fair taxation regime that cuts across all categories of the population</li> <li>▪ Reconstitution of the National Economic and Social Council and Vision 2030 under the Presidency in order to propagate the Thirdway enterprise economics philosophy.</li> <li>▪ Capping the earnings of the President and deputy to Kshs.500,000.</li> <li>▪ The use of public services by all public servants.</li> <li>▪ An extraordinary sitting of parliament to declare institutionalized negative ethnicity and tribalism, theft of public funds, water and food security, and a significantly disproportionate consuming nation as fundamental threats to nationhood.</li> <li>▪ Changing the political leadership</li> <li>▪ Emphasis on the role of the public in electing morally upright individuals, shunning voting along ethnic lines and embracing issue-based politics</li> <li>▪ Using audited reports to prosecute thieves of public funds.</li> <li>▪ Using recovered money to pay public debt.</li> <li>▪ Public distribution of audited reports</li> <li>▪ Price capping on public procurement of goods and services</li> <li>▪ Declaration of all payees of government suppliers.</li> </ul>

	<ul style="list-style-type: none"> <li>▪ Publication of progress reports on corruption cases.</li> <li>▪ Establishing an international commission against impunity in Kenya.</li> <li>▪ Protection of the constitution in letter and spirit.</li> <li>▪ Protecting human rights of all citizens.</li> <li>▪ The exercise of power by the people and ruling them justly and fairly.</li> </ul>
<b>Michael Wainaina</b>	<ul style="list-style-type: none"> <li>▪ Reducing the number of representatives.</li> <li>▪ Improving the quality of representation and bringing down the cost of representation.</li> </ul>
	<ul style="list-style-type: none"> <li>▪ Enforcing the principle of separation of powers between the executive and the legislature.</li> <li>▪ Institutionalizing the rule of law, and the values of patriotism and accountability through political reforms and public participation.</li> <li>▪ Ending the wastage of public resources by curbing impunity at national and county levels and declaring it a national disaster.</li> <li>▪ Stopping preferential treatment to state and public officials.</li> <li>▪ Reducing the public wage bill through rationalization of the public sector, public debt and recurrent expenditure.</li> <li>▪ Saving 30 percent of national resources.</li> <li>▪ Regulating how state and government officials conduct business with the government.</li> </ul>
<b>Jospeh Nyaga</b>	<ul style="list-style-type: none"> <li>▪ No specific comment</li> </ul>
<b>Japheth Kaluyu</b>	<ul style="list-style-type: none"> <li>▪ Ending corruption</li> </ul>
<b>ARC</b>	<ul style="list-style-type: none"> <li>▪ No specific commitment</li> </ul>

### 3.4 Promises on promoting devolution.

The JP manifestos also contained promises on promoting devolution owing to the principles' centrality in the Constitution of Kenya, 2010 and popularity amongst the majority of the population. Building on its achievements between 2013 and 2016 (such as transfer of functions to county governments, establishing a resource sharing framework and supporting county functions), the JP pledged to enhance devolution through a number of policy and legislative initiatives<sup>64</sup>.

More importantly, devolution was at the heart of the NASA coalition's 2017 campaigns, which included criticisms of the Jubilee Alliance regime's failures to entrench it, and the coalition's institutional memory with the concept. The coalition's dominant partner, the ODM, has positioned itself over the years as a champion of devolution. This dates back to the 2007 elections where the party advocated

<sup>64</sup>Jubilee Party, supra note 34.

majimbo, and the 2005 to 2010 constitutional review period where the party advanced similar ideals. A senior official in the NASA coalition opined thus, “devolution has been an issue that their presidential candidate has been advocating for”, and hence its prioritisation in the 2017 manifesto<sup>65</sup>.

The Thirdway Alliances’ pillars on protecting the constitution and the rule of law was directly linked to devolution. As the Alliance argued, “the spirit of the Constitution is that Kenya decentralizes<sup>66</sup>”, rather than the desires of a section of the political establishments for centralization<sup>67</sup>. Similar promises on promoting devolution were seen in Joseph Nyagah’s campaigns, as the other candidates made no specific commitments.

**Table 1.5 to highlight promises on the promotion of devolution**

Political party/coalition	Promises on the promotion of devolution
<b>JP</b>	<ul style="list-style-type: none"> <li>▪ Harnessing the potential of every county, including the implementation of a “one county one-product programme” to enhance development of industries in each county depending on their unique products and resource potentials.</li> <li>▪ Developing industrial clusters consisting of several counties based on their dominant economic activities.</li> <li>▪ Strengthening county public service delivery through rationalisation of the human resource function, capacity building and entrenching fiscal discipline in public finance management.</li> <li>▪ Allocating approximately one percent of research and development funds to record lessons from the counties in order to improve county management.</li> <li>▪ Establishing strong mechanisms for intergovernmental cooperation by firming the Intergovernmental Technical Relations Committee to resolve any emerging challenges.</li> <li>▪ Collaborating with county governments in the review of all the existing legal instruments with a view of addressing any gaps that undermine service delivery.</li> <li>▪ Implementing a structured system of conditional grants with the aim of enhancing county governments’ capacities to raise own revenues, initiate investment towards national priority areas, as well as strengthen their organizational credentials.</li> </ul>
<b>The NASA coalition</b>	<ul style="list-style-type: none"> <li>▪ Institutionalize cooperative governance between the two levels of government: county and national.</li> <li>▪ Strengthening county governments vide the transfer of all functions provided for in the constitution, delegation and sharing of other functions and the resources commensurate with the function.</li> </ul>

<sup>65</sup>Interview with a former senior NASA official, Nairobi, Kenya, 11 September 2020.

<sup>66</sup>The Thirdway Alliance, ‘Our pillars: Protecting the constitution, devolution & rule of law’, 2020, <https://thirdwayalliance.com/our-pillars/Protecting-the-Constitution-devolution-rule-of-law> (accessed 25 October 2020), 1.

<sup>67</sup> Ibid.

	<ul style="list-style-type: none"> <li>▪ Resolving the tensions between the national and county governments, the National Assembly and the Senate, and the Senate and County Governments</li> <li>▪ Instituting constitutional amendments in order to guarantee gender parity in political governance.</li> <li>▪ Eliminating all strategies that the Jubilee government has been using to reduce the shareable revenue, and ensure there are no delays in the transfer of funds to county governments.</li> <li>▪ Rationalizing and reorganizing old order institutions that straddle national and devolved functions, such as the road boards, water boards, and regional development authorities.</li> <li>▪ Constitutional amendments to streamline the role of bicameralism in the devolved system of government.”</li> </ul>
<b>The Thirdway Alliance</b>	<ul style="list-style-type: none"> <li>▪ Eliminating the offices of regional and county commissioners in order to give full effect to devolution.</li> <li>▪ Increase county allocations to 50 percent of the government’s revenue</li> <li>▪ Enforcing the equalization fund according to Article 204 of the constitution.</li> <li>▪ Repealing and amending all laws that undermine the constitution.</li> </ul>
<b>Michael Wainaina</b>	<ul style="list-style-type: none"> <li>▪ No specific commitment</li> </ul>
<b>Joseph Nyaga</b>	<ul style="list-style-type: none"> <li>▪ Ensuring that resources are properly utilized to the benefit of young men and women at the counties and spurring innovation and growth</li> </ul>
<b>Japheth Kaluyu</b>	No specific commitment
<b>ARC</b>	No specific commitment

### 3.5. Conclusion

From the promises made by the political parties/coalitions and the independent presidential candidates, one would imagine that the promotion of constitutional values of inclusion and equality, good governance, and devolution was a general concern across the political divide. It would be fair to imagine that the political parties that either form government and/or have substantive legislative presence would commit to the implementation of their manifestos. Nonetheless, historically, there is a demonstrable deficit in the commitment by Kenya’s political parties towards the implementation of their respective manifestos. The next chapter thus turns to an assessment of the implementation of the political party manifestos by respective parties/coalitions that won a substantial number of legislative seats and public pronouncements by parties that failed to win seats in parliament.



## CHAPTER

## 4

# TRANSLATION OF THE POLITICAL PARTY MANIFESTOS INTO LEGISLATIONS AND POLICIES, AND THEIR IMPACTS

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### 4.1 Introduction

Democratic practice demands that political parties pursue the ideas in their manifestos, whether they win or lose elections. In other words, manifestos are constant reminders of the pledges that political parties make to the electorate, hence the urgency of adherence to them. While this is generally expected in case of electoral victory, losing parties are also supposed to stay true to the ideals in their manifestos in order to increase their chances of winning the next election, or simply demonstrate how they would rule once in office.

This chapter discusses the translation of the JP's and the NASA coalition's 2017 manifestos into policy and legislation, given their win of substantial seats in Parliament. The chapter also attends to responses to non-implementation of the promises by the general public and political parties. These assessments are preceded by an account of the JP's and the NASA coalition's legislative strengths for a fair evaluation<sup>68</sup>.

### 4.2. The legislative strengths of the Jubilee Party and the NASA coalition.

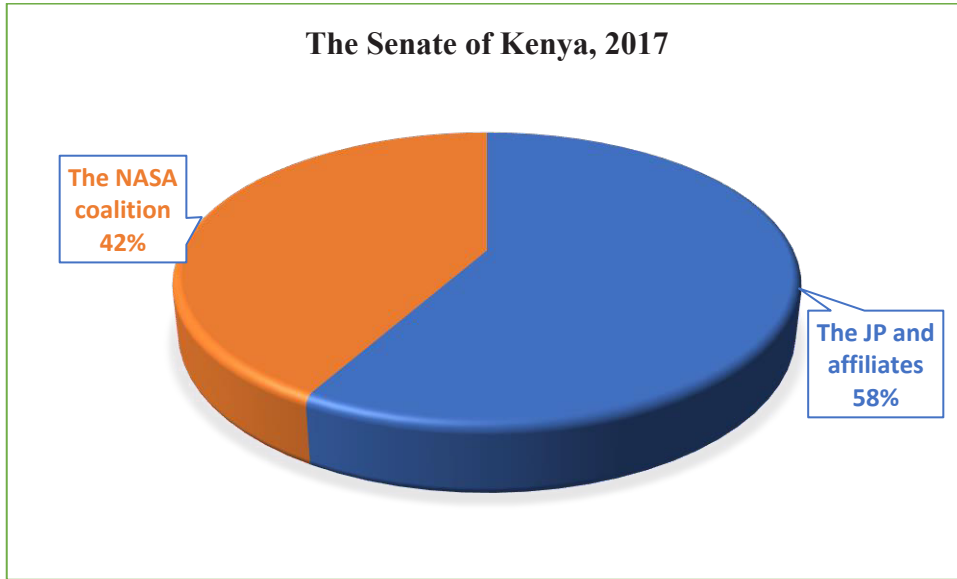
The JP won the majority seats in the bicameral parliament during the 2017 general election, together with the presidency after which it formed government. Their main opponents, the NASA coalition, also won a substantial number of seats in both the Senate and the National Assembly. In the Senate, the JP and its affiliates won 28 seats while NASA garnered 19, after which they nominated 11 and 9 women representatives respectively. This translates to the JP's dominance in the Senate with 58.5 percent, closely followed by the NASA coalition's 42 percent.

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<sup>68</sup>This evaluation is based on official party/coalition affiliation and does not take into account recent shifts in party/coalition loyalties.

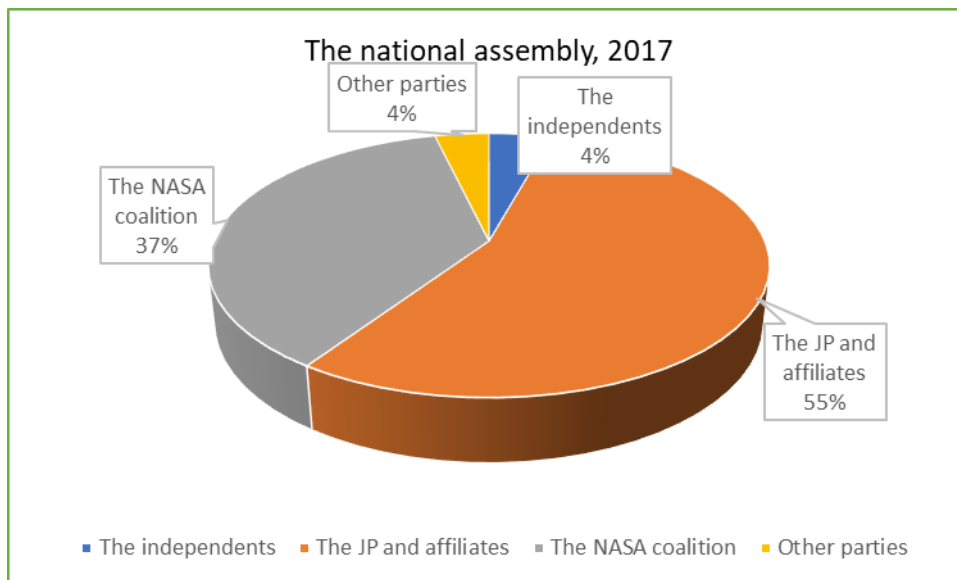
For the National Assembly, the JP and its affiliates secured approximately 193 seats, while the NASA coalition had 129. The independents won 15 seats, while other parties had 12 seats. Nonetheless, other parties and some independents oscillated between supporting the JP and the NASA coalition.

*Pie chart 1.1. to highlight the distribution of seats in the senate*



Source: Author's adaptation from Parliament's website.

*Pie chart 1.2 to demonstrate the distribution of seats in the national assembly*



Given its control of government and dominance in both Houses (the National Assembly and the Senate), the JP fulfilled the basic conditions necessary to fulfil the promises in its 2017 manifesto. As such, the JP boasted of 'tyranny of numbers' which depicted its numerical strength in Parliament<sup>69</sup>. Likewise, the NASA coalition had a critical mass in both Houses, thus its ability to influence parliamentary business and champion some of the ideals it stood for during the 2017 election campaigns.

### 4.3 The Jubilee Party's 'tyranny of numbers' and underwhelming performance

Notwithstanding the 'tyranny of numbers', the JP faced a momentous task in implementing many of the promises in its 2017 manifesto, whether it was on developmental outcomes or outright promotion of the constitutional principles of inclusion and equality, good governance and devolution. Whereas many other factors (such as vested interests and lack of political goodwill) can explain the JP's underperformance, the party's legislative agenda is being driven by the executive's priorities, as opposed to an exhaustive exploration of the ideas in the 2017 JP manifesto. Simply put, the JP's legislative agenda made no explicit references to the 2017 manifesto<sup>70</sup>. Conversely, the party only refers to the party manifesto when the legislative agenda concerned developmental outcomes. Although the Jubilee administration created the position of a Cabinet Secretary without portfolio to ostensibly link the party manifesto with the government agenda, there has been very little motion thus far towards these ends<sup>71</sup>.

The JP's omission of the 2017 manifesto can partly be attributed to changes in government priorities and occasional individual members' interests. Upon forming government after the 2017 election, the JP's leadership framed its priority areas as the 'Big Four' Agenda comprising: enhancing manufacturing, food security and nutrition, universal health coverage, and affordable housing as part of its transformational project<sup>72</sup>.

Dubbed as the 'specifics' in president Kenyatta's transformation agenda by one of the JP MPs, the 'Big Four' crowded out the urgency of promoting the constitutional principles of inclusion and equality, good governance and devolution. With its attention on the 'Big Four', the JP's executive and parliamentary business shifted towards fulfilling the president's legacy project. Coupled with the general lack of political will and commitment to uphold the constitutional values, a shift to the 'Big Four' agenda exacerbated the JP's inability to fulfil the grand promises in its 2017 manifesto.

Delivery on the promotion of inclusion and equality.

The JP developed very limited number of legislations and policies on the promotion of inclusivity and equality, contrary to the numerous promises on its 2017 manifesto. This verdict was further confirmed by the majority of Kenyans' sentiments on how the country is still dominated by certain groups, such as big ethnic groups, and women, the youth and PWDs remain largely marginalized in public affairs.

First, the JP ignored many of its campaign promises on promoting women's empowerment, albeit with very few successes on legislation and policy. For instance, a JP member proposed to streamline the laws of succession vide the Law of Succession (Amendment) Bill, 2020. The Bill provides for gender equity in succession matters, and goes beyond women's emancipation as it excludes community land from succession<sup>73</sup>. Moreover, issues of succession have implications on the well-being of deceased's dependants as well as their continuity of life and contributions to society.

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<sup>69</sup>Fred Oluoch, 'Tyranny of numbers' in Kenya parliament agenda,' *The East African*, 19 August, 2017.

<sup>70</sup>Interview with a senior Jubilee Party official, Nairobi, Kenya, 12 September 2020.

<sup>71</sup>Interview with JP MP, Nairobi, Kenya, 3 October, 2020.

<sup>72</sup>Interview with Jubilee Party MP, 30 September 2020, Nairobi, Kenya.

<sup>73</sup>The Laws of Succession (Amendment) Bill, 2020.

At the policy level, the Jubilee government lived up to its promise on extension of the ‘Linda Mama’ programme which was incorporated into the Universal Health Coverage (UHC) that is part of its ‘Big Four’ agenda. Furthermore, Parliament provided budgetary allocations for the programme in the 2017/2018, and 2019/20 financial years<sup>74</sup>. The programme contributes to the health care needs of women, and relieves them from financial pressures.

Secondly, nearly all the promises made on the youth’s inclusion in public affairs were unmet with a few exceptions. For example, the Kenya Film School was operationalised following Parliament’s budgetary allocation. Further resource allocation enabled the JP administration to embark on improving some sports stadia (in Nairobi, and Kisumu) or constructing some across the country (for example in Wote and Eldoret)<sup>75</sup>. These policy interventions have substantive potential in promoting the youths’ skills development and employability, and subsequent contributions to the country’s economy and governance.

Thirdly, the promises on enhancing ethnic diversity have been hardly implemented. The exception thus far has been the JP’s reforms on the NCIC’s mandate for effective performance of national integration functions. The JP administration passed the National Cohesion and Integration (Amendment) Act, 2019, effectively providing the requirements for appointment of commissioners and extending their terms to six years. The legislation sought to align the NCIC Act with constitutional requirements, and enhanced stability in the commission, hence its effectiveness to deliver on specified mandates. No legislation or policies have thus far been proposed or passed with regards to promoting the use of Kiswahili.

However, the JP considered some legislations and policy initiatives that were not explicitly mentioned in the promises on inclusivity and equality. For example, the Equalization Fund Bill, 2019 seeks to operationalize Article 204 of the Constitution and to provide structures for administering the fund. Similarly, the Representation of Special Interest Groups Laws (Amendment) Bill, 2019 intends to give further effect to Article 100 of the Constitution, and to promote the representation of PWDs, youth, women and other marginalized groups in Parliament.

**Table 1.6. to highlight the JP’s delivery on the promotion of inclusion and equality**

Legislation/policy area	Impact
1. The Law of Succession (Amendment) Bill, 2020.	If passed, the Bill will contribute towards women’s emancipation, and have long term implications on the well-being of deceased’s dependants as well as their continuity of life and contributions to society.
2. Extension of the ‘Linda Mama’ programme	Contribution to the health needs of women, and relieving them from financial pressures.
3. The National Cohesion and Integration (Amendment) Act, 2019	Streamlines the commission with constitutional requirements and provides it with stability for effective functioning
4. The Equalization Fund Bill, 2019	Provides structures for the fund’s management and hence long-term ability to perform its functions effectively.
5. The Representation of Special Interest Groups Laws (Amendment) Bill, 2019	Promotes the representation of PWDs, the youth, women and other marginalized groups in parliament

<sup>74</sup>Republic of Kenya, ‘Eye on the big four: Budget Watch for 2018/19 and the Medium Term,’ 2018, <http://www.parliament.go.ke/sites/default/files/2018-09/Budget%20Watch%202018.pdf> (accessed 17 September 2020).

<sup>75</sup>Rushdie Odia and Bernard Rotich, ‘Amina: New stadium for Kisumu, work in Eldoret to be completed,’ Nation 4 July, 2020.

## Delivery on the promotion of good governance

The JP ignored nearly all the itemised promises on the 2017 manifesto on the promotion of good governance. However, the party considered a few legislations and policy measures. These include the Government Contracts Bill, 2018 that seeks to provide conditions for contract entry, and the Public Procurement and Asset Disposal (Amendment) Bill, 2020 that guarantees efficiency in payments to local contractors. If passed, the Bills will have long-term impacts on streamlining contractual obligations in both national and county governments.

**Table 1.7 to highlight the JP's delivery on the promotion of good governance**

Legislation/policy area	Impact
1. The Government Contract Bill, 2018.	If passed, the legislation will contribute towards streamlining contractual obligations in both national and county governments.
2. The Public Procurement and Asset Disposal (Amendment) Bill, 2020	If passed, the legislation will contribute towards streamlining contractual obligations in both national and county governments.

## Delivery on the promotion of devolution

Further, many of the JP's promises on devolution remain unfulfilled. Nonetheless, the party made considerable efforts towards collaborating with country governments in reviewing the existing legal instruments with a view of addressing any gaps that undermine service delivery.

Notably, the County Governments (No. 2) (Amendment) Act, No. 10 of 2020 that the JP enacted provides the frameworks for termination of suspension of a county government pursuant to Article 192(4) of the Constitution and disposal of a commission of inquiry established under Article 192(2). Additionally, the County Governments (Amendment) Act, No. 11 of 2020 amends various provisions of the County Governments Act by: (1) providing for procedures of developing symbols of counties, (2) spelling out location of sitting of county assemblies, and (3) provisions for elections of the speaker and deputy speaker, and so on.

Moreover, the Assumption of Office of the County Governor Act, 2019 "provides for the procedure and ceremony for the assumption of the Office of Governor by the Governor-elect; and for connected purposes<sup>76</sup>." The Office of the County Attorney Act, 2020 effectively established the Office of the County Attorney and sets out its functions. The legislation is important in the county governments' functions and addresses the gaps in law regarding the county executive's legal representation<sup>77</sup>. Collectively, these legislations provide frameworks for implementing devolution, establish legal norms in the counties, and make county operations certain. They also contribute to deepening democracy at the grassroots.

The JP also sponsored the County Wards (Equitable Development) Bill, 2018, and the County Statutory Instruments Bill, 2018. The former seeks to entrench devolution by providing mechanisms for

<sup>76</sup> The Assumption of Office of the County Governor Act, 2019.

<sup>77</sup> Office of the County Attorney Bill, 2018.

identifying beneficial projects to residents of wards within the counties and the counties in general, and frameworks for their implementation. The latter aims to “provide for the making, scrutiny, publication and operation of county statutory instruments and for matters connected therewith<sup>78</sup>.” If passed, the legislations will further deepen the legal norms in the country and strengthen the structures of devolution.

**Table 1.8 to highlight the JP’s delivery on the promotion of devolution**

Legislation/policy area	Impact
1. The County Governments (No. 2) (Amendment) Act, No. 10 of 2020	The legislation provides certainty in county operations, in the event of a suspension by the national government, and establishment of a commission of inquiry.
2. The County Governments (Amendment) Act, No. 11 of 2020	Contributes to the development of legal procedures in the county assemblies, particularly with respect to development of symbols of counties, spelling out location of sitting of county assemblies, provisions for elections of the speaker and deputy speaker.
3. The Assumption of Office of the County Governor Act, 2019	Provides for elaborate procedures of assumption of office, regarding the office of the County Governor.
4. The Office of the County Attorney Act, 2020	Effectively established the Office of the County Attorney and sets out its functions.
5. The County Wards (Equitable Development) Bill, 2018	If passed, the legislation will contribute to the entrenchment of devolution by enhancing resource allocation at the lowest levels of devolution- the wards
6. The County Statutory Instruments Bill, 2018	If passed, the legislation will contribute to the development of legal norms in the counties, and further strengthen devolution.

#### 4.4 The NASA coalition dilemma: manifesto implementation amidst electoral loss?

Given its failure to capture power in the 2017 elections, the NASA coalition faced the dilemma of how to implement the promises on its manifesto. This predicament was partly attributed to Kenya’s presidential system of governance, which prioritises government legislation<sup>79</sup>. Additionally, the Constitution of 2010 has no place for a shadow opposition cabinet under which the NASA coalition would have advocated for the issues in their 2017 manifesto<sup>80</sup>. The Constitution only envisions the minority as a check, and confers it no serving functions<sup>81</sup>. Moreover, an ODM MP revealed that the connection between the coalition and parliamentary agenda is very weak partly due to limited number of meetings, and an overall lack of focus<sup>82</sup>.

<sup>78</sup>The County Instrument Statutory Bill, 2018.

<sup>79</sup>Several interviewees expressed these sentiments.

<sup>80</sup>Interview with a former senior NASA coalition official, Nairobi, Kenya,

<sup>81</sup>Ibid.

<sup>82</sup>Interview with ODM MP, Nairobi, Kenya, 11 September 2020

Some members of the NASA coalition strongly believed that they were under no obligation to follow through their campaign promises after the voters' verdict in 2017. Members of the NASA coalition interpreted their electoral loss as a rejection of their ideas, as manifestos are a preparation for roles in government. In this regard, an ODM official noted that he could not talk about the NASA manifesto anymore, as it "starts with if we win power", which was not the case<sup>83</sup>.

Nonetheless, the NASA coalition's critical mass in Parliament, a large support base across the country, and legislative obligations prompted some of its members to contribute to legislation and policy development. Just as the JP, the coalition's legislative agenda did not make explicit references to the 2017 manifesto, but followed the interests of individual legislators. For example, a NASA (ODM) senator narrated how "her choices on legislations are driven by her desire to improve the people's livelihoods which can be realized by developing of each of the 47 counties<sup>84</sup>."

Furthermore, the NASA coalition did not have a collective legislative agenda, which was aggravated by its integration after the March 2018 handshake between President Uhuru Kenyatta and the ODM's leader Raila Odinga. Thereafter, Kenyatta and Odinga unveiled the Building Bridges Initiative (BBI) as a programme for confronting Kenya's governance challenges under their shared objectives<sup>85</sup>. The WDM followed the ODM's path in establishing working relations with the JP.

### **Delivery on the promotion of inclusion and equality**

The most visible attempts by individual members of the NASA coalition towards the promotion of inclusion and equality were engendered by, among others, Amos Wako's (Senate, ODM) Public Participation Bill, 2018, Judith Pareno's (Senate, ODM) National Cohesion and Peace building Bill, 2018, and Andrew Mwadime's (National Assembly, ODM) Public Service (Values and Principles) (Amendment) Bill, 2019. Whereas Wako's proposed legislation was not passed subject to Article 109(5) and 114 of the Constitution, Pareno's and Mwadime's Bills were cleared to proceed to the second reading.

The principal object of Pareno's Bill is to "repeal the National Cohesion and Integration Act (No.12 of 2008)", with a view of providing for a coordinated mechanism for peace building and cohesion in the country<sup>86</sup>. The Bill envisages the establishment of the National Cohesion and Peace Building Commission. The commission would be tasked with "formulation of strategies, plans and programs for the promotion of national unity<sup>87</sup>." The Commission would also have the mandate to investigate hate speech, ethnic and racial prejudice, and make further recommendations to the Director of Public Prosecution (DPP).

Mwadime's Public Service (Values and Principles) (Amendment) Bill, 2019 seeks to amend the Public Service (Services and Principles) Act to commit all state organs (in national and county governments) to submit annual reports on the composition of their employees, with details of their age, gender, county of birth and residence<sup>88</sup>. If passed, the legislation will reinforce the public service values and constitutional principles of reflecting Kenya's diversity and inclusion of diverse groups such as PWDs, women, youth, and marginalized groups.

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<sup>83</sup>Interview with ODM official, Nairobi, Kenya, 17 September 2020.

<sup>84</sup>Interview with ODM senator, 6 October 2020, Nairobi, Kenya.

<sup>85</sup>Republic of Kenya, 'Building bridges to a new Kenyan nation', 2018, <https://businesstoday.co.ke/wp-content/uploads/2018/03/Building-bridges-to-a-new-Kenyan-nation.pdf> (access 25 October 2020).

<sup>86</sup>The National Cohesion and Peace Building Bill, 2018.

<sup>87</sup>Ibid., 706.

<sup>88</sup>Public Service (Values and Principles) (Amendment) Bill, 2019

**Table 1.9 to highlight the NASA coalition’s delivery on ethnic diversity**

Legislation/policy area	Impact
1. The National Cohesion and Peacebuilding Bill, 2018	If passed, the legislation will strengthen the NCIC to enable it effectively undertake its mandate.
2. The and Andrew Mwandime’s Public Service (Values and Principles) (Amendment) Bill, 2019	If passed, the legislation will reinforce the public service values and constitutional principles of reflecting Kenya’s diversity and inclusion of diverse groups such as PWDs, women, youth, and marginalized groups

### Delivery on the promotion of good governance

The NASA coalition has also thus far performed dismally in enacting legislation towards the promotion of good governance. As of September 2020, only Agnes Zani’s (Senate, ODM) Public Finance Management (Amendment) Bill, 2019 was in place. The Bill seeks to “amend the Public Finance Management Act, No. 18 of 2012 to establish a collaborative framework for collection of revenues by the county governments and the National Treasury together with the Kenya Revenue Authority<sup>89</sup>.” The intention is to help with the collection of revenue in the county administration and enhance transparency and accountability.

If passed into law, the legislation will create a reporting mechanism on revenue collection and means for oversight in the Senate. The county executive committee would also be obligated to institute a county revenue collection system, with penalties on stoppage of the transfer of a county’s equitable share of revenue on case of non-compliance to these new demands.

**Table 2.1 to highlight the NASA coalition’s delivery on the promotion of good governance**

Legislation/policy area	Impact
1. The Public Finance Management (Amendment) Bill, 2019	If passed, the legislation will create a reporting mechanism on revenue collection and means for oversight in the Senate

### Delivery on the promotion of devolution

Considerably, members of the NASA coalition sponsored several legislations towards the promotion of devolution in line with their 2017 promises. These include the Petition to County Assemblies (Procedure) Act, 2020, and the County Resource Development Bill, 2020, the Community Health Services Bill, 2020, the County Law Compliance and Enforcement Bill, 2018, the County Oversight and Accountability Bill, 2018, the Public Finance Management (Amendment) Bill, 2019, and the County Tourism Bill, 2019<sup>90</sup>. The County Oversight and Accountability Bill, 2018, sponsored by Ledama Ole

<sup>89</sup>Public Finance Management (Amendment) Bill, 2019, 53.

<sup>90</sup>The Republic of Kenya, ‘Bills tracker’, September 2020, <http://www.parliament.go.ke/the-national-assembly/house-business/bill-tracker> (accessed 5 September 2020).



Kina (ODM) was stopped from proceeding to the second reading subject to Article 109(5) and 114 of the Constitution.

Sponsored by the ODM's Judith Pareno (Senate), the Petition to County Assemblies (Procedure) Act, 2020 "gives effect to Article 37 of the Constitution on the right to petition a county assembly; to provide the procedure for the exercise of that right; and for connected purposes.<sup>91</sup>" This Act has implications on deepening democracy at the grassroots by providing avenues for the people to hold duty bearers to account, as well as making the county governments responsive.

The County Resource Development Bill, 2020 that was sponsored by ODM's Rose Nyamunga (Senate) intends to enable county governments to maximize on the resources found within their borders in the interests of economic development<sup>92</sup>. The Bill provides the legal framework for the establishment of regional economic blocks, and also seeks to separate resource allocation between the two levels of government<sup>93</sup>. The legislation has implications on strengthening devolution by enabling meaningful development in the devolved structures, and reducing conflicts between county governments and the national government.

Agnes Zani (Senate, ODM) sponsored the Community Health Services Bill, 2020. The Bill's principal aim is to "provide a framework for the regulation of community health services and the recognition of community health workers<sup>94</sup>." Section II of the Bill delineates the role of the national and county governments in health service provision, and establishes the office of the Deputy Director of Community Health Services, with oversight roles of community health committees<sup>95</sup>. The Bill also has provisions for county governments' investments in community health services through recruitment and retention of the community health workers. Section III of the Bill obliges the county executive committee to keep a register of community health workers while Part IV obligates him/her to table reports on community health services at the county assembly<sup>96</sup>. This legislation has the potential of deepening the provision of health services at the county levels, and providing mechanisms for transparency and accountability.

Zani also sponsored the Public Finance Management (Amendment) Bill, 2019 and the County Tourism Bill, 2019. The former legislation seeks to strengthen devolution by establishing a collaborative framework among the county governments, the national treasury and the Kenya Revenue Authority<sup>97</sup>. The latter legislation intends to amend the Tourism Act, No. 28 of 2011, with a view of making provisions for local tourism and involving the county governments in the regulation of the sector<sup>98</sup>. Collectively, these proposed legislations will improve the capacities of county governments in the generation of revenues and hence their autonomy from over dependence on the national government.

George Khaniri's (Senate, ANC) County Law Compliance and Enforcement Bill, 2018 aims to "provide for the establishment of law enforcement and inspectorate units in each county and to provide for the administration and management of the units<sup>99</sup>." If enacted, the legislation will strengthen the county legal regime on enforcement structures. The proposed law also envisages to tame the arbitrary conduct of county askaris and socialise them in constitutional norms and principals.

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<sup>91</sup>The Petition to County Assemblies (Procedure) Act, 2020.

<sup>92</sup>The County Resource Development Bill, 2020.

<sup>93</sup>Interview with official, ODM nominated senators' office, Nairobi, Kenya, 15 September 2020.

<sup>94</sup>The Community Health Services Bill, 2020.

<sup>95</sup>Ibid.

<sup>96</sup>Ibid.

<sup>97</sup>The Public Finance Management (Amendment) Bill, 2019

<sup>98</sup>The County Tourism Bill, 2019

<sup>99</sup>County Law Compliance and Enforcement Bill, 2018, 447.

**Table 2.2. to demonstrate the NASA coalition’s delivery on the promotion of devolution**

Legislation/policy area	Impact
1.The Petition to County Assemblies (Procedure) Act, 2020	Contributes towards deepening democracy at the grassroots by providing avenues for the people to hold duty bearers to account, as well as making the county governments responsive
2.The County Resource Development Bill, 2020	If passed, the legislation will contribute to strengthening devolution by enabling meaningful development in the devolved structures, and reducing conflicts between county governments and the national government.
3. The Community Health Services Bill, 2020	If passed, the legislation will deepen the provision of health services in the counties and provide mechanism for transparency and accountability.
4. The County Law Compliance and Enforcement Bill, 2018	If passed, the legislation will strengthen the county legal regime and enforcement structures.
5. The Public Finance Management (Amendment) Bill, 2019	The legislation will strengthen devolution by establishing a collaborative framework among the county governments, the national treasury and the Kenya Revenue Authority, if passed.
6. The County Tourism Bill, 2019	The legislation will lead to the development of tourism within the counties and enhance county government capacities.

#### 4.5 Responses to non-implementation of promises in the 2017 manifestos

The non-implementation of the 2017 campaign promises confirmed Kenyans’ general scepticisms on political manifestos. This failure in duty attracted a number of responses from a cross section of political parties and the general public. For example, the NARC-Kenya leadership consistently called out the JP administration for rampant corruption, failing to comply with the principle of gender balance, and violating the constitution and the rule of law<sup>100</sup>. The Thirdway Alliance also made public pronouncements on the government’s failures, and went ahead to file a petition at the High Court in September 2020 seeking Parliament’s dissolution over failure to comply with the gender rule<sup>101</sup>. This followed the Chief Justice’s advisory opinion to the President to dissolve Parliament pursuant to Article 261 of the Constitution.

For their part, the public registered their general dissatisfaction with the implementation of the constitutional principles under study. With the collaboration between the JP and two constituent parties of the NASA coalition in Parliament, one could expect that there would be collective effort

<sup>100</sup>The Star, ‘Raila articulates state policy more than Uhuru – Karua,’ The Star, 18 August 2020.

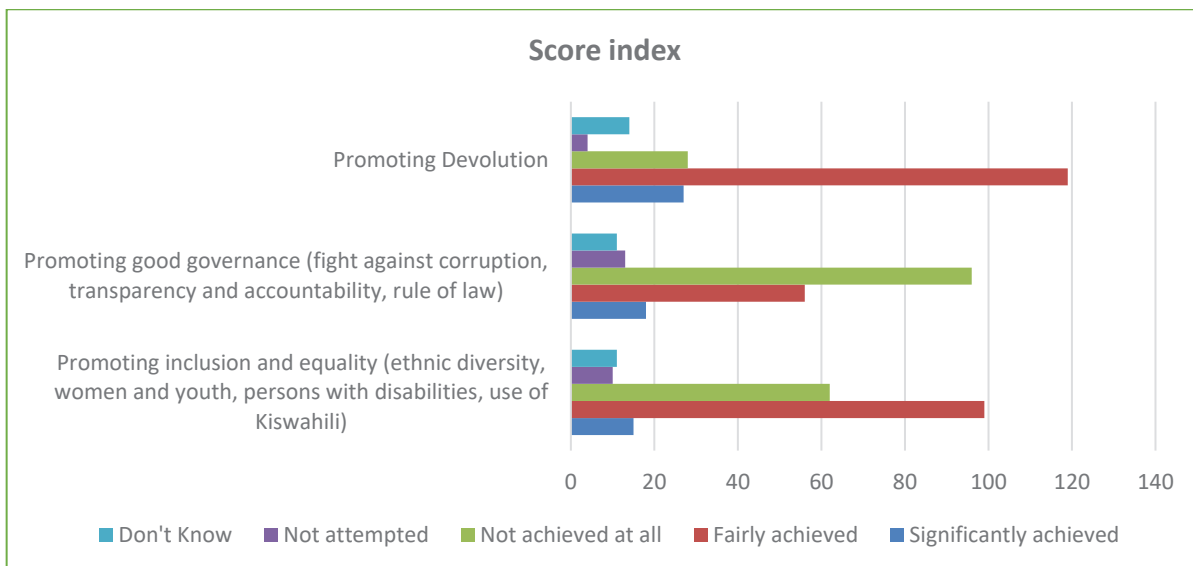
<sup>101</sup>Kevin Cheruiyot, ‘Thirdway Alliance throws weight behind Maraga’s dissolution call,’ The Star, 29 September 2020.

toward the realization of the parties' commitments to the Kenyan people as they pleaded during the 2017 elections.

According to survey results, none of the constitutional provisions registered the highest score of 'significantly achieved'. At best, the promotion of devolution, together with inclusion and equality, returned scores of 'fairly achieved.' The worst indices were recorded with regards to the promotion of good governance, with most respondents recording 'not achieved at all.' Particularly, 63.3 percent and 50 percent of respondents returned scores of 'fairly achieved' on the promotion of devolution and inclusion and equality, respectively. For the promotion of good governance, 48.3 percent and 30.8 percent of respondents registered scores of 'not achieved at all', and 'fairly achieved', respectively.

The survey data demonstrates that there is a significant correlation between the level of Parliamentary engagement with a particular campaign issue, and the people's perceptions on its implementation. For example, the promotion of devolution registered the highest number of interests in legislation, and this corresponds to its higher assessments in the people's audit. Conversely, the promotion of good governance recorded the lowest interests in Parliament's legislative agenda, which is similarly reflected in the survey's poorest scores. It is also important to note that these low scores on the promotion of good governance are attributable to the JP administration's poor records in fighting corruption, lack of transparency and accountability in government, and rule of law violations (such as disregard of court orders, human rights violations, and so on) which are in the public psyche. The promotion of inclusion and equality also did not register impressive scores, as similarly witnessed in the issues' less considerations in parliament's legislative agenda

**Bar graph 1.1. to demonstrate the people's score index.**



The steering committee on the implementation of the BBI also proposed a raft of policy and legislative measures that potentially respond to the failures of the JP and a cross section of the NASA coalition<sup>102</sup>. The range of the BBI's legislative and policy proposals are highlighted in table 2.3 below.

<sup>102</sup>Republic of Kenya, 'Report of the steering committee on the implementation of the building bridges to a united Kenya taskforce report', October 2020, [https://e4abc214-6079-4128-bc62-d6e0d196f772.filesusr.com/ugd/00daf8\\_bedbb584077f4a9586a25c60e4ebd68a.pdf](https://e4abc214-6079-4128-bc62-d6e0d196f772.filesusr.com/ugd/00daf8_bedbb584077f4a9586a25c60e4ebd68a.pdf) (accessed 23 October 2020).

*Table 2.3 to highlight the BBI proposals on implementing constitutional provisions*

Constitutional principle	Measures
<b>1. Inclusion and equality</b>	<ul style="list-style-type: none"> <li>▪ Kenya national policy guide on national heritage and history</li> <li>▪ The Kenya national policy guide on national ethos and responsible citizenship.</li> <li>▪ The Kenya national policy guide on citizen education</li> <li>▪ Kenya national policy guide on productivity and shared prosperity</li> <li>▪ The Kenya National Policy Guide on Unity in Diversity.</li> <li>▪ The constitution of Kenya (Amendment) Bill, 2020 to insert Articles 10A.Regional integration and cohesion, 11A.Economy and shared prosperity, 18A. Responsibilities of a citizen.</li> <li>▪ Amendment of Article 97 of the Constitution to provide for gender balance through multiple member constituencies, and Article 98 to provide for the election of ninety-four members to the senate, being one woman and one man from each county.</li> <li>▪ Amendment of Article 130 (1) of the Constitution to create the positions of Prime Minister, and two Deputy Prime Ministers for inclusivity in government.</li> <li>▪ Amendment of Article 180 (Election of county governor and deputy county governor) to provide for gender balance in the candidature for governors and their deputies.</li> <li>▪ Amendment of Article 91 (Basic Requirements for Political Parties) to require political parties to comply with the two-thirds gender principle in elective and appointive bodies. Insertion of new Article 237A in the Constitution to provide for the establishment of the Youth Commission.</li> <li>▪ Amendment of the Higher Education Loans Board Act, 1995 to give loanees a grace period of four years and exempting those with no incomes from paying until they are able to.</li> </ul>
<b>2. Good governance</b>	<ul style="list-style-type: none"> <li>▪ Kenya national policy guide on clean and effective government</li> <li>▪ Kenya national policy guide on combatting impunity.</li> <li>▪ Kenya National Policy Guide on Justice</li> <li>▪ Kenya National Policy Guide on Public Participation</li> <li>▪ Amendment of Article 171 of the Constitution to create the post of the judiciary ombudsman to “improve transparency and accountability of the Judiciary.”</li> <li>▪ Amendment of Chapter Six of the Constitution on Leadership and Integrity to strengthen anti-corruption measures.</li> <li>▪ Amendment of Article 80 of the Constitution to require parliament to pass legislation on expeditious investigation and prosecution of corruption cases.</li> </ul>

	<ul style="list-style-type: none"> <li>▪ Amendment of Chapter Twelve of the Constitution (Public Finance) to streamline public finance principles in order to enhance efficiency and optimal utility of expenditures.</li> <li>▪ Amendment of Chapter Fifteen of the Constitution on commissions and independent offices to require their commitment to corporate governance practices.</li> <li>▪ The ethics and integrity laws (amendment) Bill, 2020, that seeks to amend the Leadership and Integrity Act (No. 19 of 2012) and The Public Officer Ethics Act (No. 4 of 2003)</li> <li>▪ The anti-corruption and economic crimes (amendment) Bill, 2020, that seeks to amend the Anti-Corruption and Economic Crimes Act, No. 3 of 2003.</li> <li>▪ The public participation Bill, 2020, to provide frameworks for public participation in governance affairs.</li> </ul>
<p><b>3. Devolution</b></p>	<ul style="list-style-type: none"> <li>▪ Insertion of new Article 207A in the Constitution to provide for Ward development fund.</li> <li>▪ Repealing and replacing Article 218 of the Constitution, with the Annual Division of Revenue Bill to streamline revenue allocation to counties.</li> <li>▪ Insertion of new article to the Constitution (Art. 218A) on County Revenue Allocation.</li> <li>▪ The devolution laws (amendment) Bill, 2020 that seeks to amend the County Governments Act, 2012 and the Intergovernmental Relations Act, 2012, to strengthen them and align them with court decisions.</li> </ul>

## 4.6 Conclusion

It is thus clear that the JP administration is yet to implement most of the promises in its 2017 manifesto, despite having a clear majority in Parliament. Similarly, the NASA coalition has thus far been unable to translate its relative legislative strength into action realizing its 2017 campaign promises. Although the BBI proposals provide a window of opportunity for the JP and its partners in the NASA coalition to promote the constitutional principles of inclusion and equality, good governance and devolution, what are the guarantees that they will follow similar paths of unfulfilled promises? Perhaps, Kenya's political parties deviate from implementing the promises in their manifestos owing to an awareness that their policy positions play less significant role in the people's choices during elections. Thus, talk of issue-based politics has to begin with the electorate's interrogation of the promises in the political party manifestos versus their implementation.

## CHAPTER

## 5

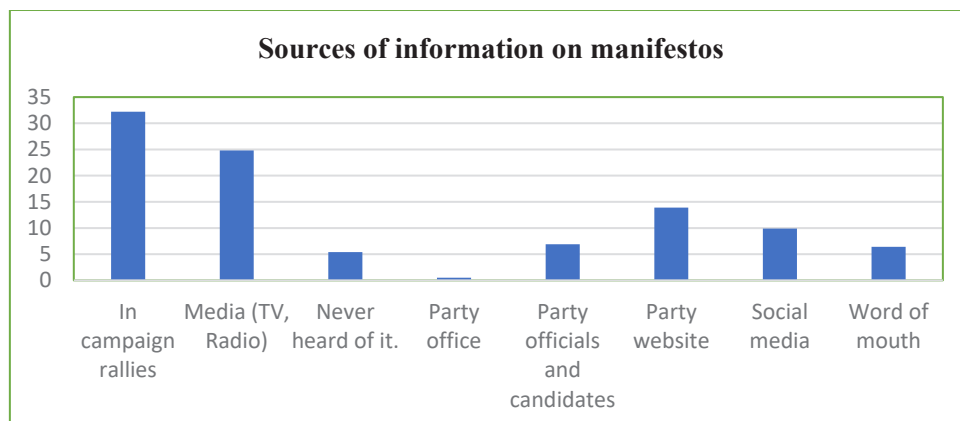
# CONCLUSION: LESSONS LEARNED AND RECOMMENDATIONS

Evidently, political parties in Kenya have failed to inspire an ideologically driven or issue based political culture with devastating effects of widening group differences and opportunities for conflict. Although political party manifestos are supposed to contribute towards progressive politics, there is a mismatch between promise and implementation in the Kenyan political marketplace. Accordingly, 91.1 percent of the people surveyed for this research noted that the political parties/coalitions that they voted for during the 2017 election have failed to implement the promises in their manifestos.

Moreover, approximately 71 percent of respondents noted that political parties should improve on the implementation of manifestos. This was followed by close to 31 percent and 24 percent of respondents who believed in effecting changes to communication to the public and diversifying ideas in the manifestos, respectively. Approximately 12 percent of the respondents noted that the political party manifestos should be translated into Kiswahili and local languages in order to increase their reach to the wider public. This speaks to the people's political consciousness and determination to change the course of political party activities.

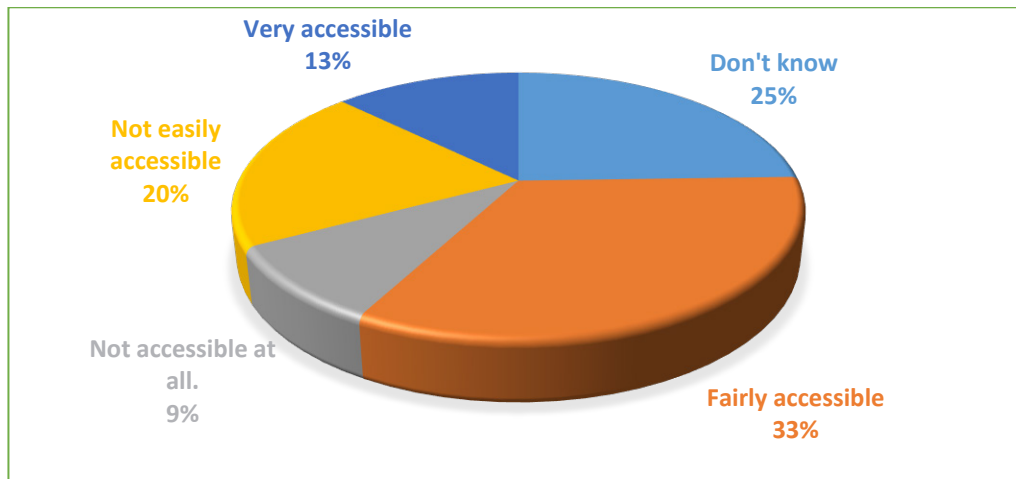
Most of the respondents noted that they got information about the contents of the 2017 political party manifestos in campaign rallies (in which the political elites are hardly exhaustive) as demonstrated in the bar graph below. For citizens to make informed choices, they need to be presented with alternative sources on the contents of party manifestos.

**Bar graph 1.3 to demonstrate the people's sources of information on political party manifestos**



Given the limited options in accessing the political party manifestos, only 13 percent of the respondents noted that the documents were very accessible. On the contrary, 33.3 percent of the respondents observed that they were fairly accessible, while they were not easily accessible for some 20.1 percent of the respondents and not accessible at all for 9.3 percent of the respondents.

*Pie chart 1.3 to demonstrate the accessibility of political party manifestos.*



Overall, the glaring gaps between the presentation of attractive ideas in political party manifestos on the one hand, and their implementation and access on the other hand, provides some important lessons going forward. First, political parties consider manifestos as mere campaign tools. In the words of the FORD-Kenya's national youth leader, Bernard Wakoli, "manifestos are treated as scripts of theatre performance ... with no frameworks for implementation after elections are over<sup>103</sup>." Similarly, a political commentator observed how "most manifestos are never designed to be a commitment but are flavoured to win voters and are often open-ended promises<sup>104</sup>." These sentiments were echoed by a JP MP's metaphor, thus: "if parties are special purpose matatus, then manifestos are the music that attracts you into the matatu for a good political ride<sup>105</sup>."

The implication is that political parties/coalitions often prepare manifestos as the elections near, resulting into the production of documents that are not carefully thought out, with the attendant twin problems of overpromising and under-performance. If a party leadership creates a manifesto for winning elections only, then they kill the party or coalition, as has been the case with the NARC, the PNU, and now the JP and the NASA coalition. Even in case of electoral loss, manifestos can be effective tools for pushing the implementation of a party's ideas through legislation and public pronouncements.

103Interview with Bernard Wakoli, Nairobi, Kenya, 11 September, 2020.

104Stephen Makabila, 'Vision 2030: Party manifestos silent on vital funding,' Standard, 10 February, 2013.

105Interview with JP MP, Nairobi, Kenya, 3 October 2020.

Second, political party manifestos seem to be exclusive affairs of party/coalition technical committees, and the top party leadership. The result is that the majority of party members, including elected representatives, are not socialised in the party/coalition ideals, and are not conversant with the contents of the manifestos. The process matters: manifestos in Kenya are largely boardroom affair. How many party supporters actually get a chance to read these manifestos? Generally, the people do not understand political party manifestos and the basis for creating them. For instance, the JP had a 76-page manifesto, that many of its supporters had no access to.

Third, the majority of the Kenyan citizenry do not interrogate the promises on the party manifestos, hence providing incentives for non-implementation. Instead, the majority of the electorate are swayed by other considerations such as ethnicity, regionalism, personalities, propaganda, and so on. The current framework of political socialization in the party manifestos is through campaigns rallies that are mostly dominated by slogans and not consultations on the party ideology and promises item by item. As one interviewee rightly noted, we have not gotten to the level of civic and political education that will get Kenyans to have some level of agency – Kenyans have not internalized the modern body politic.

Fourth, The Political Parties Act, 2011 which sets out institutional, regulatory and legal framework for the governance and management of political parties is a fairly new law whose provisions are barely followed by political parties and elected representatives. Coupled by the fact that the ORPP did not have a substantive Registrar for a long time, the challenges in understanding the Act slowed efforts by political parties to progressively inculcate both the letter and spirit of the law.

Fifth, since the creation of party manifestos are not inclusive processes, young people, women, PWDs and other special interest groups are not given meaningful roles in the drafting of manifestos. As a result, political parties find it difficult to effectively engage these marginalized groups in advancing their ideologies and manifestos.

More generally, major opposition parties face hurdles in translating party manifestos into their legislative agenda. This is due to the current presidential system that prioritizes government legislation, and the absence of the office of the official opposition in Parliament. While the minority parties/coalitions can get into post-election cooperation with the ruling party to execute shared political interests, there are no mechanisms for using manifestos to advance collective interests.

From the aforementioned lessons, the following measures are recommended if Kenya is to move towards issue-based politics, which is a critical function of manifestos.

### **A. To political parties**

1. Manifestos should be simple, realistic and well communicated. Simple in the sense that when voting, the electorate should know the ideas in them and the implementation matrix of its constituent parts. They should be realistic in the sense that they can be fulfilled. They should be well communicated to the extent that the electorate should be aware of what they intend to lose if they do not vote for particular political parties.
2. Political parties should consider manifestos as long-term projects: their formulation based on some guiding philosophies, and allocation of adequate time for preparation. Political parties should prioritize manifestos as tools for change whether in power or not.
3. Party organs should be activated in order to find ways of implementing manifestos. For collective ownership, political party manifestos should not be reserved to technical committees and the top



party leadership. Political parties should socialise/educate party members, especially those contesting for political office, on the political party ideologies and emerging campaign manifestos to enable their onward implementation in Parliament.

4. Coalitions; pre-election or post, should be “coalitions of manifestos” and parties must highlight the manifesto points that they would give priority beyond the coalition.

5. There is a need for structured communication/dissemination of political party manifestos to the general public as part of arousing political awareness and consciousness.

6. There is a need to establish proper mechanisms by political parties to allow for communication of ‘status of manifesto’ implementation, particularly by the governing party. Quite possible that progress could be made but in the absence of communication, such could conceivably go unnoticed. It could also have the impact of mainstreaming and entrenching manifestos in the public psyche. Such implementation appraisals can be undertaken within the formal party governance structures such as Parliamentary groups.

7. Political parties ought to adopt a hybrid of both top-down and bottom-up approaches to the development of manifestos. This could boost awareness from the very beginning and enhance a sense of ownership by the citizenry.

8. Parties should consider generating manifesto in various languages, including indigenous ones, in order to maximize outreach. Additionally, various platforms should be used for dissemination to target various audiences, such as social media, mainstream media, and community media.

9. Political parties should be dynamic in the sense that they should be easily adjustable to changing political and socio-economic circumstances. This should be accompanied by communication to the public, and giving reasons in case some components cannot be implemented.

## **B. To Civil Society Actors**

1. There is an awareness gap in party manifestos. There is a need to include party manifestos in the civic education agenda, with an approach that targets both the citizenry and duty bearers. The kind of civic education conducted on political party manifestos should be one that would trigger democratic consciousness, and awareness of political party identities and what they actually stand for. There is an opportunity for the use of manifestos as tools of accountability. Development of tools to trigger this conversation should be encouraged.

2. There is a need for structured conversations in the country (across social classes and institutions of learning) in order to create different ideologies/political pathways that citizens can identify with the way, as it has occurred in such places as Ghana and South Africa. The civil society should organize town hall meetings and media debates in which various parties are interrogated in terms of their ideologies, and the extent to which they adhere to, or depart from them.

3. CSOs should play a proactive role toward ‘oversighting implementation’ of manifestos and duly keep both duty bearers and the public aware.

## **C. To the government**

1. The ORPP should encourage political parties to publish their manifestos in Kiswahili and other local languages, and have popular versions available both in physical, digital and braille formats.

2. There is a need to have a binding provision for political parties to account for the implementation of their manifestos.

#### **D. To the Media**

1. The media should take proactive role in boosting awareness and the implementation of political party manifesto through enhanced dissemination and advocacy.

2. Constitute an 'accountability enhancement forum' in order to keep alive the significance of political party manifestos throughout both the electoral and implementation cycles.

3. The media should be engaged and trained to adopt a new approach in interrogating party ideologies and manifestos, and tracking their implementation as an alternative accountability mechanism.

#### **E. To parliament**

1. Parliamentary group meetings should be forums for discussing political party manifestos as references to parliament's legislative agenda.

2. Respective parties/coalition of parties, particularly the parties/coalition of parties in government, should align their legislative development agenda to their respective manifestos. The legislative output should thus communicate directly or seek to directly realize the promises as articulated in respective manifestos.

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