

TERMS OF REFERENCE

CONSULTANCY ON PARLIAMENTARIANS' ROLE AND IMPACT ON DEVELOPMENT: A COMPARATIVE STUDY OF KENYA'S CONSTITUENCY DEVELOPMENT FUND IN RELATION TO GLOBAL MODELS

JULY – SEPTEMBER 2025

About Mzalendo Trust

Mzalendo Trust is a Kenyan non-partisan Parliamentary Monitoring Organization (PMO) started in 2005 and whose mission is to 'promote open, inclusive, and accountable Parliaments in Kenya and Africa.' We do so by creating and managing civic tech tools, producing evidence-based research, and leading and facilitating advocacy and partnerships with Parliaments, citizens, and other relevant stakeholders. We believe that success in our work will build more effective and responsive legislation and political processes that ultimately support Kenya's national development goals. In line with our [Strategic Plan 2021-2025](#), we anchor our work on three main pillars: Openness, Inclusion, and Accountability.

About the Project

With support from the Ministry of Foreign Affairs of the Government of Netherlands through the Netherlands Institute for Multiparty Democracy (NIMD), Mzalendo is implementing the Power of Dialogue programme which envisages collaboration, influence and participation of political, civic actors and citizens for inclusive, transparent, and accountable political processes at the national and sub-national levels. The programme is being implemented under three broad areas of building a critical mass of enablers of change, support to the youth and women and enhancement of public participation and protection of civic space. In a bid towards ensuring that aspiring and elected young and women are influential actors, we seek to work with political parties and politically active youth to create open dialogue spaces for youth and young women to meaningfully engage in political and legislative processes.

Contextual Background

For many years since independence, Kenya has successfully employed the system of Harambee to raise funds for community projects. The term 'Harambee' means pulling together, initiated by the country's first president, Jomo Kenyatta. However, with the increasing community needs, Parliamentarians found it difficult to cope with the number of Harambee-type projects the community wished to undertake. In addition, Government realised that some leaders had been misusing the Harambee system and needed to find a means to discourage such abuse as part of the war against corruption.

According to popular Kenyan perspectives, to be credible as a leader elected by the people to address developmental issues, one needed a source of money. Duly, in the 90's MPs dreaded Harambees for endless projects in their constituencies, as they had promised their electorate. Harambees become a sitting MPs' nightmare. This is why the bill to create the Constituency Development Fund went through Parliament and was passed in a single day¹.

The Constituency Development Fund (CDF) was introduced in Kenya in 2003 to decentralize development and ensure local-level resource allocation. The fund is anchored under the Constituencies Development Fund (CDF) Act 2003, initiated through a private members Bill by Hon. Sen (Eng.) Muriuki Karue then Member of Parliament for Ol Kalou Constituency². Prior to this, most of the development programmes in Kenya were conducted within the **District Focus for Rural Development** (DFRD) Strategy framework, which was implemented through Government Ministries, State Corporations, Local Authorities, Non-Governmental Organizations (NGOs) with limited involvement of private sector.

CDF Act (2003) was repealed through enactment of CDF ACT 2013, aimed at addressing governance challenges including transparency & accountability; effectiveness and efficiency in the management; and aligning the Fund to the Constitution of Kenya 2010.³ The National Government Constituencies Development Fund (NG-CDF) Act 2015 was enacted following the high court determination that the CDF Act of 2013 was unconstitutional. NG-CDF Regulations, 2016 provided guidelines for effective implementation of the NGCDF Act 2015.

CDF's ultimate goal is to promote equitable development, poverty reduction, and citizen participation in planning and decision-making. While it has enabled greater local development, questions persist regarding its impact on governance, transparency, and most critically, the constitutional oversight role of Members of Parliament (MPs).

Oversight is central to effective governance. It requires transparency, accountability, and community participation to ensure that public funds are utilized efficiently and lawfully. In theory, the NG-CDF framework incorporates multiple oversight layers—including local committees, the national Board, internal and external audits, and parliamentary mechanisms. MPs are expected to represent constituents' interests and scrutinize public spending, including CDF allocations. However, their involvement in fund administration, committee appointments, and implementation has raised serious constitutional and ethical concerns.

¹ <https://www.thecommonwealth-ilibrary.org/index.php/comsec/catalog/download/90/87/354?inline=1>

² <https://ngcdf.go.ke/our-journey/>

³ <https://www.standardmedia.co.ke/counties/article/2000152494/genesis-of-constituency-development-fund-and-how-sh137b-allocation-has-been-spent>

Kenya's courts have repeatedly found that MPs' dual role; both as overseers and implementers, violates the principle of separation of powers and undermines the integrity of parliamentary oversight. Further challenges include weak monitoring systems, limited community engagement, overlapping roles with county governments, and the politicization of project implementation. These structural and operational flaws have compromised accountability and hindered the Fund's potential to deliver inclusive and sustainable development.

Recent attempts to entrench the fund in the Constitution has provided an onus debate and predicament. On one hand, comparative models from Westminster-style democracies (such as the UK, Canada, and Australia) provide profound approaches to constituency work. In these systems, MPs maintain well-structured constituency offices designed to support representation and accountability without direct involvement in development project implementation. These offices act as key information and engagement hubs, facilitating MP-constituent interactions while preserving the oversight mandate. On the other hand, per Kenyan perspectives, the CDF system has several benefits to the community and the nation at large. It helps local communities address their developmental concerns through visible and associable leadership. Thus, the main challenge is to determine what needs to be done to make CDF a viable tool for community development.

About the Consultancy Assignment

This consultancy seeks to explore and compare how constituency development mandates of Parliaments around the globe and contrast these models with Kenya's NG-CDF approach. The goal is to assess how different institutional development designs either support or undermine MPs' capacity to fulfil their mandates, specifically highlighting the oversight role.

The analysis will place particular emphasis on community-oriented development frameworks, oversight structures, parliamentary and community accountability mechanisms, other relevant legal frameworks, and the impact of MPs' involvement in project implementation. The findings will help inform potential reforms to Kenya's constituency development framework and contribute to the broader discourse on improving accountability, strengthening the role of Parliament, and enhancing public trust in decentralized development initiatives.

Purpose and Objective of the Assignment

1. To conduct a comparative analysis of the structure, functions, and impact of people-centred constituency-oriented development and parliamentarians
2. To assess the functioning, governance, and outcomes of Kenya's NG-CDF model in enhancing MP visibility, accountability, and development.
3. To examine the implications of both models on MP's oversight and representation roles.

4. To assess the impact of CDF on MPs' capacity to execute their oversight responsibilities under the PFM Act, including its potential to enable or hinder corruption.
5. To examine whether the existence of CDF undermines or strengthens Parliament's institutional independence from the Executive.
6. To situate the CDF model within the devolved governance system in Kenya and explore overlaps or tensions with county government functions.
7. To draw lessons and propose recommendations that could inform policy, legislative, and institutional reforms in Kenya.

Scope of Work

1. Conduct desk and literature review of on people-centric, constituency-oriented, development approaches and their nexus to parliamentary offices
2. Analyse the legal, institutional, and operational framework of Kenya's CDF model.
3. Carry out key informant interviews with select MPs, CDF officers, and parliamentary staff in Kenya, and where feasible
4. Identify key comparative trends, successes, and challenges in how MPs engage with constituents in regard to development
5. Assess the extent to which either model strengthens or weakens MPs' capacity to conduct effective oversight and representation.

Methodology

The consultant is expected to adopt a qualitative, comparative research approach, combining desk-based research with key stakeholder consultations. The methodology will include the following components:

a) Desk and Literature Review

- Conduct an extensive review of existing literature on the roles, structures, and operations of constituency offices in Parliaments around the globe
- Analyse Kenyan legal, policy, and institutional frameworks governing the CDF and MPs' constituency engagement.
- Review previous evaluations, reports, and audits on CDF performance and MP oversight in Kenya.

b) Key Informant Interviews (KIIs)

- Conduct interviews with a purposive sample of:
 - Current and former MPs (from diverse constituencies), NG-CDF Staff, Parliamentary staff (e.g., from the Parliamentary Service Commission),
 - Governance and oversight experts,
 - Highlight insights of Parliaments around the globe

c) Comparative Analysis

- Systematically compare findings from Kenya with Global Models,
- Identify similarities and differences in institutional design,
- Evaluate the impact on MPs' capacity to represent and oversee,
- Draw practical lessons, applicable to Kenya.

d) Stakeholder Validation

- Present preliminary findings in a validation meeting or through a written draft for feedback from key stakeholders including civil society, academia, and parliamentary actors.

e) Synthesis and Reporting

- Analyse findings thematically and prepare a comprehensive report with conclusions and actionable recommendations.

Ethical Considerations

Mzalendo and its' partners will put in place measures to ensure data collection adheres to all necessary ethics and guidelines provided by local laws on data protection and 'Do no Harm' standards.

Timeline

The assignment is expected to take an estimated 30 days.

Expected Deliverables

1. Inception Report (including methodology, work plan, and tools).
2. Draft Report (comparative analysis, findings, and preliminary recommendations).
3. Presentation at validation workshop.
4. Final Report (incorporating workshop feedback and detailed recommendations).
5. Policy Brief summarizing key findings and reform options.

Consultant Profile

1. Master's degree (or PhD) in International Relations, Political Science, Public Policy, Development Studies, Law, or related field. A PhD in any of these fields will be considered an added advantage.
2. At least 10 years of proven experience in governance research, parliamentary strengthening, or comparative political systems.
3. Strong understanding of Kenya's devolved governance framework and public finance architecture.

4. Excellent research, analysis, and writing skills.
5. Experience conducting stakeholder interviews and facilitating validation workshops.
6. Excellent verbal communication and presentation skills.

Tax and VAT arrangements.

Mzalendo Trust will deduct withholding tax from the professional fees which will conform to the prevailing government rates and remit the same to the Government of Kenya.

How to apply

1. The Consultant is required to submit a technical and financial proposal.
2. The technical proposal should include a summary of the applicant's qualifications, experience, and a detailed methodology, outlining how they will approach the development of the study within the timeframe outlined.
3. The technical proposal should also contain the CVs of key team members (if any) and professional references.
4. The financial proposal should indicate the all-inclusive fixed total contract price and be supported by a breakdown of costs by activities.
5. The proposal should be sent to community@mzalendo.com by 6th August 2025
6. The application subject line should clearly indicate **'Consultancy on Parliamentary Roles and Impact on Development: A Comparative Study of Kenya's Constituency Development Fund in relation to Global Models'**
7. Any clarification should be emailed to community@mzalendo.com before 31st July 2025