



**30<sup>th</sup> September 2022**

**Study on the impact of negotiated democracy and lack of an election campaign financing regulatory framework on political participation of youth and women in the 2022 general elections.**

**Terms of Reference-**

**1. About Mzalendo**

Mzalendo ('Patriot' in Swahili) Trust is a Kenyan non-partisan Parliamentary Monitoring Organization 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.

**2. Background Information**

In December 2021, Parliament passed and adopted the Political Parties Amendment Act, 2021. Among other things, the Act sought to change the structure and definition of political parties by recognizing coalitions as political parties. The Act also introduced different modes of nomination of candidates, a departure from the most preferred method of universal suffrage. The result is that with eyes on the 2022 elections, parties sought to consolidate their membership and numbers by creating coalitions political parties. This meant that political actors had to be accommodated within the umbrella of these coalitions.

Consequently, and to get a winning formula, political parties adopted an elimination and consensus building/negotiated formula. At the same time political parties also applied various methods afforded to them by the Act, in the nomination process. The result is that "strong" candidates emerged as the nominees without necessarily being chosen by party members through an election. In some cases, this strength was based on financial resources, loyalty to the party amongst other things considered by political parties.

The absence of an election campaign financing regulatory framework, following the failure to pass the Campaign Financing Regulations together with the rejection to approve campaign limits by Parliament and IEBC respectively, impacted women and youth negatively as they had to compete against candidates with limitless and unregulated resources. Preliminary observations showed that these methods of nominating candidates have further alienated and disenfranchised women and youth in participation on matters politics. The methods applied have been cited as being elite-driven and exclusive, generally people feel excluded from the party structures. It is not to be forgotten that this practice of negotiated democracy has its long history from North Eastern Kenya. Finally, the number of candidates cleared by IEBC reflected low numbers of female candidates and the youth (1,962 female and 4508 youth against a total of 16100 Candidates).

Therefore, the long-term objectives this study is to enable us to identify the challenges and opportunities brought about by the amendments to the Political Parties Act on youth and women political participation. Secondly, with the findings of this study, Mzalendo will seek to have sustained advocacy efforts to contribute to Election Campaign Financing Regulatory framework as a priority for the 13<sup>th</sup> Parliament.

## **About the Project**

With support from the Canada Fund for Local Initiatives (CFLI). Mzalendo Trust is implementing a project titled ***Post Election Scrutiny: Understanding the Effects of Negotiated Democracy on Women and Youth Political Participation***. The project seeks to offer practical solutions for women and youth in politics on navigating the high cost of politics. The goal of the project seeks, via research, to comprehensively unearth the implications the Political Parties Amendment Act, 2021 have had on political parties and the lacuna in the regulatory framework on election campaign financing and their impact on women and young aspirants in the August 2022 General Elections. It therefore seeks to address the fair representation and participation of women and youth in political and electoral processes.

### **1. Objective and Scope of work**

It is against the aforementioned that Mzalendo seeks to engage a consultant to carry out a study on ***The impact of negotiated democracy and lack of an election campaign financing regulatory framework on political participation of youth***

***and women in political parties.*** The main duties and responsibilities of the Consultant will be to:

1. Assess and analyze primary and secondary data to understand the following aspects of the theme:-
  - a. The extent of use of the negotiated democracy in 2022 elections, salient dimensions of the concept and the hidden costs associated with the method.
  - b. The methods applied to identify stronger candidates and their efficacy i.e. polls, interviews etc. .
  - c. The number of women and youth who were cleared/not cleared through negotiated democracy.
  - d. How women and youth were disadvantaged/advantaged by negotiated democracy and the use of unregulated funds in Kenya's 2022 general elections.
  - e. The ramifications of the introduction of coalition parties on the participation of youth and women.
  - f. The effects of zoning to the participation of women and youth.
  - g. Highlight the unexploited constitutional powers, if any, by constitutional institutions to regulate campaign financing.
  - h. Any other challenges or positives occasioned by the amendments to the Political Parties 2021 Act on the participation of youth and women.
2. Review the Political Parties amendment Act, 2021 and other legislations to highlight their shortcomings in ensuring participation of women and youth in elective politics.
3. Identify policy and legislative recommendations in relation to Political Parties Act, 2021 and campaign financing regulations for post 2022 electoral reforms.
4. Develop a policy brief for advocacy initiatives on the study.

## **5. Proposed Methodology**

The proposed methodology will build on review of relevant literature but is primarily focused on gathering and analyzing primary data; both qualitative and quantitative. Data collection tools such as surveys, key informant interviews and participatory workshops will be utilized.

The Consultant, in collaboration with the project team, will:

1. Agree on methodology of the assignment, prepare adequate tools putting into consideration the objectives and timelines of the project.
2. Prepare for and conduct the studies highlighted in these terms of reference.
3. Present findings of the study.

## **6. Key deliverables**

1. Inception report, including tools to be applied for the study.
2. Draft Report.
3. Final Report and two policy briefs.
4. Facilitation of validation meeting and report launch.

## **6. Profile of the consultant**

The Consultant will be required to demonstrate –

1. PhD in Law, Political Science or related field or a Masters with relevant experience of at least 10 years;
2. An understanding of the topic, specifically gender issues, inclusion challenges, political party processes and the election campaign financing framework in the Country.
3. Experience in research methodology, selecting and evaluating information as well as conducting and evaluating interviews e.g., FGDs and KII methodologies;
4. Relevant professional/educational qualifications;
5. Ability to work independently within strict timeframes;
6. High level of professional integrity and;
7. Good communication skills.

## **8. Contract period**

The Consultant will be engaged for a period of 20 days in October and effective from the signing of the contract. The final report should be made available to Mzalendo on or before 31st October, 2022.

## **9. How to Apply**

1. The Consultant is required to submit a technical and financial proposal as part of their application.

2. The technical proposal should include a summary of the applicant's qualifications, experience, and a detailed methodology, outlining how they will approach and complete the quantitative and qualitative aspects of the assignment within the timeframe outlined.
3. The technical proposal should also contain CVs of key team members 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** on or before **10th October 2022 COB**.
6. The application subject line should clearly indicate '***Study on the impact of negotiated democracy.***'
7. Any clarification should be emailed to community@mzalendo.com before 8th October, 2022.