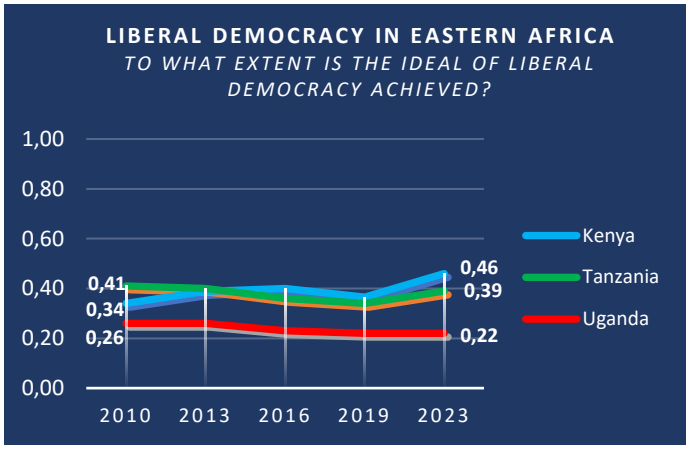
Country Brief
Kenya

Electoral autocracy

COUNTRY INDICATORS

Population: 54.986 million (WB)
Urban population: 28% (WB)
Urban population growth (annual): 4% (WB)
Access to water: 62% (WHO-UNICEF)
Access to electricity: 71.4% (WB)
Mortality rate, under-5 (per 1,000 births): 42 (WB)
GDP (current US$): 110.347 billion (WB)
GDP per capita, PPP (current Int$): 5,024 (WB)
Global Freedom Status: Partly Free, Score 48 (FH)
Human Development Index: Medium (0.575), Rank 152/191 (UNDP)
Local Government Association: Association of Local Government Authorities of Kenya (ACGOK); Council of County Governors (COG)

Figure 1



Source: V-Dem Institute (2024)

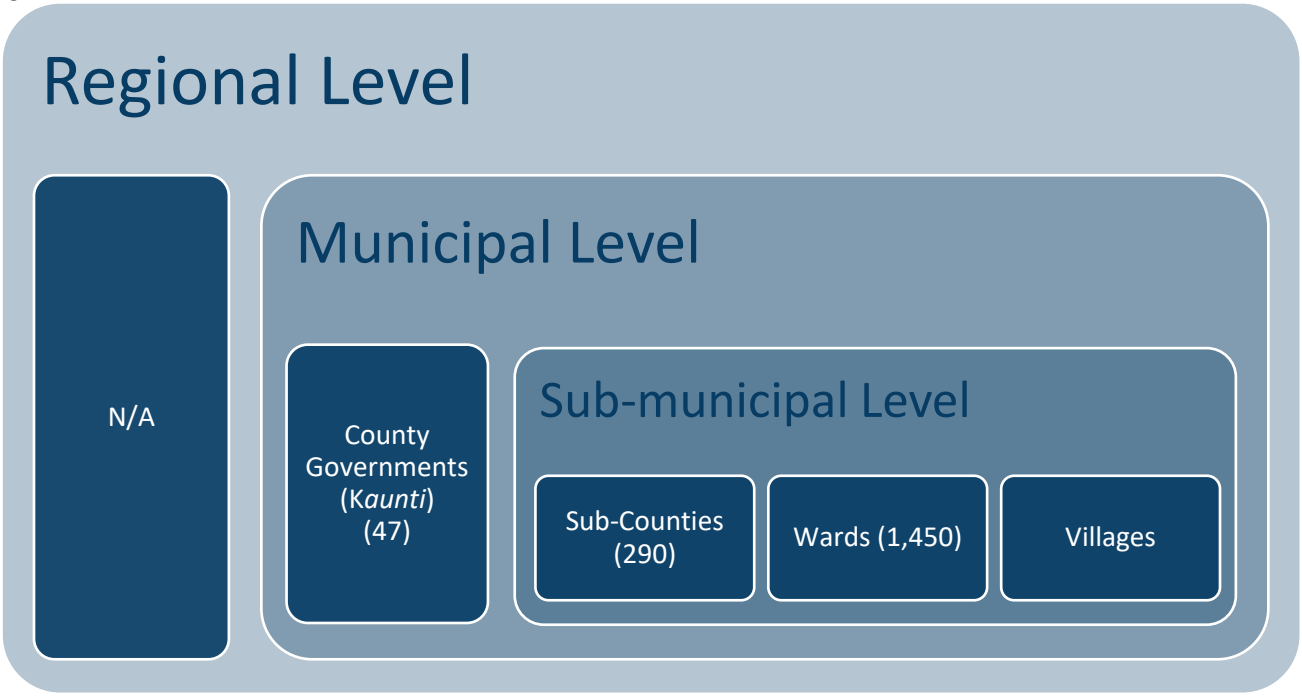
***Clarification**: The liberal principle of democracy emphasizes the importance of protecting individual and minority rights against the tyranny of the state and the tyranny of the majority. The liberal model takes a 'negative' view of political power insofar as it judges the quality of democracy by the limits placed on government. This is achieved by constitutionally protected civil liberties, strong rule of law, an independent judiciary, and effective checks and balances that, together, limit the exercise of executive power. To make this a measure of liberal democracy, the index also takes the level of electoral democracy into account.*

Decentralisation

Kenya is a unitary state. The Kenyan constitution is one of few African constitutions that make detailed provisions for the role and responsibilities of local governments (UCLG, 2020, p.39). The 2010 Constitution led to three major devolution laws in 2012: the Transition to Devolved Government Act; the Intergovernmental Relations Act; and the County Government Act. In 2017, a new Devolved System of Government Policy was adopted to clarify division of tasks between national and county levels. Both other devolution laws are under revision. In 2015, the Makueni County became the first local government in Africa to instate financial commitments on climate change in law; other county government are doing the same (UCLG, 2020, p.41).

Kenya is divided in 47 Counties with an average size of approximately 1 million citizens. The 47 Counties are then divided into 290 Sub-Counties, which are, in turn, divided in 1450 Wards and Villages.

Figure 2



Source: SNG-WOFI Kenya (2019)

County Governments
County Government consists of a County Assembly and a County Executive. Members of the County Assemblies are directly elected from single member constituencies, with a number of special seats for women and other marginalised groups. The County Executive comprises the County Governor, Deputy County Governor and members appointed by the County Governor with the approval of the Assembly sub-counties (CLGF, 2018).

Sub-Counties and wards
County Governments are divided in 290 Sub-Countries, each being a constituency that elects one representative to the National Assembly. Members of the County Assemblies are elected from the 1450 wards. These levels only operate on delegated responsibilities and they are administered directly from the County headquarters (SNG-WOFI Kenya, 2019).

Local Autonomy

Mandates
Counties are responsible for implementing national government policies at their level. County governments have generally been assigned social (welfare) functions. These include provision of water, health care, county planning, housing, agriculture, local economic development, roads, sanitation and waste management (SNG-WOFI Kenya, 2019).

Table 1

Main Sectors	Local Government Responsibilities: County Level
1.General public services	Coordination of the participation of communities and locations in governance at the local level; support to communities and locations to

	develop the administrative capacity for the effective exercise of the functions and powers and participation in governance at the local level.
2.Public order and safety	Firefighting
3.Economic affairs/transports	Crop and animal husbandry; livestock sale yards; county abattoirs; plant and animal disease control; fisheries; county roads; street lighting; traffic and parking; public road transport; ferries and harbours; markets; trade licences (excluding regulation of professions); fair trading practices; local tourism; cooperative societies; electricity and gas reticulation and energy regulation (Shared)
4.Environmental protection	Control of air pollution, noise pollution, other public nuisances, soil and water conservation; forestry; refuse removal, refuse dumps and solid waste disposal, sanitation services(Shared)
5.Housing and community amenities	County planning and development, statistics; land survey and mapping; boundaries and fencing; housing; outdoor advertising; storm water management systems in built-up areas; water services (Shared)
6.Health	County health facilities and pharmacies; ambulance services; promotion of primary health care; licensing and control of undertakings that sell food to the public; veterinary services (excluding regulation of the profession); cemeteries, funeral parlours and crematoria (Shared)
7.Recreation, culture & religion	Liquor licensing; cinemas; video shows; libraries; museums; sports and cultural activities and facilities; county parks, beaches and recreation facilities (Shared)
8.Education	Pre-primary education; village polytechnics; homecraft centres
9.Social Welfare	Child care facilities

Source: SNG-WOFI Kenya (2022)

Local Government Finances

County governments have the power to charge fees for services and levy property and recreation taxes, which they collect in collaboration with the Kenya Revenue Authority. County government revenues represent 20% of total general government revenues. A very limited part of the revenue raised comes from tax and other revenues. The bulk of County government revenues come from grants and subsidies, which account for nearly 90 percent of all County government revenues (SNG-WOFI Kenya, 2022).

Local Democracy

State of Elections

County assembly and county executive (governor) elections are held alongside presidential and parliament elections every five years. The latest General election was held August 9, 2022, with voters electing the President and Deputy President, 47 Governors and Deputy Governors, 47 Senators, 290 Members of Parliament and 47 Women representatives to the National Assembly, and 1,450 Members of County Assemblies (from 1,450 wards).

While starting at a fairly low level of democracy a decade ago, Kenya is one of few countries that is trending upwards (see Figure 1). Historically, elections in Kenya have been marred by violence along ethnic lines. Several hundred people were killed and up to 600,000 people were displaced following the General election in 2007. While still seeing the presence of election violence, Kenya's recent elections are steps in the right direction, which is reflected in V-Dem's Clean Elections Index (see Appendix 2).

Following the 2017 General election, the European Union Election Observation Mission reported that "extensive reform is needed to address societal divisions and deep-rooted exclusion issues, as well as recurrent electoral problems. A number of structural problems need to be addressed to prevent future elections from being divisive, problematic and dangerous" (EUEOM, 2018, p.4).

Electoral Outcomes

Table 3

Elections	2013	2017	2022
Voter turnout	-	78%	64,77%[1]
Elected Female Members of County Assembly (out of 1,450)	6% (82)	7% (96)	8% (114)
Nominated Seats, Female Members of County Assembly[2]	680 (bringing total seats to 2,130)	703 (bringing total seats to 2,153)	559 (bringing total seats to 2,009)
Female Governors	0% (0/47)	6,4% (3 of 47)	14,9% (7/47)

Source: County Assembly Forum (CLGF, 2018); IEBC, 2022; ENA, 2023.

Women's representation

The lack of equal political representation has been a major concern in Kenya, as they remain inadequately represented in political leadership (ENA, 2023). However, the past decade has seen improvements in the number of women elected for political office (see Table 5). Following the 2022 General elections, the number of women elected for political office increased from 172 (10%) to 201 (12%) out of 1,682 elective seats (see Table 5). At the local level, it is noteworthy that the proportion of female County Governors has increased from 0 in 2013 to 14,9% (7 out of 47) in 2022. In the County Assemblies, however, merely 8% (114) of elective seats were won by women (see Table 3).

The 2010 Constitution states that 'no more than two-thirds of the members of representative bodies in each County Government shall be of the same gender'. Provision has therefore been made to increase the number of women's seats to a third through nominated seats (see Table 3). However, the government is yet to enact legislation to fully implement this constitutional requirement (NDI, 2022, p.24).

While Kenya has seen an incremental improvement in women's representation, many barriers for female candidates in elections remain persistent. Key examples of such barriers are: Inadequate political support from their parties, particularly in the primaries; lack of financial resources; gender-based violence; gender stereotyping; and patriarchal structures across society (NDI, 2018).

Table 4 – Registered Candidates (IEBC, 2022, p.76)

Elective Position	2017		2022	
	Men	Women	Men	Women
President	8	0	4	0
Deputy President	7	1	1	3
Senator	236	20	292	47

[1] This drop from the 2017 voter turnout "may be attributed to the effects of Covid-19, economic constraints, insecurity, drought and fear of election related violence" (IEBC, 2022)

[2] This is a form of 'gender top-up' to "meet requirements of Article 177 of the Constitution, which stipulates that the special seats will be picked as necessary to ensure that not more than two-thirds of any assembly is of one gender" (ENA, 2023, p.56).

Women Representatives National Assembly	N/A	298	N/A	360
National Assembly	1,761	131	1,899	234
Governor	202	9	243	22
Deputy Governor		30		62
County Assembly	10,957	900	11,638	1,292

Table 5 – Elected persons (IEBC, 2022, p.76)

Elective Position *(Seats)*	**2013**		**2017**		**2022**	
	Men	**Women (%)**	**Men**	**Women (%)**	**Men**	**Women (%)**
President (*1*)	1	0	1	0	1	0
Deputy President (*1*)	1	0	1	0	1	0
Senator (*47*)	47	0	44	3 *(6%)*	44	3[3] *(6%)*
National Assembly (*290*)	274	16 (5,5%)	267	23 (*8%*)	260	30 (*10%*)
Women Representatives National Assembly (*47*)	N/A	47	N/A	47	N/A	47
Governor (*47*)	47	0	44	3 *(6%)*	40	7[4] *(15%)*
Deputy Governor (47)	-	-	40	7	39	8[5]
County Assembly (*1,450*)	1,368	82 (6%)	1,354	96 (*7%*)	1,336	114 (*8%*)

[3] List of Women Senators (and County), 2022: Adan Dulo Fatuma (Isiolo); Agness Kavindu Muthama (Machakos); Tabitha Karanja (Nakuru). *Source: ENA, 2023*.

[4] List of Women Governors (and County), 2022: Fatuma Achani (Kwale); Cecily Mbarire (Embu); Wavinya Ndeti (Machakos); Anne Mumbi Waiguru (Kirinyaga); Susan Kihika (Nakuru); Gladys Wanga (Homa Bay); Kawira Mwangaza (Meru). *Source: ENA, 2023*.

[5] List of Counties with Female Deputy Governors, 2022: Bungoma; Trans Nzoia; Kiambu; Nandi; Makueni; Taita Taveta; Elgeyo Marakwet; Kilifi. *Source: ENA, 2023*.

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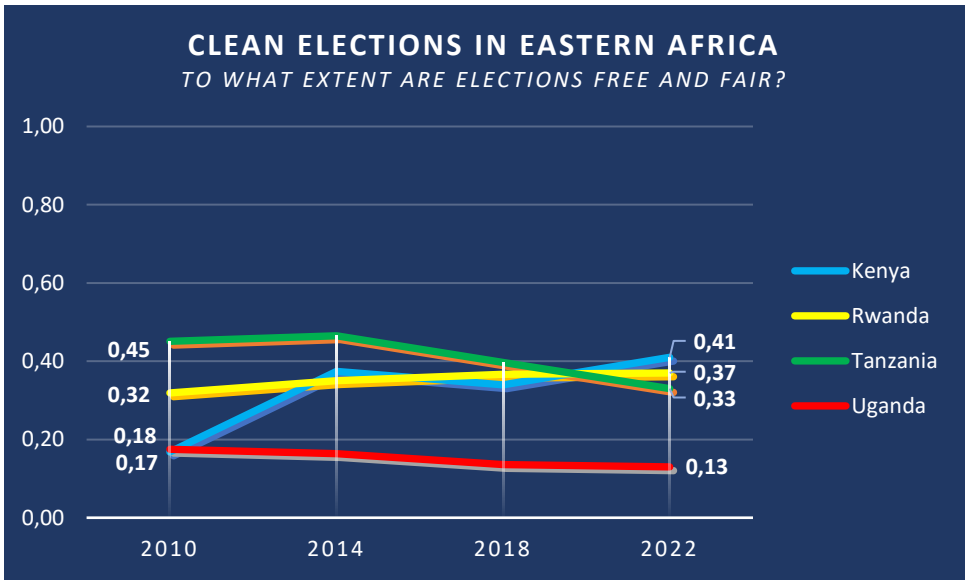
About ICLD

The Swedish International Centre for Local Democracy (ICLD) is part of the Swedish development cooperation. The mandate of the organisation is to contribute to poverty alleviation by strengthening local governments. This Country Brief is part of a publication series that investigates the state of decentralisation and local democracy in countries where ICLD programmes operate.

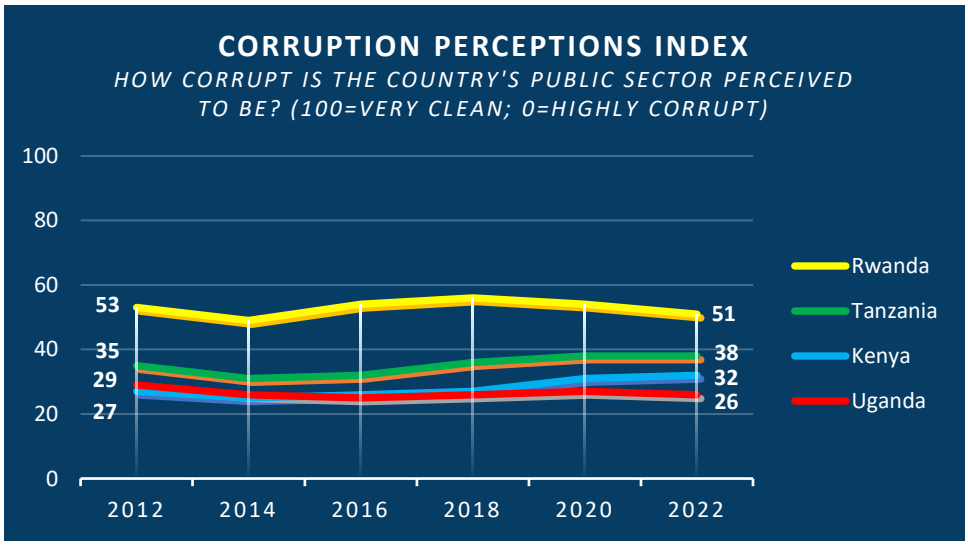
This Country Brief covers events up to October 2023.

Appendix 1: Clean Elections Index

Research Question: *To what extent are elections free and fair?* (Low to High; 0-1)
Clarification: Free and fair connotes an absence of registration fraud, systematic irregularities, government intimidation of the opposition, vote buying, and election violence.



Source: V-Dem Institute (2022)

Appendix 2: Corruption Perceptions Index

Clarification: CPI measures how corrupt each country's public sector is perceived to be, according to experts and businesspeople.