

# YOUTH INVOLVEMENT AND POLITICAL DIALOGUE

A Baseline Survey Report on the Status of implementation of  
Article 55(b) of the Constitution of Kenya 2010



By  
The Centre for Multiparty Democracy (CMD-Kenya)

IN PARTNERSHIP WITH



## TABLE OF CONTENTS

|   |    |
|---|----|
| <u>PART ONE: INTRODUCTION</u> .....   | 4  |
| <u>1.1 BACKGROUND</u> .....   | 6  |
| <u>1.2 CONTEXT</u> .....  | 5  |
| <u>1.3 OBJECTIVES OF THE BASELINE SURVEY</u> .....  | 5  |
| <u>1.4 EXPECTED RESULTS</u> .....   | 5  |
| <u>PART TWO: METHODOLOGY</u> .....  | 6  |
| <u>2.1 INTRODUCTION</u> .....   | 6  |
| <u>2.2 METHODS OF AND TOOLS FOR DATA COLLECTION</u> .....   | 6  |
| <u>PART THREE: AFFIRMATIVE ACTION MEASURES, POLICIES AND PROGRAMS FOR YOUTH AND INCLUSION</u> .....                           | 7  |
| <u>3.1 INTRODUCTION</u> .....   | 7  |
| <u>3.2 AFFIRMATIVE ACTION MEASURES</u> .....  | 7  |
| <u>3.2.1 The National Government Affirmative Action Fund (NGAAF)</u> .....  | 7  |
| <u>3.2.2 The Youth Access to Government Procurement Opportunities Program (AGPO)</u> .....                                    | 7  |
| <u>3.3 POLICIES</u> .....   | 8  |
| <u>3.3.1 Sessional Paper No. 4 of 2013 on Employment Policy and Strategy for Kenya</u> .....                                  | 8  |
| <u>3.3.2 Kenya Youth Agribusiness Strategy 2017-2021</u> .....  | 8  |
| <u>3.3.3 Internship Policy 2016</u> .....   | 8  |
| <u>3.4 PROGRAMS</u> .....   | 8  |
| <u>3.4.1 Youth Enterprise Development Fund (YEDF)</u> .....   | 9  |
| <u>3.4.2 Uwezo Fund</u> .....   | 9  |
| <u>3.4.3 Kenya Youth Employment Opportunities Project (KYEOP)</u> .....   | 9  |
| <u>3.4.4 Huduma Centre Services</u> .....   | 9  |
| <u>3.4.5 National Youth Services (NYS)</u> .....  | 10 |
| <u>3.4.6 Ajira Digital Program</u> .....  | 10 |
| <u>3.4.7 Constituency Youth Empowerment Centres (CYECs)</u> .....   | 10 |
| <u>3.5 ANALYSIS AWARENESS AND EFFECTIVENESS OF GOVERNMENT INITIATIVES FOR YOUTH INCLUSION</u> .....                           | 10 |
| <u>3.5.1 Awareness Levels</u> .....   | 10 |
| <u>3.5.2 Effectiveness of the Government Initiatives</u> .....  | 12 |
| <u>PART FOUR: ACTORS AND AGENCIES RESPONSIBLE FOR IMPLEMENTATION OF ARTICLE 55(B) OF THE CONSTITUTION OF KENYA 2010</u> ..... | 13 |
| <u>4.1 INTRODUCTION</u> .....   | 13 |
| <u>4.2 PUBLIC SECTOR AGENCIES</u> .....   | 13 |
| <u>4.2.1 Ministry Of Public Service, Youth and Gender (PSYG)</u> .....  | 13 |
| <u>4.2.2 The National Youth Council (NYC)</u> .....   | 14 |
| <u>4.2.3 Independent Electoral and Boundaries Commission (IEBC)</u> .....   | 14 |
| <u>4.2.4 Office of the Registrar of Political Parties</u> .....   | 16 |
| <u>4.2.5 National Employment Authority (NEA)</u> .....  | 16 |
| <u>4.2.6 Parliament</u> .....   | 16 |
| <u>4.3 POLITICAL ACTORS</u> .....   | 16 |
| <u>4.3.1 Political Parties</u> .....  | 16 |
| <u>4.3.2 Kenya Young Parliamentarians Association (KYPA)</u> .....  | 17 |
| <u>4.4 PRIVATE SECTOR</u> .....   | 17 |
| <u>4.4.1 Kenya Private Sector Alliance (KEPSA)</u> .....  | 17 |
| <u>4.5 International Agencies</u> .....   | 18 |

|   |    |
|---|----|
| PART FIVE: ENABLING FACTORS AND DETERRENENTS TO OPTIMAL YOUTH PARTICIPATION IN DIFFERENT SPHERES OF LIFE..... | 19 |
| 5.1 INTRODUCTION.....   | 19 |
| 5.2 ENABLING FACTORS.....   | 19 |
| 5.2.1 <i>Elaborate Legal Framework</i> .....  | 19 |
| 5.2.2 <i>Expanding Democratic Space</i> .....   | 19 |
| 5.2.3 <i>Government Policies and Programs</i> .....   | 19 |
| 5.2.4 <i>Increasing Youth Population</i> .....  | 20 |
| 5.3 DETERRENENTS TO YOUTH SOCIAL, ECONOMIC AND POLITICAL PARTICIPATION .....                                  | 20 |
| 5.3.1 <i>Lack of Adequate Information on Existing Opportunities</i> .....                                     | 20 |
| 5.3.2 <i>Weak Political Institutions</i> .....  | 20 |
| 5.3.3 <i>Lack of Trust in Electoral Management Bodies (EMBs)</i> .....  | 20 |
| PART SIX: CONCLUSION AND RECOMMENDATIONS .....  | 21 |
| 6.1 CONCLUSION.....   | 21 |
| 6.2 RECOMMENDATIONS .....   | 21 |
| REFERENCES .....  | 24 |

## INTRODUCTION

### 1.1 Background

There is a growing global recognition of the need to engage youth<sup>1</sup> to participate in governance at all levels of societal, political, economic and social development (Riungu, 2011). Globally, youth are considered as important social actors of change and development. They have constructive roles to play in national development by putting into use their energy and creativity. It is this recognition that has led to the ratification of treaties and agreements that provide a framework for youth inclusion in global and national development.

The United Nations General Assembly adopted the World Programme of Action for Youth to the Year 2000 and beyond that provided, in its priority areas, for the full and effective participation of youth in the life of society and in decision-making. Similarly, in 2003, the General Assembly of the United Nations reaffirmed its commitment to the participation of young people by issuing Resolution No. 58/133 (Policies and programmes involving youth) which clearly calls upon all Member States, United Nations bodies, specialized agencies, regional commissions and intergovernmental and non-governmental organizations concerned to make every possible effort to implement cross-sectoral policies relevant to the youth. On its part, Article 11 of the African youth Charter adopted by the African Union was dedicated to the participation of young people in all spheres of society.

Despite these progressive instruments, the levels of youth participation in politics and other spheres of life remain low in many parts of the world. Young people unfortunately remain amongst the marginalized groups that do not get enough attention from the authorities and the legislator mainly in Africa. According to Idike and Okechukwu, (2015) the challenges for youths that are central to Africa's economic development are numerous and varied—they include employment, health and political participation.

COK requires that any international treaty or Convention that Kenya has ratified, become part of Kenyan law, including those on youth and inclusion. Besides, the COK 2010 made specific provisions for youth participation in governance in chapter four (4) on Bill of Rights and Article 55(b). Article 55(b) of the COK specifically provides for the state to take measures including affirmative action programmes to ensure that the youth have opportunities to associate, be represented and participate in political, social, economic and other spheres of life.

After eight years of implementing the COK 2010, the Centre or Multiparty Democracy (CMD-Kenya) conducted this survey to establish the status of implementation Article 55(b) of the Constitution under its Youth Involvement and Political Dialogue Integrated Project.

## 1.2 Context

The Youth Involvement and Political Dialogue Integrated Project is an initiative of CMD-Kenya being implemented in partnership with the Danish Institute for Parties and Democracy (DIDP) and Danish Liberal Democracy Program (DLDP). The three-year project envisages strengthened political parties engaging in politics based on convictions, and greater collaboration among political leaders to deal with the societal problems. Furthermore, through strengthened youth leagues, the project intends to help young people play a vital role in their own development as well as in that of their communities by placing premium on their roles as initiators, enablers and beneficiaries of change as well ensure their interaction and engagement with electoral and political governance processes. The project envisages youth organized within political parties and educated on policy formulation and collaboration contributing as critical drivers of the development of a new generation of politics and multiparty democratic practice in Kenya based on issues, dialogue and non-violence.

## 1.3 Objectives Of The Baseline Survey

The overall objective of the baseline study was to assess the status of implementation of Article 55 (b) of the Constitution of Kenya 2010 by different actors. Specifically, the study sought to:

- a. Analyze the programs, policies and affirmative action mechanisms put in place to ensure youth participation in political, social, economic aspects of life.
- b. Map out actors/Agencies involved in ensuring the implementation of the Constitutional provision and their respective roles.
- c. Highlight factors that are either enabling or impeding youth participation in different spheres of life.

## 1.4 Expected Results

Key findings from the survey were aimed at:

- a. Ascertaining the presence or otherwise, of the programs, policies and affirmative action mechanisms put in place by different actors to enhance youth participation in political, social and economic aspects of life.
- b. Identifying the different actors/agencies playing a role in the implementation of Article 55(b) of the Constitution of Kenya 2010.
- c. Unpacking the enabling and/or deterrents factors to optimal youth participation in different spheres of life.

## METHODOLOGY

### 2.1 Introduction

A cross-sectional descriptive study design was employed to gather views from different actors on the status of implementation of Article 55(b) of the COK 2010. This enabled analysis of the programs, policies, information access channels as well as enabling and/or deterrents to meaningful youth participation in different aspects of life. According to Orodho (2003), a cross-sectional descriptive design entails the collection of information by interviewing or administering questionnaires to a sample of individuals. A cross-sectional descriptive design is used to describe what exists at a particular point in time with regard to variables or conditions in a situation (Anastas, 1999).

### 2.2 Methods of and Tools for Data Collection

The survey utilized a mix of methods in order to analyze, examine and understand the status of implementation of Article 55(b) of the COK by different actors. Both secondary and primary data were collected during the study as follows:

- a. **Secondary data:** collection of secondary data was the starting point for the study. It encompassed the review of existing literature on the policies, programs and affirmative action measures that have been taken by different actors to actualize Article 55(b) of the COK 2010. The desk review relied on numerous sources of literature including but not limited to Policy and Legislative documents, government policy papers, books and grey literature on the subject matter.
- b. **Primary data:** primary data was also collected during the study. Primary data was mainly collected from purposively sampled key informants and Focus Group Discussions (FGDs). Key informants from political parties and agencies with interest in youth affairs were sampled and interviewed. A semi-structured interview guide with set questions was used in data collection from key informants. A total of 35 key informants participated in the study.

## AFFIRMATIVE ACTION MEASURES, POLICIES AND PROGRAMS FOR YOUTH AND INCLUSION

### 3.1 Introduction

The first objective of the baseline survey was establish whether the State had taken any affirmative action measures, policies and programs to guarantee increased participation of youth in different domains in Kenya. Secondary data was largely collected on available affirmative action measures, policies and programs. Primary data was collected from participating youth on whether they consider these measures effective and whether they actually know about their existence. Findings are presented below.

### 3.2 Affirmative Action Measures

By definition, Affirmative Action refers to a deliberate move to reforming or eliminating past and present discrimination using a set of public policies and initiatives designed to help on the basis of colour, creed, geographical location, race, origin and gender among others (WILDAF, 2010). Survey findings show that there are a number of affirmative action measures taken by the State targeting youth as follows.

#### 3.2.1 The National Government Affirmative Action Fund (NGAAF)

NGAAF is a semi-autonomous government agency (SAGA) under the Ministry of Public Service, Youth and Gender Affairs (PSYGA), in the State Department of Gender Affairs. NGAAF was enacted through Legal Notice No.24 of the Public Finance Management Act, 2012. The objective of the Fund is to empower the affirmative action groups: women, youth and Persons with Disabilities (PWDs) in the country through enhancing access to financial facilities for social–economic empowerment. Among the mandates and objectives of the fund that have a direct benefit to youth is the socio cultural development and nurturing of talent for affirmative action groups including promotion of art, music and sports. It also seeks to support of affirmative action groups through bursaries and scholarships to access education opportunities.

#### 3.2.2 The Youth Access to Government Procurement Opportunities Program (AGPO)

AGPO is a government program that seeks to actualize the legal requirement for women, youth and persons with disabilities to access 30% of Government Procurement opportunities. It is founded on the Constitution of Kenya, 2010 Article 227 of the COK 2010 on fair, equitable, transparent and cost-effective public procurement of goods and services; Article 55 on affirmative action and the Public Procurement and Asset Disposal Act, 2015.

### 3.3 Policies

According to Considine (1994), a public policy is an action, which employs governmental authority to commit resources in support of a preferred value. It is a course of action chosen by a government to address a certain issue towards achieving required goals. The baseline survey examined the policies government initiated towards enhancing youth participation in different aspects of life. Results show there are a number of policies the government has initiated towards this end as discussed below.

#### 3.3.1 Sessional Paper No. 4 of 2013 on Employment Policy and Strategy for Kenya

The policy is a tool that seeks to facilitate the creation of decent, productive and sustainable employment opportunities, stimulating economic growth and socio-economic development. The overall goal of the policy is to promote full employment as a priority in national, economic and social policy and to enable the economically active population to attain and secure sustainable livelihood through productive and freely chosen employment by the year 2030. The strategy proposes employment creation strategies to be integrated in the Medium Term Plans (MPTs) County and sector plans as well as the national macroeconomic policy framework.

#### 3.3.2 Kenya Youth Agribusiness Strategy 2017-2021

The Ministry of Agriculture, Livestock and Fisheries developed the strategy in consultation with the County Governments after noticing that the National Youth Policy and the Agricultural Sector Development Strategy did not address effectively how to engage youth in the sector. The strategy was therefore developed to address challenges that hinder youth from participating effectively in the sector. It is meant to provide new opportunities for youth in agriculture and its value chain.

#### 3.3.3 Internship Policy 2016

The policy provides a framework for engagement and management of internship programmes in the public service. It outlines the various provisions and requirements of the programme, selection procedures and roles and responsibilities of various stakeholders in the internship programme. Further, it takes cognizance of the various legal and policy provisions on which the internship policy is based. The policy establishes a mechanism for managing an effective and efficient internship programme that aims to bridge the gap between academic and the world of work.

### 3.4 Programs

In this study, programs were defined as specific interventions undertaken by the State to actualize policies towards youth inclusion. Study findings show that a number of government programs exist; some that were initiated under the previous Constitutional order (but are contributing towards realization of Article 55(b) goals) while others were initiated under the COK 2010.

### **3.4.1 Youth Enterprise Development Fund (YEDF)**

YEDF was established in December 2006 by the government as an initiative that is hoped to address the unemployment rate among the youth. The Fund seeks to create employment opportunities for young people through entrepreneurship and encouraging them to be job creators and not job seekers. It does this by providing easy and affordable financial and business development support services to youth who are keen on starting or expanding businesses.

### **3.4.2 Uwezo Fund**

Uwezo Fund is a flagship programme for Vision 2030 aimed at enabling women, youth and persons with disability access finances to promote businesses and enterprises at the constituency level, thereby enhancing economic growth towards the realization of the same and the Millennium Development Goals No.1 (eradicate extreme poverty and hunger) and 3 (promote gender equality and empower women). The Fund seeks to expand access to finances and promote women, youth and persons living with disabilities' led enterprises at the constituency level. It also provides mentorship opportunities to enable the beneficiaries take advantage of the 30% government procurement preference through its Capacity Building Programme. The Fund was established in 2013 and enacted through a Legal Notice No. 21 of the Public Finance Management Act, 2014, and published on 21st February, 2014.

### **3.4.3 Kenya Youth Employment Opportunities Project (KYEOP)**

The focus of KYEOP is to increase employment and earning opportunities amongst youth in Kenya. It does so by improving Youth Employability (Addressing Skills Mismatch), support for job creation (e.g. new businesses, improve productivity and potential of existing jobs, micro enterprises and self-employment, labour market information systems and addressing problems of accessing timely information about labour demand and supply). It also works towards strengthening youth policy development and project management (capacity building for the Ministry of PSYG).

### **3.4.4 Huduma Centre Services**

It is a program by the Government of Kenya that aims to transform Public Service Delivery by providing citizens' access to various Public Services and information from One Stop Shop citizen service centres called Huduma Centres and through integrated technology platforms. This means that one is able to get services such as issuance of national identity cards, issuance of birth certificates, registration of business names, and applications of business licenses, drivers' licenses, police abstract and many other services in one place. The service is especially beneficial to youth who require these essential documents to access employment opportunities and other opportunities in the Country.

### 3.4.5 National Youth Services (NYS)

NYS is a voluntary work and educational programme for young Kenya citizens. Through the program, the Government offers training to young people, molding the Kenyan Youth into a pool of disciplined and organized manpower.

### 3.4.6 Ajira Digital Program

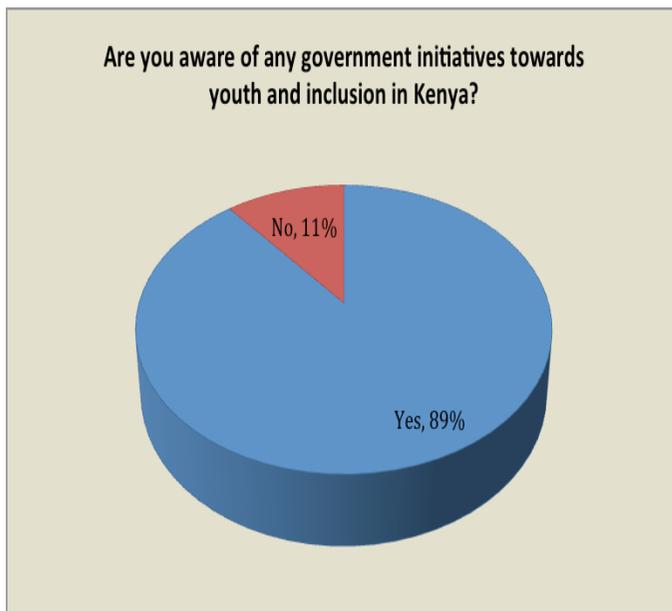
The Ajira Digital Program is a government initiative driven by the Ministry of Information, Communications and Technology to empower young people to access digital job opportunities. The main objectives of the program is to raise the profile of digital work; promote a mentorship and collaborative learning approach to finding digital work; provide Kenyans with access to digital work, and finally promote Kenya as a destination for online workers. The program seeks to position Kenya as a choice labour destination for multinational companies as well as encourage local companies and public sector to create digital work.

### 3.4.7 Constituency Youth Empowerment Centres (CYECs)

CYECs are spaces for youth innovation, engagement and support established across the country. CYECs entail construction of infrastructure to serve as training and innovation centres for young people across the country.

## 3.5 Analysis Awareness and Effectiveness Of Government Initiatives For Youth Inclusion

### 3.5.1 Awareness Levels



Given a relatively large number of government programs, policies and affirmative action measures towards youth inclusion, the baseline survey sought views of youth on whether they were aware of the existence of these initiatives and whether they considered these interventions effective in addressing their concerns. Survey findings show that large majority of participating youth, 89%, were aware of the existence of some of these affirmative action measures, policies and programs (Figure 1).

**Figure 1: Youth Awareness of Government Initiatives on Youth Empowerment**

The remaining 11% were not aware of most of these initiatives. The findings show a category of young people who are largely aware of existing government initiatives they can utilize for their own good.

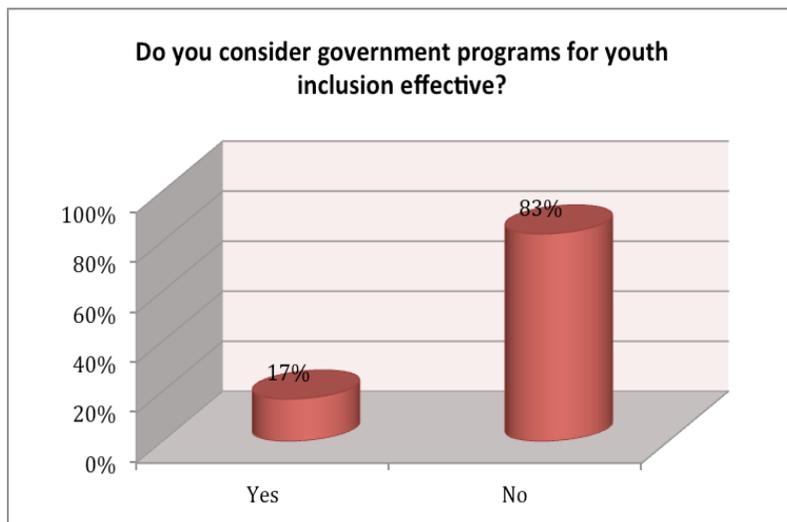
In terms of the actual types of initiatives known, survey findings show that vast majority of young people were aware of different affirmative action measures and also youth empowerment programs. However, they had least information on policies upon which these initiatives are anchored and importance of applying for these opportunities. With regard to the ones discussed above, their knowledge levels were in Table 1 below.

**Table 1: Youth Awareness Levels of Government Initiatives for Youth Empowerment**

| Thematic Area               | Initiative  | Awareness Levels |
|-----------------------------|---|------------------|
| Affirmative Action Measures | National Government Affirmative Action Fund (NGAAF)                       | 68%              |
|                             | The Youth Access to Government Procurement Opportunities Program (AGPO)   | 92%              |
| Policies                    | Sessional Paper No. 4 of 2013 on Employment Policy and Strategy for Kenya | 24%              |
|                             | Kenya Youth Agribusiness Strategy 2017-2021                               | 18%              |
|                             | Internship Policy 2016  | 43%              |
| Programs                    | Youth Enterprise Development Fund (YEDF)                                  | 99%              |
|                             | Uwezo Fund  | 96%              |
|                             | Kenya Youth Employment Opportunities Project (KYEOP)                      | 26%              |
|                             | Huduma Centre Services  | 99%              |
|                             | National Youth Services (NYS)   | 100%             |
|                             | Ajira Digital Program   | 37%              |
|                             | Constituency Youth Empowerment Centres (CYECs)                            | 42%              |
|                             |   |                  |

Results in Table 1 above show that on average, majority of youth know government programs aimed at youth empowerment including NYS (100%), YEDF (99%), Uwezo Fund (96%) and also affirmative action measures, mainly AGPO (92%).

### 3.5.2 Effectiveness of the Government Initiatives



**Figure 2: Effectiveness of Government Initiatives towards Youth empowerment**

More than three quarters of the participating youth (83%) said that the government initiated youth empowerment programs were ineffective (Figure 2). This was based on the following reasons:

- a) There is too much politicization of the programs manifested in side-lining of youth perceived to be of divergent political persuasion.

For instance, in Nairobi County, the Nairobi County Youth Network members indicated that the opposition youth were not benefitting from such programs because the Governor is from Jubilee Party. According to the youth, the programs are used to reward party loyalists instead of being open to benefit all youth. They lack structure and accountability mechanisms. The follow-up and monitoring systems to establish the effectiveness of the programs are also lacking.

b) Youth do not have sufficient information on all the government initiated youth empowerment programs and how to access them. As presented in figure 1 and Table 1 above, youth who took part in the survey observed that there is lack of consistent and clearer information on these opportunities that can help them apply and benefit as required.

c) The bureaucratic nature of the processes particularly of accessing loans from the youth funds is impeding youth access to business capital. This makes young people shy away from applying for the facilities. Studies elsewhere have demonstrated that the funds, mainly Uwezo fund and YEDF, have not been taken by the youth due to these very reasons. Participating youth pointed out Uwezo Fund in particular, that has too many bottlenecks limiting youth's access to loans for the youth, e.g. they seek bank deposit history from students.

## **ACTORS AND AGENCIES RESPONSIBLE FOR IMPLEMENTATION OF ARTICLE 55(B) OF THE CONSTITUTION OF KENYA 2010**

### **4.1 Introduction**

The second objective of the baseline survey was to map out key actors/agencies with a role in the implementation of Article 55(b) of the COK 2010. This section discusses the various actors mandated to implement youth related policies and programs, including those that give effect to Article 55(b) of the COK 2010. It analyses their mandates, capacities and challenges faced in an attempt to fulfill their mandates.

### **4.2 Public Sector Agencies**

Public sector agencies have broad mandates in ensuring youth are involved in political, economic and social aspects of the country's development. In fact, they are the primary agencies that ensure all Constitutional provisions are implemented. Some of the public sector agencies include:

#### **4.2.1 Ministry Of Public Service, Youth and Gender (PSYG)**

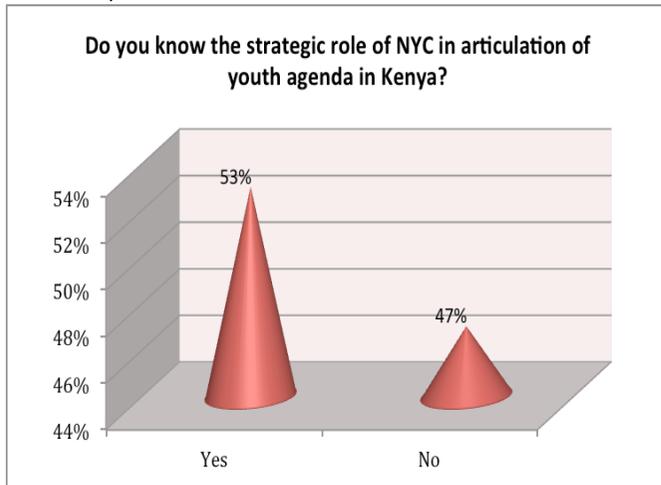
The Ministry hosts the Directorate of Youth Affairs, which is mandated with the coordination of all issues related to youth. The Directorate coordinates broad functions touching on mentorship, lobbying for Youth Representation in Boards, providing youth with exposure to learning and International Exchange programs and talent development.

During the baseline survey, the Director of Youth reported that the Ministry had constructed 152 Constituency Youth Empowerment Centres (CYECs), 47 of which are fully functional. The Directorate was working towards formulating a Youth Mainstreaming Strategy for the whole government. The Director also reported that the strategy would eventually be transformed into a Youth Mainstreaming Policy for the government. The Directorate was also spearheading the review of the National Youth Policy to make it responsive to the needs of young people under the COK 2010. According to the Director, once the National Youth Policy is revised, the Directorate will embark on reviewing the National Youth Council Act after which they shall hold Youth Council Elections.

The survey established that Directorate has structures spread across the country and with County Governments who ensure youth related programs are implemented. For instance, there are Youth Officers stationed in all Counties who are responsible for cascading the directorate's youth initiatives within their jurisdictions, partnering to compliment the County youth initiatives. The survey however, established that despite the presence of these structures, they lack budgetary allocation to implement and also monitor the status of youth empowerment programs across the country.

### 4.2.2 The National Youth Council (NYC)

NYC was established through the National Youth Council Act of 2009. The law mandates NYC to act as a voice of the youth to ensure that the Government and other policy makers are kept informed of the views and aspirations of the youth. The body also works towards promoting the inclusion of youth agenda in the formulation of policy by public institutions and organizations. NYC is the most strategically positioned body to champion the youth agenda in Kenya. In fact, the body presents the best fulcrum with regard to the implementation of Article 55(b) of the COK 2010, coordinating all efforts by the State and Non-State actors with interest in youth development issues.



**Figure 3: Respondents' Knowledge of the Strategic Role of NYC**

Despite its strategic relevance, the survey established some major gaps, both in structure and resources, that make NYC unable to function optimally. Key informants interviewed from NYC observed that although the law grants NYC autonomy in terms of budgetary allocation and management, the body has been cash starved since inception. The council was placed under the Directorate of Youth Affairs under the Ministry PSYG and has not been well funded.

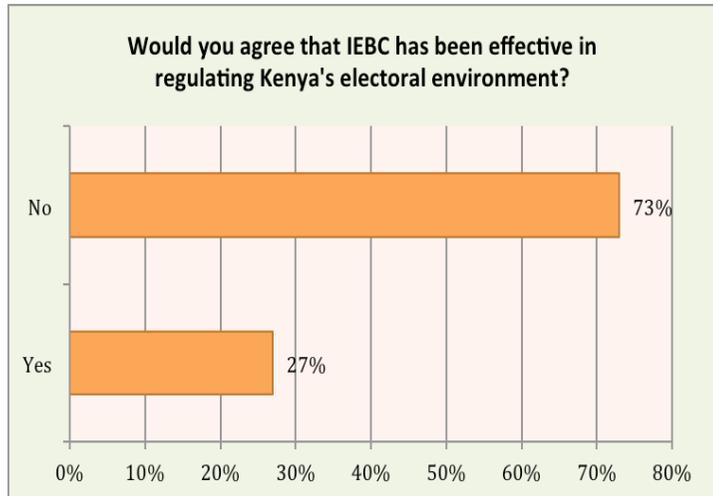
On their part, 47% of the youth who took part in the survey observed that although they were aware of the existence of NYC, they did not have knowledge of their programs and how they promote the interests of the youth (Figure 3).

In terms of structure, NYC runs like a Parastatal in the Ministry of PSYG; its articulation of youth agenda as envisaged in the NYC Act is not easy to locate. Indeed, the law provides that NYC elections be held after three years. However, since the NYC Act came into operation in 2012, only one election has been held. This is an anomaly that taints the legitimacy of the body.

### 4.2.3 Independent Electoral and Boundaries Commission (IEBC)

The Independent Electoral and Boundaries Commission (IEBC) is mandated to oversee all matters pertaining elections in accordance with the law. It is an independent body whose mandate including conducting free, fair and transparent elections. The law establishing IEBC states that among other functions, the body is responsible for the regulation of money spent by a candidate or party in respect of any election; development of a code of conduct for candidates and parties and monitoring of compliance with legislation on nomination of candidates by parties. These are critical functions that that have direct influence on youth participation in politics.

Participating youth in the survey were of the view that IEBC has not measured up to this task. More than 70% of the respondents affirmed that the regulation of money in politics and the enforcement of code of conduct particularly during electoral campaigns remains a challenge (Figure 4). According to the youth, the perceived or real lack of credible elections in Kenya has been the reason why young people resort to protests and violence to express their political dissatisfaction. IEBC has a responsibility of building



**Figure 4: Respondents' Views on the Effectiveness of IEBC**

#### 4.2.4 Office of the Registrar of Political Parties

The Office of the Registrar of Political parties (ORPP) is a body legally mandated to regulate political parties' registration and conduct. The office is responsible for registration, regulation, monitoring and supervising political parties to ensure that they comply with the provisions of the Political Parties Act 2011. The office also administers the Political Parties Fund (PPF) established by the Political Parties Act 2011. It also ensures publication of audited annual accounts of political parties; verify and make publicly available the list of all members of political parties and maintain a register of political parties and the symbols of the political parties. Thus the ORPP is a very strong Government institution that can ensure accountability on the part of political parties.

Despite its strategic importance, the study established weaknesses in the ORPP that have also hindered youth participation in the country's democratic development. More than 80% of the youth from political parties who took part in the survey reported that ORPP has not adequately put in place mechanisms for monitoring of the utilization of the political parties fund (PPF). The law provides that at least 30% of the PPF should go towards promoting the participation of marginalized groups including youth, women and persons with disabilities. While three political parties meet the threshold and therefore receive the PPF, the survey established that there are no records to show how much of the budget in the three parties programs as required in law go towards supporting youth. Further, key informants from political parties observed that the ORPP has failed to sanction violent political parties that always exploit youth to cause mayhem during different times of the electoral cycle. These factors constrain young people's opportunities for political participation.

#### 4.2.5 National Employment Authority (NEA)

The National Employment Authority (NEA) was established in April, 2016 by an Act of Parliament (the National Employment Authority Act 2016) which effectively provided the legal framework and mandates for its operations. It mainly provides for a comprehensive institutional framework for: employment management; enhancement of employment promotion interventions; and increasing access to employment by the youth, minorities and marginalized groups and for connected purposes. Survey results show that large majority of youth, 92%, do not actually know much about NEA. This was largely because at the time of the survey, NEA was in its formative stages and its visibility was low.

#### 4.2.6 Parliament

Parliament is the legislative authority of the Republic. Parliament is responsible for making laws that hold the Executive to account on its policies and actions. The role of Parliament is budget making process is also critical. It is Parliament that is mandated to generate law(s) to give effect to Article 55(b) of the COK 2010. Parliament is also mandated to ensure budgetary allocations all responsible for youth development, including strategic bodies like NYC.

### 4.3 Political Actors

#### 4.3.1 Political Parties

Political parties play an important role in representative democracy and the strengthening of the democratization process. They are avenues through which young people can access political leadership in the country. They therefore have a role to ensure actualization of Article 55(b) of the COK 2010, particularly, in with regard to political participation. The survey sought also to establish what role political parties were playing to facilitate enhanced political participation by youth.

*The Youth League is a nursery bed to grow leaders and transition them into the leadership of the party and the country leadership eventually.*

*~Benson Musungu, Director Youth Affairs, ODM*

Discussions in two FGDs revealed that political parties have not effectively promoted meaningful youth political participation. According to the FGD participants, most youth leagues in political parties, that are supposed to be organs that spur young people's political participation, are not functional. Jubilee Party for instance, does not have a youth league, despite it being the ruling party. ODM has a mainstreamed youth, with leadership structures from the polling station level. Key informants who took part in the survey were almost unanimous that youth leagues are experiencing a number of challenges that are impeding on their success in youth engagement. One of the main challenges is youth voice not being considered or taken seriously in majority of the parties, especially the larger ones. In the smaller parties with mostly youth membership, the youth voices were considered quite substantially.

Six (6) out of the seven (7) parties sampled reported that financial constraints limit their efficiency and effectiveness in youth engagement. The FGD respondents observed that those political parties that receive the Political Parties' Fund (PPF) do not necessarily distribute it as stipulated in law,

*"I would rather be in a political party where I am appreciated than in a party where I am tolerated."*

*Bernard Wakoli~ Ford Kenya National Youth Leader*

for instance to promote youth activities in the parties. This stifles affirmative action measures that seek to increase young people's political participation. The survey established that the accountability systems that follow through to ensure such parties utilize the resources as required under the law are weak, and largely lacking.

#### 4.3.2 Kenya Young Parliamentarians Association (KYPA)

KYPA is an association of young parliamentarians whose goal is to champion the youth voice at the legislative level. KYPA occupies a unique position to lobby for and introduce youth friendly policies at the National level that advance the interests of the youth. For instance, the KYPA Chairperson sponsored the National Employment Authority Act 2016 that gave effect to Article 55(c) and 56(b) of the COK 2010.

### 4.4 Private Sector

#### 4.4.1 Kenya Private Sector Alliance (KEPSA)

KEPSA is the premier private sector apex body with a mandate to be the voice of the private sector in Kenya; it plays a critical role in business, economic and political reforms. Most of the work KEPSA has done for the youth has been done through the Ministerial Stakeholder Forums; organized and conducted through sector boards, which are modelled around the Ministries in Government. The sector board responsible for youth is the Gender and Youth Sector Board. The board has implemented the following activities to promote youth participation:

- a. Public Private Partnerships with government such as the Kenya Youth Empowerment Program implemented in partnership with the former Ministry of Youth Affairs and Sports (MOYAS) and the World Bank. A similar partnership was forged for the current Ajira Digital Initiative
- b. The sector board has conducted youth dialogues with the Ministry on matters of inclusivity, they held a meeting with the former Cabinet Secretary for Public Service, Youth and Gender Affairs to lobby for separate reporting for youth and women, for better monitoring of youth targets. They also collaborated with the Ministry to conduct training on AGPO for youth in business.

- c. Established a Youth in Enterprise Forum (YEFO), a platform that is used to highlight the challenges faced in enterprise, small businesses and in the Technical and Vocational Education Training (TIVET).

*“Youth have not been perceived as active contributors to the economy, they are seen as a burden. KEPSA is addressing this problem by making sure they create supportive structures within, to ensure that there are more young business people participating in the activities of the apex business organization.”*

*~Waithera Gaitho, Youth Rep, KEPSA Gender & Youth Sector Board*

#### 4.5 International Agencies

International development organizations also play an important role towards youth empowerment in Kenya. They provide technical and material support to government institutions and non-state actors working in the youth sector. Key among the international agencies include the United Nations, UNICEF, World Assembly of Youth (WAY), and World Youth Alliance among others.

## ENABLING FACTORS AND DETERRENENTS TO OPTIMAL YOUTH PARTICIPATION IN DIFFERENT SPHERES OF LIFE

### 5.1 Introduction

The final objective of the survey was to identify enabling factors and deterrents to youth's participation in different spheres of life. In this section, analysis of existing literature on the subject as well as responses collected the baseline survey will be taken.

### 5.2 Enabling Factors

#### 5.2.1 Elaborate Legal Framework

The COK 2010 created provisions to specifically address the plight of the youth and address some of the root causes of the youth disempowerment in Kenya. As explained above, the COK 2010 is elaborate on provisions aimed at youth empowerment. Article 55 of the COK expressly calls upon the State to take measures that will enhance education and training among the youth. It also tasks the State to take measures, including affirmative action measures, to enhance youth representation and participation in social, economic and political processes and access to employment. Further, the COK 2010 protects the youth from harmful cultural practices and exploitation. Politically, the COK 2010 provides guarantees every citizen's political rights. Article 36 makes provision for Freedom of Association, which safeguards the right to form, join or participate in the activities of an association of any kind. It further safeguards against compulsion to join any association and provisions to regulate limitations of this right.

#### 5.2.2 Expanding Democratic Space

Article 38 of the COK 2010 makes provisions for political rights and guarantees every citizen's rights to make political choices, which include the right to form or participate in forming a political party, participate in the activities of and recruit members for a political party and to campaign for a political party.

#### 5.2.3 Government Policies and Programs

As discussed in part four above, the government has formulated a number of policies and programs to promote meaningful youth participation in Kenya. These policies and programs create unique opportunities for meaningful youth participation at different levels of the Kenyan society. These tools provide the framework on how youth can be involved in the country's development processes. These policies and programs also give rise to the creation of institutions that work towards actualizing the very policies and programs.

## **5.2.4 Increasing Youth Population**

Kenya is a youthful country. It is estimated that the country's youthful population is among the highest in the world. This is a resource that can be tapped to spur the country's socio-economic development.

## **5.3 Deterrents to youth Social, Economic and Political Participation**

### **5.3.1 Lack of Adequate Information on Existing Opportunities**

The survey established that there are no reliable channels for information sharing on existing and emerging opportunities that can promote meaningful youth participation. Available information is shared via websites and social media platforms such as what's app and Facebook. Other channels include politicians, churches and informal channels such as word of mouth from one's networks. There are no established platforms through which youth can access factual consolidated easy to read and understand information on government programs and how they can benefit. This exposes such processes to manipulation mainly by political leaders to the detriment of the young people. The processes are bureaucratic and expensive for many young people looking to take advantage of these opportunities by government.

### **5.3.2 Weak Political Institutions**

Kenya's weak political institutions have been an impediment to youth political participation. Survey findings show that political parties are weak, with limited ideological grounding. There are also elements of obstruction directed at young people who intend to pursue political careers. Political parties do not have youth leagues to serve as platforms for youth political mentorship and for articulation of youth agenda. Further, the inability of political parties to conduct credible primaries means young people continue missing opportunities for democratic participation through a fair process.

### **5.3.3 Lack of Trust in Electoral Management Bodies (EMBs)**

IEBC's inability to hold free, fair and credible elections has hindered youth interest in the country's political processes. It is out of such processes that young people have mainly resorted to violence and protests to express their frustrations. Also, IEBC's inability to reign on political actors that perpetuate violence during elections has been a major challenge to youth participation in the electoral processes.

## CONCLUSION AND RECOMMENDATIONS

### 6.1 Conclusion

The baseline survey findings show that there are no express efforts (particularly through legislation) made towards implementation of Article 55(b) of the COK 2010. The government has enacted the National Employment Authority Act 2016 to give effect to Article 55(c) and 56(b) of the COK 2010. This piece of legislation only seeks to promote youth's economic empowerment and not political participation and representation. Youth political participation is mentioned as a small part in legislations such as the Political Parties Act 2011, which provides that 30% of the PPF should be spent in promoting the activities that enhance the participation of women, youth and persons with disabilities in political parties. The assessment established that conversations around youth political participation are largely undertaken by non-state actors.

Also, the findings reveal that there are a number of policies and programs the government has put in place to enhance youth involvement at different levels of Kenyan society. Similarly, different institutions have been established to support the integration of youth agenda at different levels of government. However, there is a lot of duplication of responsibilities, which make such programs ineffective, for instance, the focus of Uwezo Fund and YEDF.

### 6.2 Recommendations

#### To The Executive

- a. Strengthen youth organizations mainly the National Youth Council. NYC should be strengthened as provided in law and be responsible for coordinating all youth related activities. Its mandates should be merged with those of the Directorate of Youth Affairs under the Ministry of PSYG to avoid duplication of responsibilities and competition for resources towards the same roles. The Government should immediately hold elections for NYC. Parliament should further allocate budgets for the NYC, the Ministry of PSYG has failed to sufficiently allocate funds since inception.
- b. A proper monitoring plan should be initiated by the State to track the effectiveness of the affirmative action measures, policies and programs aimed at enhancing the levels of youth participation at various levels of society. Proper results should be documented out of such processes and be used to inform decision-making processes on matters related to youth.

- d. The Government should uphold the right to information by ensuring that all necessary information is made available to the youth. Such information should include matter of the National Youth Council, National Youth Policies, National Youth budgets and information on National Youth Empowerment programs. This information should be shared through youth friendly media.
- e. There is need to amalgamate policies and programs that have duplicating mandates. This will ensure proper coordination and prudent use of resources.
- f. There is need for a deliberate policy that will ensure youth deputize senior officers serving in State agencies or work as apprentices. That will ensure a proper succession plan and mentorship to the youth in readiness for leadership.

### **To Parliament**

- a. Enact a legislation to give effect to Article 55(b) of the COK 2010. The legislation should be explicit on youth political participation and representation as this is the aspect that has not been adequately addressed by the existing legislations. Such legislation should be placed under a designate body, preferably the NYC, to champion its implementation.
- b. Strengthen systems for conducting political parties' primaries. There is need for legal framework to regulate the conduct of political parties' primaries to create a level playing field for political competition between and among different candidates. Such a law should expressly provide that IEBC be contracted to conduct the party primaries to safeguard the special interests groups' interest.

### **To Political Parties**

- a. Establish and strengthen youth wings to serve as platforms for articulation of youth agenda in political parties.
- b. Set aside resources for promotion of youth activities in the parties.
- c. Reduce nomination fees for youth as an important measure for affirmative action.
- d. Strengthen election management boards in political parties to bolster their ability to plan and conduct well-administered party primaries.
- e. Ageism is a real factor in Kenya especially in politics. Political parties need to defy traditional cultures and norms that look to elders for direction and the youth are not to be same ranking when it comes to decision making.

### **To the Independent Electoral and Boundaries Commission (IEBC)**

- a. Finalize the 2013 Election Campaign Financing Act regulations and enforce compliance with the act.
- b. Enforce the electoral code of conduct to curb election related violence that mainly affect youth.
- c. Capacity building and civic education especially on the voter's education. Continuous engagement with youth especially in political parties. PPLC being the key avenue for interaction has the representation of senior political party leader's comprising of few youth voices.

### **To The Office of Registrar of Political Parties (ORPP)**

- a. Proper reforms should be initiated in political parties. The ORPP should establish and implement accountability systems in political parties on matters youth involvement. Political parties that receive the PPF must demonstrate the activities they have implemented to promote youth empowering activities.
- b. Conduct regular audits on political parties to assess compliance with the Political Parties Act, particularly those provisions on youth political participation.

### **To Civil Society Organizations**

- a. Stakeholders working on Youth participation should collaborate to initiate programs that will build capacity of youth across the board to advocate together for improved implementation of Art 55 (b).
- b. They should further facilitate cross party and cross-sectoral discussions to build trust amongst the youth leaders and prepare powerful machinery for campaign and advocacy on youth rights to participation. They should further develop a strategy for communication to youth on all empowerment opportunities.
- c. Develop and embrace systems for synergy building between and among themselves in different fronts such as advocacy, capacity building and information sharing.
- d. Financial support for CSOs to have synergy in collaborations for common interest areas for youth is key in implementation of youth initiatives. Lack of organization in mapping out youth work leads to repetitive and competitive futile attempts.

## References

- Anastas, J.W. (1999). *Research Design for Social Work and the Human Services*. 2nd Ed. New York: Columbia University Press.
- Considine, M. (1994). *Public Policy: A Critical Approach*. South Melbourne: Macmillan Education.
- Government of Kenya (2010). *Constitution of Kenya 2010*. Nairobi: Government Printer.
- Government of Kenya (2013). *Sessional Paper Number 4 of 2013 on National employment Strategy for Kenya*. Ministry of Labor, Social Security and Services. Nairobi.
- Government of Kenya (2014). *Public Finance Management Act, 2014*. The Treasury: Nairobi
- Idike, A. & Okechwuku, E. (2015). *Role Of The Youths In Nation-Building*. In *Journal of Policy and Development Studies* Vol. 9, No. 5, November 2015.
- Orodho, A.J. (2003). *Essentials of Educational and Social Science Research Methods*. Masola Publishers. Nairobi, Kenya.
- Riungu, K. (2011). *Youth Participation in Governance In Kenya: A Critical Analysis of the Policy, Legal and Institutional Framework*. Thesis Submitted In Partial Fulfillment Of The Requirements For The Award Of The Master Of Laws Degree: LLM (Law, Governance And Democracy). Univerity of Nairobi. Unpublished.
- WiLDAF Ghana (2010). *Analysis of Affirmative Action Policy for Women's Participation*