



**ANALYSIS OF EFFECTIVENESS OF  
ELECTORAL REFORMS ON GOOD GOVERNANCE  
IN KENYA**

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**Abstract:**

Good governance is a precursor for effective electoral reforms in any democratic country. While the practice of democracy is often expected to yield the much needed effective governance, credibility of electoral systems have militated against translating democracy into good governance. The subject of electoral reforms has received sporadic attention, with need for more attention especially in Kenya. With the analysis of primary data obtained from purposively sampled respondents (lawyers, journalists and trainers) with extensive knowledge of recent electoral reforms in the Kenyan democracy, the paper examined the effectiveness of electoral reforms in promoting good governance in Kenya. It identified the availability and extent to which electoral reforms promote peaceful coexistence and good governance. The paper concluded that for electoral reforms to achieve an the expected outcome of good governance there is need for full implementation of electoral reforms, strengthening of the country's democratic institutions and intensifying civic education on electoral amongst the citizenry as a priority for good governance in Kenya.

**Keywords:** electoral reforms, peace, governance

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## 1. Introduction

Proper democratic ethos is a priority for good governance for any developing country (Mimiko, 2007; Oddih, 2007; Gberevbie, 2014). This is attributed to the fact that while electoral processes are a means to enthrone leaders in a democracy, they have suffered credibility on the part of citizens especially in Africa (Akinsanya, 2005). The recently adopted 2010 Kenyan constitution espoused a robust institutional reform agenda - a center stage taken by reform of two key institutions namely: the judiciary and the electoral agency (IEBC).

For the last two decades, Kenya like most African states Ghana, Nigeria, Sierra Leone, Uganda, Zambia and Zimbabwe have been engaged in a number of constitutional reform exercises including the recent 2010 constitution that has empowered courts as arbiters of electoral disputes (Okubasu, 2017). Moreover, the electoral reforms stipulated heightened expectation and optimism instrumental in creating a framework that supports electoral democracy. Almost a decade after the promulgation of the new constitution, consolidation of electoral democracy remains a significant hurdle. Gberevbie, (2014) asserts that Electoral reforms are not a new concept across the continent and have proved an efficacious tool to create an environment for free and fair elections in modern democracies.

Weiss (2000) urges that the effectiveness of the electoral reforms is possible only if good governance structures are put in place. The existence of good governance borrows heavily from the presence and consolidation of democratic characteristics which advocates for effective electoral reforms especially in Africa and specifically, the Kenyan context. While good governance is correlated with the perception of a system of government that is legitimate, equitable in conduct, committed to the will of the people, assuring law and order and responsive to the needs of the people (Sharma, 2007), Kenya is yet to come to this standard (Hope, 2014).

Kenya's capacity to conduct and manage public affairs, formulate and implement sound policies and respect for the citizenry and public institutions to govern economic and social interactions is still contested. Cheema & Maguire (2004) argue that good governance comprises a broader spectrum of government accountability, legitimacy, public sector management, having a legal framework for development and appropriate timely and effective policies.

The main argument in this paper therefore is that electoral reforms are a precursor to good governance in Kenya when effectiveness is guaranteed.

### **1.1 Statement of the Problem**

Structures of the law created to mechanize and enforce the electoral process standards often remain unshielded from factors having an influence on the workability of the public institutions. It is imperative that the enforcement of standards set by the law are adhered to. Electoral reforms can result in a successful bid to ensure integrity and legitimacy of the Kenyan electoral process if well managed.

### **1.2. Literature Review**

At the onset of self-rule in Africa, there were high hopes of proper democratic governance and ethos among most countries a fete that is yet to be achieved in the last half a decade of political independence (Gberevbie, 2014). Electoral systems in African countries have suffered credibility according to McCormick 2004; Akinsanya (2005) to the levels that the will of the people through the ballot no longer counts. This signals that elections are hard to live with though much worse to live without (Emmanuel, 2008).

The electoral body is one of the most influential institutions in most democracies and is still critical in terms of governance issues. Good governance is a sure way for the electoral reforms in any democracy and electoral reforms cannot be effective if not autonomous. Periodic elections since Kenya's independence in 1963 reveal that the electoral system still suffers a number of pitfalls closely linked to the violence and conflict during and after these exercises. This has played a role in the type of governance that Kenya had had after each and every election (Cheeseman *et al*, 2014). Previous studies show a nexus between reforms and good governance in a country as is the link between elections and democracy. However, the concept of good governance still elicits mixed reactions on its meaning. According to Babawale (2007) good governance embodies "*the exercise of political power to promote the public good and the welfare of the people*" further arguing accountability, transparency, protection of human rights and absence of corruption and political repression, openness in government transactions, press freedom, protection of civil liberties and free flow of information are major tenets of good governance. Pryor (2000) proposes other tenets such as inclusiveness, rule of law, respect for human rights, participatory processes and due respect for the will of the people.

Alkali (2004) conceptualizes governance pointing out that it is no different from the exercise of political powers to manage public affairs. Good governance thus is a recipe for political and socio-economic development and a priority for the efficacy of development programmes. With a dearth in good governance, enhanced development undoubtedly takes place in any nation (Ekpe, 2008). Potter (2000) shares in this school of thought postulating that the exercise of power in the management of social and

economic resources of a country embodies the concept of good governance. A number of scholars widely conceptualize accountability and transparency as the hallmarks of good governance (Alkali, 2004; Lutz & Linder, 2004, UNESCO, 2005; CIDA, 2002). Lutz & Linder (2004) postulate good governance as defined by the transparency, accountability, participation, equity and the adherence to the rule of law. It ensures maximum citizenry participation including the minority and vulnerable.

Owing to the challenges of the electoral processes in a number of African countries, good governance has been taken to the back pew leaving it in the stagnant hands of political leaders and saboteurs from the opposition parties (Azelama, 2010). After the elections of 2007 in Kenya, reforms were made in the electoral body to help bridge the gap that was created from the previous body so that there would be improvements in the next general elections in the country. Kanyinga & Long (2012) observe a number of electoral reforms as a link toward the establishment of good governance. On access to electoral information, they observe that transparency is key to enhance verifiability. Okubasu (2017) observes the general normative principles governing elections espoused in the constitution including fair representation of persons are by far best to establish good governance systems. Paradoxically, this is not seen yet and still remains elusive.

According to Moene & Søreide (2016), good governance is achieved when leadership is given to those who deserve it and not those who are working towards their own benefit. Consolidation of electoral democracy in most African states presents a significant hurdle along lines of the legal and institutional framework and disputes arising from electoral processes. The Kenyan context is no different; governance systems established from electoral processes after the promulgation of the new constitution are still questionable.

### **1.3 Theoretical framework**

The new institutionalism theory has gained prominence since the 1980s following the resurgence of institutions and the central role they played in the political, economic and social construction. It is relevant to the operations and composition of electoral agencies (Gazibo, 2006). The theory proponents James March and Johan Olsen conceptualize the theory 'as connoting a general approach to the study of political institutions, a set of theoretical ideas and hypothesis concerning the relations between institutional characteristics and political agency, performance and change' (March & Olsen, 2005). This theory recognizes the sound institutional framework and the nature of interdependence among institutions acknowledging the formal and informal structures. The rise of independent institutions over the last few years underlies the relevance of this theory. Under this approach, sound institutional framework is essential on the basis

of institutional formation, design, reaction and institutional change. Sufficient institutional autonomy, rules and norms as well as standard operating procedures are precursor to guarantee effectiveness. This theory provides a platform for the transformation of electoral agencies in Africa into accountable, credible and professional institutions.

## 2. Methods

This paper adopted a mixed methods approach, using qualitative and quantitative research methodology. The target respondents (lawyers, trainers and journalists) were purposively sampled. Data was analysed by descriptive and inferential statistics using Statistical Package for Social Science (SPSS v23).

## 3. Results and Discussion

A total of 21 respondents were sampled and interviewed. The study considered respondent demographics sex, education level, age and occupation for analysis. The findings are presented in table 1.

**Table 1:** Demographic characteristics

Demographics	N (%)
<b>Gender</b>	
Male	10 (47.6)
Female	11 (52.4)
<b>Education level</b>	
College	5 (23.8)
University	16 (76.2)
<b>Age</b>	
18-30 years	4 (19.0)
31-40 years	9 (42.9)
41-50 years	7 (33.3)
Over 50 years	1 (4.8)
<b>Occupation</b>	
Lawyer	7 (33.3)
Journalist	7 (33.3)
Trainers	7 (33.3)

The findings in table 1 indicate respondents were almost equally sampled from both gender with a higher female representation (52.4%) compared to males (47.6%). More than three quarters of the respondents (76.2%) had a university educational

qualification while 23.8% had a college level qualification. Moreover, most of the respondents were aged between 31-50 years (76.2%), majority falling under the 31-40 age bracket. About a fifth of the respondents were aged between 18-30 years while one respondent was aged above fifty years. Findings reveal most of the respondents were middle aged.

Respondents were asked to indicate their occupation which was considered an important factor in defining the effectiveness of electoral reforms to good governance. There was an equal representation across the various occupations, third of the respondents (33.3%) were lawyers, journalists and trainers having an equal representation of 33.3%.

### 3.1 Effective electoral reforms in ensuring good governance

In order to assess the effectiveness of electoral reforms on good governance, respondents were asked to give their opinion as to whether there were effective electoral reforms to promote good governance in Kenya.

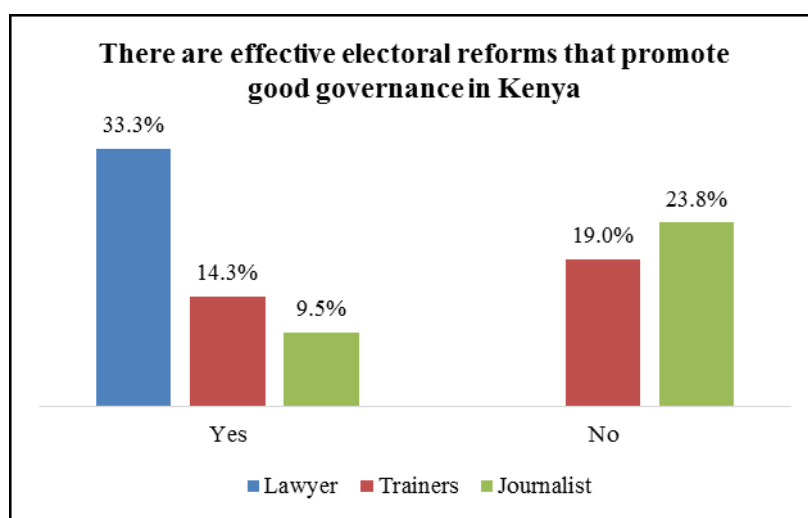


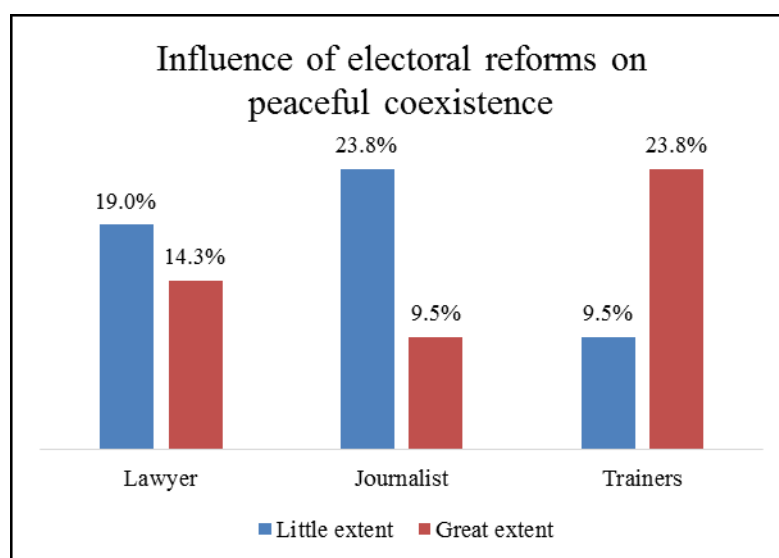
Figure 1: Availability of electoral reforms

Findings in figure 1 indicate more than half of the respondents (57.1%) acknowledged effective electoral reforms as being present to promote good governance arguing that electoral reforms have been seen to provide for good governance through the use of both the devolved and the centralized governments - an indication of the implementation of the post 2007 constitution as an important tool for promoting reforms. Respondents especially from the legal fraternity indicated that while the electoral reforms are good there's often a disconnect between reforms and implementation. In addition, civic education provisions were largely lacking.

On the other hand, 42.9% disagreed arguing that the electoral agency employed orthodox means especially on the procurement process, with lots of mismanagement in the process of transmission, In addition, they attributed to widespread failure in implementation especially on regulations barring leaders with graft cases from vying for different positions an indication of absence of political will on the implementation and political and ethnic bias on the Kenyan electioneering processes. However, there were significant differences in responses across various occupations. Lawyers all agreed while significantly higher proportions of journalists and trainers disagreed.

### 3.2 The influence of electoral reforms in ensuring peaceful coexistence among communities

The study assessed the extent to which electoral reforms and governance affected the peaceful co-existence among Kenyans and whether there were any significant differences across the different respondents.



**Figure 2:** Effect of electoral reforms and governance on peaceful coexistence among communities

About half of the respondents (52.5%) indicated electoral reforms and good governance to a great extent had an effect on the peaceful coexistence among Kenyan communities while 47.5% indicated the effect was only to a limited extent. While reforms have enhanced the building of coalitions thus promoting tolerance; divisions on tribal lines are still evident nonetheless. This contributed to the agitation among those who feel left out indicating that this had not been translated into peaceful co-existence. This is closely linked to the fact that the electoral body had exercised minimal transparency and accountability by failing to follow laid down procedures as witnessed in the 2017 elections. Moreover, the electioneering period has been characterized by increased

ethnic tensions and divisions with evident electoral malpractices which is a major challenge to the reforms in place. Equally, lack of accountability on elections management especially on the tendering, procurement and results transmission processes lowers the confidence levels of the citizens.

Overall, there was no statistically significant difference across the two response groups (Pearson=1.432, p-value=0.698). Majority of journalists and lawyers indicated electoral reforms and governance to a minimal extent impacted on the peaceful coexistence, while majority of trainers indicate reforms have had a great impact on the peaceful coexistence of Kenyans.

### 3.3 Extent of Kenyans' confidence on electoral reforms in ensuring good governance

The study sought to establish whether Kenyans have confidence in the electoral reforms promoting good governance in the country. This was relevant to establish link between reforms and good governance.

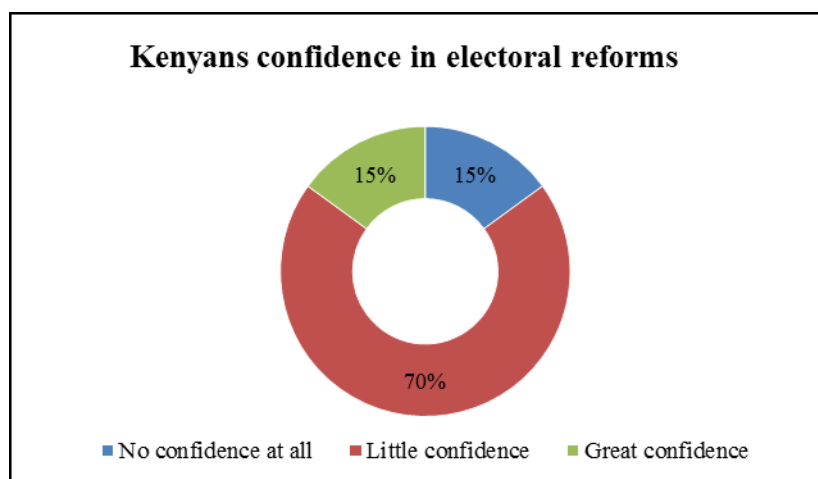


Figure 3: Confidence on electoral reforms in ensuring good governance

More than two thirds of respondents (70%) demonstrated lack of confidence among Kenyans on electoral reforms adequately translating to good governance. This was linked to the lack of trust on the electoral bodies and political systems thus lowering confidence levels. Respondents argued that the Kenyan electoral system has been subject to unfairness and questionable credibility. In addition, the low literacy levels among Kenyans rural dwellers was associated with lower understanding of the electoral process. However, tested for differences across the various groups of respondents, there were no statistically significant differences (Pearson chi square=5.043, p-value=0.532)



### 3.4 Test of Hypothesis

To assess the effectiveness of electoral reforms on good governance, the study tested a hypothesis to establish existence of an association between the influence of electoral reforms on good governance and promotion of peaceful coexistence among Kenyans. The effectiveness of electoral reforms was closely linked to how well it translates to good governance. The test was a null hypothesis.

**Ho:** *There is no association between the influence of electoral reforms on good governance and promotion of peaceful coexistence among Kenyans.*

This was tested using the Chi-square test for association.

**Table 2:** Chi-square test for association

Chi-Square Tests					
	Value	df	Asymp. Sig. (2-sided)	Exact Sig. (2-sided)	Exact Sig. (1-sided)
Pearson Chi-Square	1.289	1	.256		
Continuity Correction	.481	1	.488		
Likelihood Ratio	1.307	1	.253		
Fisher's Exact Test				.387	.245
Linear-by-Linear Association	1.227	1	.268		
N of Valid Cases	21				

A Pearson chi-square statistic of 1.289 and p-value of 0.256 greater than level of significance 0.05 indicated lack of sufficient evidence to reject the null hypothesis. Study findings revealed absence of an association implying that electoral reforms have not quite translated into good governance that can be associated to peaceful coexistence among communities. Comparatively, the electoral cycle has been accompanied by unprecedented violence not only in Kenya but witnessed across the continent. The new wave of electoral violence is considered as a manifestation of conflict in post-cold war Africa (Oucho, 2010).

### 4. Conclusion

This paper dwelt extensively on electoral reforms and good governance in Kenya. Electoral reforms as a catalyst of good governance are important for Kenya as a developing nation. This paper established that confidence in electoral reforms is still low implying a significant lag in the implementation of reforms in electoral processes. This has derailed the attainment good governance in Kenya and left it to the hands of politicians. This is reflected on how reforms have marginally translated to peaceful coexistence. The effectiveness of reforms can be observed on how well they translate to peaceful coexistence through the pathway of good governance with the hallmarks of

respect of the rule of law, transparency, accountability and inclusivity of all persons. However, reforms unaided cannot invoke good governance and ensure the credibility of Kenyan electoral processes that have been a subject of malpractices. Incidences of corruption confound the gains, it is imperative to employ a multifaceted approach, cultivate a culture of commitment to values, fight corruption and strengthen the existing democratic institutions.

More often, the political will remain a missing ingredient to successful electoral reforms as is the case with Zimbabwe among other African countries. To overcome the challenge of electoral reforms translating into good governance, it is imperative to recognize the need for full implementation of the proposed reforms. The Kenyan 2016 electoral amendments for example suffered an exclusion of the input from stakeholders and were not subjected to public hearings.

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