

LEGISLATIVE ACCOUNTABILITY IN KENYA



Parliamentary monitoring organizations (PMOs) play an important and increasingly active role in monitoring and assessing the functioning of parliaments or their individual members. [They often seek to facilitate and promote public knowledge of— and participation in—parliamentary processes.](#) Over 190 of these [organizations](#) monitor more than 80 national parliaments worldwide.

However, until recently, there were few PMOs that successfully measured parliamentary performance in sub-Saharan Africa using performance indexes such as a legislative scorecard. One of the organizations that has been leading this work on the continent is [Mzalendo Trust](#) (hereafter Mzalendo).

Mzalendo is a Kenyan non-partisan parliamentary monitoring organization whose mission is to promote the realization of open, inclusive, and accountable Parliaments in Kenya and Africa. It achieves this through collection and dissemination of parliamentary information, developing civic tech tools, conducting evidence-based research and advocacy.

Mzalendo was founded in 2005 as a web-site and blog to inform citizens about the work of Kenya's Parliament. In 2012, Mzalendo was re-launched as a comprehensive parliamentary information website. It was the first of its kind in Africa. Its design was inspired by the UK Parliament's tracking website [TheyWorkForYou](#), and received technical and financial support from [MySociety](#) and the Omidyar Network (now Luminate).

In 2013, Mzalendo launched its first parliamentary scorecard—an accountability tool that measures parliamentarians' performance. In 2019, NIMD became its core funding partner, supporting further development and strengthening of the tool. NIMD also supports other civic tech tools of the organization and enabled the launch of the promise tracker in 2022 after the general elections.

OBJECTIVE

2010 was a pivotal year in Kenya's history. The independence constitution of 1963 was replaced with the Constitution of Kenya (2010), thus ushering in a new, modern and progressive constitutional order. With the new constitution came a new political and governance system. Kenya shifted from a centralized to a devolved system of governance, with public participation in managing public funds and resources as a key principle.

While the Constitution puts transparency and accountability at the core of Kenya's governance system, [Mzalendo](#) founders realized citizens lacked access to parliamentary information. The internet and access thereto were blooming in the country, but its potential for political transformation and enhanced governance was yet to be fully understood and capitalized upon. Parliament, too, had not taken advantage of the internet to digitize, so vital information was missing to allow for social accountability.

After 2010, parliament slowly began creating measures to inform the public about its work, including live broadcasts, the digitization of records, and publicly availing the Hansard – the official transcripts of parliamentary debates – of plenary sessions. Around the same time, Mzalendo was connected to MySociety in the UK, which developed a parliamentary information website called [TheyWorkForYou](#). It proved to be a perfect fit, and the idea of broadening the scope of the website to include an accountability tool was born.

Armed with tech knowledge and an active citizenship spirit, Mzalendo developed a platform where citizens could find basic information on their members of parliament (MPs). One year later, using the information extracted from the digitized Hansard, Mzalendo launched the first scorecard report.

The overall goal of the parliamentary scorecard is to support the representative role of MPs and strengthen social accountability. Beyond this, the scorecard has many other specific objectives that significantly strengthen its accountability function. These include, but are not limited to:

- Enabling citizens to access parliamentary activities by analyzing and summarizing information on parliamentary performance
- Educating citizens on the role of MPs and the key functions of parliament
- Supporting meaningful citizen participation in lawmaking and public policy development
- Contributing to the improvement of social accountability of political leaders

APPROACH

The scorecard is focused on the key parliamentary functions of lawmaking, oversight, and representation. It is limited to the national level and does not consider the county assemblies at the devolved level. The methodology relies on all publicly available information on MPs' activities. Data is gathered from multiple sources, including parliamentary questions, motions, statements, amendments, and private members' bills.

Mzalendo Trust collects **data from the Hansard** in the National Assembly and Senate and monitors live broadcasts. The Hansard records the debates and votes, thereby allowing for an analysis of legislators' contributions. Mzalendo uses an **open-source word scrapper tool** to help identify the number of times members spoke in the plenary sessions. The metric does not include the work in committees, as the records of the committee proceedings are not yet publicly available in Kenya.

The methodology enables measurement of the frequency of contributions, the substance of the contributions and, if available, voting records. While it does not track attendance, the data points used for the methodology give an informed picture of individual performance. The premise of the scorecard is that when a member of parliament does not speak (often) in the House, they are not performing well, and constituents are not sufficiently represented. Consequently, the scorecards are a useful tool to monitor performance and hold MPs accountable by using the right to recall or the ballot box.

It is good to note that MPs who hold leadership positions have an advantage in terms of their plenary contributions, as they have automatically more allocated speaking time by virtue of their office. For this reason, they are excluded from the ranking. However, the 2019 edition had a separate section on leadership positions in parliament and looked at which committees were most active.

The report is released on an annual basis except for election years to avoid it from being misinterpreted as voting advice or as a campaign tool. It is widely disseminated to the public and creates much media publicity upon release. This has raised the visibility and impact of the tool for accountability purposes and sustains the debate on the role of parliament and legislators.

By design, this accountability tool serves several important functions:

- o **Civic education:** the scorecard educates citizens on parliamentary activity and encourages informed discussion on the role of MPs.
- o **Trust-building:** By providing reliable, verifiable information on individual MPs' performance, the scorecards allow for open discussions between citizens and their representatives, increasing the potential for trust-building.
- o **Voice and agency:** The scorecard allows for comparison and ranking, offering citizens the opportunity to challenge decisionmakers directly on their effectiveness. In a context where MPs are

accused of visiting constituents once every five years during election time, this accountability tool can motivate decision-makers to be more attuned to citizens' concerns.

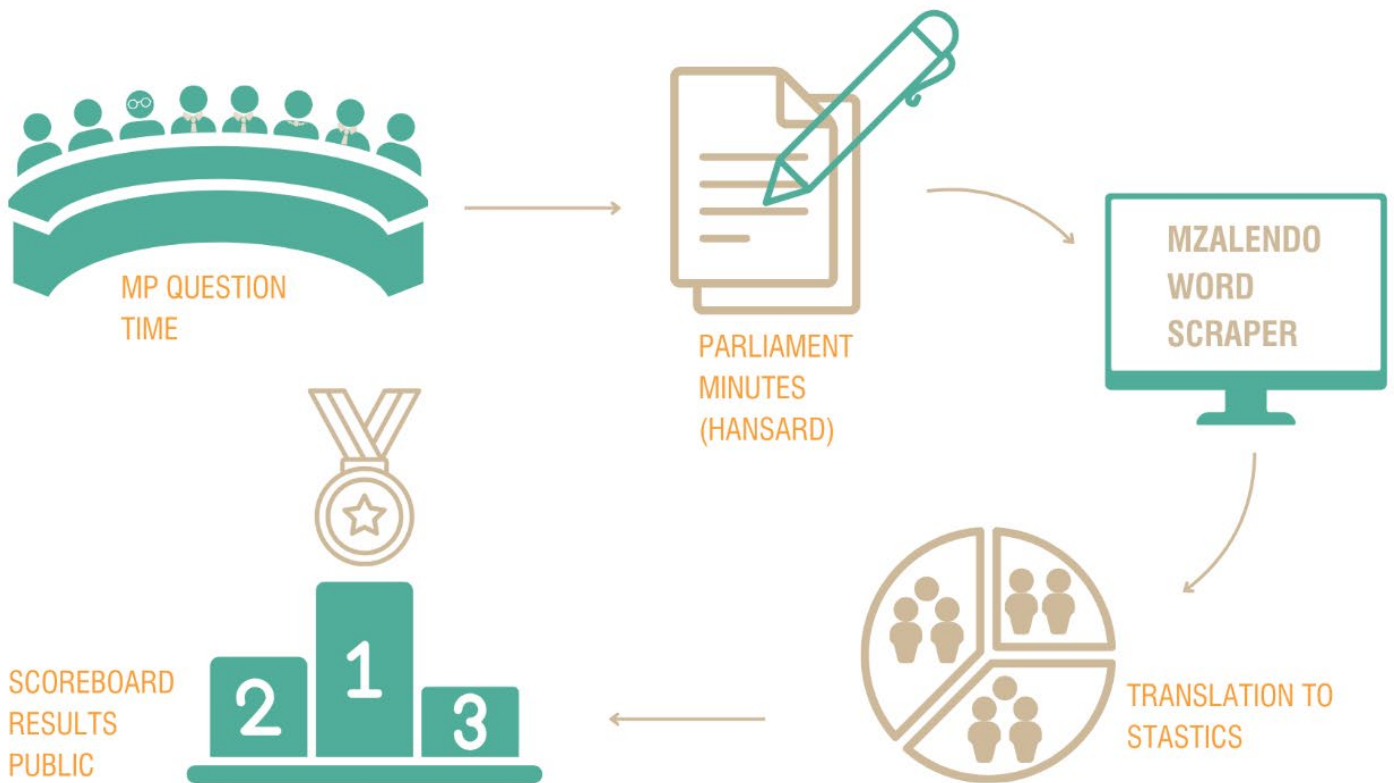


Figure 5: Scorecard approach

SUCCESSSES

- *Increased accountability*

Over time, the scorecards have emerged as a useful tool to hold leaders accountable. Mzalendo has been able to generate these performance reports on an annual basis, and this has enabled citizens to make informed choices at the ballot box. This has been most notable in the Somali communities living in the coastal and northern regions of Kenya, where collective decision-making on electing representatives has enabled discussions on the performance of candidates informed by the results of the scorecards. But also, constituents in Lang'ata, Nairobi, [drafted a petition](#) following the low score of their MP to recall the latter for not making a maiden speech several years into his mandate.

As an accountability tool, scorecards have influenced behavioural change amongst MPs, as being ranked poorly is seen as a career threat. New MPs are informed during their induction that an institution checks their performance. No less than President Ruto hinted at the scorecards when he said at the beginning of his term in 2022: "I don't want to hear that you're not speaking in parliament!" Aware of—and sensitive to—the implications of this tool for their reputation, MPs are reportedly putting extra pressure on the Speaker of the National Assembly for speaking time, as they do not want their constituents to see them as inactive.

Furthermore, Mzalendo was informally told by the Speaker of the National Assembly that the scorecards also played a role in the vetting process of candidates for the primary elections in his party. Equally, the tool has encouraged closer engagement between Mzalendo and the parliamentary caucuses for women and youth, as they seek to enhance the capacity of members to effectively carry out their mandate in the house.

Over time, the scorecard has evolved to encompass an institutional overview of both houses of parliament, highlighting each chamber's legacy. Parliamentary committees are more often seeking public views on legislation either through the presentation of memoranda or through direct engagement in addition to the physical convenings of public participation fora.

These public views are now highlighted in committee reports, a departure from previous routines when parliament did not provide reasons for the uptake/dropping of legislative proposals. Consequently, members are more responsive to citizen demands on proposals and cognizant of the impact of citizen views on their performance.

- *Peer learning*

Mzalendo is one of the co-founders of the Africa Parliamentary Monitoring Organisations Network (APMON) which gathers leading PMOs on the continent since 2022. The goal of APMON is to build effective PMO networks across the continent by strengthening the collaborative capacity of PMOs and empowering them to work cohesively, to share best practices, and to collectively address challenges within their area of operation.

Despite being relatively new, APMON has inspired parliamentary monitoring work in some African countries. Most notably, PMOs have been created in the DRC and Zimbabwe following the blueprint of Mzalendo's mandate and activities. However, despite the success of encouraging parliamentary monitoring networks more widely across the continent, there have also been challenges. For instance, some approaches, such as the bold naming and shaming of the best and worst performers in parliament, have been tough to replicate in other contexts where this is mostly seen as sensationalism.

- *Civic education*

Prior to the 2010 Constitution, government information was treated as top secret and access to it was seen by some as a privilege. The new Constitution, together with the 2016 Access to Information Act, constituted an important step towards more effective and inclusive governance processes, particularly with respect to accountability. However, these texts have not always been implemented in ways that enable Kenyans to proactively participate in governance processes and, crucially, hold their leaders accountable.

This challenge has its roots in the absence of comprehensive civic education programmes in public life, which could be made available at schools and libraries. Against this background, the scorecards provide the public with critical information on the performance of their representatives at the national level. They are a key element of civic education around the election of politicians into parliament. However, the public's **lack of general awareness of their rights** under the Constitution means many cannot hold their elected officials accountable.

In many ways, the constitutional requirement of **public participation is counterculture**. Kenyans need to unlearn a political culture that has been heavily tied to the big-man syndrome with patronage, bribery and corruption, making it difficult to hold leaders accountable. Therefore, the low public awareness works in favour of elected politicians as the demand for greater transparency and accountability generally remains low.

- *Access to information*

Parliament regularly publishes and updates the Hansard on bills, motions, statements, and petition trackers. The legislature also actively shares that information on its website and social media handles. Furthermore, calls for public participation in the lawmaking process are published by both Houses in national newspapers. This represents a considerable improvement in parliamentary openness compared to a decade earlier when Mzalendo was created.

CHALLENGES

- *Low public demand for (and limited access to) information*

Low public demand for information and limited access to information are two interrelated problems that adversely impact the effectiveness of this initiative. Indeed, due to **low public demand for information**, the three arms of government are able to cherry-pick what information to disclose and what not to disclose. The data that parliament is currently sharing is considered low-risk information. For instance, individual **voting records** are hard to obtain. Only the results of electronic voting in plenary are sometimes made available, but voting by acclamation is not recorded. Calls for public participation in the lawmaking process are not published on social media, but very few citizens read hard-copy newspapers. Also, accessing **committee minutes** via the Hansard (or physical attendance) remains difficult. The record of proceedings is not published on the website and, therefore, not available to the public. Citizens must make an official request to access the Hansard of committee meetings or to attend the latter physically, but there is no guarantee that they will be obtained.

In general, this renders an assessment of MPs' performance in parliament more difficult, as only a few quantitative parameters can be used to judge performance. This raises the concern that parliamentary monitoring activities may, when conducted without sufficient rigor or caution, do more to increase cynicism of political processes than to stimulate reform. [This may validate citizen distrust of parliaments rather than encourage them to play a greater role in the political process.](#) It also deprives PMOs and citizens of the opportunity to effectively assess the stances of MPs and parties and their contributions to policy and lawmaking.

Limited access to information also does not allow for qualitative assessment of the inputs of individual members of parliament. This is a great source of contention with Kenyan MPs, as they claim that the bulk of their work is done in committees and their constituencies. However, the lack of access to the committee minutes via Hansard also means that there is a reduced incentive to be active in committees. Mzalendo's attendance in committee meetings still depends on invitation, and access to the Hansard would expose the activities of the MPs.

LESSONS LEARNED

The scorecards have been tested and perfected over the course of ten years. As with the previous two case studies, the success as well as challenges of the scorecard as a social accountability initiative in Kenya were also driven by specific contextual factors which can equally serve as lessons or do(s) and don't. These lessons, which will be the focus of this section include having a balanced approach, the need to secure political will support from parliamentary staff, maintaining goodwill and taking a multiprong approach. Additional ones include understanding importance of technology and internet availability, capitalizing on existing initiatives and having a good understanding of the transactional nature of politics.

- *Balanced participation*

Citizens are willing to be engaged if opportunities are provided. With the right information and tools, political actors can be fully engaged and respond to citizen demands. However, there is a need to ensure a balance so that demands for accountability do not cloud the need to ensure a collaborative sense of engagement. Balancing the collaboration and the critique without making it difficult for MPs to respond to inputs is thus important.

- *Political will*

Political goodwill is also vital for effective participation. Some actors, whether representatives of parties or members of parliamentary committees, will be hostile to engaging with citizens and civil society actors regardless. Therefore, it is key for accountability actors such as PMOs to cultivate relationships with politicians for the effective impact of their work. In pushing for more responsive and accountable actors, PMOs have to be careful not to burn bridges. The collaborative aspect of this work cannot be overemphasized. Access is critical for PMOs, whether to people/decisionmakers, information, or institutions, and trust-building becomes an important part of the job.

- *Parliamentary staff*

Issuing scorecards is one approach, but ensuring increased accountability and participation requires more. In this regard, engagement of the parliamentary technical staff is crucial, as they provide context and identify opportunities for effective engagement.

Parliamentary staff can provide PMOs with timely and accurate information about legislative activities. They often have specialized knowledge about legislative procedures, policy areas, and institutional history and can act as intermediaries between PMOs and MPs. Lastly, parliamentary staff can aid PMOs in promoting greater transparency and accountability by ensuring open access to information and help the tracking of performance as well as monitoring compliance.

- *Don't burn bridges*

The work of PMOs needs to be grounded in facts and evidence, and as such, they cannot afford to play political cards. Objectivity and impartiality must be at the core of PMO's work. However, things are never as one-sided as they may seem. MPs are drawn from Kenyan society, and they also understand the challenges that PMOs face and vice versa. Mzalendo understands the political context and democratic challenges in Kenya well. Both actors may seem on different parts of the community divide, but they must also ensure national interests come first. The best interactions between parliament and CSOs come to fruition when they are taken as a departing point for collaboration.

- *Multipronged approach*

Important to note is that whilst Mzalendo has leveraged the scorecards to push for more responsive parliamentarians, their success has also depended on complementing these with actual dialogue with the legislature, media and other civil society actors. Creating network platforms such as the Civil Society Parliamentary Engagement Network (CSPEN) has helped bring diverse technical expertise on board that can inform, enrich, and hold political actors accountable.

Additionally, other CivicTec tools have complemented the scorecards by widening the scope of accountability. Notably, the **promise tracker** traces the progress of the ruling party, Kenya Kwanza, in actualizing its pledges as contained in the party manifesto. In this way, the acts of government and political parties are also being put in the spotlight for transparency and accountability purposes.

- *Progressive legal framework*

The 2010 Constitution of Kenya was a game changer, especially around public participation, transparency, and accountability. It required political actors to be responsive and to ensure public participation and citizen views are considered in policy, legislative and administrative processes. This has emboldened citizens to engage despite the remaining challenge of ensuring that this participation is meaningful and inclusive. The opening up of parliamentary proceedings to live media coverage has helped to promote accountability. The public uptake of technology tools and social media platforms by parliament for governance discourse also contributed to this governance outcome.

- *Internet penetration*

According to research conducted by BBC Media Action after the election in 2013, most Kenyan voters said media was their main source of information and the leading medium accessible to most was radio (Mzalendo, 2014, 4). Internet and the mobile phone have changed the way the public accesses media and information in Kenya.

Many Kenyans have access to a mobile phone and according to Communications Authority of Kenya, 33 out of 54 million Kenyans had access to the internet by the end of 2023. Of these 12 million are on Facebook and 1.4 million on Twitter. However, digital literacy is an issue creating a divide between generations.

In comparison to other African countries, Kenya has large internet access. However, the cost of internet is high and considered a luxury outside of urban centres. While Mzalendo leverages on the increased internet accessibility to make parliamentary information easily accessible to the public, it also employs simple SMS platform *Bonga-na-Mzalendo!* to overcome these barriers.

- *Technology*

Another important enabling factor is technology and capacity strengthening. Mzalendo has benefited from open data initiatives by using publicly available government data to increase transparency and accountability. However, Mzalendo currently still uses volunteers and students to comb the Hansard for evidence of parliamentary activity of individual MPs.

In recent years, PMOs such as the German Deputy Watch (Abgeordneten Watch) have taken advantage of artificial intelligence (AI) for their work. Just as automatic speech recognition (ASR) technologies are used by parliaments to optimize the Hansard production process, PMOs are using generative AI to create word clouds by downloading the Hansard records and extracting the most frequently recorded words for the search period. This allows PMOs not only to easily identify the most active MPs but also to quickly analyze the content of plenary deliberations daily. Mzalendo, like other African PMOs, are currently exploring ways to employ AI for their work.

- *Building on other initiatives*

Throughout its existence, Mzalendo has thrived by leveraging collaborations to enhance its effectiveness. The first significant partnership was with MySociety, a UK-based civil society organization known for creating tools for transparency and democracy.

Drawing on MySociety's experience with the UK parliamentary monitoring site *TheyWorkForYou*, Mzalendo developed a well-functioning parliamentary monitoring website for Kenya launched in 2012. This collaboration helped Mzalendo avoid common pitfalls and utilize open-source technology, transforming from a blog with parliamentary information to an advanced platform featuring an online searchable Hansard, responsive design, MP 'scorecards,' and an easily updated database for representatives' details.

Other recent partnerships include the Uchaguzi Platform, which gathers Kenyan CSOs in the governance sector, and the continental APMON network. These collaborations allowed Mzalendo to amplify its impact by sharing resources, expertise, and networks, making advocacy efforts more robust. It has also strengthened the organization's ability to monitor parliamentary activities, promote transparency, and engage citizens in the democratic process.

- *Transactional nature of politics*

In 2019, Mzalendo analyzed the engagement of visitors with the various profiles of MPs listed on their website. The research looked at the comments, requests made, and any other information provided by those visiting the profiles and compared it with the role of the leaders. The report highlighted the highly clientelist nature of constituency relations, as most visitors approached their MPs through the website seeking handouts or personal help.

The research confirmed that most citizens do not understand the role of their MPs. The existence of Constituency Development Funds (CDF) given to members of parliament for expenditure on their constituencies is another factor that contributes to a strong focus on the transactional nature of politics. In 2022, the Supreme Court ruled CDF funding as illegal and unconstitutional. Parliament responded by legislating it into law through the 2023 National Government Constituencies Development Fund (NGCDF) Act. It should, therefore, not be surprising that citizens have taken note of the steadily increased salaries of MPs over the years, particularly against the background of a cost-of-living crisis and a sharp decrease in service delivery.

Considering the foregoing issues, MPs thus come across as self-seeking, and the executive as poorly implementing its mandate. Citizens feel and perceive parliamentarians as overpaid individuals whose role is not entirely clear, while the executive is seen as insensitive to citizens' realities and pressures in the delivery of its function (Mzalendo, 2019).