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# Understanding how the Kenyan Government Works

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## Introduction

Understanding how the Kenyan government operates is essential for every citizen, student, leader, and anyone interested in governance in Africa. Since gaining independence in 1963, Kenya has undergone a remarkable journey of political, social, and constitutional transformation. The adoption of the Constitution of Kenya in 2010 marked a decisive turning point, reshaping not only the structure of the government but also deepening the commitment to democracy, accountability, and the rule of law. The current government system reflects a deliberate response to the historical, social, and economic realities of the nation.

The essence of the Kenyan government lies in its separation of powers into three principal branches: the Executive, the Legislature, and the Judiciary. Each branch is constitutionally mandated to perform distinct tasks, enhance checks and balances, and uphold the sovereignty of the people. The move to a bicameral legislature and a robust, independent judiciary was designed to strengthen oversight, representation, and the protection of individual rights. This book explores each facet of these core institutions, analyzing their composition, mandate, and interrelationship.

A defining feature of the modern Kenyan government is devolution, established in 2010. The devolved system introduced 47 counties, each equipped with its own governance structures. This innovation was aimed at decentralizing power, resources, and service delivery, creating a closer link between government and citizens. Devolution has begun to shift the locus of decision-making and development, making local governments powerful and relevant actors in national progress.

In addition to the national and county governments, Kenya boasts a wide array of constitutional commissions and independent offices. These bodies safeguard human rights, promote ethical leadership, manage resources, and ensure electoral integrity. Their independence, guaranteed under the Constitution, is fundamental in curbing abuse of power, promoting inclusion, and sustaining public trust in governance.

Kenya's government continues to confront both opportunities and challenges as it seeks to fulfill its constitutional vision. Issues such as equitable development, effective service delivery, public participation, and intergovernmental coordination require ongoing attention. Yet, the framework laid out by the 2010 Constitution is a blueprint for resilience, adaptability, and progress. This book aims to demystify the operations of the Kenyan government, making this complex system accessible to all readers.

By guiding you through the foundational principles, key institutions, and daily practices that shape Kenyan governance, this book invites you to engage critically

with the state and its organs. Whether you are a citizen wanting to deepen your civic engagement, a student eager to learn, or a curious observer of African democracies, this comprehensive guide is a vital resource to understanding how the Kenyan government works—today and into the future.

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## **CHAPTER ONE: Foundations of the Kenyan Government: Historical Context**

To truly grasp the intricacies of how the Kenyan government functions today, we must first journey into the past, exploring the historical currents that shaped its evolution. Like the mighty Tana River carving its course through varied landscapes, Kenya's governance system is a product of diverse influences, struggles, and transformations that span centuries. Understanding this historical context is not merely an academic exercise; it provides the bedrock for appreciating the structures, principles, and even the challenges inherent in the current system.

Before the arrival of external influences, the peoples inhabiting the territory that would become Kenya lived under a myriad of diverse social and political arrangements. There was no single, unified state controlling the entire region. Instead, communities were organized according to their own customs and traditions, ranging from centralized kingdoms among groups like the Wanga, to more decentralized, council-based governance structures prevalent among many pastoralist and agricultural communities such as the Maasai, Kikuyu, and Luo. Each system, though distinct, often featured mechanisms for dispute resolution, community decision-making, and the allocation of resources. Authority was typically vested in elders, councils, or hereditary leaders, their legitimacy often derived from tradition, wisdom, or spiritual significance. These pre-colonial systems, while varied, shared a common thread: governance was intimately tied to community life, kinship ties, and established social hierarchies.

The late 19th century heralded a dramatic shift with the arrival of European powers, driven by the scramble for Africa. Britain's interest in the region solidified with the declaration of the East Africa Protectorate in 1895, primarily to secure the Uganda Railway line under construction. This marked the beginning of colonial rule, a period that fundamentally disrupted existing social structures and imposed a new, alien system of administration. The British colonial government sought to establish control, exploit resources, and facilitate settlement by Europeans. This required dismantling or undermining traditional authority systems and replacing them with centralized, hierarchical control emanating from the colonial administration.

Colonial rule was characterized by the imposition of direct and indirect administrative methods. While indirect rule was attempted in some areas through co-opted local leaders, direct rule was more common, particularly in areas deemed strategically or economically important. New administrative units like provinces, districts, and locations were created, often disregarding existing ethnic boundaries or traditional

allegiances. A new class of chiefs and headmen was appointed by the colonial power, tasked with maintaining order, collecting taxes, and mobilizing labour for colonial projects. Their authority was derived not from their communities, but from the colonial state, fundamentally altering the basis of power and legitimacy.

The colonial state's primary objectives included the alienation of vast tracts of fertile land for European settlers, the introduction of cash crops, and the exploitation of local labour. This economic agenda was inextricably linked to the administrative structure, designed to facilitate control and resource extraction. Policies like forced labour and hut tax were implemented, compelling Africans to participate in the colonial economy and administration. This system created deep-seated grievances related to landlessness, economic exploitation, and political disenfranchisement, sowing the seeds of future resistance and the independence movement.

Early forms of resistance to colonial rule were varied, ranging from passive non-compliance and tax evasion to armed uprisings. As the colonial administration consolidated its power, African responses evolved. Educated Africans, often trained in missionary schools, began to form welfare associations and later, political organizations, albeit initially operating within the confines permitted by the colonial authorities. These early movements focused on demanding better treatment, access to education, and the return of alienated land. They laid the groundwork for organized political action and the articulation of grievances on a larger scale.

The post-World War II period saw a surge in African nationalism across the continent, and Kenya was no exception. The grievances simmering under colonial rule boiled over in the early 1950s, culminating in the declaration of a State of Emergency in 1952. This period was dominated by the Mau Mau uprising, an armed struggle primarily involving the Kikuyu community, though it had wider resonance. The Mau Mau movement was a complex phenomenon rooted in deep-seated issues of land alienation, economic exploitation, and political marginalization. The colonial government responded with brutal force, suppressing the rebellion but also acknowledging the growing momentum for political change.

The Mau Mau uprising, despite its military defeat, proved to be a critical turning point. It highlighted the unsustainability of continued colonial rule and increased international pressure on Britain to decolonize. Following the emergency, there was a gradual opening up of the political space, leading to increased African representation in legislative councils and the formation of territory-wide political parties. Key political figures who would shape Kenya's future, such as Jomo Kenyatta, emerged during this period, advocating for self-determination and independence.

Negotiations for independence took place primarily in London, at the Lancaster House Conferences. These talks involved Kenyan nationalist leaders and British officials, grappling with complex issues such as the form of government, minority rights

(particularly those of European settlers and Asian communities), and the structure of the future state. The outcome of these negotiations was the independence constitution, which established a parliamentary system of government with a Prime Minister as the head of government and the Queen as the head of state, represented by a Governor-General. It also included a bicameral legislature and provisions for regionalism (Majimbo) aimed at addressing concerns about central government dominance.

Kenya gained independence on December 12, 1963, with Jomo Kenyatta becoming the first Prime Minister. The initial years of independence were marked by efforts to consolidate national unity and establish a functional government. However, the regionalist structure proved short-lived. Within a year, key opposition figures joined the ruling Kenya African National Union (KANU), and the constitution was amended to abolish regionalism and establish a unitary state with a republican constitution. Kenya became a Republic in December 1964, with Jomo Kenyatta assuming the role of the first President, combining the roles of Head of State and Government.

The post-independence era under President Kenyatta saw a gradual but significant centralization of power within the executive branch and the presidency. The bicameral legislature was replaced by a unicameral National Assembly in 1966 after the abolition of the Senate (which would much later be resurrected). While ostensibly a multi-party state, political space narrowed, and the country effectively transitioned into a de facto one-party state by the late 1960s through various political maneuvers and restrictions on opposition activities. This trend of executive dominance and shrinking democratic space would continue for many years.

Following President Kenyatta's death in 1978, Daniel arap Moi assumed the presidency. His tenure saw the formalization of the one-party state in 1982 through a constitutional amendment, making KANU the sole legal political party. This period was characterized by increased political repression, suppression of dissent, and a further concentration of power in the presidency. State institutions, including the judiciary and parliament, were often perceived as being subservient to the executive, undermining the principles of separation of powers and checks and balances.

However, the late 1980s and early 1990s witnessed a growing clamor for political change, both internally and from external actors. Inspired by global trends towards democratization and facing increasing economic difficulties, a broad-based movement for multiparty democracy gained momentum. This period, often referred to as the "Second Liberation," involved activism by civil society organizations, lawyers, clergy, and opposition figures, demanding constitutional reforms and the reintroduction of political freedoms. Protests and demonstrations, often met with harsh state response, became common place.

The sustained pressure eventually led to the repeal of Section 2A of the Constitution in

1991, formally reintroducing multiparty politics. The first multiparty elections were held in 1992, followed by another in 1997. While these elections marked a significant step towards democratization, they were often marred by allegations of irregularities, ethnic violence, and the ruling party's continued dominance through control of state resources and institutions. The constitutional framework, largely inherited from the independence era and subsequently amended to enhance presidential power, remained a point of contention.

The push for comprehensive constitutional reform continued throughout the 1990s and into the 2000s. There was a strong consensus that the existing constitution was ill-suited for a democratic and diverse society, having been manipulated over decades to serve the interests of the executive. A new constitution was seen as essential to address historical injustices, curb presidential power, enhance human rights, strengthen institutions, and decentralize governance. This led to a protracted and often challenging constitution-making process involving various stakeholders and drafts.

Key milestones in this process included the formation of review commissions and national conferences aimed at gathering public input. A draft constitution was put to a referendum in 2005, but it was rejected by voters. The process received renewed urgency following the devastating post-election violence that erupted after the disputed 2007 presidential election. This crisis brutally exposed the fragility of state institutions, the dangers of ethnic divisions exacerbated by centralized power, and the urgent need for fundamental reforms to the governance structure. The subsequent mediation process led to the formation of a power-sharing government and revitalized efforts towards a new constitution.

The culmination of this long historical journey was the promulgation of the Constitution of Kenya in August 2010. This new constitution represented a radical departure from the past, fundamentally reshaping the architecture of the Kenyan state. It was a direct response to the historical legacy of centralized power, human rights abuses, and unequal development that had characterized the post-independence era. The decision to introduce a devolved system of government, strengthen the judiciary and legislature, and create independent commissions was a deliberate attempt to correct past errors and build a more inclusive, accountable, and democratic nation.

The historical context, therefore, is not just background information; it is woven into the very fabric of the current Kenyan government system. The struggles against colonial oppression and executive overreach, the calls for greater representation and resource distribution, and the lessons learned from periods of political instability all informed the choices made in crafting the 2010 Constitution. The system in place today is a testament to the Kenyan people's enduring quest for a government that is responsive, just, and truly serves their aspirations. Understanding this history provides

the essential lens through which to view the structures and institutions detailed in the subsequent chapters of this book.

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