

## Contents:

### 1.0. Introduction

### 2.0 Clarification of Key Concepts: Affirmative Action and Youth

### 3.0. The Youth in Kenya – A Brief Situation Analysis

- 3.1 Youth Demographics
- 3.2 Youth Health
- 3.3 Youth Education
- 3.4 Youth Unemployment
- 3.5 Youth Access to Finance
- 3.6 Youth Participation in Politics
- 3.7 Youth and ICT
- 3.8 Youth and Crime

### 4.0. The Case for Youth Affirmative Action in Kenya

- 4.1 The Remedial Rationale
- 4.2 The Social Justice Rationale
- 4.3 The Economics Rationale
- 4.4 The Diversity Rationale

### 5.0. Youth Affirmative Action in Kenya: An Assessment

- 5.1 Policy, Legal and Institutional Framework
  - 5.1.1 International Frameworks
  - 5.1.2 The Constitution and Enabling Legislations
  - 5.1.3 Policy Framework
  - 5.1.4 Institutional Framework

### 5.2. Ongoing Youth Programmes

- 5.2.1 Youth Enterprise Development Fund (YEDF)

# Policy Brief

## YOUTH PARTICIPATION IN GOVERNANCE AND DEVELOPMENT PROCESSES IN KENYA: The Case for Affirmative Action

© The Youth Agenda (YAA). All rights reserved.

Author: Kennedy Masime

**Kennedy Masime** is the Executive Director of the Centre for Governance and Development (CGD)

**The Youth Agenda (YAA)** commissioned the development of this Policy Brief. YAA is a premier youth organization working to enhance the contribution of youth in the development processes. The Organisation is duly committed to redefining the role of the youth in leadership and governance; and in mainstreaming the youth agenda in Kenya.

### 1.0 Introduction

Is youth affirmative action necessary in Kenya? What measures have the country taken to promote youth participation in governance and development processes? Are the interventions adequate and effective? What can be done to improve youth participation in the country's social, economic and political spheres?

This paper attempts to answer the foregoing questions. It is divided into six sections. Section one presents the research questions and delineates the other sections.

Section two clarifies the key terms: affirmative action and youth. It, among other things, explains the origins of the term affirmative action and highlights instances in which it has been applied in selected countries. It also highlights the different definitions of youth adopted by development agencies and governments, and explains what informs the differences.

Section three analyzes the youth situation in Kenya focusing on a number of themes: demographics, health, education, access to finance, and involvement in politics and crime. The analysis presents a very grim picture. Kenya is experiencing a youth bulge. The youth in the country suffer from a myriad of health challenges. They are not adequately prepared for the job market. In fact, 92 per cent of unemployed youth in Kenya lack job skills. Youth unemployment is rampant. Unemployment rates for the 15-24 and 25-35 are 14.2 per cent and 10.4 per cent, respectively, against an overall unemployment rate of 8.6 per cent. Poor education and joblessness limits youth access to financial services. Even though the youth constitute 36 per cent of the population and 46 per cent of the registered voters, they only occupy 16.2 of elected and nominated leadership positions. This unfavourably compares with the mature adults who constitute only 25 per of the population but occupy 83.8 per cent of elected and nominated leadership positions. The youth have limited access to new information and communication technology (ICT). Only 15 per cent and 12 per cent have access to computers and internet, respectively. The youth constituted the majority (52.3 per cent) of the persons convicted in 2013. The sheer numbers of the youth, the magnitude of their problems and needs, and the extent of their marginalization from the country's socio-economic and political processes warrants urgent affirmative action.

### 5.3 Key Challenges

- 5.3.1 Weak Transparency and Accountability Mechanisms
- 5.3.2 Inadequate Funding
- 5.3.3 Fragmented Approach and Lack of Coordination
- 5.3.4 Inadequate Research and Analysis
- 5.3.5 Inadequate Youth Participation
- 5.3.6 Weak Institutional Framework
- 5.3.7 Cultural factors
- 5.3.8 Lack of Political Will
- 5.3.9 Weak Monitoring, Reporting and Evaluation Framework

## 6.0. Conclusion and Recommendations

### 6.1 Conclusion

### 6.2 Recommendations

- 6.2.1 Participatory Review of the National Youth Policy
- 6.2.2 Holistic Integration of Youth Issues in the National Development Plan
- 6.2.3 Establishment of an Inter-ministerial Coordination Committee
- 6.2.4 Establishment and/or Operationalization of Youth Focal Points
- 6.2.5 Establishment of a Multi-sectoral Forum on Youth Empowerment
- 6.2.6 Establishment of a Youth Ministry
- 6.2.6 Revamping of the National Youth Council
- 6.2.8 Enhancement of Existing Quotas and Reservations
- 6.2.9 Adoption of a Mixed Member Proportional (MMP) Electoral System
- 6.2.10 Development of an Effective Monitoring, Reporting and Evaluation Framework
- 6.2.11 Allocation of Adequate and Sustained Budgets
- 6.2.12 Increased Research and Analysis of Youth Issues
- 6.2.13 Enhanced Transparency and Accountability
- 6.2.14 Implementation of Affirmative Action within Affirmative Action

Section four rationalizes youth affirmative action on several grounds, including: remediation i.e. the need to compensate for past discrimination; social justice i.e. the need to foster national integration, equality and justice; economics i.e. the possibility of the country achieving economic take-off through the realization of a demographic dividend arising from the youth bulge; and diversity i.e. the benefits of harnessing the youth's ideas, energy, creativity and high risk tolerance for the country's socio-economic and political transformation.

Section four also implicitly lays down the parameters that are used to assess the adequacy and efficacy of existing youth affirmative action policies, legal and institutional frameworks, and ongoing programmes in section five. Kenya is a party to a number of international and regional frameworks that have set out very comprehensive and ambitious youth affirmative action goals and objectives. The Constitution of Kenya 2010 also has very comprehensive and progressive provisions on youth affirmative action. The Government has, however, done very little to domesticate the international frameworks and implement the Constitution. The Kenya National Youth Policy has not been fully implemented. The Kenya Vision 2030 Medium Term Plan (MTP) 2013-2017 boxes the youth in the social pillar and completely ignores the political challenges they face e.g. their gross underrepresentation in planning and decision-making structures of public institutions. The institutional framework established by the Government is also suboptimal. The Ministry of Devolution and Planning has too much in its hands to give the youth situation the attention it deserves; whilst the National Youth Council is, largely, moribund. There are a number of well-conceptualized youth programmes e.g. the Youth Enterprise Development Fund (YEDF), the Uwezo Fund, and the National Youth Service (NYS), but they have not received adequate funding. The Government's youth affirmative action interventions are derailed by a number of challenges: weak transparency and accountability mechanisms; inadequate funding; fragmented approach and lack of co-ordination; inadequate research and analysis of youth issues; inadequate youth participation; weak institutional framework; weak monitoring, reporting and evaluation framework; unfavourable cultural environment and lack of political will.

Section six concludes that government youth affirmative interventions are, largely, inadequate and ineffective and recommends the following: a participatory review of the Kenya National Youth Policy 2007; holistic integration of youth issues in the national development plan; establishment of a youth inter-ministerial coordination committee; appointment and/or operationalization of youth focal points; establishment of a multi-sectoral forum on youth empowerment; revamping of the National Youth Council; enhancement of existing quotas and reservations for youth participation in the country's governance and development processes; adoption of a mixed member proportional (MMP) electoral system; development of an effective monitoring, reporting and evaluation framework; increased research and analysis of youth issues; enhanced transparency and accountability; and the implementation of affirmative action within affirmative action.

## **2.0 Clarification of Key Concepts: Affirmative Action and Youth**

Affirmative action programmes emerged in the United States out of the need to compensate African Americans for the disadvantages they suffer as a result of centuries of slavery and discrimination (Amy 2007; Bergmann 1996: 125). The term was used for the first time in 1961 in Executive Order 10925 issued by President John F. Kennedy (Dong 2008:2). But it was better grounded, following the enactment of the Civil Rights Act of 1964, by President Lyndon B. Johnson who argued that, 'fairness required more than a commitment to impartial treatment' and deepened the concept of civil rights (Dong 2008: 2). However, with time the concept has been extended to apply to other disadvantaged groups such as women, ethnic or racial minorities, and even the youth (see Dong 2008: 4).

Most writers define affirmative action as action (e.g. public policies, programmes, initiatives, laws, guidelines or administrative practices etc.) aimed at compensating past disadvantages or correcting current disadvantages in participating in beneficial activities (e.g. employment, representation in government, education etc.) suffered by individuals purely on the basis of ascriptive identities such as skin colour, nationality, religion, race or ethnicity (see Dong 2008: 1; Grenawalt 1983: 17; Feinbergs 1998:4; Shaw 1998: 763; Lee 1999). Age, gender and physical disability can also be bases of disadvantage.

Affirmative Action is justified on a number of grounds including justice, democratic participation and social utility, among others (see Moses 2010; Beauchamp and Bowie 1978; Dessler 2005; Dong 2008; Dworkin 2002; Weiss 1997). Not everybody thinks affirmative action is justified though. Some writers have opposed it on the grounds that it violates the principle of merit (e.g. Walzer 1983), others on the basis that it amounts to reverse discrimination (e.g. Newton 1989), and yet others think it violates the principle of compensatory justice (e.g. Gross 1994). Notwithstanding the merits and demerits of the arguments put forth by these writers, affirmative action is practiced in one form or the other in many countries across the world.

The actual objectives, target, form and content of affirmative action measures adopted are informed by a country's history and the concomitant socio-economic and political context. A few examples from across the world suffice. In order to address disadvantages caused by the social caste system, India has identified scheduled classes and tribes and come up with policies and quotas reserving specific per centages of places in education, government positions and employment opportunities. South Africa has come up with legislations prohibiting discrimination and prescribing affirmative action measures in favour of the black population which suffered decades of racial segregation during the apartheid era. In the United States, where there is intense debates around affirmative action with some states actually banning affirmative action via plebiscites (Moses 2010: 216-217). The Constitution of Kenya 2010 provides for affirmative action in favour of marginalized regions of the country i.e. through the equalization fund, and also for disadvantaged segments of the population such as women, youth, marginalized communities and people living with disabilities.

The concept youth signifies a transition from childhood into adulthood, from dependence to independence (Gyima-Brempong and Kimenyi 2013: 3; YAA 2014: 20). The transition is marked by a number of milestones e.g. employment and marriage. Individual youth make such transitions at different times making it really difficult to pin the concept down in terms of a universal definition. Most definitions, therefore, fall back on the chronological age (YAA 2014: 20). But there is no consensus on this too.

Different development agencies use different age brackets to define youth; for example: the United Nations (UN) General Assembly and the United States Agency for International Development (USAID) define youth as individuals aged between 15 and 24; the World Health Organization (WHO) includes 10 to 19 year olds given its focus on adolescent health challenges; the International Labour Organization's (ILO) which focuses on the

conventional working age includes 15-17 year olds in its definition; and the African Youth Report 2009 defines youth as persons who are between 15 and 35 years old (UNECA, 2009: 11).

Governments also have different definitions. The Governments of Ghana, Tanzania and South Africa define youth as those within the 15-35 years old age bracket; Nigeria and Swaziland define youth as those aged between 12 to 35 years; and Botswana and Mauritius define youth as those between 15-25 years old (Gyima-Brempong and Kimenyi 2013). Although Government youth development programmes in Kenya target persons within the 15-35 years age bracket, the National Youth

Council Act 2009 defines youth as all individuals aged between 18 and 35 years.

The variation in age brackets in the manifold definitions is informed by the strategic preferences of development agencies and governments. The youth experience a broad range of changes and different developmental needs in their transition into adulthood; and also come from diverse cultures and country contexts. They are not homogenous. The youth differ in age, sex, experience, family background, socio-economic class, religion, language, political persuasion etceteras (USAID 2012: 4; UNECA, 2009: 11).

### **3.0 The Youth in Kenya - A Brief Situation Analysis**

This section analyzes the youth situation in the country along the following parameters: demographics, health and education status, access to information communication and technology (ICT) services, access to financial services, participation in politics, employment situation and involvement in crime.

#### **3.1 Youth Demographics**

The youth constitute 36 per cent of Kenya's population (GoKc 2013: 75); whilst young people i.e. those who are 15-34 years and below make up 78.31 per cent of the population (IEA 2013:2). In some counties (e.g. Nairobi, Mombasa and Kiambu) persons aged 15 and 34 constitute over 40 per cent of the population (YAA 2014: 21). Kenya is, therefore, transitioning from a child rich population structure to a youth rich population structure. Indeed, the youth now make over 20 per cent of population and 30 per cent of the adult population, the thresholds demographers use to declare that a country is experiencing a 'youth bulge' (Ibid: 22; Urdal 2006). It is estimated that by 2030 persons within 15-34 years age bracket will form the majority of the population. This (as we shall see below) can either present a demographic opportunity or a demographic challenge (see YAA 2014: 21).

#### **3.2 Youth Health**

The Kenyan youth face a number of health related problems, including: widespread communicable diseases;

malnutrition; exposure to HIV/AIDS and sexually transmitted infections (STIs); drug and substance abuse; and poor access to health services (GoK 2007: 3; YAA 2014: 13, 30). Youth friendly health centres constitute only 6 per cent of the country's health facilities (YAA 2014: 13).

At 11 per cent of the total, fertility among 15-19 year olds is quite high and is a major contributor to maternal mortality. Equally disturbing is the fact that 49 per cent of children born by people in this age group are unintended. The youth engage in unsafe sexual behaviour with multiple partners when they are either too young or intoxicated to make rational decisions (YAA 2014: 13; 30). The abortion levels among youth aged 15 and 25 is very high (Ibid: 13).

Persons aged 15 and 34 years account for 88 per cent of the annual increase in population estimated at one million people (YAA 2014: 27).

Youth in the 15-30 years old age bracket account for 33 per cent of Kenyans infected by HIV/AIDS; whilst people aged between 20 to 45 years make up 75 per cent of people living with HIV/AIDS in Kenya (GoK 2007: 2-3).

#### **3.3 Youth Education**

Only 23 per cent of Kenyans have completed secondary

education and above (YAA 2014: 13). Few of the primary school graduates proceed to secondary schools, and there is also a shortage of technical and vocational training institutions (GoK 2013a: 89). Moreover, the Kenyan 8-4-4 system of education and other tertiary training institutions produce graduates who are not adequately prepared for the job market and lack requisite life skills (GoK 2007: 2). The preparedness of the Kenyan youth for work and life is, therefore, very low; yet, demand for superior job skills and knowledge is rising (YAA 2014: 37). Indeed, about 92 per cent of the unemployed youth are not employable because they lack the requisite vocational and training skills (GoK 2013a: 89).

There is also a shortage of sports and recreational facilities that are accessible to the youth. The youth in Kenya, therefore, do not have opportunities to socialize, develop and strengthen their character, and hone their talents (GoK 2007: 3).

### **3.4 Youth Unemployment**

Kenya faces a number of key unemployment challenges: high youth unemployment; a rapidly growing labour force; high levels of under-employment, high levels of employment in the informal sector (problem of the working poor), and the characteristics of youth (e.g. level of education, family background and gender) that sometimes makes it harder for them to join the job market (GoK 2013b; YAA 2014: 43).

The high unemployment among the youth in Kenya is a function of inadequate education, and lack of job skills even among those with secondary and tertiary education (YAA 2014: 14). According to the 2009 census data, unemployment rates for the 15-24 and 15-35 age groups are 14.2 per cent and 10.4 per cent, respectively. This compares unfavourably with the overall unemployment rate of 8.6 per cent. The data also reveal a relatively lower employment to population rate of 49 per cent and 63 per cent, respectively, for youth aged 15-24 and 15-35 years compared to 69 per cent among adults. Evidently, the youth in Kenya are not fairly gaining from the country's economic growth (YAA 2014: 45). Only 25 per cent of the estimated 500, 000 youths joining the labour market annually are absorbed leaving the 75 per

cent to suffer the burden of unemployment. Moreover, some of those who get employed have jobs that do not match their skills and qualifications (GoK 2007: 3).

The high unemployment rates have made the youth vulnerable to economic exploitation and abuses such as human trafficking and prostitution, among others (GoK 2007: 4).

### **3.5 Youth Access to Finance**

The youngest (18-25) and the oldest (over 55) age groups are the most excluded from financial services (CBK, 2013) while 26-35 year olds are the biggest users of formal prudential and formal non-prudential means of financial services. Young people mainly use financial services to make transactions or save. Less than one-third use financial services to get credit and only 10.5 per cent use financial services to invest (YAA 2014: 56-57).

On average 64.05 per cent of young people aged 18-35 use mobile phone financial service providers (MFSP), followed by banks at 28.75 per cent, chamas or informal groups at 28.15, savings and credit cooperative societies (SACCOS) at 7.5 per cent, and micro-finance institutions (MFIs) at 3.25 per cent (Ibid).

The use of every type of formal financial service provider rises with increasing levels of education. Bank use rises from 6 per cent for those with no education to 80 per cent for those with tertiary education. Use of MFSPs rises from 21 per cent among those with no education to 91 per cent among those with tertiary education; ditto, the use of SACCOs and MFIs (Ibid).

### **3.6 Youth Participation in Politics**

A total of 6, 627, 474 million of out of an overall total of 14, 337, 399 of those who registered to vote in the 2013 general elections were aged between 18 and 35 years i.e. the youth constituted 46 per cent of Kenya's voting population (YAA 2014: 66). Despite their numerical strength, the youth are grossly underrepresented in political and economic spheres due poor organization and socio-cultural and economic barriers (GoK 2007: 4).

According to an opinion poll conducted by IPSOS Syno-

vate and Youth Agenda, the main challenges faced by young candidates during the party nomination processes in the last general elections were: financial, cited by 47 per cent of the respondents; direct or indirect intimidation by competitors, which was mentioned by 22 per cent of the respondents; and the imposition of candidates by the party leadership, which was cited by 18 per cent of the respondents. Most of the youth financed their campaigns through personal savings (80 per cent), friends' contribution (67 per cent) and through fundraising (39 per cent) (YAA 2014: 65-66). Incidentally, 46 per cent of youth in rural areas and 41 per cent of youth in urban areas admitted that they failed to vote because they sold their ID cards, a factor that was later mentioned as having constituted a big part of voter irregularities. Only 15 per cent cited time constraint as the reason for not voting

Table 1

POSITION	YOUTH	OVER 35	OVERALL	YOUTH %
Governor	1	46	47	2.1
Senator (elected)	3	44	47	6.4
Senator (nominated)	8	8	16	50.0
Members of National Assembly (elected)	20	270	290	6.9
Members of National Assembly (nominated)	5	7	12	42.0
Women Representatives (elected)	8	39	47	17.5
County Assembly Representatives	394	1, 855	2, 249	17.5
<b>Total Representatives</b>	<b>439</b>	<b>2, 269</b>	<b>2, 708</b>	<b>16.2</b>

Source: *Youth Agenda, Youth Situation Analysis 2014, page 70*

### **3.7 Youth and ICT**

Access to ICT can broadly be looked at in terms of possession or availability (e.g. through home, office, school or public location) of ICT equipment; the ability to pay for ICT products and services; and the skills to use ICT effectively (KNBS and CCK, 2011). There is a wide gap between access of the newer technologies (with the exception of mobile phones) such as the internet and that of traditional technologies such as TV's and radio. For example: 83 per cent and 47 per cent of young people had access to radio and television, respectively; and 15 per cent and 12 per cent, respectively, had access to computers and internet (YAA 2014: 71).

(YAA 2014: 68).

The table 1 below shows the number of youth that were either elected or nominated into Parliament (i.e. National Assembly and Senate), the 47 county assemblies and the position of governor. Although the youth constitute 36 per cent of the population and also constituted 46 per cent of the registered voters during the 2013 general elections, they only occupy 16.2 per cent of the elective and nominated leadership positions in the country. These figures exclude the Presidency i.e. the positions of the President and Deputy President. Given that the teens and children are not eligible for election and nomination; this means that mature adults who form only 25 per cent of the population are hogging a whopping 83.8 per cent of elective leadership positions.

Predictably, those with higher levels of education have more access to various ICTs than those with lower levels of education (YAA 2014: 72). Lack of access to ICT undermines the ability of the youth to explore career and education and training, and business opportunities (GoK 2007: 4).

### **3.8 Youth and Crime**

Given the scarcity of employment opportunities, the youth, who become very idle and restless after finishing formal education, usually engage in deviant behaviour and crime (GoK 2007: 3). Indeed, 52.3 per cent of the persons convicted in 2013 were aged between 16 and 25 (YAA 2014: 78).

The foregoing assessment clearly demonstrates that urgent measures need to be taken to address the youth situation in Kenya. Given their sheer numbers, the marginalization they suffer and the magnitude of the prob-

lems they face, it is critical that action is taken to address their problems, and also to integrate them into the country's governance and development processes.

## **4.0 The Case for Youth Affirmative Action in Kenya**

Moses (2010) identifies two broad grounds for justifying affirmative action: the instrumental and moral justifications. Instrumental justifications see affirmative action as a means to an end e.g. the diversity and economics rationales; whilst moral justifications emphasize the need to do what is right and treat people fairly. Moral justification can be forward looking e.g. the social justice rationale or backward looking e.g. remediation (Moses 2010: 218). Although Moses wrote about access to higher education, her grounds for affirmative action justifications are very applicable to youth affirmative action in Kenya.

### **4.1 The Remedial Rationale**

The remedial rationale emphasizes compensation for past discrimination on the basis of race, ethnicity and sex. Reservations and quotas are some of the compensatory devices used (Moses 2010: 219-220). Following centuries of gerontocracy (or rule by elders), it is necessary for the country to encourage youth participation in governance and development processes through affirmative action. This will allow the Kenyan electorate to see the youth excelling in positions of leadership and, thus, gradually get to appreciate their leadership abilities and potential.

### **4.2 The Social Justice Rationale**

The social justice rationale emphasizes the importance of affirmative action in fostering societal integration, equity and justice (Moses 2010: 220). On this basis, affirmative action for youth participation in governance and development processes in Kenya is justified on several grounds.

One, some affirmative action programmes (e.g. the National Youth Service) bring together youth from different ethnic communities and regions of the country, thereby

fostering national integration. Such programmes also allow youth from disadvantaged and marginalized communities to acquire knowledge and skills that they can take back to such communities in the process integrating them into the country's socio-economic and political system.

Two, affirmative action enhances democratic participation by admitting underrepresented segments of the population (see Moses 2010: 223). As Bird (2003: 2) succinctly puts it:

When we say that a parliament is unrepresentative of certain groups, we are referring to a concept of descriptive or demographic representation, and implying that a parliament should be a microcosm of the nation. To some extent at least, it should mirror the population from which it is drawn.

Three, affirmative action enhances equality. Equality does not just mean absence of barriers or same or equal treatment but entails the recognition of differences in individual circumstances (Moses 2010: 223). Though they constitute the majority of the voting public, the youth face serious hurdles in acceding to positions of leadership: first, is the ephemeral nature of youth as a stage in life; second, they lack experience on account of age; third, they generally lack financial resources which are critical for success in electoral contests in Kenya; fourth, they are engaged in time consuming knowledge gathering and skills development activities and, therefore, do not have adequate time to organize and effectively engage in democratic processes; and, lastly, years of gerontocracy have created a political culture which does not recognize and value youth leadership abilities (see GoK 2007: 4).

### **4.3 The Economics Rationale**

The economics rationale stresses on the fact that the empowerment of disadvantaged groups can enable them to make a contribution to the economy or the overall welfare of society. It also rationalizes the need to nurture role models that can serve as beacons of hope to disadvantaged youth (Moses 2010: 20).

Investing in the youth makes a lot of economic sense for Kenya today. Firstly, the youth bulge the country is experiencing presents it with an opportunity to realize a demographic dividend. A demographic dividend occurs when the share of the working population grows more rapidly than the number of dependants i.e. children and the elderly. For this to happen there needs to be a decline in birth rates and ipso facto the number of children accompanied by a considerable delay in the decrease of the working population through aging. A large working population with few dependants is able to substantially invest in the education and health of their children, and save and invest in profitable ventures and in skills and technology, thereby increasing productivity and economic growth (see Bloom et al 2003; USAID 2012: 5; Mason 2001; Bloom et al 2001; Bloom and Williamson 1998; Crenshaw et al 1997; Kelley and Schmidt 1995; Kelley and Schmidt 2001; Gyima-Brempong and Kimenyi 2013: 1; YAA 2014: 12, 37). Indeed, a demographic dividend can enable Kenya to attain the much desired but, so far, very elusive 10 per cent annual growth of per capita gross domestic product (GDP), and sustain the same for a couple of decades, leading to economic take-off.

The demographic dividend, however, comes at a price which the government must be willing to pay: massive investment in the youth. The government must invest in programmes that empower the present youth population to effectively play their role in the country's realization of the demographic dividend. These include: addressing youth unemployment; enhancing secondary education, vocational training and higher education; and addressing youth health problems such as early marriage and pregnancy, inadequate family planning services, poor nutrition, HIV/AIDS infections and drug abuse (see USAID 2012: 4-5; World Bank 2007; Gyima-Brempong and Kimenyi 2013: 1).

Conversely, and secondly, neglecting the youth can result in dire consequences such as social malaise, increased crime levels, political upheavals, lost productivity and economic stagnation and, ultimately, even state failure like it has happened in Somalia (See Gyima-Brempong and Kimenyi 2013: 2; Collier and Hoeffler 2004).

Thirdly, affirmative action results in the emergence of role models for youth from all walks of life. The youth who succeed in business or occupy high leadership positions, courtesy of affirmative action, serve as powerful symbols of hope. They signal to their fellow youths that they, too, stand a chance of making an important contribution to their country at some point in time. This has the effect of reducing disaffection and hopelessness among the youth that often results in deviant activities such as drug abuse, prostitution, crime and violence.

#### **4.4 The Diversity Rationale**

The diversity rationale underscores the importance of diversity in bringing in new ideas, perspectives and ways of doing things, thereby contributing to the overall welfare of society (Moses 2010: 220). A case can be made for youth affirmative action in Kenya on the basis of diversity. Incorporating the youth in governance and development processes comes with several benefits.

First, the youth bring into government and public institutions unique skills, fresh ideas and perspectives. Indeed, effective youth participation in governance and development processes increases the pool of ideas available to public institutions; hence effective decision-making, policy formulation and service delivery; and, ultimately, increased productivity and economic growth (see Inter-Parliamentary Union 2014: 7; USAID 2012: 3; Gyima-Brempong and Kimenyi 2013: 1).

Second, the youth bring into public institutions the much needed zest and energy that can speed up the pace at which such institutions transact business, thereby resulting in overall government efficiency.

Third, public institutions that are representative of the youth will relate better with the youth constituency. A better understanding of the needs of the youth will result

in the formulation of better youth policies, the design of better youth programmes and effective service delivery to the youth. Indeed, research has proven that youth preferences and responses to incentives are different from those of children and mature adults (USAID 2012: 3).

Fourth, the youth have the ability to embrace new technologies and ideas. They are also very creative and innovative (see Gyima-Brempong and Kimenyi 2013: 2). Youth participation in public institutions, thus, enhances the capacity of public institutions to adapt and respond to the rapidly changing local socio-economic and political milieu; as well as the constantly changing global realities.

Fifth, the youth are a potent force for change. They are willing to take more risks and also tend to question established norms and practices that impede good governance and development (Gyima-Brempong and Kimenyi 2013: 2). Such qualities can be harnessed by public institutions to bring about socio-economic and political transformation in the country.

In sum, this section not only identifies and rationalizes the grounds for justifying affirmative action in favour of the youth in Kenya, but also implicitly lays down the parameters for assessing the adequacy and efficacy of the existing youth affirmative action frameworks and programmes.

## **5.0 Youth Affirmative Action in Kenya: An Assessment**

This section assesses the existing youth affirmative action policies, legal and institutional framework, and programmes with a view to ascertaining the following: (1) the extent to which they stand to remedy the historical marginalization of the youth in governance and development processes in the country; (2) the extent to which they are fostering national integration; (3) the degree to which they have raised youth participation in governance and development processes to a level commensurate with their numerical strength; (4) how adequately they are empowering the youth to play their role in the country's realization of a demographic dividend; (5) the extent to which they are grooming enough youth role models; and (6) the extent to which they are harnessing the potential of the youth and identifying and addressing their unique problems and needs.

### **5.1 Policy, Legal and Institutional Framework**

Youth affirmative action in Kenya is underpinned by an elaborate policy, legal and institutional frameworks. These include: a number of international declarations; the *Constitution of Kenya 2010* and some enabling legislations; the *Kenya National Youth Policy 2007* and *Kenya Vision 2030*; and the Directorate of Youth Affairs

in the Ministry of Devolution and Planning and the National Youth Council.

#### **5.1.1 International Frameworks**

A number of international frameworks established in the recent past highlight the needs and challenges facing young people and outline strategies for addressing them. Key among these are the *World Programme of Action for Youth to the Year 2000 and Beyond* developed by the UN in 1995 and the *African Youth Charter* which was adopted by African Union Heads of States and Governments in July 2006.

The *World Programme of Action for Youth to the Year 2000 and Beyond* aims to address more effectively the problems of young people and to increase opportunities for their participation in society. It provides a policy framework and practical guidelines for national action and international support to improve the youth situation. It contains proposals for action to the year 2000 and beyond to promote and improve well-being and livelihood among young people. It identifies 10 priority areas e.g. education, employment, hunger, poverty, health environment etc.; and five emerging issues i.e. globalization, HIV and AIDS, ICT, Youth and armed conflict, and intergenerational relations, for youth development.

The African Youth Charter identifies 16 youth development priorities and the actions needed to effectively address them. It requires individual countries to develop frameworks and programmes (including on education, employment, health and public participation etc.) to address youth problems. Article 12 of the Charter particularly requires every state to develop a comprehensive and coherent national youth policy, and outlines parameters for developing such a policy. It, among other things, requires that: (1) the national youth policy be cross sectional in nature given that challenges facing the youth are inter-related; (2) the policy be developed through extensive consultations with the youth and that it provides for active youth participation in decision-making at all levels of governance on matters that concern them; (3) a youth perspective be integrated and mainstreamed into all planning and decision making as well as programme development and that youth focal points be appointed in all government structures; (4) mechanisms for addressing youth challenges be embedded within the national development frameworks; (5) the priority issues for youth development be identified through a baseline evaluation or situation analysis; (6) the policy be adopted by parliament and enacted into law; (7) a national youth coordination mechanism be set up to provide a platform that mobilizes the participation of youth organizations in the development of the youth policy and its implementation, as well as the monitoring and evaluation of related programmes; (8) a national programme of action that is time bound and is connected to an evaluation strategy with clearly outlined indicators be developed; and (9) adequate and sustained budget provision be allocated to programmes identified by the policy.

The timing of youth affirmative action interventions in Kenya seem to suggest that the country is responding to the international influences and emerging best practices. But it is not yet clear whether it is prepared to go all the way in fulfilling such demands and obligations as a responsible member of the community of nations.

### **5.1.2 The Constitution and Enabling Legislations**

The promulgation of the *Constitution of Kenya 2010* gave youth affirmative action a serious boost. The Con-

stitution requires and provides for the inclusion of segments of society hitherto marginalized e.g. women, youth and persons living with disability in the country's governance and development processes.

To begin with, the Constitution of Kenya 2010 in Article 1 (1) and (2) vests sovereignty in the people of Kenya and empowers them to exercise it directly or through democratically elected representatives. Article 10 (1) obliges all state organs, state officers and all persons to adhere to the national values and principles outlined in Article 10 (2), which includes democracy and participation, equity, social justice, inclusiveness, equality, and non-discrimination and the protection of the marginalized while interpreting the Constitution, enacting, applying or interpreting any law, or making or implementing public policy decisions.

Article 19 (1) declares that the Bill of Rights is the framework for social, economic and cultural policies; whilst Article 21 obliges the state and its organs to observe, respect, protect, promote and fulfill the rights, including the rights to equality and equity.

Article 21 (3) declares that: "All State organs and all public officers have the duty to address the needs of vulnerable groups within society, including women, older members of society, persons with disabilities, children, youth, members of minority or marginalised communities, and members of particular ethnic, religious or cultural communities".

Article 27 (4) proscribes any discrimination by the State either directly or indirectly against any person on the basis of sex, disability, among many other grounds; whilst Article 27 (6) requires to the State to "take legislative and other measures, including affirmative action programmes and policies designed to redress any disadvantage suffered by individuals or groups because of past discrimination".

Article 55 requires the State to take measures including affirmative action to: make appropriate education and training available to the youth; provide opportunities for the youth to associate; ensure that the youth are represented and also participate in political, social, economic

and all others spheres of life; ensure that the youth have access to employment; and protect the youth from harmful cultural practices and exploitation.

Articles 97 (1) (c) and 98 (1) (c), respectively, provide for the nomination of youth representatives to the National Assembly and the Senate; whilst article 177 (1) provides for the nomination of youth representatives to the 47 county assemblies.

Article 100 requires Parliament to enact legislation to promote the representation of the youth and other disadvantaged segments of the community in Parliament.

Albeit very comprehensive and progressive, the provisions of the Constitution remain, largely, aspirational and the bulk of them are yet to be implemented.

Some of the constitutional provisions on youth affirmative action have been executed through the enactment and/or amendment of enabling legislations and the regulations to the legislations; for example: the *Elections Act 2011* operationalizes the constitutional provisions on the nomination of youth representatives to Parliament and county assemblies; the *Constituency Development Fund Act 2013* reserves one seat in all constituency development committees for a youth representative; and the *Public Procurement and Disposal (Preference and Reservation) Regulations 2013* allocate 30 per cent of all government procurement to youth-run enterprises.

It is clear from the foregoing that a lot more needs to be done to operationalize and concretize the gains brought about by the *Constitution of Kenya 2010*.

### **5.1.3 Policy Framework**

Youth affirmative action in Kenya is basically guided by two policy instruments: the *Kenya National Youth Policy 2007* and the *Kenya Vision 2030*.

#### **5.1.3.1 Kenya National Youth Policy-Sessional Paper No. 3 of July 2007**

The goal of the *Kenya National Youth Policy 2007 (KNYP)* is to promote youth participation in community and civic affairs, and ensuring (sic) that youth pro-

grammes involve them and are youth-centred (GoK 2007: 5). It identifies the challenges facing the youth in Kenya and provides direction for addressing them. It, among other objectives, seeks to address youth unemployment, and health, education and training challenges. It provides for the establishment of a National Youth Council to organize youth participation in governance and development processes.

Anecdotal evidence, however, shows that it has not been meaningfully implemented. It has neither been adequately funded nor a proper monitoring and evaluation framework established to track its implementation. Its implementation also falls far short of the thresholds established by Article 12 of the *Africa Youth Charter*. It is unlikely to empower the youth to play a significant role in the country's socio-economic and political development or facilitate their mainstreaming and integration into decision making processes.

#### **5.1.3.2 Kenya Vision 2030**

The Second Medium Term Plan (MTP) 2013-2017 of the *Kenya Vision 2030* identifies key policy actions, reforms, programmes and projects that the government will implement in the 2013-2017 period. In addition to reporting on government youth programmes implemented during the previous period, it discusses the emerging issues and challenges facing the youth in Kenya, including: unemployment, population explosion, lack of access to capital, poor professional and job skills, health challenges etc. The MTP also identifies the youth flagship programmes to be implemented in the period 2013-2017 as well as a raft of planned policy, legal and institutional reforms, including: the review of the *National Youth Policy 2007*; the review of the *National Youth Council Act 2009*; the review of the *National Youth Service Act 1964*; the development and enactment of a National Youth Enterprise Development Bill; the implementation of the National Industrial Training Attachment Policy; the development of the Youth Societies Bill; the development of a Policy Framework on Youth Talent Identification and Nurturing; the development of a National Youth and Internship Volunteer Policy; the implementation of the *Public Procurement and Disposal*

(*preference and Reservation*) regulations 2013 for Youth; and the development and implementation of the Public Financial Management (Uwezo Fund) Regulations 2013 (GoK 2013a: 93).

A key weakness of the policy is that it does not seem to appreciate the magnitude of the challenges and opportunities presented by the youth situation in Kenya. Instead of mainstreaming youth issues in the country's development plan, it has boxed the youth under the social pillar. Consequently, youth issues are lowly prioritized and the resources allocated to youth issues are quite minimal. The policy document will, thus, only make limited contribution to the empowerment of the current generation of youth in Kenya to effectively play their role in the country's realization of the democratic dividend.

It is, however, gratifying that the MTP has identified and articulated the need for change via the review of the current frameworks and strategies for effecting youth affirmative action. The manner in which it executes these changes or reforms will determine its success in identifying and addressing youth problems, mainstreaming youth issues in national development planning, and harnessing the youth potential.

### **5.1.4 Institutional Framework**

The Ministry of Devolution and Planning's Directorate of Youth Affairs and the National Youth Council make up the core institutional framework through which the Government is implementing youth affirmative action programmes.

#### **5.1.4.1 The Directorate of Youth Affairs**

The Government of Kenya signalled its intention to seriously address youth issues by establishing the Ministry of State for Youth Affairs, on 7th December 2005, to work on youth issues and concerns. The Department of Sports was added to the Ministry through Presidential Circular No. 1 of 2008 to create the Ministry of Youth Affairs and Sports (See GoK 2013b: 11). The establishment of the Ministry demonstrated the Government's appreciation of the underrepresentation of the youth in governance and development processes in spite of their numerical preponderance. It is the Ministry that devel-

oped the *Kenya National Youth Policy 2007 (KNYP)* with the goal of mainstreaming and coordinating youth programs in the country. The Ministry was, however, abolished after the 2013 general elections and the Directorate of Youth Affairs placed under the Ministry of Devolution and Planning through Executive Order No. 2 of May 2013. It is the latter that is now responsible for mainstreaming youth issues into the country's development planning processes, designing and implementing youth programmes and empowering the youth to participate in governance and development processes through provision of skills and financial resources.

The downgrading of the youth cabinet portfolio to a mere directorate within the Ministry of Devolution and Planning is retrogressive. Given the Ministry's huge mandate, it is prone to dropping the ball in terms of addressing youth challenges, their needs and harnessing their potential. Youth matters are presented in cabinet meetings together with a long list of other issues being handled by the Ministry and, thus, do not receive proper attention and focus. That the Directorate of Youth Affairs has not hired substantive officers and is relying on officers seconded by the Public Service Commission (PSC) only makes matters worse.

#### **5.1.4.2 National Youth Council**

The *National Youth Council Act 2009* establishes the National Youth Council (NYC) and provides for its incorporation, powers and functions, and related issues. The objectives of NYC include: regulation and coordination of activities and initiatives by non-state actors targeting the youth; promotion and popularization of the *Kenya National Youth Policy 2007 (KNYP)* and related policies; facilitation of periodic review of KNYP; mobilization of resources to support the youth and youth programmes; promotion of youth inclusion in the decision making structures of public institutions; and promotion of research and analysis of youth issues, among others.

The NYC should, ideally, be one of the few spaces or platforms available for the youth. But this is not necessarily the case. The Act fails to clearly define what is meant by 'National Youth Congress' that is supposed to (s)elect the youth representatives. It, thus, gives too

much discretion to the Cabinet Secretary to determine the process of nominating the youth representatives. The Ministry of Youth and Sports had set up an elaborate electoral college comprising of over 40, 000 elected delegates and layers of officials right from sub-locations, district and national levels. But the structure has, largely, been neglected and the branches established through the delegates system are yet to be operationalized. The NYC has not hired a substantive chief executive officer (CEO) that is answerable to it. Instead, the CEO and the skeletal staff have been seconded by the PSC from other government departments. The Government has not established the Youth Advisory Board as required by the *National Youth Council Act 2009* five years down the line. The Minister for Devolution and Planning has also taken inordinately long to gazette the new Chairperson of the NYC who was elected over two months ago following the resignation of the former Chairperson (Daily Nation, Thursday, June 3rd, 2015).

The NYC has also not been adequately funded. It has not, therefore, been able to realize its mandate. The current Council has only managed to undertake three sets of activities. First, it has conducted training in 17 counties. Second, it organized a national youth convention of about 5000 youth on 6th June 2014. The convention was made possible through funds from the Office of the President following a visit to state house by youth leaders and not as a result of structured funding. The promises made to the youth at the convention by the Deputy President have not been met. Third, the NYC also organized a retreat to review the KNYP. The process, however, stalled due to lack of funds. Although external donors have committed some funds for the exercise, the NYC is unable to access the same because these have to be channelled through the Ministry which has not executed the necessary paper work. The NYC activities are thus, largely, invisible to the majority of the youth.

## **5.2 Ongoing Youth Programmes**

The Government of Kenya is currently implementing three major youth programmes i.e. the Youth Enterprise Development Fund (YEDF), the Uwezo Fund and the National Youth Service, and number of other smaller

projects.

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

The Youth Enterprise Development Fund was gazetted on 8th December 2006 and turned into a state corporation on 11th May 2007. Its purpose is to reduce youth unemployment in the country. It seeks to create employment by providing loans for on-lending to youth run micro, small and medium enterprises. The Fund also provides business development and marketing services to such enterprises. By 2012 the Fund had spent 6.5 billion on 141, 316 enterprises, provided business incubation services to 129 youth, assisted 9, 370 youth to secure jobs outside the country, facilitated the establishment of 24 SACCOS, and provided market support services to 1, 982 youth entrepreneurs, among other interventions (GoK 2013a: 89).

As far as youth economic empowerment goes, YEDF is a very well conceptualized initiative. But its reach is still limited due to inadequate funding and low uptake of the loans by the youth. Given the magnitude of youth unemployment in the country, the Government needs to allocate more money to it and also separately fund the Directorate of Youth Affairs and NYC to undertake aggressive outreach campaigns.

### **5.2.2 Uwezo Fund**

The *Uwezo* Fund was launched by President Uhuru Kenyatta on 8th September 2013 and gazetted on 21st February 2014 through *Legal Notice 21 of the Public Finance Management Act 2014*. Its purpose is to enable women, youth and persons with disability access business loans at the constituency level. It provides business mentorship through a capacity building programme to enable the recipients to make use of 30 per cent of procurement reserved for the aforementioned groups. In order to enhance the accessibility of the Fund to the youth, the Cabinet Secretary for Devolution and Planning announced that the youth will get loans of up to Kshs 25 million to finance tenders using local purchase orders (LPOs) in lieu of collateral (Daily Nation, Wednesday 22nd April 2015).

The Uwezo Fund, however, seem to be a duplication of the Youth Enterprise Development Fund and the Women Enterprise Fund. The NYC was not consulted when Uwezo was established and is represented in Uwezo by officials of the Directorate of Youth Affairs. Such a fragmented approach to youth empowerment creates confusion and also spreads the little available resources too thin thereby diluting the impact of such interventions.

### **5.2.3 National Youth Service (NYS)**

The National Youth Service (NYS) was established as a department through the enactment of the National Youth Service Act on 1st September 1964. The goal of the NYS Department is to provide work experience for the youth, inculcate a sense of responsibility and service to the country, self-respect and respect for authority, and values of discipline, democracy, citizenship and cooperation.

NYS was re-launched by President Uhuru Kenyatta in 2013. It has increased its annual intake from an initial 4, 000 recruits to over 20, 000 recruits. The recruited youth undergo basic paramilitary training and vocational and technical skills training. They are also engaged in national building activities e.g. irrigation projects, clearing drainage systems, disaster response, irrigation project, community service etc (GoK 2013a: 89-90).

By providing short-term employment at low wages, NYS helps equip unskilled young people with the requisite job skills. It is also uniquely placed to foster national integration and counter the deep seated ethnic suspicions and divisions in Kenya. NYS is still as relevant, if not more relevant, as it was at the time of its establishment 50 years ago.

It is, however, clear that this crucial department has suffered from chronic underfunding. Its contributions look more like a drop of water in the ocean given the magnitude of skills shortage and youth unemployment in the country. The Government's decision to increase the annual intake of recruits from 4000 to over 20, 000 is, therefore, a big step in the right direction. But more needs to be done to reach the thousands of unemployed youth without any vocational and technical training.

### **5.2.4 Miscellaneous Initiatives**

There are a number of smaller initiatives that also target the youth. The government in the period 2007- 2013 re-vitalized, expanded and equipped youth polytechnics and developed and implemented a Subsidized Youth Polytechnic Tuition Scheme (SYPT) (GoK 2013a: 89). It also constructed 130 out of a targeted 210 Youth Empowerment Centres (YECs) and equipped and operationalized 74 of them. The Government also implemented the *õtrees for jobs* as a component of the Kazi kwa Vijana (KKV) programme that created 101, 174 short term jobs for the youth who planted 8 million trees across the country (Ibid: 90).

The Kenya Vision 2030 MTP 2013-2017 also identifies several flagship projects to facilitate youth skills development and youth empowerment. These include: establishment of youth development centres; development of creative industry hubs; establishment of enterprise parks; development of incentive frameworks to encourage employers to hire youth; establishment of an integrated youth ICT platform; establishment of a regional driver and marine training institution; and development and implementation of a youth leadership and entrepreneurship strategy. There are also plans to ensure that at least 2.5 per cent of the annual budget goes to youth development (GoK 2013a: 93).

It is good that the government has come up with and/or is envisaging all these initiatives. But it will be great if sufficient and sustained funding is allocated to them. The interventions should also be exhaustive and not ad hoc, and reinforce each other instead of duplicating each other.

### **5.3 Key Challenges**

Although the Government has put in place institutional frameworks, developed policies and laws and initiated programmes to address the challenges facing the youth in Kenya, its efforts are, largely, inadequate and ineffective. It is yet to realize the goals set by the international declarations which it is a party to as well as the aspirations of the Constitution of Kenya 2010. A number of factors account for this, including: weak transparency

and accountability mechanisms; inadequate funding; inadequate research and analysis; weak monitoring, reporting and evaluation mechanisms, a fragmented approach and weak coordination of youth initiatives; inadequate youth participation; weak institutional frameworks; cultural factors; and lack of political will.

### **5.3.1 Weak Transparency and Accountability Mechanisms**

Due to weak transparency and accountability enforcement mechanisms, the public sector in Kenya is plagued by runaway corruption to which youth programmes are not immune. It is estimated that 25 and 30 per cent of the annual national budget is lost through corrupt procurement (Daily Nation, Thursday 2nd December 2010).

### **5.3.2 Inadequate Funding**

Given the aforementioned challenges and needs of the youth, government budget allocation to youth programmes and initiatives is grossly inadequate. Consequently, the programmes only reach or impact on a small percentage of the needy youth population, and are hardly visible to the majority of the youth. Both the Directorate of Youth Affairs and the NYC are poorly funded and, thus, have challenges delivering on their mandate.

### **5.3.3 Fragmented Approach and Lack of Coordination**

The Ministry of Devolution and Planning does not seem to appreciate the magnitude of the youth situation in terms of the challenges afflicting them, their marginalization and their untapped potential. Consequently, it has not adopted a wholistic approach in tackling youth issues. The Ministry has placed youth affairs within the social pillar and seems to be totally blind to the political challenges faced by the youth, especially their chronic underrepresentation in decision making structures of public institutions, and has not outlined any plans to help address them. Even though some functions of the erstwhile Ministry of Youth Affairs and Sports e.g. sports and youth polytechnics have been transferred to the Ministry of Sports, Culture and Arts and the Ministry of Education, respectively, the inter-ministerial coordina-

tion committee anticipated by the Kenya National Youth Policy 2007 is yet to be established. Some of the projects e.g. Kazi kwa Vijana are implemented in a very ad hoc manner and are, largely, dependent on the whims of the incumbent administration. The desire on the part of the various administrations to establish and brand initiatives in their name has also resulted in duplication of projects and programmes; for example, there is no fundamental difference between the Uwezo Fund on the one hand and the Youth Enterprise Development Fund and the Women Enterprise Fund on the other. The latter two could have easily been restructured to serve the purpose of the former.

### **5.3.4 Inadequate Research and Analysis**

Notwithstanding the magnitude of the youth situation in Kenya and the centrality of the youth in the country's political and socio-economic development, very little research has been conducted on youth issues. Consequently, the design of youth policies and programmes has not been informed by adequate and up-to-date data on the problems, needs and characteristics of the youth resulting in sub-optimal outcomes. As Gyimah-Brempong and Kimenyi (2013: 27) succinctly put it, "You can't manage what you can't measure".

### **5.3.5 Inadequate Youth Participation**

The youth in Kenya have been historically marginalized from the country's socio-economic and political life. Their needs and desires have not been given adequate attention as they are underrepresented in policy making, and programme design and implementation processes. Consequently, their energy, creativity, knowledge and skills have not been properly harnessed (IEA 2013:2).

Lack of youth participation tends to distort the prioritization of youth empowerment programmes. For example; the government facilitated the formation of 24 youth SACCOs in the period 2007-2013 and intends to continue doing so in the succeeding period, yet research and analysis has revealed that the most popular means of financial access among youth (18-35%) is Mobile Phone Financial Service Providers (MFSP), followed by banks (28.75%) and informal groups like chama's (28.15%).

The use of SACCOs comes at a distant fourth as the most preferred means and is only used by 7.5% of youth followed by Micro-finance Institutions (MFIs) at 3.25% (YAA 2014: 17).

The ongoing review of the National Youth Policy 2007 and other policy, legal and institutional reform measures are also very low key, almost secretive. The Ministry of Devolution and Planning has not adequately involved the NYC in some of its flagship projects. For example; the NYC was not consulted on the establishment of the Uwezo Fund and was also not invited to the NYS transformation validation meeting.

### **5.3.6 Weak Institutional Framework**

The Government's decision to abolish the Ministry of Youth Affairs and Sports and establish a Directorate of Youth Affairs within the Ministry of Devolution and Planning has had the effect of diluting the institutional framework for addressing youth issues. The Ministry of Devolution and Planning is one the largest ministries. It is handling several crucial portfolios and is unlikely to accord the youth affairs portfolio the attention it deserves.

The National Youth Council is grossly underfunded. The government has also not operationalized its grassroots structure and establish the Youth Advisory Board. Its capacity to rally the youth and oversight government implementation of youth policies and programmes is, therefore, severely compromised.

### **5.3.7 Cultural factors**

Given the heritage of gerontocracy, existing structures

and prevailing attitudes do not favour youth participation in decision-making, planning and implementation processes (see GoK 2007: 3).

### **5.3.8 Lack of Political Will**

The many inconsistencies in the Government's implementation of youth affirmative action highlighted in the foregoing sections points to lack of political will to accord the youth situation the attention it merits. Despite the fact that the Jubilee Coalition Government campaigned on the platform of generational change, it has not walked the talk in addressing the underrepresentation of the youth in decision making structures of public institutions. The recent appointment of directors to the boards of state owned enterprises is a case in point. The appointees, largely, consisted of old recycled politicians with established patronage networks.

That members of parliament who are in a position to intervene and ensure adequate allocation of funds for NYC see the youth leaders as potential threats to their incumbency has not helped matters.

### **5.3.9 Weak Monitoring, Reporting and Evaluation Framework**

There are no time bound monitoring, reporting and evaluation mechanisms put in place to track the performance of the various youth programmes. There are also no mechanisms put in place to evaluate the impact of the key policy and institutional frameworks by the beneficiaries of such interventions i.e. the youth.

## **6.0 Conclusion and Recommendations**

This section draws conclusions from the foregoing sections and offer several recommendations on how to enhance youth participation in Kenya's governance and development processes.

### **6.1 Conclusion**

The sheer numbers of the youth, the magnitude of their problems and needs, the extent of their marginalization and their latent potential necessitates urgent and comprehensive sector-wide affirmative action in their favour. Although existing international and regional frameworks and the Constitution of Kenya 2010 have laid down solid foundations for erecting adequate and effective affirmative action programmes, the Government's response to the youth situation has been rather lacklustre. Its interventions have, largely, been inadequate, inconsistent, fragmented, uncoordinated and ineffective. It is clear that the government has not only fully appreciated the magnitude of the youth situation in Kenya but is also yet to disabuse itself of the notion that the youth are a helpless lot who need handouts in terms of token projects. The youth are a latent force for political and socio-economic transformation that needs to be tapped for the benefit of the country. They have to be exhaustively consulted and also be involved in the development of the policy, legislative and institutional frameworks underpinning affirmative action; as well as in the design and implementation of affirmative action programmes.

### **6.2 Recommendations**

In view of the foregoing, this paper recommends the following:

#### **6.2.1 Participatory Review of the National Youth Policy**

The Ministry of Devolution and Planning and the National Youth Council should facilitate a participatory review of the Kenya National Youth Policy 2007. Such a review should adhere to the parameters set by Article 12 of the African Youth Charter outlined in section 5.1.1 above and also address the aspirations of the Constitu-

tion of Kenya 2010 outlined in section 5.1.2 above. The resulting policy should, among other things, be cross-sectional given the interrelated nature of youth programmes, integrate and mainstream youth perspectives in all public planning and decision-making structures, and put in place elaborate and participatory monitoring, reporting and evaluation mechanisms.

#### **6.2.2 Wholistic Integration of Youth Issues in the National Development Plan**

The Ministry of Devolution and Planning should adopt a wholistic approach in addressing the political and socio-economic problems and needs of the youth. It should not box youth issues into the social pillar of the Kenya Vision 2030 Medium Term Plan 2013-2017 but also identify the political challenges facing the youth e.g. underrepresentation in decision-making and planning structures and develop comprehensive strategies for addressing them.

#### **6.2.3 Establishment of an Inter-ministerial Coordination Committee**

Given that the youth situation i.e. their problems and needs, marginalization and idle potential touch on the entire gamut of the country's political and socio-economic life, there is need to urgently establish an inter-ministerial coordination committee on youth matters as recommended by the Kenya National Youth Policy 2007.

#### **6.2.4 Establishment and/or Operationalization of Youth Focal Points**

The Government should establish youth focal points in all ministries, departments and agencies in order to enhance service delivery to the youth. It should also operationalize the youth grassroots structures and align them to devolved structures to ensure that the youth are represented in governance and development process at levels of government.

### **6.2.5 Establishment of a Multi-sectoral Forum on Youth Empowerment**

In order to enhance coordination and create synergy among the manifold youth initiatives run by the govern-

ment, the private sector and civil society, the government should facilitate the establishment of a multi-sectoral forum on youth empowerment.

#### **BOX A:**

##### **Best Practice on Collaborative Youth Mentorship and Entrepreneurial Development: Canada**

The Canadian government has formulated and implemented the Youth Employment Strategy. The key pillars of this strategy are youth entrepreneurship programmes, education programmes, entrepreneurship training, financing conferences, and broadcast and print promotion. The government, among other things, encourages big business to mentor young entrepreneurs for, at least, the first two years of their operations (GoSA 2009: 15-16).

##### **Best Practice on Collaborative Youth Mainstreaming and Integrated Strategy: The United Kingdom**

The Government of the United Kingdom (UK) formulated and adopted the United Kingdom Youth Development Policy (UKYDP) which takes a comprehensive view of youth economic empowerment. The instrument mainstream youth participation in all extant programmes, policies and institutions and encompasses both financial and non-financial support; as well as partnerships with the private sector (Republic of South Africa 2009: 13). It has spawned the Youth Enterprise Scheme which supports over 350, 000 young entrepreneurs annually. Over 5, 500 learning institutions ranging from secondary schools to universities participate in the Scheme's programmes. The UK strategy incorporates Shell Live Wire, a public private partnership that provides advisory and information services to the youth, which has enabled 140, 000 young people to establish start-ups. It also includes the Prince's Youth Business Trust (PYBT) which has given 575, 000 young people practical and financial support.

### **6.2.6 Establishment of a Youth Ministry**

It is clear from the foregoing review that the attempt to mainstream youth participation in the country's governance and development processes through the Ministry of Devolution and Planning has not worked optimally. There is, therefore, need to re-establish the Ministry of Youth to ensure that youth matters are given the attention they deserve.

### **6.2.6 Revamping of the National Youth Council**

A successful youth institution model must recognize that the youth have something to offer and are not just a group of individuals to be acted upon. The core mandate of the Youth Council should be to mobilize and coordinate youth participation in the country's governance and development processes in general, and oversight of youth development programmes in particular.

Fresh NYC elections need to be conducted to organize the youth sector and reactivate NYC's grassroots structures. The NYC structures also need to be aligned the

devolved system. The NYC should be adequately funded to be able hire a substantive CEO and sufficient staff complement. The Youth Advisory Board should also be established as per the law as soon as possible.

Appropriate measures should be put in place to regulate NYC political processes so that they are not (mis)used by politicians for their selfish interests and also do not pose a direct threat to incumbent elected leaders. For example; NYC office bearers should be explicitly banned from vying for political office while serving at NYC and also compelled to resign, at least, one year before vying for any political office.

### **6.2.8 Enhancement of Existing Quotas and Reservations**

The Government i.e. the Executive and Parliament should enhance the existing quotas and reservations and introduce others to ensure youth participation in the country's political and socio-economic processes is commensurate to their numerical strength. As a minimum

this should be pegged at the constitutional gender parity principle of not-less-than-one-third of either gender. Political parties should also voluntarily adopt youth participation quotas in their candidate nomination processes.

#### **BOX B: Best Practice on Youth Consultation and Quotas and Reservations: Nigeria**

The Youth in Nigeria were facilitated to meet and prepare a Youth Position Paper that mainstreams the youth in the country's National Economic Empowerment and Development Strategy (NEEDS). The Youth Position Paper, among other things, recommends the reservation of a 30 per cent quota for youth participation in political and policy processes (GoSA 2009: 20-22).

#### **6.2.9 Adoption of a Mixed Member Proportional (MMP) Electoral System**

In order to motivate political parties to nominate enough youth as candidates during general elections, the country needs to adopt a mixed member proportional (MMP) electoral representation system. The proportional representation aspect of such a system will motivate political parties to come up with lists that are reflective of the population as the selection process is more centralized, the entire list of candidates is visible to the electorate and the nominations are idea-centred (see Bird 2003: 13).

#### **6.2.10 Development of an Effective Monitoring, Reporting and Evaluation Framework**

The government should develop an elaborate and effective participatory monitoring, reporting and evaluation framework to track the performance of youth programmes and youth affirmative programme implementing institutions. Civil society organizations focusing on youth issues such as the Youth Agenda (YAA) should also undertake independent periodic evaluations of these programmes and institutions.

#### **6.2.11 Allocation of Adequate and Sustained Budgets**

The Government should allocate adequate and sustained budgets to youth development programmes. The allocation should be commensurate with the numerical strength of the youth, the magnitude of their problems and needs, and their latent potential.

#### **6.2.12 Increased Research and Analysis of Youth Issues**

The Government, as well as the private sector and civil society, should enhance research and analysis of youth issues. The Government should establish a youth research department within the Kenya National Bureau of Statistics (KNBS) and also fund the Kenya Institute of Public Policy Research and Analysis (KIPPRA) and public universities to engage in collaborative long-term youth research initiatives.

#### **6.2.13 Enhanced Transparency and Accountability**

The government should enhance transparency and accountability in the management of public resources to safeguard financial resources set aside for youth development. This should, among other things, entail the enactment of a comprehensive access to information legislation, and the integration of participatory monitoring, reporting and evaluation frameworks in all youth development programmes.

#### **6.2.14 Implementation of Affirmative Action within Affirmative Action**

The youth in Kenya are heterogeneous. A one-size-fits-all approach to youth empowerment should, therefore, be avoided at all costs. Some of the programmes should specifically target young women, youth living in poverty, youth living with disability, youth living in rural areas, youth living with HIV/AIDS etc.

### BOX C: Best Practice on Affirmative Action within Affirmative Action: India

The Indian Government created a Ministry of Youth Affairs. The Ministry developed a National Youth Policy (2003-2008) which informs youth economic development programmes in different sectors. One key sectoral youth economic empowerment strategy is the Rural Non-farm Sector (RNFS) strategy which targets local rural youth, school drop-outs and youth living with disabilities. The intervention has increased economic growth in some of the beneficiary states over the last decade (GoSA 2009: 17-18).

## Bibliography

- African Union, *African Youth Charter* Adopted by the Seventh Ordinary Session of the Assembly, Banjul, Gambia, 2<sup>nd</sup> July 2006.
- Beauchamp T. L. and Bowie N. E., *Ethical Theory and Business 7<sup>th</sup> Edition* (New Jersey: Prentice Hall, 2004).
- Bergmann B. R., *In Defense of Affirmative Action* (New York: Harper Collins Publishers, 1996).
- Bird K., 'Political Representation of Women and Ethnic Minorities in Established Democracies: A framework for Comparative Research' Working Paper Presented for the Academy of Migration Studies in Denmark (AMID), Aalborg University, 11<sup>th</sup> November 2003.
- Bloom D. E., Canning D. and Malaney P., 'Demographic Change and Economic Growth in Asia' in *Population and Development Review*, 26 Supp. 2001.
- Bloom D. E., Canning D. and Sevilla J., *The Demographic Dividend: A New Perspective on the Economic Consequences of Population Change* (Santa Monica, CA: Rand 2003).
- Bloom D. E. and Williamson J.G., 'Democratic Transitions and Economic Miracles in Emerging Asia' in *World Bank Economic Review* 1998.
- Central Bank of Kenya [CBK], *FinAccess Survey 2013: Profiling Developments in Financial Access and Usage in Kenya*, Nairobi Kenya.
- Collier P. and Hoeffler A., 'Greed and Grievance in Civil War' in *Oxford Economic Papers* 56, No. 4, 3004.
- Crenshaw E. M. Ameen A. Z. and Christenson M., 'Population Dynamics and Economic Development: Age-Specific Population Growth Rates and Economic Growth in Developing Countries, 1965 to 1990' in *American Sociological Review*, 1997.
- Daily Nation*, Thursday, June 3<sup>rd</sup>, 2015 'Waiguru asked to name council boss' By Nation Correspondent.
- Daily Nation*, Thursday, December 2<sup>nd</sup>, '2010 ó Sh 270 of Kenya's Budget 'to be lost in Graft' By Nation Reporter.
- Daily Nation*, Wednesday, April 22, 2015 'Funds Set Aside to Help Youth Finance Tenders' By Magati Obebo.
- Dong J., 'The Implementation of Affirmative Action in Higher Education in the Context of American Liberal Tradition and Equal Rights' Master Thesis Submitted to the University of Oslo, Spring 2008.
- Dworkin R., 'Affirmative Action Does it Work?' 'Affirmative Action is it Fair?' in *Sovereign Virtue: The Theory and Practice of Equality* (Cambridge: Harvard University Press, 2002).
- Ed Mason A., *Population Change and Economic Development in East Asia: Challenges Met, Opportunities Seized* (Stanford University Press, 2001).
- Feignberg W., *On Higher Ground: Education and the Case for Affirmative Action* (New York: Columbia University, 1998).
- Government of Kenya [GoK] *Ministry of Youth Affairs – Kenya National Youth Policy: Sessional Paper No. 3 of July 2007*.
- The Government of Kenya [GoKc], *National Council for Population Report: Kenya Population Situation Analysis July 2013*.
- Government of Kenya [GoKb] *The Presidency-Ministry of Devolution and Planning Strategic Plan 2013/2014-2017/2018*.
- Government of Kenya [GoKa], *Vision 2030 Second Medium Term Plan 2013- 2017*.

- Government of South Africa [GoSA], *The National Youth Economic Empowerment Strategy and Implementation Framework: Mainstreaming Youth in the South African Economy 2009 – 2019*.
- Grenewalt K., *Discrimination and Reverse Discrimination* (New York: Alfred A. Knopf, 1983).
- Gross B., "The Case Against Reverse Discrimination" in J. Sterba (ed) *Morality in Practice 4<sup>th</sup> Edition* (California: Wadsworth, 1994).
- Gyima-Brempong K. G. and Mwangi S. K., "Youth Policy and the Future of African Development" in *Africa Growth Initiative Working Paper No. 9*, April 2013.
- Institute of Economic Affairs [IEA], *The Futures Bulletin: Opportunities for Youth to Engage in Devolved Governance and Economic Development in Kenya Issue No. 16*, 2013.
- Inter-Parliamentary Union, *Youth Participation in National Parliaments*, 2014.
- IPSOS and Youth Agenda, *Youth Electoral Study Final Report*, February 2014.
- Kelley A. C. and Schmidt R. M., "Economic and Demographic Change: A Synthesis of Models, Findings, and Perspectives" in N. Birdall, A.G. Kelley and S. Sinding (eds) *Population Matters: Demographic Change, Economic Growth, and Poverty in the Developing World* (New York: Oxford University Press, 2001).
- Kelly A. C. and Schmidt R. M., "Aggregate Population and Economic Growth Correlations: the Role of the Component of Demographic Change" in *Demography Volume 32 No. 4*, 1995.
- Kenya National Bureau of Standards [KNBS], Kenya 2009 Population and Housing Census: Analytical Report on Population Dynamic, Volume 3. Ministry of Planning, Nairobi, 2011.
- Lee R. A., *The Evolution of Affirmative Action in Public Personnel Management Vol. 28*, 1999.
- Loury G., "How to Mend Affirmative Action" in *The Public Interest Spring*, 1992.
- Moses M. S., "Moral and Instrumental Rationales for Affirmative Action in Five National Contexts" in *Educational Researcher Vol 39*, No. 3 April 2010.
- Newton L. "Reverse discrimination as Unjustified" in J. Olen and V. Barry (eds) *Applying Ethics* (Belmont: Wadsworth, 1989).
- Shaw B., "Affirmative Action: An Ethical Evaluation" in *Journal of Business Ethics Volume 7 Number 10*, 1998.
- United Nations Economic Commission for Africa [UNECA], *Africa Youth Report 2009: Expanding Opportunities for and With Young People in Africa* (Addis Ababa: UNECA, 2009).
- United Nations General Assembly, The United Nations Program on Youth, 2011. <http://social.un.org/youthyear/docs/Unpy-presentation.pdf>. new york: United nations.
- Urdal H., "Clash of Generations? Youth Bulges and Political Violence" in *International Studies Quarterly*, 2006.
- USAID, *Youth in Development: realizing the Demographic Opportunity - USAID Policy Youth*, October 2012.
- Walzer M., *Spheres of Justice* (New York: Basic Books, 1983).
- Weiss R. J., *We Want Jobs: A History of Affirmative Action* (New York: Garland, 1997).
- World Bank, *Development and the Next Generation* (Washington DC: The World Bank, 2007).
- World Bank, *World Bank Development Report: Development and the Next Generation, 2007*.
- Youth Agenda [YAA], *Youth Situation Analysis 2014* (Nairobi: Youth Agenda, 2014).

## **The Youth Agenda (YAA)**

*Address:*

Kirichwa Lane Court, Off Ngong Rd  
P.O. Box: 10174-00100 Nairobi, Kenya  
Website: [www.youthagenda.org](http://www.youthagenda.org)

Tel: +254 020 2022026 / 0717 222 653

Fax: +254 020 3559212

Email: [info@youthagenda.org](mailto:info@youthagenda.org)



### ***About us:***

*The Youth Agenda (YAA) is a national, non-partisan and non-profit Civil Society Organization registered in Kenya as a non-governmental organization.*

*YAA was founded in 1996 as an independent national youth initiative with the overall mission to redefine the role and contribution of the Kenyan youth in the governance and development processes in the country.*

*It was conceived by a group of young people, then student leaders in Kenya's public Universities, who during the formative days of reintroduced plural politics in Kenya were concerned about the status of the country's governance and leadership.*

*Since then YAA has taken lead in facilitating structured dialogue among young people from the different sectors in Kenya on how to radically redefine the role of young people in political, economic and social discourses.*