PARTY POLITICS AND GOVERNANCE IN NAIROBI

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Introduction

Nairobi is probably one of the largest and best-known cosmopolitan African capital cities. Nairobi was first established in 1899 as a transportation and administrative centre, which later grew to become the capital of Kenya and a city. It is by far the smallest administrative province in Kenya, but also the most important in terms of employment, socio-economic activities and functions it performs. Apart from being the capital city of Kenya, it is the largest urban centre in the country, a regional hub in East and Central Africa, as well as the headquarters for many international and regional organizations.[2] The present administrative boundary covers an area of 686 km^2 expanding from 3.84 km^2 in 1910. According to the 1999 Kenyan population census, Nairobi had 2,143,254 inhabitants representing about 38% of the total urban population in Kenya, with an annual growth rate of 4.8% (Bocquier et al 2009).

The population of Nairobi is currently estimated to be 3.36 million inhabitants (UN-HABITAT 2008). Being a capital city, Nairobi will continue to influence the country, especially its immediate catchment areas and districts. Specifically affected are Athi River, Ongata Rongai, Ngong, Ruiru, Thika, Limuru, Kiambu, Kitengela and Kiserian, which are today functionally part of Nairobi city and add 20% more to the province's population (Bocquier et al 2009). Given the importance of Nairobi, sustainable and inclusive city governance is a key component in its future growth and development. However, given the representative democracy in the governance structure, party politics are bound to arise. Most political parties want to be associated with as much political

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[2] For example, UN-HABITAT, UNEP and many other UN bodies and humanitarian agencies operating in the region have their headquarters in Nairobi.

representation as possible in Nairobi – both at the constituency and ward levels. This paper presents an overview of party politics and governance in Nairobi.

Administrative and political structure of governance in Nairobi[3]

In terms of governance, the City of Nairobi falls under the Nairobi City Council – one of the local authorities in Kenya. Like all other local authorities in the country, the administrative and political structure of governance in Nairobi is established under the Local Government Act. The Local Government Act (Cap 265) of the Laws of Kenya is the main legal statute that governs the operations of local authorities in Kenya, including the Nairobi City Council. In essence, the Nairobi City Council is supervised by the central government through the Ministry of Local Government.

For administrative and governance purposes, the constitution of local authorities in Kenya include municipal councils for every municipality, county council for every county, town council for every township, and urban councils for every *county* division – all these as established under the Local Government Act. However, the Act does not provide a clear definition of these local government areas but gives the Minister powers to "establish any area to be or cease to be a municipality, county or township". Cities (and city councils) have more responsibilities and autonomy.[4] Whereas city, municipal, town and urban councils essentially consist of local urban governments, county councils are more of local rural governments.

Like all other local authorities in Kenya, The Nairobi City Council is composed of elected and nominated councillors, chief officers and the technical and support staff. In essence two organs manage the municipal councils in Kenya. On the one hand, there are the elected and nominated councillors who are the *policy makers* and on the other hand there is the *executive arm* headed by the Town Clerk who is employed by the government. Administratively, the Town Clerk oversees the operations of the council. S/He works closely with the councillors in ensuring efficient operations of the council.

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[3] This section is largely based on Owuor et al (2006: 24-25) and Mitullah (2003: 5-7).
[4] There are currently three cities in Kenya, namely Nairobi, Mombasa and Kisumu. Mombasa and Kisumu were elevated to city status in 2001 though they are yet to get their charters.

S/He is essentially the council chief executive and the link between policy makers (politicians or councillors) and executives.

The *elected councillors* are elected directly in their electoral wards during the general presidential and parliamentary elections held after every five years while *nominated councillors* are nominated by their political parties – based on the political party strength amongst the elected councillors. The number of nominated councillors is normally one-third of the elected councillors. The political leader of the municipal council is the Mayor (and his/her deputy) while in town, urban and county councils, the council chairperson takes charge. The Mayor and his /her deputy, who are also councilors, are elected through a secret ballot by all the councillors. While the councillors serve for five years, the Mayor and Deputy Mayor are elected after every two years.

To be able to carry out their tasks efficiently, municipal councils work through four main departments. These are the Town Clerk's Department, Municipal Engineer's Department, Municipal Treasurer's Department and the Department of Housing and Social Services. Table 1 provides the stipulated functions of these departments.

Table 1: Departments of municipal councils in Kenya

Department	Function
Town Clerk	Day-to-day running of local authorities. It comprises of personnel, registry, establishment, enforcement and legal sections
Municipal Engineer	In charge of roads, buildings, maintenance, fire fighting, housing, environment, drainage, public health and cemeteries
Municipal Treasurer	Revenue collection, accounting, expenditures, audit and salaries
Housing and Social Services	In charge of the council's rental houses, education, sports, community development activities, markets, HIV/AIDS issues and street children.

The formation and functions of these departments may vary slightly from one council to the other. For example, the Nairobi City Council comprise of the Town Clerk's Department; City Treasurer's Department; City Engineer's Department; Water and Sewerage Department; Educational Department; Public Health Department; City Inspectorate Department; City Planning Department; Social Services and Housing Department; and Department of Environment.

In addition, municipal councils have different standing committees headed by a councillor. These are: finance and general purpose committee, public health and environment committee, water and sewerage committee, education, housing and social services committee, and town planning and works committee. Table 2 provides the stipulated functions of the standing committees.

Table 2: Standing committees of municipal councils in Kenya

Standing committee	Function
Finance and general purposes	Administration of council finances
Works and town planning	Administering development controls on all physical development within the municipality
Public health and environment	Administering all matters relating to health and the environment
Housing, education and social services	Regulating all aspects dealing with housing, education and social services
Water and sewerage committee	Responsible for all water and sewerage services issues

Like the departments, the formation and functions of standing committees may differ from one council to the other. The Nairobi City Council is currently composed of the following standing committees: finance, staffing and general purposes; education; water and sewerage/sanitation; public health; environmental; public works; city planning; social services and housing; and city inspectorate.

Each councillor belongs to at least one of these committees. The committees are constituted in such a manner that each one of them takes into account, as far as possible and where practicable, the representation of the political parties in the council. The Chairpersons of the committees are elected through secret ballot. Resolutions by these committees are passed to the full council for approval and adoption. The full council, chaired by the Mayor, consists of all the elected and nominated councillors, including the Town Clerk.[5]

The Nairobi City Council provides a wide range of services, through the various departments.[6] In this role, the city council's efforts are augmented by a number of government agencies, private sector organizations and multi-stakeholder partnerships. The partnerships have included the private and public sectors, civil society, business persons, city residents and donors in their efforts aimed at addressing urban problems, especially those concerning service delivery and urban management.

And for proper coordination of their activities and provision of services to urban residents and for the implementation of national policies, local authorities work closely with other relevant ministries and government departments. More recently, the newly created Ministry of Nairobi Metropolitan Development is supposed to be coordinating the city's activities together with the Ministry of Local Government and Nairobi City Council. This calls for harmonization in policy formulation and implementation.

The Ministry of Nairobi Metropolitan Development is charged with the development issues of the Nairobi Metropolitan Region, aiming at area-wide governance interventions. Specifically, the Ministry is in-charge of roads, bus and rail infrastructure; creating an efficient transport system; replacing slums with affordable low-cost and rental housing; enforcing planning and zoning regulations; facilitating efficient water supply and waste

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[5] The current Town Clerk is Mr. Phillip Kisia. Other key officials in the Nairobi City Council are the City Treasurer, City Engineer and Director of Planning.
[6] The Nairobi City Council offer the following services to the residents: urban planning and development control; water supply and sewerage; environmental protection and management; roads and drainage; fire services; health; pre-primary and primary education; library services; recreation facilities; open air markets; business licensing; public housing; parking; public toilets; and mortuary services.

management infrastructures; and promoting, developing and investing in sufficient public utilities, public services and infrastructure. This political development is a first in the East Africa region and the experiences of this new Ministry of Nairobi Metropolitan Development will be closely followed (UN-HABITAT 2008).

Party politics in Nairobi

From independence (in 1963) up to 1983, Nairobi was run by an elected council. However, the council was dissolved in 1983 and replaced by a Nairobi City Commission. For nine years, Nairobi was run by various appointed commissioners. In 1992, the City Council was reconstituted and to-date the city is run by an elected council from different political parties – representative democracy. Kenya became a multi-party democratic state in 1992 when the constitution was repealed to allow for many political parties. Since then, the country has witnessed the "births", "splits", "mergers" and "deaths" of several political parties. Up to 1992, Kenya was a one-party state – ruled by the Kenya African National Union (KANU) party.

Politically, Nairobi has eight electoral constituencies. These are Makadara, Kamukunji, Starehe, Langata, Dagoretti, Westlands, Kasarani and Embakasi. These constituencies are represented in parliament by their elected Members of Parliament, currently from two dominant political parties: Orange Democratic Movement (ODM) and Party of National Unity (PNU) (see Table 3). A constituency is further sub-divided into various electoral wards, each represented by an elected councillor. A large majority of the councillors in Nairobi come from the two dominant parties – ODM and PNU (see Table 4).

Being the capital city and an important socio-economic and political centre, Nairobi is important in party politics. Most political parties want to be associated with as much political representation as possible in Nairobi – both at the constituency and ward levels. As such all the constituencies and wards in Nairobi are important for the political parties – generating very stiff competition during the electioneering period. In the run-up to the 2007 general elections, all the constituencies and wards in Nairobi had very stiff competition between ODM and PNU candidates.

Table 3: Members of Parliament in Nairobi (2009)

Constituency	Member of Parliament	Political Party	Comments
Makadara	Dick Wathika	PNU	Assistant Minister for Public Works and also the immediate former Mayor of Nairobi
Kamukunji	Simon Mbugua	PNU	The results of this constituency was announced much later after vote recounting
Starehe	Margaret Wanjiru	ODM	Assistant Minister for Housing
Langata	Raila Odinga	ODM	Prime Minister and leader of ODM. He was the ODM presidential candidate
Dagoretti	Beth Mugo	PNU	Minister for Public Health and Sanitation
Westlands	Fred Gumo	ODM	Minister for Regional Development Authorities
Kasarani	Elisabeth Ongoro	ODM	Assistant Minister for Nairobi Metropolitan Development
Embakasi	Ferdinard Waititu	PNU	Elected in a by-election following the murder of ODM MP Mugabe Were

The importance of party politics can be "read" from Table 3 which clearly shows that most of the Members of Parliament in Nairobi were "rewarded" with Ministerial positions in the current bloated coalition government. In addition, a comparison of the two tables (3 & 4) reveals that in the constituencies where ODM or PNU won, there were many councillors from the same party – zoning the city into ODM and PNU strongholds.

Table 4: Political party representation in civic wards in Nairobi (2009)

Constituency	No of Electoral Wards	Political Party Representation		
		ODM	PNU	Others
Makadara	7	5	2	0
Kamukunji	7	2	5	0
Starehe	8	2	5	1
Langata	7	6	0	1
Dagoretti	9	3	6	0
Westlands	6	6	0	0
Kasarani	9	5	2	2
Embakasi	16	8	7	1
Total	*69*	*37*	*27*	*5*

Mayor and councillors: political patronage and loyalty?

Scenes of councillors fighting in the City Hall council chamber are not new to the Nairobi city residents. The public is commonly treated to such scenes during the election of Mayor and his/her deputy and also during the election of chairpersons of the various standing committees. The major political parties of the day normally want to take it all and/or dominate. For example, the campaigns and lobbying for the Mayoral seat is so intense that the interested political parties or individuals organize fully-paid retreats outside Nairobi. Box 1 and 2 provides an example the fight of political supremacy in Kenya's main urban centres. This is because winning the Mayor's seat is equal to the political party controlling or ruling Nairobi – the capital city of Kenya. The current Mayor of Nairobi is Mr. Geoffrey Majiwa – an ODM councillor.

Box 1: ODM seeks to assert political supremacy in major towns as it renews nominations

The Orange Democratic Movement has renewed the nominations of four mayoral candidates, signalling its intention to assert its political supremacy in the country's four major towns. In a special gazette notice dated June 22, Local Government minister and ODM's deputy leader Musalia Mudavadi extended the terms of other councillors ahead of the mayoral polls in August. … The move signals the party's intention to affirm its influence in the top urban centres ahead of the 2012 General Election.

Source: Daily Nation, Wednesday 24 June 2009

Box 2: PNU now threatens to challenge fresh nominations ahead of mayoral elections

The party of National Unity is threatening to challenge the fresh list of nominated councillors in court as the new battle front opens between the grand coalition partners ahead of mayoral elections. Nominated MP George Nyamweya, who is also PNU vice-chairman, accused Local Government minister Musalia Mudavadi of "mischievously" crafting the new list to give the Orange party an advantage in the forthcoming mayoral elections. … Mr. Nyamweya spoke as it emerged that the two main grand coalition partners were embroiled in a vicious, albeit covert, battle to influence the outcome of the mayoral elections in Nairobi, Mombasa, Kisumu, Nakuru and Eldoret.

Source: Daily Nation, Wednesday 24 June 2009

Although it has never happened in Nairobi, other local authorities in Kenya have witnessed Town Clerks being physically ejected from their offices because of championing another political party's agenda or of not being popular with the councillors – who may want their political agenda taken into consideration. Even then, Nairobi almost witnessed a similar situation when the immediate former Town Clerk (Mr. John Gakuo) faced intense "opposition" from ODM councillors who perceived him to be a PNU sympathiser.[7] Surprising, the current Town Clerk (Mr. Phillip Kisia) is also experiencing "opposition" from PNU councillors who perceive him to be an ODM sympathiser.

The situation is even complicated with the current political arrangement of a coalition government where both ODM and PNU claim to have won the much disputed presidential elections of December 2007. Party politics and political party alignments have resulted in mistrust and suspicion not only in Nairobi City Council but also at the central government or ministerial level. Chief Officers "sabotage" decisions of the councillors and the mayor and vice versa. Internally, councillors from ODM sabotage decisions from PNU councillors and vice versa – even if it is for the common good of the city residents. Such conflicts have affected policy making process and reduced the operational effectiveness of Nairobi City Council to provide services to its residents. However, the only exception occurs when their common political and personal interest are at stake.

Whereas the policy makers (i.e. councillors) and the Chief Officer (i.e. the Town Clerk) are supposed to work harmoniously for the common good of the residents, party politics has never allowed this to happen. Given that the councillors are from different political parties, political patronage and loyalty may sometimes overshadow their role of provision of services to the people. It is definite that when the policy makers and the executive arm are not working together, urban planning and management is affected in many ways.

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[7] Mr. John Gakuo's term in office expired but was never renewed by the Minister for Local Government – an ODM Member of Parliament, Deputy Prime Minister and Deputy party leader.

Recently (in September 2009), the Nairobi City Council operations were almost crippled when councillors from the two dominating parties – ODM and PNU – failed to convene their first full council meeting after the re-election of the Mayor in August. ODM and PNU councillors kept on accusing each other of planning to sabotage the council operations. The bone of contention was the constitution and chairmanship of the various standing committees which apparently ODM dominated but PNU refused to adopt by storming out of the meeting (The Standard, Friday 25 September 2009) (see also Box 3).

Box 3: ODM, PNU row threatens City Hall operations

Nairobi City Council has for the second time failed to hold its full council meeting. The meeting which defines the City Hall agenda was cancelled at the last minute yesterday. In-fighting between ODM and PNU could now cripple operations at the council. In the cancelled meeting, councillors were to ratify the composition of the committees' membership and present Local Authority Transfer Fund audited accounts to be forwarded to the Ministry of Local Government for the release of Sh1.7 billion for operations. In a show of their might, ODM brigade assumed all the chairmanship and deputies of the 19 committees subjecting their counterparts PNU to being members. But this has not gone down well with the PNU wing. … Councillor…told *The Standard* PNU would reject the list to be tabled by ODM councillors.

Source: The Standard, Thursday 24 September 2009

The PNU councillors have now petitioned the Mayor and Town Clerk to convene a special council meeting to resolve the row over composition of committees but the Mayor – an ODM councillor – has insisted that the committees were properly constituted in a meeting that PNU councillors absconded (The Standard, Friday 2 October 2009).

Party politics has had a lot of impact on the delivery of services to Nairobi residents, especially given the fact that politics of Nairobi has been largely dominated by opposition parties. Councillors are frequently accused of inefficiency and of only addressing issues in which they have a personal and/or political stake, rather than focusing on the residents' interests. Likewise, the appointment of the Mayor leaves him/her heavily exposed to political intrigue, forcing the incumbent to pursue political alliances instead of addressing residents' concerns. In fact, the proposed direct election of the Mayor by residents will

make him/her less vulnerable to political manipulation from councillors and central government.

Local politics has lost further credibility because the Nairobi City Council entirely depends on the central government which controls and distributes the resources via a system of patronage. Indeed, Nairobi is an East African example of tensions between central government and opposition-controlled local authorities limiting the political feasibility of full decentralization (UN-HABITAT 2008). Furthermore, the central government through the Ministry of Local Government controls the council's funding and appoints its senior officers – limiting the council's independence.

Ministry of Nairobi Metropolitan Development versus Ministry of Local Government
As indicated above, the Ministry of Nairobi Metropolitan Development is a newly created Ministry charged with the development issues of the Nairobi Metropolitan Region, aiming at area-wide governance interventions. As much as the Ministry was created with good intentions, it remains unclear the separation of its mandate from the Ministry of Local Government which is in-charge of all the local authorities in Kenya, Nairobi included. Critics of the new Ministry of Nairobi Metropolitan Development are pointing out that its role will overlap that of the Nairobi City Council and of its parent Ministry, the Ministry of Local Government.

The first Minister for Nairobi Metropolitan Development (Mr. Mutula Kilonzo)[8] was an Orange Democratic Movement Party of Kenya (ODM-K) Member of Parliament[9], while the Deputy Prime Minister and Minister for Local Government (Mr. Musalia Mudavadi) is an ODM Member of Parliament. Whereas Mutula Kilonzo championed his ODM-K's manifesto in his ambitious vision for the city, Musalia Mudavadi took interest of ODM's manifesto. Furthermore, the central government being led by a PNU Member of Parliament (President Mwai Kibaki) is also bound to champion their manifesto – in the same city.

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[8] The current Minister is a PNU Member of Parliament.
[9] ODM-K was a last minute splinter from ODM during the 2007 general elections. ODM-K is led by the Vice President and Minister for Home Affairs Mr. Kalonzo Musyoka.

References

Bocquier, P., A.T.A. Otieno, A.A. Khasakhala & S. Owuor (2009) *Urban Integration in Africa: A Socio-Demographic Survey of Nairobi*. Codesria: Dakar

Mitullah, W., (2003), Urban slums reports: The case of Nairobi Kenya. In *Understanding slums: Case studies for the global report on human settlements*.

Owuor, S.O., B. Charlery, M. Chretin & B. Schaffner (2006), Urban planning and management in small and medium-size towns. *Les Cahiers d'Afrique de l'Est (Supplementary Issue)*, September, 2006: 23-48.

UN-HABITAT (2008) *The State of African Cities 2008: A Framework for Addressing Urban Challenges in Africa*. Nairobi: UN-HABITAT.