

1-2009

## South Consulting - 1st Review Report - Agenda 3: Resolving the Political Crisis (Power Sharing)

Truth, Justice, and Reconciliation Commission

Follow this and additional works at: <https://digitalcommons.law.seattleu.edu/tjrc-academic>

---

### Recommended Citation

Truth, Justice, and Reconciliation Commission, "South Consulting - 1st Review Report - Agenda 3: Resolving the Political Crisis (Power Sharing)" (2009). *VII. Academic and Civil Society Analysis*. 2. <https://digitalcommons.law.seattleu.edu/tjrc-academic/2>

This Report is brought to you for free and open access by the The Truth, Justice and Reconciliation Commission of Kenya at Seattle University School of Law Digital Commons. It has been accepted for inclusion in VII. Academic and Civil Society Analysis by an authorized administrator of Seattle University School of Law Digital Commons.

# THE KENYA NATIONAL DIALOGUE AND RECONCILIATION MONITORING PROJECT\*

## AGENDA ITEM 3 RESOLVING THE POLITICAL CRISIS (POWER SHARING)

### Report on Status of Implementation January 2009

---

#### SUMMARY OF KEY FINDINGS

---

1. This report focuses on the status of implementation of Agenda Item 3 on power sharing, which the National Accord underlined as important in resolving the political crisis. Data on which this report is based was collected using a mix of methods. The baseline survey shows opinions and perceptions about power sharing. The report covers the period between March 2008 and January 2009. Our indicators for tracking progress on this agenda item include the following:
  - a) Distribution of public sector positions.
  - b) Political cohesion in the coalition.
  - c) Coherence in decision making.
  - d) Conflict management within the coalition government.
  - e) Public satisfaction with the coalition government.
2. A point to note in this report is that power-sharing was not an end in itself; it was a means to initiating a process that would lead to various reforms, including those that would address the fundamental causes of the crisis. The Long-Standing issues are covered under Agenda Item 4. The following are highlights of the findings on power sharing.
3. *Internal conflict:* Conflict between the parties that make up the coalition as well as within the parties themselves were a feature of the coalition throughout the last quarter of 2008 and the beginning of January 2009. In particular, there have been debates on the powers of the Office of the Prime Minister, vis-à-vis the Office of the Vice President and the Office of the Head of Civil Service and Secretary to the Cabinet. Conflict between the Office of the Prime Minister and the Office of the Head of Civil Service has been most visible.
4. Some argue that the powers of the Head of Civil Service are in conflict with those of the Prime Minister. ODM has consistently complained that it has no influence in Government and that the Head of Civil Service has been undermining the Prime Minister. On its part, PNU has argued that the position of the Permanent Secretary, Office of the President, is

---

\* \*Supported by a grant from Foundation Open Society Institute (Zug)

entrenched in the present Constitution and that the Head of Civil Service (the PS) is performing his duties as required by the law.

5. The focus on the administrative powers and political hierarchy of these institutions underscores the need to fast-track the constitutional review process. In the long-term, only a new constitution will make the adjustments required to sustainably address the question of power balance between these institutions. In the short-term, a ‘political’ solution needs to be found that will overcome the conflict (or at least remove it from the public eye where it is damaging the credibility of the Coalition Government).
6. *Distribution of public sector positions:* The parties to the National Accord seem to interpret the principles of the National Accord from different perspectives. Some argue that power is disproportionately distributed in favour of PNU and that ODM has no influence within Government. Because of this, there is a strong perception that PNU has a greater share of public positions and that the party does not want to share power. How power should be shared between the coalition partners – and the type of public positions to be shared – is an issue that can be effectively settled through constitutional reforms. Administrative solutions will deepen the problem. Fast tracking and concluding the constitutional review is an urgent matter.
7. *Political Cohesion:* Political cohesion remains largely unpredictable both between and within the Coalition partners. Although internal intrigues are a characteristic of coalitions the world over, the absence of cohesion within Kenya’s coalition is exacerbated by diverse interests within individual political parties. To some members of the public, the Coalition is a ‘two-in-one-government’.
8. *Coherence in decision-making:* The public perception of a ‘two-in-one-government’ is often accentuated by lack of coherence in decision-making. There are times when decisions are made but are received with hostility by a different group in the Coalition. And where there are failures, the parties engage in blame games. However, there are both cases of successful and failed decision-making in the Grand Coalition.
9. *Conflict Management within the Coalition:* The coalition parties did not sign a coalition agreement. It is possible that conflict within the coalition would have been resolved with ease if such an agreement was in place. A new Permanent Committee comprising members from each party has been established to manage the affairs of the Coalition. While this is a positive step, it is important that a written framework/ agreement for managing the affairs of the Coalition is prepared and signed by the Partners.
10. *Satisfaction with Grand Coalition:* The level of public satisfaction with the Grand Coalition is waning. The Government is perceived to lack commitment to major political reforms and to effective public service delivery. There is a need to restore public confidence and faith in the Grand Coalition.

### General conclusion

11. The Coalition Government is not an end in itself. It is a means to an end. The parties to the National Accord had agreed that power sharing was critical to resolving the fundamental causes of the crisis the country was facing. For this reason, the Coalition partners' attention should be on broad and comprehensive reforms, including the constitutional review process itself. The public is beginning to question whether partners in the Coalition Government act in the public interest. There is a growing perception that this is a two in one government. The reform process needs to be prioritised through the collective energy of the political leadership, gaining a momentum that will make delivery unstoppable.
12. Conflicts within the coalition have meant lack of collective vision on reforms and that commitment to reforms is not internalised. This has given room for anti-reform and non-reform forces at all levels to operate. This has also resulted in more divisions within the coalition. It is important for the two principles to mobilise support for reforms within parliament during parliamentary debates.
13. Internal conflicts both within the Coalition and in the parties that make up the Coalition, have the potential of deflecting attention away from reforms to short-term interests. Insulating the constitutional review process – and other institutional reforms – from the intricacies of party politics is critical. A coalition agreement should be developed and signed by the parties. This will assist in the management of the coalition.

## MAIN FINDINGS

---

### INTRODUCTION

14. This report reviews the extent to which power sharing has been achieved or is being achieved within the Grand Coalition. Selected indicators for reporting on power sharing include percentage distribution of public sector positions; level of political cohesion; level of coherence in decision-making; conflict management within the Grand Coalition and level of satisfaction with the Coalition Government.
15. The report is based on data collected and analysed from secondary sources as well as interviews with key informants. The report has also integrated findings from the national baseline survey conducted in December 2008 to establish the benchmarks for monitoring the Kenya National Dialogue and Reconciliation agreement.
16. We begin by noting that it is almost a year since President Mwai Kibaki of the Party of National Unity (PNU) and Prime Minister Raila Odinga of the Orange Democratic Movement (ODM) signed the National Accord and Reconciliation Agreement on February 28, 2008. The National Accord recognised that the crisis revolved around issues of power and the functioning of state institutions. The Constitution had to be amended to provide for a coalition government.
17. In this report, we discuss progress in power sharing and the challenges the partners have been experiencing. We note nonetheless that the parties have tended to interpret the National Accord on the basis of their own perspectives and individual interests. This has resulted in tensions within the Coalition to the extent that the momentum for the main agenda for the Grand Coalition – implementing comprehensive reforms – is reducing.

### STATUS OF IMPLEMENTATION

#### Distribution of power and sharing of public sector positions

18. We have already pointed out that sharing political power was crucial for ending the political crisis. Thus, power sharing was not an end in itself. It was meant to facilitate the initiation of broad-based reforms.
19. The National Accord devolved some executive powers to the new office of the Prime Minister. These powers include the authority to appoint half of the Cabinet, and to coordinate and supervise the functions of the Government, including those of ministries. We note that amendments to the Constitution (to provide for this structure of power) were made to address the political crisis at that moment. Therefore, the relationship of the new office to the existing institutions such as the Office of the Vice President and the Office of the Head of the Civil Service and Secretary to the Cabinet may not have received due attention and analysis.

20. Conflicts emanating from this relationship have negatively impacted on public perceptions of power sharing within the Coalition. Notably, in the baseline survey, only 44% of Kenyans think that there is equal power sharing between the two Coalition partners. Although 46% are satisfied with the way power is shared, 51% are dissatisfied.
21. There are several challenges facing ‘effective power sharing’ at this level. Some of the analysts that we have interviewed argue that despite the constitutional amendment, the President still retained more executive power and that it is difficult to tell the scope of powers vested in the Prime Minister.<sup>1</sup> Also, the National Accord created the Office of the Prime Minister without redefining the role or scope of powers of other existing institutions such as the Office the Vice-President and the Head of Civil Service. Those of this view point out that the National Accord did not translate the full spirit of the Accord into the letter of the law.<sup>2</sup> Other challenges include power struggles between the Office of the Prime Minister and Office of the Vice President<sup>3</sup> and the Office of the Head of Public Service;<sup>4</sup> and the lack of trust and good faith between political parties to work together.<sup>5</sup>
22. What emerges here is that the distribution and exercise of executive power between the two parties has assumed a pattern that does not carry the spirit of the National Accord forward. The weaknesses in the National Accord have sometimes been exploited to cause tensions within the Grand Coalition. Many Kenyans believed in the spirit of the National Accord and are of the view that it is the Accord that has promoted calm and reduced violence.
23. While all coalitions the world over experience similar problems, it is our view that a new constitution will provide guidance on the future structure of government. It is important that failings of the coalition inform the structure of government to be adopted in any new constitution. However, short-term ‘process’ solutions are required to address this immediate threat to the Accord (and the credibility of the Coalition), pending review of the constitution.

#### Sharing of public sector positions

24. The National Accord underlined that ‘the composition of the coalition government shall at all times reflect the relative parliamentary strength of the respective parties and shall at all times take into account the principle of portfolio balance.’ There have been different interpretations of this provision. It should be noted that lack of consensus on the meaning of ‘portfolio balance’ has had its consequences in terms of public perceptions. Some of

---

<sup>1</sup> Interview with legal expert/analyst in Jan 2009.

<sup>2</sup> Ibid.

<sup>3</sup> The protocol wars between the two offices recently resurfaced during the debate on the proposed amendments to the Parliamentary Standing Orders. See Hansard Report on December 10, 2008. Available at: <http://www.bunge.go.ke/downloads/Tenth%20Parl%201st%20Session/Hansard/10.12.08P.pdf>

<sup>4</sup> ODM party has constantly observed that the Head of Public Service has been “interfering in and undermining” the Prime Minister’s office. In the past one month, there has been heated debate between the Coalition partners on whether or not to do away with the position of the Head of Public Service. The PNU has strongly defended Amb. Francis Muthaura’s position and work even as ODM continues to protest.

<sup>5</sup> The baseline survey shows that 40% of Kenyans think political parties failing to work together is a stumbling block to power sharing.

these issues can be settled effectively through a comprehensive review of the constitution. Administrative solutions will make these problems more complex and will lead to political conflicts between the partners.

25. The baseline survey shows that 46% of Kenyans are satisfied with the way power is shared between the two parties while 51% are not. While 44% of Kenyans think power is shared equally between the two parties, about half (49%) do not think so. Of those who think that one group has more power, 89% of them think that PNU has more power than ODM. In all, 60% of the respondents think that some of the parties want more power. Perceptions of disproportionate distribution of political power in the coalition appear to be swaying public opinion. Negative perceptions on power sharing represent a threat to future political stability.
26. The Principles of Partnership of the Coalition Government anticipated that the formation of the Coalition Government will at all times take into consideration the principle of portfolio balance and partners' relative parliamentary strength.<sup>6</sup> In April 2008, a total of 92 Cabinet ministers and assistant ministers was agreed upon between the Coalition partners and the positions shared equally at 50% each.<sup>7</sup> Three Cabinet positions became vacant and were filled in January.<sup>8</sup> Although it is unclear why the President and the Prime Minister took more than six months to do so, some observers read internal party politics among the two Coalition partners as being responsible for the delay.<sup>9</sup>
27. The issue of portfolio balance in the distribution of Cabinet positions was critical at the time of the formation of the Grand Coalition. Since then, no more changes have been made in a bid to achieve portfolio balance at the Cabinet level. This could be an indication that the Coalition partners are satisfied with the situation thus far. One senior government official observes that some ministers who thought their ministries were less strategic (in terms of portfolio balance) have been able to transform them into equally significant ministries. Subsequently, this may mean that the weight of a portfolio depends on the zeal of the office holder.
28. In terms of sharing high-level public sector positions (other than Cabinet), there have been recurring disagreements between Coalition partners as to whether the principle of portfolio balance applies or not. What has been observed over the past months is that consultations and consensus between the two principals on any appointments is crucial for allaying internal disagreements. For example, in October and November 2008, there were reports in the media that the coalition partners were unable to agree on the appointment of new ambassadors. ODM had claimed that it did not get its rightful share of public sector positions. On January 15, 2009, President Kibaki appointed about 10 ambassadors following consultations with the Prime Minister. The names the two did not

---

<sup>6</sup> See Principles of Partnership of the Coalition Government signed on February 28, 2008.

<sup>7</sup> See Office of the President, 2008. Presidential Circular No. 1/2008: Organisation of the Government. Issued on May 30, 2008.

<sup>8</sup> ODM had two vacancies following the death of two of its members and PNU 1 following the resignation of one member.

<sup>9</sup> For instance, they see ODM as being captive to the Rift Valley ethnic bloc and it is unable to satisfy one bloc and leave out the other.

agree on were shelved for later discussions.<sup>10</sup> This latter approach indeed reflects the spirit of the National Accord.

29. Coalition governments are sometimes formed to create a national government by distributing public sector positions equitably to different ethnic groups in ethnically divided societies. Although this was not expressly provided for in the National Accord, a majority of Kenyans consider ethnicity as a pertinent factor in sharing election spoils. So far, only 37% of Kenyans say that there is equitable distribution of civil service jobs (ministries and parastatals) among various ethnic groups in Kenya compared to 47% who think that one ethnic group, the Kikuyu, has more.<sup>11</sup>
30. Evidently, the meaning of power sharing under the National Accord has remained a subject of controversy in the course of implementation. There is a growing perception that one partner in the Coalition is not getting an equal share of power. It is also expected that any future conflict is likely to stem from the sharing of senior public sector positions as opposed to Cabinet positions. Ethnic sensitivity and equity in appointments is something that Kenyans need to see happening.

#### Level of political cohesion

31. Political cohesion is a good measure of predicting the stability and effectiveness of coalition governments. This is because such governments are brought together by a need to develop a common policy (bipartisan policy) to deal with a national crisis. Public interest, national unity and stability can override party differences. Political cohesion is thus critical especially in relation to policies that have a bipartisan base. It entails common policy positions on critical issues underlying the National Accord and high levels of cohesion at both intra-party and inter-party levels.
32. The mandate of Kenya's coalition government is very specific – spearheading reforms. Therefore and as suggested by one analyst, the coalition cannot be treated as an ordinary government. The conflicts witnessed within the Coalition Government, especially in the last quarter of 2008 have resulted in many people losing confidence in its ability to deliver reforms. For instance, only as few as 10% think the Coalition Government will deliver a new constitution.
33. Responses are mixed on whether or not there has been political cohesion within the Grand Coalition. One observation is that political positions on policy issues have remained dynamic across the political divide. In the recent past, the most critical policy issues have included the implementation of the recommendations of the Commission of Inquiry on Post Election Violence (Waki Report) and those of the Independent Review Commission on the General Election Held in Kenya in December 2007 (the Kriegler Report); the establishment of the Truth, Justice and Reconciliation Commission; constitutional reforms, among others.

---

<sup>10</sup> Ibid.

<sup>11</sup> Ibid.



34. Between October and November 2008, it was almost certain that consensus would not be reached on some of these issues. There were rifts between and within Coalition partners. However, by early December 2008, there was already a shift that saw political convergence in supporting some of these critical policy issues.
35. The political consensus can be attributed to three things. First, it was the political leadership provided by the two principals and the newfound cohesion within the Kenya National Dialogue and Reconciliation (KNDR) team. The team has been critical in marshalling support for various legislations that would spearhead reforms to support the National Accord. Second, public opinion at the time was mostly against those opposed to reforms. Third, there was constant pressure from the international community and locally to implement the Waki Report's recommendations.
36. But there are also mixed signals on the level of political cohesion between the two partners. It has regularly been reported that the two principals are always in consultation on critical policy issues. However, many were left wondering when the President signed into law the controversial Kenya Communication (Amendment) Bill, 2008, on December 30, 2008 despite the Prime Minister's public assertion that he hoped the Bill would not be assented to into law. This incident underscored the dynamics and the nature of the Grand Coalition. It is also clear that it is principally through the goodwill of the two leaders that the Coalition is kept on course.
37. Within political parties, ODM has been the most affected by internal dissent in recent months. The Rift Valley region has not been particularly happy with the allocation of Cabinet positions, the handling of the Mau Forest issue and the Prime Minister's position on the implementation of the Waki Report. As a result, in November 2008, some leaders in the region threatened to lead the Kalenjin out of ODM.
38. We argue that ethnicity is the fulcrum around which conflicts of power within and between parties revolves. Failure to manage ethnic-based politics may have destabilising effects on all reform initiatives. If left unattended, ethnic-based interests will dilute reforms to short-term gains.
39. The coalition government has declared 2009 as the year of reforms. This means that nurturing political cohesion will be important during this period. Due to the mixed political signals, almost 60% of Kenyans see the Grand Coalition as having a difficult time working together. This is not a positive finding in light of the reform agenda for 2009 and the importance of positive public sentiment both in keeping the peace and underpinning the reform momentum.

## Coherence in decision-making

40. The level of decision-making on national policy issues in the recent past has been mixed. We have noted tensions between the Office of the Prime Minister and that of the Head of Public Service. Lack of coherence in the operations of the two offices has occasioned open conflict.<sup>12</sup> These conflicts tend to create a perception of a two-in-one-government. This in itself also undermines conditions for political accountability, and it weakens mechanisms for good governance and accountable decision-making.

## Conflict management within the Coalition

41. As it has already been demonstrated, points of conflicts within the Coalition have been many. The National Accord set out the principles of partnership in the Coalition Government, which included constant consultation and willingness to compromise. There was, however, no structure on how these would be achieved. The lack of a conflict resolution mechanism has seen the stability of the Coalition come under threat on several occasions. These conflicts are likely to deepen because there is no coalition agreement signed by the two parties.
42. In May, 2008, it was reported that a joint team from all parties to the Coalition had prepared a draft proposal for the creation of a Panel, which would act as a dispute resolution mechanism for the Coalition.<sup>13</sup> Although necessary for the management of the Coalition, the document was never signed by the concerned parties.<sup>14</sup> However, on January 15, 2009, the Coalition partners established a Permanent Committee to manage the affairs of the Grand Coalition.<sup>15</sup> Each Coalition Partner has 6 representatives in the committee. The shortfall of the committee is that it had no women – a shortcoming quickly righted by naming two women to it. Some members of the PNU coalition have dismissed the committee as non-starter because it is not representative enough.<sup>16</sup>
43. The creation of the Permanent Committee is just one step towards stabilising the Coalition. It remains unknown how effective the team will be. It is important that a written framework for managing the Coalition is prepared and signed by the partners. There have been some positive comments on the contents of the initial draft prepared in May 2008, which need to be taken into account. In the absence of an agreement, the conflict will intensify and spill into the reform process.

---

<sup>12</sup> Two recent examples include appointment of a team of election officials to guide the transition from ECK to an interim body. The Prime Minister's office observed that there were no consultations in doing so. Also, in October 2008, both offices showed a lack of co-ordination in addressing allegations of abuse of office in NSSF.

<sup>13</sup> Opiyo, D., 2008. New Rules to Govern Coalition Proposed. *Daily Nation*, 9 May.

<sup>14</sup> PNU blamed ODM for not signing the document while ODM claimed that the document was not adequate. See Namunane, B., 2009. Top Team to Mediate Coalition Wrangles. *Daily Nation*, 15 July. <http://www.nation.co.ke/News/-/1056/515332/-/u1act3/-/index.html>

<sup>15</sup> Ibid.

<sup>16</sup> Standard Team, 2009. Team Set Up to Manage Coalition Affairs. *The Standard*, January 15. See <http://www.eastandard.net/InsidePage.php?id=1144004189&cid=4&>

### Level of satisfaction with the Coalition Government

44. There is evidence that the level of satisfaction with the Coalition Government varies across board. As far as the Coalition partners themselves are concerned, ODM seems not to be completely happy with the relationship. On a number of occasions in the recent past, ODM leaders have spoken of their frustrations in the Grand Coalition and how it had slowed down the ODM agenda.<sup>17</sup> The party has also raised concern over being treated as “junior partners” by their PNU counterparts. Interestingly, the PNU side rarely complains of similar issues. After reviewing its position within the Grand Coalition, ODM pushed for the formation of the Permanent Committee as one way of addressing its concerns within the Grand Coalition.
45. But most important is how the Grand Coalition and its institutions are perceived to be functioning. Generally, approval ratings for most government institutions, including the President and the Prime Minister, were high when the coalition was formed. This is declining, however.<sup>18</sup> The low scores are as a result of apparent laxity by the Coalition in attending to immediate public concerns such as inflation, unemployment, and food security, among others. In terms of service delivery, over 52% of Kenyans rate the services received from their MPs, local authorities and central government as poor. There seems to be a clear disconnect between what the public wants and what the leaders are seen to be focusing on.
46. The manner in which the debate around the enactment of the Kenya Communication (Amendment) Act of 2008 was handled; the refusal by MPs to pay taxes on their allowances; the recent teachers’ strike; serious allegations of high-level corruption in the maize and oil sectors; and the debate surrounding the powers of the Prime Minister versus those of the Head of Public Service, are some of the issues that create the perception of a lack of commitment by the Grand Coalition to reforms and the immediate needs of Kenyans.
47. There is a need to restore confidence and faith in the Grand Coalition. The Grand Coalition is seen as having forgotten that it is a government in transition with a specific mandate of undertaking reforms. One analyst has suggested that the Coalition partners have become comfortable with their positions in government and will do anything to hold the Coalition together until 2012 - not in the public interest, but to serve political self-interest. It is therefore upon the Coalition partners and other external actors to ensure that short-term political interests do not stand in the way of the urgent reforms needed in the country.

---

<sup>17</sup> Ongiri, I., 2008. *The Standard*, December 19.

<sup>18</sup> From the baseline survey the Prime Minister Odinga scores 59%, President Kibaki 43%, Cabinet 28%, Parliament 24% and political parties 22%.

## GENERAL CONCLUSIONS

---

48. It is almost a year since President Kibaki and Prime Minister Raila Odinga signed the agreement on principles of partnership of the coalition government. This agreement provided for power sharing between the parties. The new structure of government may not be a perfect model but it helped solve the political crisis at the time.
49. The National Accord is also significant as it provided a base to initiate comprehensive reforms. This objective cannot be realised if there is no effective power sharing between the Coalition partners. In a number of instances, the National Accord has been open to different interpretations, which serve short-term political interests. This has been a source of threat to the stability of the Coalition Government and even to reforms. It is however possible to use the flexibility within the National Accord to advance its spirit.
50. Initiating reforms in all areas critical for stability and national unity should be prioritised. The nature of reforms suggested under the Accord cannot be implemented, however, in an environment where political competition is not guided by a national vision. This vision cannot develop where short-term individual and ethnic interests guide decisions on important national issues.
51. To rekindle confidence in the Government and public institutions, KNDR may need to systematically and candidly debate the political challenges facing the coalition government and advise on legal and political solutions. An impartial third party arbiter may be important for this process.
52. On the whole, the coalition government presents the best opportunity to initiate and complete comprehensive reforms due to the bipartisan policies in place. There may be challenges in terms of how different institutions work together but there are opportunities that simply must be exploited to move the country forward and away from the abyss into which it was staring less than a year ago.

## Kenya National Dialogue and Reconciliation Monitoring Project

### Agenda Item 3

#### How to Resolve the Political Crisis

#### (Coalition Government/Power-Sharing)

#### Report on Status of Implementation

#### (Matrix on Progress)

OBJECTIVE	REQUIRED ACTIONS	INDICATOR	PROGRESS TOWARDS OUTPUT	REMARKS
Real Power Sharing.	Facilitate real power sharing to move the country forward by observing the principles of portfolio balance and relative to parliamentary strength.	Percentage distribution of posts between coalition partners (Number of positions shared between the parties).	Position of Prime Minister (ODM) and 2 deputies (ODM & PNU) established through a Constitutional amendment and the National Accord and reconciliation Act in March 2008. A total of 92 ministers and assistant ministers appointed in April 2008 on a 50:50 ratio  Cabinet positions left vacant due to the death of (2 ODM) ministers and the resignation of the Finance Minister (PNU) in June	There are challenges in the exercise of the Prime Minister's power due to apparent institutional conflict between the PM's office and that of the Vice President and Head of Public Service. The interpretation and application of the principle of portfolio balance remains controversial with respect to high-level government appointments. Constitutional reform can effectively settle the controversies around power sharing. Complaints about a lack of effective consultation on high-level appointments remain a source of tension within the Grand coalition.

OBJECTIVE	REQUIRED ACTIONS	INDICATOR	PROGRESS TOWARDS OUTPUT	REMARKS
			2008 only filled in January 2009. A number of permanent secretaries, heads of parastatals and ambassadors appointed.	
		Level of political cohesion	Levels of cohesion remain unpredictable. The divisive response to the Waki and Kriegler reports (launched in October and November 2008) illustrate simmering levels of discord. However, by December 2008 oppositionists retracted and supported the implementation of the reports – allowing important legislation to be adopted. Levels of intra- party cohesion have been very low especially within ODM. 59% of Kenyans assess the Coalition as having a difficult time working together.	Political cohesion is critical for achieving reforms. Mistrust among political parties, a lack of willingness to implement reforms, and ethnic divisions are some of the hindrances to political cohesion. The political leadership of the two principals, effective consultation, public and civil society pressure, and the diplomacy of the international community are instrumental in promoting cohesion on the reform agenda. Destabilising factors such as ethnic tension and mistrust need to be managed deftly to build a shared reform momentum.
		% of public who perceive real power as being shared (locally and	44% of Kenyans think power is shared equally between ODM and PNU while 49% think power is	Public perception on power sharing between the Coalition partners has diminished drastically since the signing of the Accord. This is partly due to political bickering over appointments and

OBJECTIVE	REQUIRED ACTIONS	INDICATOR	PROGRESS TOWARDS OUTPUT	REMARKS
		nationally).	not equally shared. 81% of the 49% think PNU enjoys more power. 34% of Kenyans also think that the coalition partners are not committed to sharing power equally.	the lack of cohesion within the coalition.
		Level of public satisfaction in the functioning of the Grand Coalition.	Approval ratings for most coalition institutions has dwindled almost a year down the line. While surveys in mid-2008 gave approval rating of about 60%, rating for many institutions in the Coalition, the rating was below 50% in December 2008.	The low approval rating is a result of the perceived lack of commitment by the Grand Coalition to meet the immediate needs of Kenyans. The coalition needs to inspire public confidence on delivery.
		Level of public satisfaction in the make up of public sector positions.	Ethnicity remains an issue in the demand for public sector positions. Only 37% of Kenyans perceive that there is equitable distribution of civil service jobs (ministries and parastatals). 47% think that one ethnic group dominates.	Balancing ethnic identity cannot be ignored in high-level public sector appointments.
Functioning of Public institutions.	Partners commit to govern together and push through a reform agenda for the benefit of all Kenyans.	Levels of coherence in decision-making.	Institutions for harmonised decision-making such as Cabinet sub-committees are in place. There are recurrent power	Redefine the role of the PM and the Head of Public Service to avoid the apparent conflicts which are illustrative of incoherence and undermine public confidence. Coalition partners should adopt a structured approach to enhance coherence in decision making; integrating mediation

OBJECTIVE	REQUIRED ACTIONS	INDICATOR	PROGRESS TOWARDS OUTPUT	REMARKS
			struggles between the Office of the Prime Minister and Head of Public Service as to who does what, when.	mechanism in all structures is critical
		% of public satisfaction with public service delivery	Over 50% of Kenyans rate service delivery by central government, local government and MPs as poor.	The Grand Coalition is in danger of losing the confidence of Kenyans who appear to doubt that the Coalition partners are acting in public interest.
		Type of consultative and conflict resolution mechanism in place/used by coalition partners	For 10 months after formation -- no structured conflict resolution mechanism in place. The draft conflict management agreement framework prepared by May 2008 has not been signed. A Permanent Committee to manage the affairs of the Grand Coalition set up on Jan 15, 2009.	KNDR team should finalise the conflict management agreement and signature by partners. The Permanent Committee perceived by some as not representative and as not being gender sensitive.