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Formalizing clientelism in Kenya

From *Harambee* to the Constituency Development Fund

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Abstract: Why does clientelism persist? What determines how politicians signal responsiveness or fulfil their campaign promises? Existing works assume that politicians choose the most successful means of winning votes—either through targeted patronage/clientelism or programmatic policies. However, the empirical record shows high levels of persistence of the nature of the relationship between voters and politicians. Both politicians and voters are not always able to unilaterally change what campaign promises are achievable and therefore deemed credible. Using evidence from the Constituency Development Fund in Kenya, this paper shows that the nature of the relationship between voters and politicians is historically constructed and governed by a combination of state capacity and established expectations about what a ‘good’ politician does. In short, clientelism persists when it is the most credible means of fulfilling campaign promises. The paper also shows how politicians may be incentivized to reform political practice away from clientelism. The findings herein increase our understanding of the origins and persistence of clientelism in low-income states and potential avenues for reform towards programmatic politics.

Key words: constituency service, legislative politics, Constituency Development Fund, Kenya

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1 Introduction

Why do clientelistic systems persist? What determines how politicians signal effort and responsiveness to voters? In electoral democracies, voters expect politicians to be responsive and to fulfil their campaign promises (Barkan 1979; Fenno 1978; Mayhew 1974). However, despite these shared incentives, significant variation exists in the nature of the electoral relationship between voters and politicians across different countries. This is especially true with regard to legislative politics. In some contexts, legislators strive to be responsive predominantly via indirect means—by enacting programmatic policies and influencing the behaviour of the executive branch through oversight and the budget process (Cox and McCubbins 1993; Ferejohn 1974). In others, legislators signal responsiveness not through legislation and oversight, but primarily via direct constituency service and targeted benefits (Gadjanova 2017; Opalo 2019; Stokes 2005; Wantchekon 2003).

Existing works assume that politicians have discretion over the nature of their electoral relationship with voters.¹ Under this assumption, politicians maximize electoral support by choosing to signal responsiveness either through programmatic policies (governed by rule-based public criteria for access) or clientelism (exchange of targeted benefits for political support). Yet, in most countries, the nature of the relationship between voters and politicians is often determined by factors beyond the control of individual politicians and voters. Historical experience often shapes the nature of political markets (especially what can be ‘traded’)—a fact that makes it very difficult for individual politicians to unilaterally change the rules of engagement. For instance, legislators’ ability to win votes by enacting programmatic policies requires high levels of legislative strength as well state fiscal and bureaucratic capacity.² Therefore, the ability to credibly promise programmatic policy making is not always available to politicians in states lacking fiscal and bureaucratic capacity or strong legislatures. In such contexts, promises of clientelistic targeting may be more credible.

This paper argues that clientelism persists in legislative electoral politics when it is the most credible means through which politicians can deliver on their campaign promises. Given the incentives for credit-claiming, legislators signal effort and responsiveness in ways that are legible to voters (by exerting effort in conformity with voters’ expectations). Legislators that deviate from expected ways of signaling effort are likely to be perceived as ‘deviant’ types, and punished at the ballot. The state’s ability to provide essential public goods and services (state capacity) and the institutional strength of the legislature (ability to influence executive agencies) determine incumbents’ modes of credibly signaling effort. Legislators in countries with strong legislatures and capable states are more likely to signal responsiveness through programmatic policies, while their counterparts serving in weak legislatures, and whose states lack fiscal and bureaucratic capacity, are more likely to rely on targeted clientelism.

Legislative electoral politics present a unique opportunity to study the trade-off between clientelism and programmatic policies among politicians; while also highlighting how institutional variables shape individual-level voting behaviour. Legislators perform both formal, potentially programmatic, functions such as lawmaking and oversight; and more informal functions in the form of constituency service.³

¹ See, for example, Golden and Min (2012), Hicken (2011), Nichter (2018), and Stokes et al. (2013) for reviews of the literatures on clientelism and distributive politics.

² Weak bureaucracies distort political markets. For example, Williams (2017) and Dasgupta and Kapur (2020) document the prevalence of incomplete projects in Ghana and bureaucratic overload in India, respectively. The lack of bureaucratic capacity to meet citizen demands may result in endemic voter discontent, and high rates of electoral turnover in legislative elections (Opalo 2019; Molina 2001).

³ The main distinction here is between direct and indirect means of addressing voters’ needs. Institutional formal functions are often indirect (e.g. through the passage of legislation or oversight to compel executive agencies into action). Direct action by

This makes it possible to observe which functions both voters and legislators prioritize in the political marketplace, conditional on structural background conditions.

In order to understand why clientelism persists in legislative electoral politics, I rely on material evidence from Kenya. Data on nearly 40,000 projects from the Constituency Development Fund (CDF), a nationally representative survey, and the qualitative analysis of the emergence of CDF out of Kenya's *Harambee* system support the arguments above.⁴ Survey respondents put significantly more emphasis on legislators' direct constituency service rather than their formal constitutional functions; administrative data show that CDF projects match respondents' sectoral priorities; and qualitative evidence shows that CDF projects mirror historical patterns of sectoral allocations covering decades of clientelism under the *Harambee* (community self-help) system (which emerged in the 1960s as a government strategy to manage popular demand for development projects). Over time, *Harambees* became the predominant means of signaling effort towards 'development' among Kenyan politicians. Importantly, one of the reasons legislators introduced the CDF in 2003 was to address rising *Harambee* costs.⁵

Kenya is an interesting case because it presents an example of a well-established vast clientelistic system that at one time generated 12 per cent of gross capital formation in the country; and an attempt to end the same clientelistic system through legislation. The CDF Act was designed to replace a largely clientelistic system *Harambee* with a formal process of delivering benefits to constituents (CDF projects financed by the state). The importance of understanding the historical evolution of clientelism as shown in the Kenyan case is threefold. First, clientelism is a critical part of political development. Many contemporary countries in which programmatic politics predominate have recent clientelistic roots that grew in tandem with competitive politics (Ben-Dor 1974; Cox 1987). Second, countries often emerge out of clientelism not by completely uprooting the practice, but through formalization and/or gradual legitimization of clientelistic practices (Huckshorn 1985)—much like Kenya's CDF. Finally, this paper has implications for democracy promotion efforts that seek to end clientelism. Such efforts are only likely to succeed if accompanied by improvements in state capacity and institutional reforms that increase the credibility of programmatic campaign promises. As a political phenomenon, clientelism is more than a simple behavioural quirk that can be ended through individual choices.

This paper's main contribution is to show that clientelism seldom signifies the complete absence of institutionalized politics. Instead, personalist politics can exist alongside institutions (e.g. functional legislatures) in contexts where state capacity renders programmatic electoral promises incredible. By linking the persistence of clientelism to institutional variables that define the political marketplace and influence voters' expectations, this paper synthesizes and contributes to different strands of literature, including works on constituency influence (Barkan 1979; Fenno 1978; Mayhew 1974), state capacity and policy implementation (Dasgupta and Kapur 2020; Williams 2017), the politics of attribution and citizen demands (Calvo and Murillo 2004; Kruks-Wisner 2018; Opalo 2020a; Tromborg and Schwindt-Bayer 2018), and clientelism, patronage, and distributive politics (Bussell 2019; Golden and Min 2012; Hicken 2011; Stokes et al. 2013; Wantchekon 2003).

legislators tends to be informal (e.g. contributing to a medical or education fundraising), although in some jurisdictions direct action may still rely on formal processes (e.g. intervening to speed up a passport application).

⁴ The National Government Constituency Development Fund Act (2015) (<http://kenyalaw.org/kl/fileadmin/pdfdownloads/Acts/NationalGovernmentConstituenciesDevelopmentFundAct30of2015.pdf>) made the original CDF compliant with the principle of separation of powers and renamed it the National Government Constituency Development Fund (NG-CDF). For simplicity, this article refers to the fund as CDF throughout.

⁵ The rising cost of *Harambees* impacted both politicians and voters alike. Increased corruption helped fund politicians (Transparency International 2001; Waiguru 2006). But voters suffered, too, as *Harambees* came with social obligations to contribute. A legislator observed that 'we have been utilising the Harambee system, but as things stand now, the people at the grassroots level have been so outstretched that whenever we plan to build a primary school, they have to do Harambees repeatedly for many years before they build four classrooms'. See *Official Report, Kenya National Assembly*, October 16, 2003 Col. 3128

2 Conceptualizing the politics of clientelism

Politicians win elections on the basis of promises and proven performance. In order to have the desired effect, campaign promises must be credible (Aragonés et al. 2007) and performance easily observable and attributable (Mani and Mukand 2007). The credibility of campaign promises is driven by a combination of citizens' demands and politicians' capabilities. The nature and intensity of citizens' demands may be driven by their sense of political efficacy, past experience with politicians, or established norms about 'what politicians do'. Voters do not always optimally calibrate their demands—and may demand more or less than political systems are able to deliver.⁶ On their part, politicians are incentivized to make promises that are legible to voters and which yield easily visible and attributable outcomes. To be credible, the same promises must reflect common understanding of what politicians are typically understood to be capable of doing. Implausible campaign promises get heavily discounted.

2.1 When do voters prefer clientelism?

Voters prefer clientelism when promises of targeted benefits are significantly more credible than programmatic policies. Legislative elections provide ideal conditions for understanding this dynamic. Assume that there are three stylized *predominant* modes through which incumbents may exert effort, with each channel having implications for efficacy and attribution. They can enact programmatic policies into law and make sure the same are diligently implemented by the executive branch (*A*); use party machines as platforms of providing public goods and services (*B*); or meet constituents' demands directly (*C*). In a high-capacity state in which executive agencies respond to legislative oversight, channel *A* is likely to emerge as the predominant mode of meeting voters' demands. In weaker states with organizationally strong political parties, service provision through party machines (*B*) may predominate. Finally, in contexts where both states and parties are weak, politicians may resort to direct provision of constituency service (*C*).⁷

Once established through experience *over time*, the predominant mode of signaling effort defines the contours of credible campaign promises. In states with sufficient fiscal and bureaucratic capacity and meaningful legislative influence on executive agencies, legislators credibly promise to implement programmatic policies and provide constituency service by compelling executive agencies to action—and follow through in attributable ways (e.g., through passing legislation, budget allocations, oversight hearings, etc.). The absence of strong states capable of effectively implementing programmatic policies and/or legislative weakness may prompt legislators to look for alternatives. If party machines exist, legislators are likely to resort to promises that are deliverable through party networks. In contexts where both parties and states are weak, legislators may be forced to take matters into their own hands and directly provide attributable benefits to their constituents.

While politicians may prefer to rely on any of the three channels of fulfilling their campaign promises, the preponderance of particular channels is likely to be dictated by background conditions that are not easily manipulable by either politicians or voters. Building state capacity, party machines, and/or strong legislatures takes time. It follows that the established patterns of signaling effort may not always be optimal for either voters or politicians. For example, while legislators in high-capacity states with strong legislatures have incumbency advantage, their counterparts in low-capacity states with weak legislatures face an incumbency disadvantage (Ariga 2010; Erikson 1971; Opalo 2019; Lee 2020; Uppal 2009). In the former states, programmatic policies are typically the predominant mode of winning votes

⁶ This may happen due to lack of full information on government functions, as is often the case under multi-tier government (Opalo 2020a).

⁷ As Hicken (2011) observes, it is possible for programmatic and clientelistic forms of exchange to coexist in the same political market. The idea here is one of *predominance*—hence the distinction between programmatic and clientelistic political systems.

(MacDonald and McGrath 2016; Morgan 2013), while clientelism and machine politics predominate in the latter category of states (Hicken 2011; Wantchekon 2003).

A priori, it might seem that clientelism would provide opportunities for politicians to build a dependable personal vote among constituents. However, politics in low-income states is often marked by ‘endemic voter discontent’ because voters’ demands often go unmet due to low state capacity (Molina 2001: 428). Yet despite the suboptimal electoral outcomes associated with clientelism, this type of political exchange relationship persists in many countries because targeted benefits tend to be significantly more credible than programmatic policies that would require currently non-existent state capacity to realize. Thus voters and politicians alike remain stuck in a suboptimal equilibrium.

2.2 Clientelism and political change

While it is hard to unilaterally change the features of political markets outlined above, it is not impossible—as is evidenced by sweeping reforms in countries in which clientelism and patronage were replaced with programmatic politics (Ben-Dor 1974; Cox 1987). Catalysts for change may include political shocks like major corruption scandals, the collapse of a clientelistic regime, economic crises, or perceived rising costs of clientelism. It is also possible for countries to ‘regress’ from having predominantly programmatic politics to a political marketplace dominated by clientelism due to institutional decay.

However, changes from the predominance of one mode of electoral exchange to another is seldom completely discontinuous. Similar to the evolution of institutions (Thelen 2004), new structures and expectations are often layered on top of the old. For example, efforts to end political capture by private businesses may involve the formalization of campaign finance to legalize the role of business in politics (La Raja 2008). The need for continued legibility of politics and the persistence of mental models about ‘how politics works’ create conditions for political market evolution rather than revolution. Importantly, clientelism can persist alongside institutions as long as it adds credibility to the political marketplace.

The history of clientelistic politics in Kenya’s legislative elections embodies these dynamics. Beginning in the 1960s, the government explicitly acknowledged its lack of capacity to meet voters’ demands for economic development. To fill this void, it promoted the *Harambee* system (Ngau 1987). Soon after, *Harambee* contributions by politicians became the currency of legislative electoral politics in Kenya (Mbithi and Rasmusson 1977). Consequently, politics acquired a distinctively candidate-centric flavor that persists to this day. A history of weak and transient political parties reinforced these dynamics. Finally, while the state remains unable to meet most voters’ demands, the Kenyan legislature has recently acquired more power relative to the executive branch (Opalo 2019). This enabled legislators to create the CDF in 2003 through which they could deliver state-funded visible and attributable benefits to constituents—much like under the *Harambee* system. Initially, the government wanted to domicile the CDF in the Office of the Vice President.⁸ Elsewhere in Africa, presidents neutralized the political potency of CDFs by retaining control of such slush funds within the executive (Tsubura 2013). However, Kenyan legislators prevailed and established direct parliamentary control over the CDF and associated Constituency Development Committees.⁹

The CDF can therefore be viewed as an attempt to reduce clientelism and attenuate its negative impacts in Kenyan politics—in no small part because the *Harambee* system had become too expensive for individual legislators to finance from their personal resources. The CDF was also not revolutionary,

⁸ Government of Kenya, Official Report of the National Assembly, June 26, 2003, Col. 1666.

⁹ Government of Kenya, National Assembly Official Report, November 27, 2003, Col. 4082; see also the Constituencies Development Fund Act, No. 10 (2003).

instead merely formalizing the process of identifying constituency-level projects, introducing reporting requirements, and providing state funding.

3 Legislative elections and constituent demands

A core claim of this paper is that Kenya's CDF emerged as legislators' attempt to formalize the *Harambee* system. Since the 1960s, 'development' has been the predominant currency of legislative politics in Kenya. Legislative elections were largely competitive, including under single-party rule (1969–91). Voters viewed legislators primarily as links to development resources from the central government (Barkan 1979). However, due to the high demand for public goods and services, the government lacked the ability to finance constituency-level projects (Bradshaw 1993). This realization made founding president Jomo Kenyatta to champion 'a development strategy based on the spirit of self-help' (Mwiria 1990: 351), which became the *Harambee* system (Mbithi and Rasmusson 1977). A political culture quickly bloomed around *Harambees* whereby to signal effort politicians had to help fund all manner of public goods and services—such as cattle dips, wells, roads, schools, and health facilities.

Given that there was no budget for these efforts, politicians typically dipped into their personal funds and/or fundraised from wealthy patrons. In addition, legislators could not simply compel executive agencies to implement projects in their constituencies on account of parliament's relative weakness (Opalo 2019). Under single-party rule, the Kenya African National Union (KANU) and its leadership made and unmade political careers by controlling access to patronage and *Harambee* funds. However, the re-introduction of multiparty politics in 1992 significantly liberalized the political market. Both KANU and opposition politicians could now access funds through commercial networks to compete in elections (Arriola 2012).

Inevitably, the cost of *Harambees* and public corruption increased in tandem (Transparency International 2001; Waiguru 2006). It is under these conditions that legislators agreed to create the CDF to serve the twin purposes of availing resources for development and to obviate the need for corruption to fund *Harambees*. One legislator succinctly summarized their intentions: '[w]e have said that Harambee which may have been started with a noble aim by our late founding father of this nation was abused very badly. It became a cancer in our country and we have to replace it with the Constituency Development Fund'.¹⁰ Overall, while the source of funds changed from private to public, project prioritization under CDF broadly mirrored what existed under the *Harambee* system. For good measure, legislators also banned aspiring politicians from taking part in *Harambees* eight months before elections.¹¹

3.1 The *Harambee* system

As part of a clientelistic system, *Harambees* were not an optimal electoral strategy for Kenyan legislators. Soon after its introduction, the system became 'the stuff of grassroots politics' (Barkan and Chege 1989: 1).¹² Candidates in legislative elections were forced to engage in public displays of wealth to signal their ability to deliver 'development' to their constituents via *Harambee* contributions (Opalo 2019). From the outset, legislators complained about the financial burden of *Harambees*. In 1970, one observed: 'I thought that Harambee was going to be additional to what the Government provides. It seems now that

¹⁰ Official Report, Kenya National Assembly, April 17, 2003, Col. 1146.

¹¹ See Republic of Kenya, Elections Act 2011, Article 26(1).

¹² The system built on a pre-existing ethos of community self-help that was already common in Kenya for decades if not centuries (Ngau 1987).

it is a substitute and I think this is a wrong concept'.¹³ Almost three decades later, legislators had the same problem. In 1999, one complained that 'once you become an MP you go bankrupt [...] Everything is done through Harambee! And every Harambee is on the MP!'¹⁴

These examples illustrate that targeted clientelism—through *Harambees*—did not favor incumbents. Yet they could not change course to a more favorable means of signaling responsiveness to constituents—perhaps through passing programmatic policies in Nairobi and overseeing their implementation through legislative oversight. The institutional (strong legislature) and bureaucratic (state fiscal capacity) basis for programmatic politics simply did not exist (Opalo 2021). A standard *Harambee* cycle involved the identification of a project (either by the community or a local leader), local community meetings to determine levels of community contributions, and a period of solicitation from the local community for funds (Mbithi and Rasmusson 1977; Ngau 1987; Winans and Haugerud 1977). In most instances, a local government official (e.g., Chief, District Officer, or District Commissioner) would coordinate the collection of community contributions for the identified project.¹⁵ Finally, the exercise would culminate in a public fundraising in which a respected political patron would serve as the 'guest of honor'. Standard practice involved the public announcement of the amounts contributed by notable individuals—a fact that provided politicians with the opportunity to try and outdo each other.

The *Harambee* system was not simply a manifestation of clientelism and patronage directed by politicians. While longitudinal data is unavailable, a 1974 survey found that only 7 per cent of *Harambee* initiators were politicians (Ngau 1987: 528). Similarly, focusing on six district in Coast and Western provinces, Mbithi and Rasmusson (1977) find that 11 and 5 per cent of *Harambee* project initiators were politicians, respectively. As is clear, the system was primarily driven by local demand for rapid economic development that largely went unmet due to stake fiscal and bureaucratic gaps; and was the cornerstone of Kenya's grassroots developmental philosophy.

From 1964 to 1984, about 37,300 *Harambee* projects were completed—the equivalent of 12 per cent of the gross capital formation in Kenya. Between 1963–76, 40 per cent of the capital development in rural areas could be attributable to *Harambees* (Berman et al. 2009). At its peak, the system contributed upwards of 30 per cent of development expenditures. Between 1965 and 1984, on average, 90.1 per cent of contributions came from private individuals, 5.7 per cent from government assistance, and 4.2 per cent from other sources (private firms, foreigners, and non-governmental organizations).¹⁶

In no sector was the *Harambee* system more important than in education. In the 1960s, 'the Harambee School movement had assumed a distinctively political character as local politicians keen to ingratiate themselves with their constituents, began to play a principal role in the establishment of new schools and support of existing ones' (Mwiria 1990: 350). A staggering 58 per cent of all projects between 1964–84 fell within the education sector.¹⁷ Between 1967–72, 38 per cent of total spending in education came from *Harambees* (Mbithi and Rasmusson 1977). And by 1989, 60.2 per cent of secondary schools were 'Harambee Schools' (Bradshaw 1993). Despite government allocation of upwards of 20 per cent of the budget to education, citizens' demands far outstripped the state's fiscal and bureaucratic capacity (World Bank 1989). Politicians were at the forefront of these efforts. For example, Simeon Nyachae, a senior civil servant who later served as a legislator, contributed more than KES6,000,000 (US\$378,000) in 1986, spread across 202 different primary schools (Leonard 1991: 233).

¹³ Republic of Kenya, Official Record of the National Assembly, June 26, 1970, Col. 1800.

¹⁴ Republic of Kenya, Official Record of the National Assembly, November 17, 1999, Vol. 2452 (translated from Kiswahili by the author).

¹⁵ Republic of Kenya, Official Record of the National Assembly, March 13, 2003, Col. 451.

¹⁶ See Ngau (1987: 528).

¹⁷ The health sector was a distant second at 10 per cent (Berman et al. 2009)

This politicization of *Harambees* persisted beyond the end of single-party rule in 1992. In fact, increased electoral competitiveness forced politicians to attend ever more *Harambees* (Mwangi 2008). For perspective, in the 1980s, only 7 per cent of *Harambee* contributions took place during election years. In the 1990s, contributions ahead of the competitive 1997 election made up 60 per cent of all *Harambees* in the decade. At the same time, almost two thirds of the projects were in the education sector (Transparency International 2001).

From early on, legislators expressed a desire to serve their constituents through programmatic means, and not *Harambees*. For example, in 1986 one of them complained: ‘Why can’t we, Mr. Temporary Deputy Speaker, help our constituents through the ministry [of education]? Parents are taking part in too many Harambees. They are building classrooms through Harambees. They are buying books through Harambees. They are implementing all manner of projects through Harambees’.¹⁸ A decade later, another legislator asked: ‘Even where Harambee is conducted for a particular school, I have got more than 20 schools in Kikuyu Constituency, and I understand the president wants to come and conduct Harambee for Kirangari Secondary School, and he is welcome.... But what about the other 19 secondary schools that we have in Kikuyu constituency? [...] I am trying to demonstrate that there is no way in which a Harambee can replace a funding policy for education.’¹⁹

These complaints exposed legislators’ frustration with the personal financial cost of the *Harambee* system and their enduring influence on voters’ expectations. In Parliament, one member observed that ‘[t]here is a lot of blackmail and social pressure exerted [...] This is because every hon. Member knows that when the elections are about to be held, every Harambee is compulsory’ and concluded by terming *Harambees* as ‘endless, oppressive, exploitative fund raising meetings every weekend’.²⁰ Yet given voters’ demands and expectations of ‘how politics works’, legislators had to continue contributing to *Harambees* in order to be viewed as viable candidates. They also knew that they could not unilaterally decide to traffic in promises of programmatic policies that would be implemented through state agencies, because such promises would not be credible.

3.2 Formalizing *Harambee*: the Constituency Development Fund

Given the history of the *Harambee* system outlined above, Kenyan legislators designed the CDF to solve the twin problems of resources constraints and the lack of clear attribution. The CDF Act set aside 2.5 per cent of government ordinary revenue to be shared among legislators. 75 per cent of the allocated funds are divided equally among Kenya’s constituencies, with the remainder allocated on the basis of poverty. Each year, constituencies can submit a minimum of 5 and maximum of 25 projects.²¹ To guarantee proper attribution, the Act created Constituency Development Committees (CDCs) to be appointed and headed by the legislator and charged with identifying projects. According to one legislator, heading the CDCs was important because ‘[t]here is no person in that constituency who has a greater stake in its

¹⁸ Republic of Kenya, Official Record of the National Assembly, April 30, 1986, Col. 464 (translated from Kiswahili by the author).

¹⁹ Republic of Kenya, Official Record of the National Assembly, October 31, 1996, Col. 2454.

²⁰ Republic of Kenya, Official Record of the National Assembly, March 13, 2003, Cols 451-452.

²¹ Republic of Kenya, [Constituencies Development Fund Act \(2003\)](#)

development than the Hon. Member.’²² ²³ CDCs allowed legislators to directly champion development projects in their constituencies in easily observable and attributable ways.²⁴

The growth of the CDF out of the *Harambee* system is illustrative of how countries may transition out of personalist clientelistic systems into formal systems with less individual discretion in allocation of benefits. For example, while Kenyan legislators still control the committees that choose CDF projects, the fact that they have to submit applications for funds through the National Government Constituency Development Fund Board introduces a layer of formality.²⁵ Legislators cannot use CDF funds for personalized allocations to individual voters—except perhaps through school bursaries awarded to needy students. Furthermore, CDF accounts get audited by the Office of the Auditor General. It is also important to note that the CDF did not deviate too far from the core logics of the *Harambee* system. As shown below, project prioritization remained broadly aligned with voters’ needs and expectations.

The timing of the introduction of CDF is also instructive. Given the fact that it amounted to the political empowerment of incumbent legislators, the Act could only pass under conditions of greater legislative strength (Opalo 2019). This was true in 2003, following KANU’s loss of the 2002 election and a rebalancing of executive–legislative relations. No longer could the president resist legislators’ attempt to free themselves from patronage networks controlled by the executive that previously bankrolled *Harambees*. In other words, legislators finally had the institutional capability to address the twin problem of rising *Harambee* costs and attribution.

4 Data and empirics

The above discussion outlines the structural conditions that shape the relationship between Kenyan legislators and their constituents. This section provides empirical support for the claim that both Kenyan legislators’ focus on constituency service and project prioritization under CDF match voters’ expectations. In the Kenyan context, where formal functions (especially legislation and oversight) seldom translate into visible and attributable government policies at the local level, legislators’ stand little chance of winning elections by enacting programmatic policies. Instead, they must rely on targeted benefits that conform to voters’ expectations of ‘development’.

As evidence of the idea that Kenyan legislators’ are constrained in their choice of credible modes of signaling effort and responsiveness, I begin by showing that voters prioritize constituency service over formal legislative functions, and that this reality influences their vote choice. I then show that project choice under CDF conforms with voters expectations and remains largely aligned with what existed under the *Harambee* system.

²² Republic of Kenya, National Assembly Official Report, November 27, 2003, Col. 4082.

²³ Attribution is an important part of the CDF. In supporting the CDF bill, one legislator noted that ‘[w]hen [a legislator] sees development taking place in his area, little credit goes to him if it is done by the Government or somebody else. When development does not take place in a constituency, all the blame is heaped on the elected Member of Parliament.’ (See Government of Kenya, Official Report of the National Assembly, October 16, 2003, Col. 3117).

²⁴ Legislators typically paint signs on projects funded out of the CDF kitty—see Figure A1 in the Appendix

²⁵ Indeed, Harris and Posner (2019) find that project allocations under CDF/NG-CDF did not always target incumbents’ supporters (conditional on political geography), and that ‘different local conditions generate different incentives and opportunities for the strategic allocation of political goods’ (p. 137).

4.1 The data

The survey data used herein are from an IPSOS Omnibus survey conducted in April 2020 via the phone and targeted Kenyans of voting age (18 years and older).²⁶ Table 1 presents the summary statistics of key variables. The average age of respondents in the survey is 37.8 years; 40 per cent of the respondents are female, with the modal respondent having some secondary education; 32.6 per cent of respondents reside in urban areas. Following (Opalo 2020a), I use knowledge of the fact that health is a devolved function as a measure of political knowledge (an understanding of how government works); 39.6 per cent of respondents incorrectly attribute responsibility over health to the national government, a sign of low levels of political knowledge.

Table 1: Summary statistics

Variable	Mean	Std. dev.	Min.	Max.	N
Age	37.806	12.79	18	98	1995
Female	0.399	0.49	0	1	2049
Education	4.814	2.079	1	11	2031
Urban	0.326	0.469	0	1	2049
Political knowledge	0.396	0.489	0	1	2049
Voted for incumbent MP	0.787	0.41	0	1	1996
Would re-elect MP	0.44	0.497	0	1	1937
Soured on incumbent MP	0.372	0.484	0	1	2049
MP rating	2.936	1.29	1	5	2049
CDF improved conditions	0.643	0.479	0	1	2006

Source: author's elaboration based on IPSOS survey.

Like their counterparts in other low-income countries, Kenyan legislators operate in a context marked by both the preponderance of personalized targeted forms of clientelism and high electoral turnover. 78.7 per cent reported having voted for their respective legislators in the 2017 election. However, only 44 per cent planned to re-elect their legislators; 37.2 per cent of respondents had voted for their incumbent legislator, but did not plan to re-elect them. These figures are indicative of the relatively high turnover rates in Kenya's legislature Opalo (2020b). On a scale of 1–5, the average rating of legislators among respondents is 2.9. Finally, 64.3 per cent of respondents have a favourable view of CDF—a reflection of the popularity of projects implemented under the programme.

To further understand CDF, I present data on more than 40,000 CDF projects implemented between 2003 and 2013 to illustrate the patterns of project investments at the constituency level. These data were downloaded from the official CDF website.²⁷ The objective of this exercise is to provide a simple descriptive account of what projects legislators spend money on. As noted above, legislators have significant sway in the types of projects that get selected—perhaps more so than under the *Harambee* system when most projects were initiated by communities.

4.2 Voters' demands on legislators I: effort allocation

What do Kenyan voters expect of their legislators? The answer to this question is important for understanding the nature of the Kenyan political market and what kinds of campaign promises may be readily legible and credible to voters. In Kenya, the constitution formally grants legislators the powers of oversight, representation, and legislation.²⁸ The formal legislative functions are structured to facili-

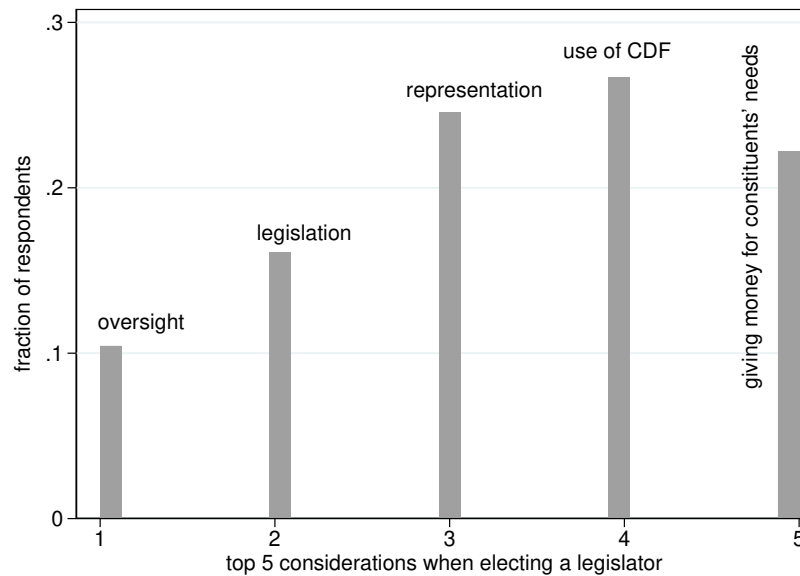
²⁶ IPSOS Kenya is a private survey firm that conducts routine market surveys covering nationally representative samples. The firm provides anonymized surveys for purchase. See more details here: <https://www.ipsos.com/en-ke>.

²⁷ See: <https://ngcdf.go.ke/>.

²⁸ Constitution of the Republic of Kenya, Chapter Eight.

tate programmatic modes of signaling effort and responsiveness. However, legislators' effort along these formal channels may not always be visible and attributable to constituents. Voters may prefer legislators to exert more effort on constituency service than their formal functions. This potential mismatch between legislators' formal institutional functions and electoral realities underscores the importance of understanding voters' expectations of incumbents.

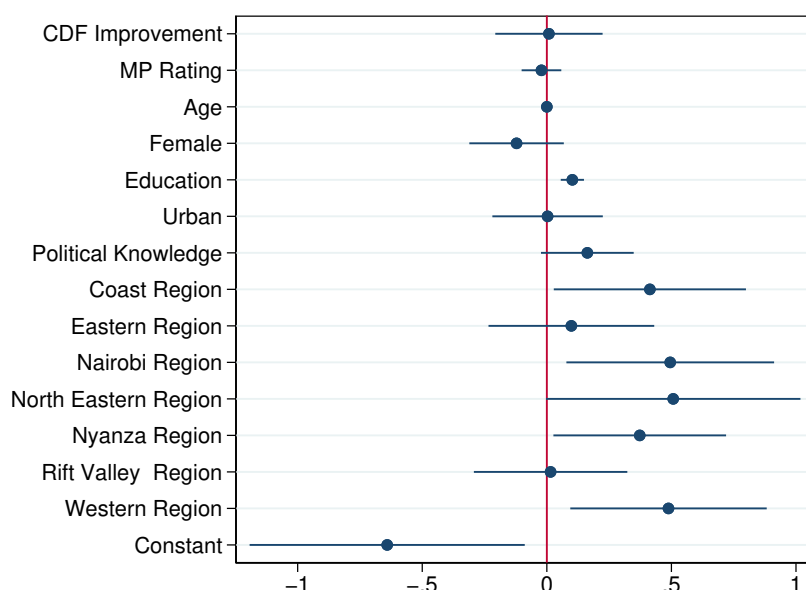
Figure 1: Top priority in evaluating legislators



Note: figure indicates the distribution of respondents' stated top considerations when electing a legislator. A majority of respondents chose the use of CDF and targeted constituency-level benefits to be of a higher priority than the formal constitutional functions of oversight, legislation, and representation.

Source: author's calculations based on nationally-representative IPSOS survey.

Figure 2: Correlates of prioritizing formal functions



Note: figure indicates results from logistic regression on the correlates of prioritizing formal legislative functions when evaluating candidates. Education is the only individual-level variable that is statistically correlated with prioritization of legislators' formal functions. There are also statistically significant regional variations in emphasis on formal functions. The referent region is Central Region.

Source: author's calculations based on data from the nationally-representative IPSOS survey.

I find that 48.9 per cent of respondents prefer legislative effort on constituency service and targeted benefits over formal legislative functions. This is shown in Figure 1, which summarizes respondents' top priorities when considering voting for legislators. A plurality of respondents in the survey assign top priority to either the utilization of CDF funds for development (26.7 per cent) or the giving of money for constituents' needs (22.2 per cent). With regard to formal constitutional functions, 24.5 per cent assign top priority to representation, 16.1 per cent to legislation, and 10.4 per cent to the oversight functions of legislators. These results suggest that respondents place less weight on the formal institutional functions of legislators relative to constituency-level benefits provided by legislators. This, in turn, structures constituents' demands on politicians running for legislative office.

Figure 2 shows the correlates of prioritizing the formal functions of legislators. Among the key individual-level variables, only education is positively correlated with self-reported consideration of formal legislative functions when evaluating candidates in legislative elections. The positive correlation between higher levels of education and political knowledge and emphasis on formal legislative functions may be due to information effects about how state institutions work. Another explanation might be that individuals with higher education (and presumably income) have a lower demand for targeted constituency service in the form of CDF projects—perhaps because they primarily rely on private schools and hospitals.²⁹

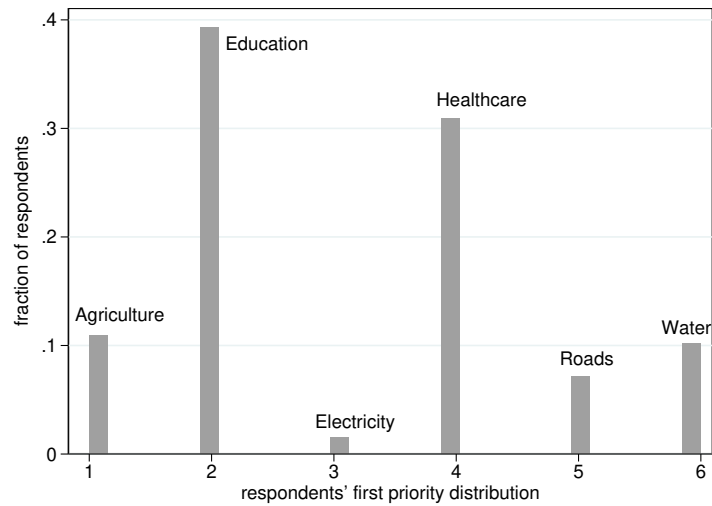
4.3 Voters' demands on legislators II: project choice

Next, I explore patterns in respondents' sectoral priorities and whether projects implemented under CDF match the public's priorities. If politicians seek to be legible and are indeed driven by voters' priorities, we should expect legislators' effort to mirror constituent demands with regards to choices of projects. Figure 3 shows the sectoral breakdown of respondents' stated priorities. Similar to the period under

²⁹ This would be in line with the finding by Calvo and Murillo (2004) that low-skilled Argentinians exhibit higher demands for patronage.

the *Harambee* system, education and healthcare are the undisputed top priorities among respondents. Overall, 39.3 per cent indicated that education is their top priority sector, followed by healthcare (30.9 per cent), agriculture (10.9 per cent), water and sanitation (10.2 per cent), roads (7.1 per cent), and electricity (1.6 per cent).

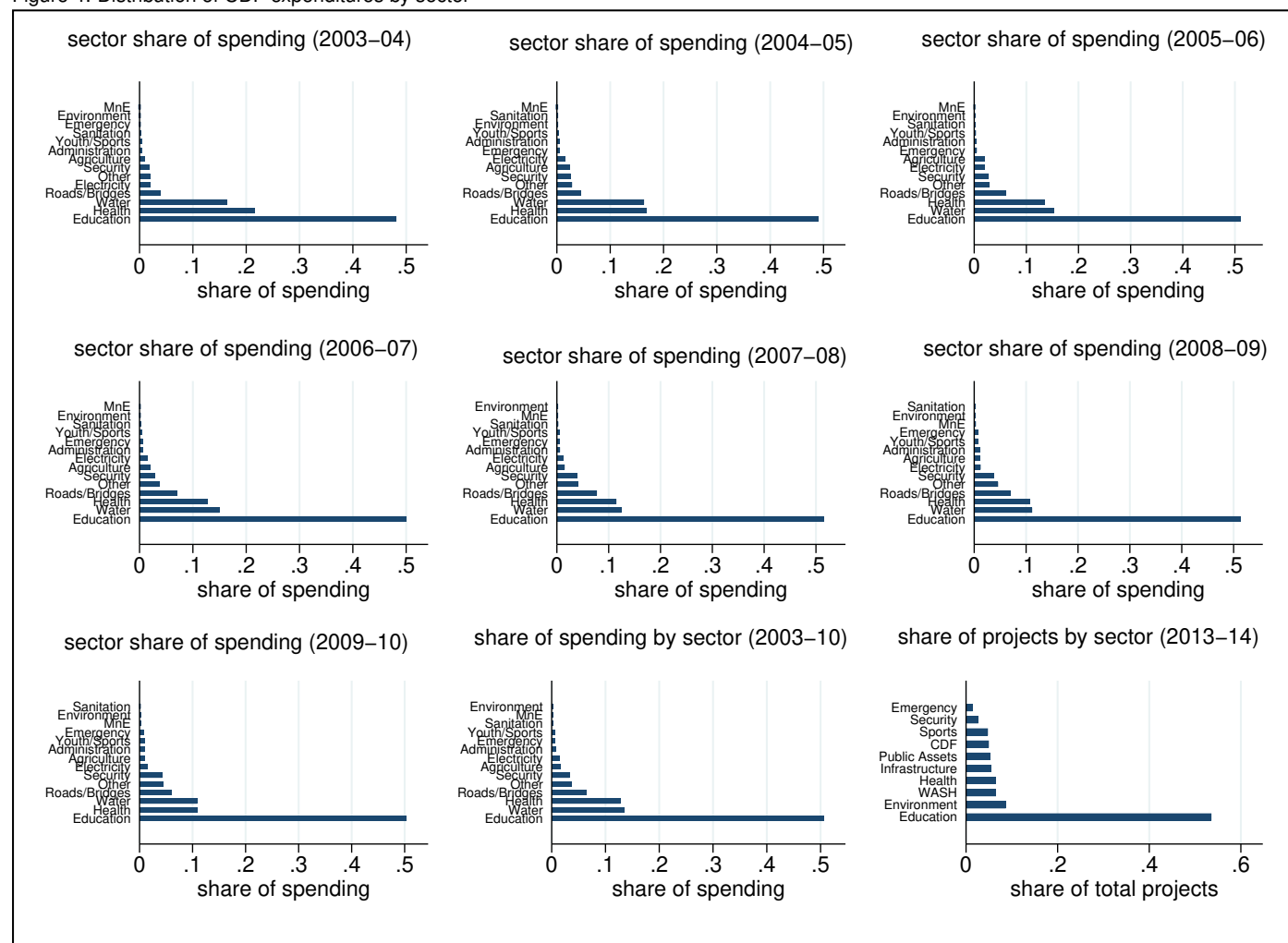
Figure 3: Distribution of reported top priority sectors



Note: figure shows the breakdown of respondent's preferred priority CDF sectors.

Source: author's calculations based on nationally-representative IPSOS survey.

Figure 4: Distribution of CDF expenditures by sector



Note: graphs indicate CDF expenditures by sector between 2003–10 and in 2013–14. Notice the consistently high expenditures on education. CDF projects in 2013–14 denote administrative expenditures. Figures in the education sector include both school construction and bursary allocations.

Source: author's calculations based on data on CDF projects provided by the National Government Constituency Development Fund Board.

Respondents' stated priorities are largely mirrored by actual investments under CDF. As shown in Figure 4, out of about 40,000 projects implemented between 2003 and 2010, education, water and sanitation, and healthcare, were the top three sectors by expenditure, respectively. Education alone accounted for more than 50 per cent of total spending, much along the lines of what existed under the *Harambee* system since the 1960s. Available figures from the 2013–14 fiscal year corroborate these findings. More than 55 per cent of total projects are in the education sector, followed by the environment (much of which is tree planting in schools), water and sanitation, and healthcare projects. Overall, the actual distribution of CDF projects largely mirror respondents' revealed priorities. This, and the relative stability of the distribution of sectoral investments by politicians over decades, are indicative of the logics behind constituency service in Kenya. Instead of being ad hoc forms of clientelism and vote buying, these investments follow historically established patterns of voter demands on their elected representatives.

4.4 Correlates of how voters evaluate incumbents

Having shown that voters' stated expectations of elected legislators and sector priorities match observable CDF projects, this section explores the correlates of voters' evaluations of legislative incumbents. As shown in Table 1, despite almost 78 per cent of respondents stating that they voted for the incumbent legislator in the 2017 elections, by 2020 only 44 per cent intended to re-elect their legislators. This is consistent with historically high levels of legislative turnovers in Kenyan elections (Opalo 2019). I first examine the correlates of respondents' intention to re-elect their incumbent—an indicator of levels of satisfaction with incumbents' performance. Second, I restrict the analysis to those that reported having voted for the incumbent in 2017 and explore the correlates of the intention to re-elect the incumbent legislator. The underlying assumptions in these analyses will be that voters' intention to re-elect incumbents is driven by their observed effort, especially with regard to constituency service.

Table 2: Correlates of supporting incumbent legislators' re-election

DV: Support MP re-election	(1)	(2)	(3)	(4)
CDF improved conditions	1.083*** (0.135)	1.085*** (0.138)	1.088*** (0.139)	1.096*** (0.139)
MP rating	0.864*** (0.0538)	0.853*** (0.0546)	0.852*** (0.0546)	0.855*** (0.0547)
Prioritize formal functions	0.0171 (0.111)	0.0306 (0.114)	0.0372 (0.114)	0.0415 (0.116)
Age		0.00135 (0.00463)	0.00132 (0.00463)	0.00242 (0.00473)
Female		0.220 (0.119)	0.212 (0.119)	0.227 (0.120)
Education		-0.0515 (0.0286)	-0.0516 (0.0285)	-0.0528 (0.0288)
Urban		0.0781 (0.122)	0.0752 (0.122)	-0.0695 (0.141)
Political knowledge			-0.137 (0.117)	-0.160 (0.118)
Constant	-3.624*** (0.184)	-3.527*** (0.319)	-3.468*** (0.323)	-3.426*** (0.354)
Regional controls	N	N	N	Y
N	1902	1846	1846	1846

Note: logit regression estimates of the correlates of supporting the re-election of the incumbent legislator. Positive perceptions of the impacts of CDF projects as well as the overall rating of incumbents (on a scale of 1–5) are negatively correlated with the intention to vote for the incumbent legislator. Standard errors in parentheses. * $p < 0.05$, ** $p < 0.01$, *** $p < 0.001$.

Source: author's regression analyses of data from a nationally-representative survey.

Table 2 shows the results of logit regressions, with the stated intention of voting for the incumbent legislator. Constituency service in the form of CDF projects is positively correlated with stated re-election of voting for the incumbent legislator, as is the rating of the incumbent. These findings are robust to controlling for respondents' age, sex, level of education, area of residence, and levels of political knowledge (proxied by knowledge of the functional division of labour between national and county governments). Citizen prioritization of formal functions over constituency service is not statistically correlated with the intention to re-elect incumbents. These findings suggest that the electoral relationship between Kenyan voters and legislative candidates turns on constituency service—as governed by expectations forged through the historical experience with *Harambees*. Incumbents' investments in visible and attributable development projects in their constituencies are the primary means through which voters evaluate their effort and responsiveness.

Table 3: Correlates of souring on incumbent legislator

DV: Soured on MP	(1)	(2)	(3)	(4)
CDF improved conditions	-0.946*** (0.141)	-0.973*** (0.147)	-0.973*** (0.147)	-0.971*** (0.149)
MP rating	-0.826*** (0.0585)	-0.820*** (0.0592)	-0.820*** (0.0592)	-0.828*** (0.0597)
Prioritize formal functions	0.0376 (0.120)	0.0318 (0.124)	0.0316 (0.124)	0.0404 (0.126)
Age		-0.00174 (0.00504)	-0.00174 (0.00504)	-0.00369 (0.00521)
Female		-0.151 (0.128)	-0.151 (0.128)	-0.169 (0.130)
Education		0.0484 (0.0311)	0.0483 (0.0311)	0.0543 (0.0314)
Urban		-0.209 (0.133)	-0.209 (0.133)	0.0283 (0.155)
Political knowledge			0.00543 (0.127)	0.0299 (0.129)
Constant	3.118*** (0.194)	3.101*** (0.339)	3.100*** (0.342)	3.138*** (0.375)
Regional controls	N	N	N	Y
<i>N</i>	1546	1497	1497	1497

Note: logit regression estimates of the correlates of souring on the incumbent legislator. Positive perceptions of the impacts of CDF projects as well as the overall rating of incumbents (on a scale of 1–5) are negatively correlated with the likelihood of reporting not intending to vote for the incumbent, conditional on having voted for them in 2017. Standard errors in parentheses. * $p < 0.05$, ** $p < 0.01$, *** $p < 0.001$.

Source: author's regression analyses of data from a nationally-representative survey.

5 Conclusion

Research on clientelism and patronage politics has long assumed that, in the quest to maximize popular support, politicians choose the patterns of their relationships with voters. They may choose to ‘buy votes’ through targeted benefits, or enact programmatic policies. This paper challenges this assumption by arguing that the patterns of political relationships between voters and politicians are not easily manipulable by vote-maximizing politicians. Instead, the nature of the political market is significantly influenced by voters’ established expectations of ‘what politicians do’. Voter demands emerge through experience *over time* and reflect within-country shared understanding of what politicians can credibly promise subject to their capacity to deliver.

Given this reality, politicians are not always able to unilaterally choose what types of promises they can make to voters. Slow-changing historical variables such as state capacity, the party system, or levels of legislative strength determine what kinds of promises can be credible. Overall, high state capacity and institutionalized environments are conducive to programmatic politics; while the obverse conditions render targeted clientelism the most credible currency in the political market. Finally, I have shown that rising costs of clientelism may force change in the direction of programmatic politics. However, such change is seldom discontinuous, but instead yields a layering of formalized forms of availing benefits to voters on top of the clientelistic base. Persistent voter expectations of ‘what politicians do’ provide the bounds of feasible reforms of the political market.

To support these arguments, this paper presents evidence on Kenya's *Harambee* system and Constituency Development Fund (CDF). The *Harambee* system was clientelistic, forced politicians to spend personal resources, and for decades defined the political market for legislative elections. However, over time, the system became expensive enough to prompt legislators to seek its reform or abolition. In 2003, legislators passed the CDF Act which, building on the legacy of *Harambee*, provided legislators with public funds for local development and constituency service. In short, the CDF is an attempt to formalize the *Harambee* system. Survey data show Kenyan voters' lasting valuation of legislators' constituency service roles (via CDF) over their formal functions in the legislature—just like was the case in the heyday of the *Harambee* system. At the same time, legislators' project choices largely mirror voters' demands as demonstrated in surveys. Finally, perceptions of legislators' performance are primarily driven by voters' evaluations of their management of CDF resources. Qualitative evidence going back to the 1960s show remarkable stability in voters' demands and in patterns of project choice under both the *Harambee* system and the CDF.

While focused on a case study of Kenya, the findings herein have implications for our understanding of clientelism in other contexts. In this regard, this paper provides two important takeaways. First, clientelistic practices such as 'vote buying' are not a matter of personal attitudes or unilateral discretion on the part of voters and politicians. Instead, the persistence of clientelism is often due to structural conditions that make it the most credible currency in the political market. Second, societies can implement reforms to reduce the negative impacts of clientelistic politics. However, such reforms are more likely to involve formalization and legitimization of clientelistic practices, instead of discontinuous abandonment.

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Appendix

A1 Additional information about the CDF

Throughout this paper I refer to the NG-CDF simply as CDF. The CDF Act was passed in Parliament in 2003 under the National Rainbow Coalition (NARC) administration. NARC defeated KANU, the party in power since independence, in the 2002 General Election. With the demise of KANU came significant improvements in the legislature's organizational capacity and powers vis-à-vis the president.³⁰ Before the passage of the CDF Bill, the government set up a the *Task Force on Public Collections or 'Harambees'*, headed by Hon. Koigi wa Wamwere, a Member of Parliament.³¹

The task force investigated the origins and impacts of *Harambees* and their linkages to corruption. It also sought to find a way of 'institutionalizing philanthropy, charities, and endowment funds in Kenya.' Overall, both the government and civil society organizations were keen to rein in the *Harambee* movement, as it had been linked to corruption in the public sector under the previous administration of Daniel arap Moi (1978–2002).³²

In 2015, the National Assembly created the NG-CDF following a successful challenge to the constitutionality of the CDF (which was deemed to have usurped an executive function).³³ The NG-CDF operates much in the same way as its predecessor. Members of the NG-CDF Constituency Committees include the legislator, two councillors, one District Officer, two representatives of religious organizations, four constituency representatives (two men and two women), a youth representative, a representative of non-governmental organizations, three other members, and a representative of the NG-CDF Board. Constituency Committee members cannot exceed 15.

³⁰ See Opalo (2019).

³¹ *Kenya Government Gazette*, No 45 April 17, 2013.

³² See Transparency International (2001).

³³ See '[Court declares CDF Act invalid, gives govt 12 months to make amendments](#)' *Daily Nation*, February 20, 2015.

Figure A1: The ubiquity of CDF projects in Kenya



Note: figure shows signage linking a specific project (construction of police post) to legislator's efforts under the NG-CDF in Embakasi West Constituency in Nairobi County.

Source: image is from the author.

The political significance of *Harambees* was demonstrated by the fact that, after instituting the CDF, legislators also sought to insulate themselves against deep-pocketed challengers by banning *Harambees* within eight months of elections.³⁴ As shown in Figure A1, legislators are often keen to advertise their use of CDF funds for local development through easily visible signage.

In addition to the *Harambee* system, the importance of candidate-centric politics in Kenya has historically been reinforced by the weakness of political parties. Since the reintroduction of multiparty politics in 1992, Kenyan political parties have largely functioned as special purpose vehicles designed for building elite alliances. As a result, political parties lacked organizational reach into Kenyan society or associated with important civil society organizations like trade unions. The historical organizational weakness of political parties foreclosed on the possibility of machine politics as a means of mobilizing voters and signaling responsiveness. Therefore, whether or not individual politicians may have preferred machine politics to targeted contributions was immaterial. The structural conditions within the political system put a premium on candidate-centric forms of signaling competence and responsiveness to voters.

Before 2003, legislators had two institutional channels of influencing the allocation of resources to their constituencies. First, they could attend a District Development Committee (DDC) and try and influence allocation decisions therein. But as one legislator observed during a CDF debate, legislators lacked the power to compel executive agencies to action using this strategy: 'the work of a Member of Parliament has been very frustrating because the constituents expect that he or she would be the one to spearhead development in the constituency. When the Member of Parliament ensures that he attends all the sub-DDC and DDC meetings, all he ends up doing with the rest of those who sit on those committees is that they draw up what they call the annex ... [making recommendations]... and then, the annex is sent to the central Government.'³⁵

³⁴ Article 26 of [The Elections Act \(2011\)](#) states: 'A person who directly or indirectly participates in any manner in any or public fundraising or harambee within eight months preceding a general election or during an election period, in any other case, shall be disqualified from contesting in the election held during that election year or election period.'

³⁵ Official Report, Kenya National Assembly, October 23, 2003, Col. 2631.

Second, they could ingratiate themselves to the executive branch and hope that Cabinet Ministers or the president himself would direct resources to their constituencies through agencies in specific line ministries. This, too, was not a good strategy, as it exposed legislators to the whims of the president and Cabinet Ministers. Indeed, for much of his rule, Moi used the threat of rationing ‘development’ as a means of keeping legislators in line. Those that showed any sign of independence were cut off, and therefore doomed to lose elections.

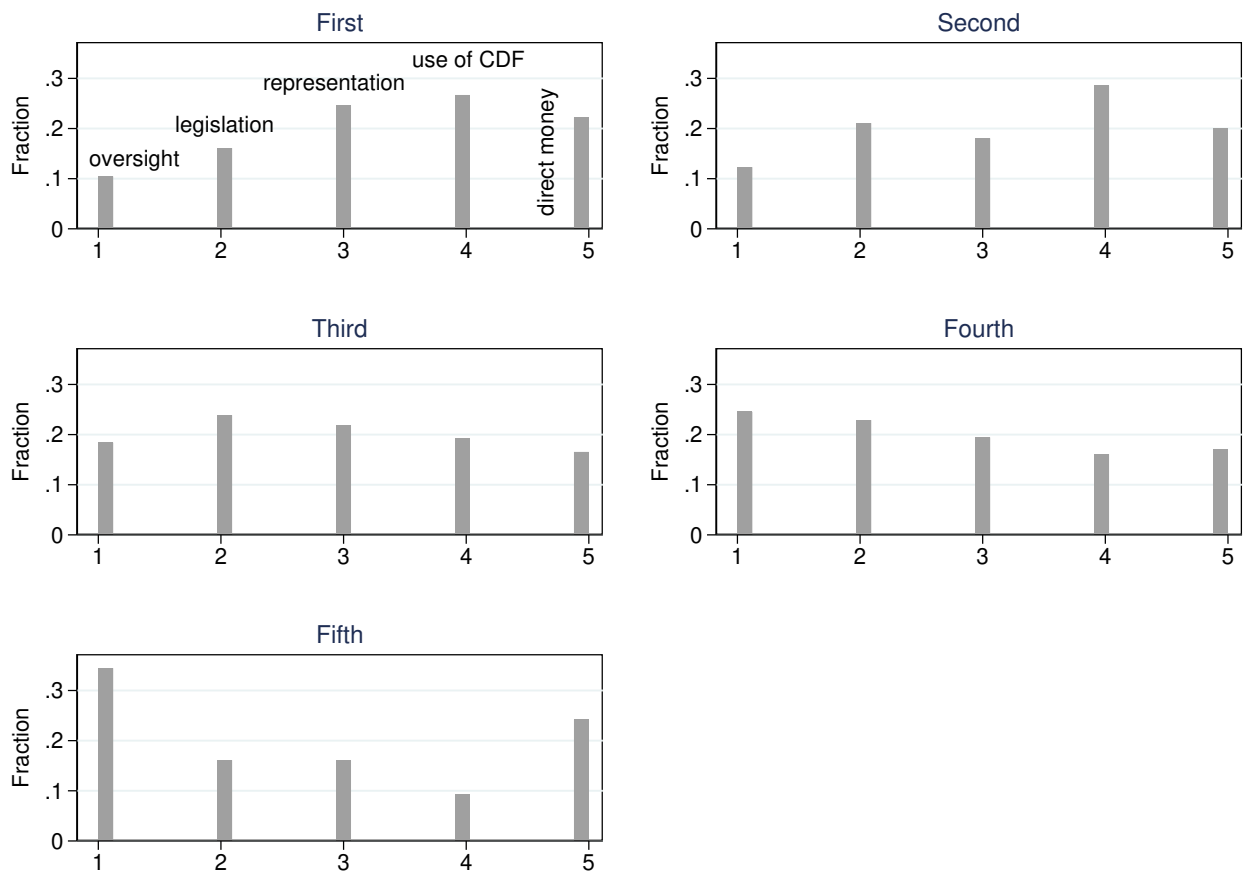
A2 Public opinion survey on legislators and CDF

A2.1 IPSOS survey summaries

Figure A2 shows the rankings of different roles of legislators in the IPSOS survey. Use of CDF clearly dominates the other roles in both the first and second rank category. In short, Kenyan voters prefer constituency service over formal legislative functions.

Figure A3 shows project prioritization across multiple ranks. Education and healthcare dominate the first and second ranks. The dominance of education matches the historical pattern in Kenya whereby education was the dominant target of *Harambee* projects.

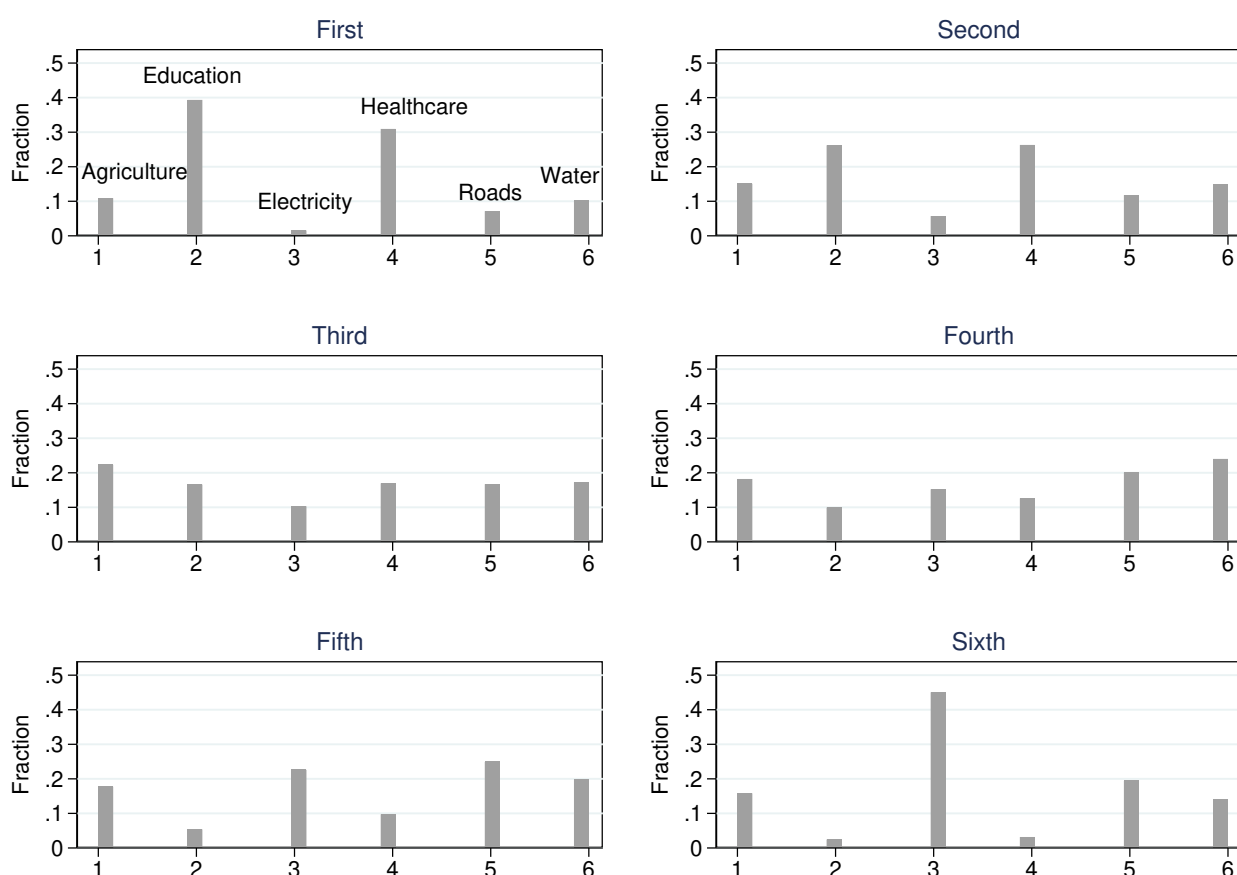
Figure A2: Distribution of reported top considerations when voting



Note: figures show the breakdown of respondents' ranked factors of consideration when voting in legislative elections.

Source: author's calculations based on the nationally-representative IPSOS survey.

Figure A3: Distribution of reported top priority sectors



Note: figures show the breakdown of respondents' preferred priority CDF sectors.

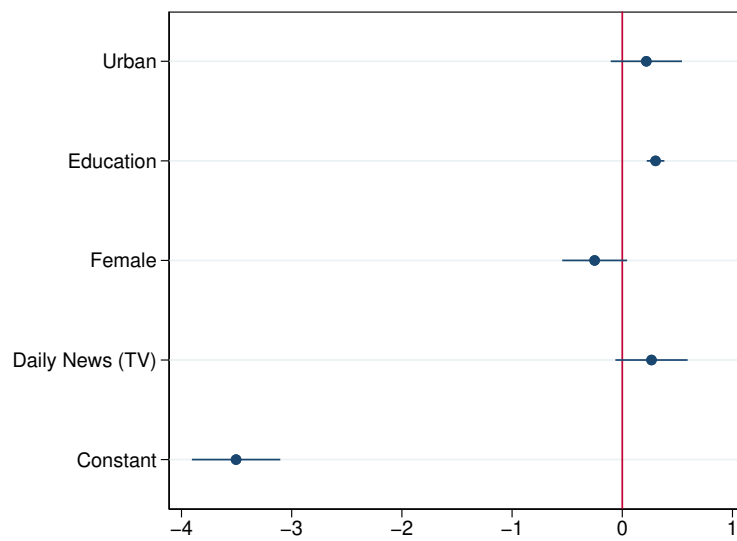
Source: author's calculations based on the nationally-representative IPSOS survey.

A2.2 Afrobarometer survey summaries

Data from Afrobarometer surveys (Figures A4 and A5) largely confirm the findings in this paper. Most respondents do not consider formal legislative functions to be important; a fact that is reflected in the lack of any statistically significant correlation between prioritizing of formal functions and the approval of legislators' performance. Like in the IPSOS survey, higher levels of education is correlated with a preference for using legislators' formal functions when evaluating their performance in office. However, this is a very small share of the electorate. Overall, the Afrobarometer survey data are yet more evidence of the tenuous relationship between formal legislative functions and electoral performance—meaning that when legislators enter the political market, they cannot afford to use their formal roles (passing laws and oversight) as credible currency.

The rankings of the most important legislative functions in Kenya mirror those in other African countries (Figures A6 and A7). This is not surprising, since most African countries share similar conditions of low state capacity and histories of clientelistic politics that render programmatic campaign promises incredible. This is a call for more research to understand the specific historical conditions driving clientelism in different African countries. Kenya has *Harambee* and its influence on political culture. Other countries are likely to have their own specific moral political economies that inform their respective political markets.

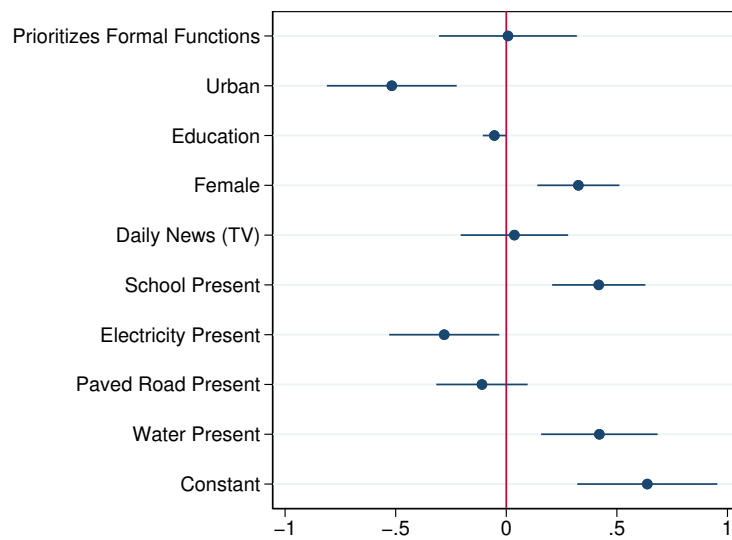
Figure A4: Correlates of valuing legislators' formal functions



Note: figure shows the correlates of considering formal functions of legislators to be their most important roles.

Source: author's calculations based on data from Afrobarometer Round 2.

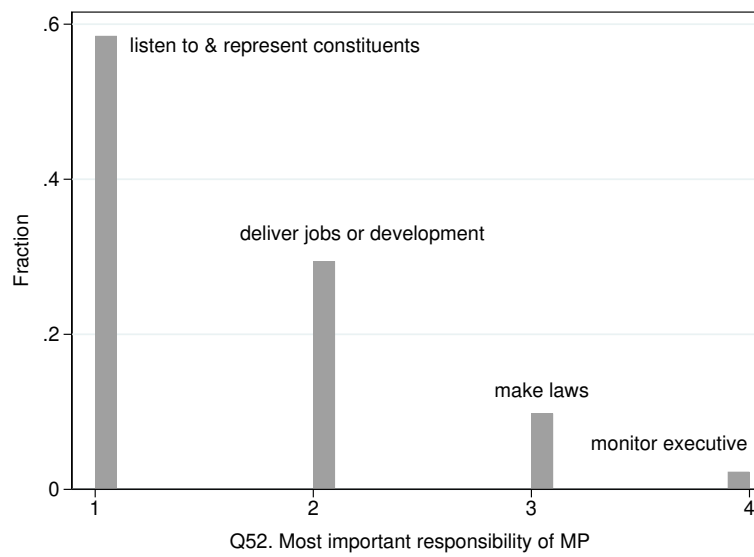
Figure A5: Correlates of approving legislators' performance



Note: figure shows the correlates of positive approval of legislators.

Source: author's calculations based on data from Afrobarometer Round 2.

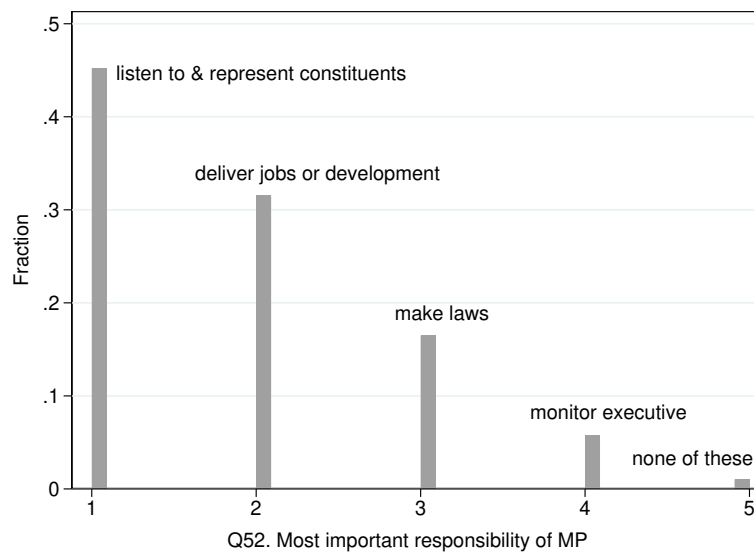
Figure A6: Views on most important MP functions (Kenya)



Note: figure shows the distribution of views on the most important function of legislators in Kenya.

Source: author's calculations based on data from Afrobarometer Round 4.

Figure A7: Views on most important MP functions (merged, Africa)



Note: figure shows the distribution of views on the most important function of legislators in 20 African states.

Source: author's calculations based on data from Afrobarometer Round 4.