

The Effect of Legislators' Education Levels on Constituency Service: A Case Study of CDF Utilization (2008-2013)

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Abstract: Education levels world over are used as a measure of determining a potential employees job performance abilities. Unfortunately little research has been done to establish the effect of legislators' education levels on their performance, yet there has been clamor for university education to be used as a pre-requisite for any one running for a representative position. The main purpose of this study was therefore aimed at establishing the effect of legislators' education levels on their constituency service. The study used CDF as the measure of constituency service and utilized secondary data obtained from parliament and the National Association of Taxpayers. The study findings showed that the legislators' levels of education didn't have effect on their constituency service as far as CDF utilization ranking is concerned. In the first and second phase of ranking the legislators who didn't have a bachelor's degree were ranked better in CDF utilization compared to those who had at least a bachelor's degree. It's only in the third and fourth phases of the CDF rankings that those with at least a bachelor's degree were ranked well than their counterparts without a bachelor's degree. The study then comes to an end with a number of recommendations and suggestions for further research work to broaden the sphere of knowledge in this scholarly area of research.

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During the 18th century, political arena was only accessible to members in an aristocracy, which entailed property ownership, that time all leadership positions were only held by aristocrats, they served as warriors, as rulers, as administrators, as judges and as priests and participation in elections was very restricted regulated majorly by customs and arrangements at the localities. Even though the revolutions that took place around this time, the American and French revolutions, declared every citizen formally equal to one another, the vote was still being used as an instrument of political power possessed by very few (Duignan, 2013).

Historically besides property, countries have tended to impose age, gender, and religious qualifications on the right to be a candidate- as on the right to vote- but these have become less stringent or have simply withered along with voting disqualification based on similar grounds. In the contemporary world other types of restrictions have come up including, citizenship, residence (in district and or country), incompatibilities, monetary deposits and supporting signatures. Some restrictions on eligibility are fairly universal

and uncontroversial, although detailed arrangements may vary from one country to another, as is the case in regard with age and citizenship (Blais et al., 2003).

Other restrictions are meant to prevent the multiplication of ludicrous candidates by imposing procedural requirements that compel would-be candidates to either pay some fees and to risk the loss thereof (deposit) or to show that they have the support or following of a sizeable segment of the electorate (confirmed by signatures on the nomination paper). Conditions for eligibility are supplemented by incompatibilities, which are aimed at preventing parliamentarians or presidents from holding offices or positions that may hinder them from the proper execution of their duties (Blais et al., 2003).

Some requirements seemingly aim at ensuring that legislators or presidents possess at least minimum abilities for their duties. In Chile, for instance one must have completed secondary education or the equivalent in order to stand as a candidate in legislative elections. In Guyana, Malawi, St. Lucia and St. Vincent, the legislators must be able to read and speak the English language with a degree of proficiency that would be sufficient to allow them participate fully in the work of parliament. Language-proficiency is also a requirement in Estonia, Latvia and the Philippines (Blais et al., 2003).

In Kenya, at independence, the qualifications that one needed for eligibility to an election revolved around citizenship, age, party membership, and language proficiency, (*Const1963*, 1963). These requirements did not change until the enactment of the Kenya 2010, constitution and the subsequent Kenya Elections Act of 2011. The act in addition to the previous qualifications that were already in place required that for one to be eligible for election to the parliament- senate and national assembly- and also to the county assembly, must have post-secondary school qualification from an institution recognized in Kenya. They must also meet the leadership and integrity threshold as provided for in the constitution. Besides the above qualifications, the president, his/her deputy, the governor and his/her deputy would be required to possess a degree from an institution recognized in Kenya (CMD-Kenya, 2011).

Statement of the Problem and Research Question

During and even after the constitution formulation in Kenya that culminated in the Kenya 2010 constitution there was a clamor for education as an additional requirement for someone to be eligible for election as a legislator. This came as a result of the legislators seemingly underperforming when it comes to the roles and responsibilities that are attached to their positions. There was a feeling among the populace that the underperformance could be attributed to the low education levels among a number of the legislators (Nation Media Group PLC, 2012).

Legislators usually play five central roles in national governance; making legislation, budgetary allocation, Surveillance or oversight role, making and unmaking government (executive)-through a vote of no confidence-, as well as constituents' representation, legislators therefore serve as a bridge between the electorate and the government; they therefore relay issues that the voters are facing to the government for consideration and press for action. On the other hand, a legislator is expected to communicate to the public the ongoing government plans and policies to address their concerns (KDPRS September 2008; Cheeseman et al., 2013).

In 2003, the government of Kenya, so that it may enhance constituency service at the local level, established constituency development fund (CDF) through a parliamentary Act, the Constituency Development Fund Act of 2003. According to the Act the CDF is meant to expedite the financing of various development projects at the constituency level to improve the well-being of the people. The CDF Act stipulates that at least 2.5% of all collected ordinary government revenue in every financial year shall be paid into the Fund. Every local legislator is a patron or chairperson of the constituency committees, which are expected to reflect the face of persons in the constituency and are mandated to deliberate on project proposals from all the locations or areas in the constituency and any other projects which the Committee considers to be of benefit to the constituency, including joint efforts with other constituencies, then come up with a priority projects list both immediate and long term (TISA, 2009). This introduction of the Constituency Development Fund (CDF) further enlarged the constituency representation role of legislators to include the management of the funds since they are the chairpersons of the CDF committees in their respective constituencies.

The CDF being a strategy for devolution of resources to the lower units was expected to enhance people's participation and power in decision-making processes at those local units; promote good governance, transparency and accountability. However, a number of issues and concerns have been expressed with regard to the CDF processes and structures as well as community participation in decision-making in the administration, management, monitoring and evaluation of the fund in various constituencies. This resulted

to some constituencies being termed as good constituencies and others bad constituencies in terms of CDF utilization (Kimani et al., 2009).

It is these expanded representation roles of legislators that saw a debate arise prior to drafting of the Kenya 2010 constitution as to whether the legislators who did not have higher levels of education were able to perform these roles with competence and whether their levels of education have affected their constituency service. The debate revolved around the need to have a law requiring legislators to have degrees so as to make them better public servants (Standard Group PLC, 2010).

As alluded to previously since independence in 1963, Kenya, like many other countries has always had laws regarding the pre-requisite qualifications for someone to run for a representative position. These laws have revolved around citizenship, age, party membership, and language proficiency (*Const1963*, 1963). Until the enactment of the new constitution in 2010, Kenya did not have an outright law regarding the pre-requisite educational qualification for someone to run for a legislative position, save for language proficiency, as reflected in the 1963 Kenya constitution as amended until 2008. This has seen legislative positions held by a variety of individuals, some highly educated and others with very little educational levels. To the general public the assumption is that higher levels of education usually lead to better job performance abilities (Ariss & Timmins, 1989). The question then remains, whether this assumption can also be true when it comes to the correlation between legislators' level of education and constituency service. Is it really true that better education levels leads to better performance and hence better constituency service by the legislators?

Few studies have been done regarding the legislators constituency service as affected by their education level. This study therefore sought to answer the question, *what is the effect of legislators' level of education on constituency service.*

Study Objective

The objective of this study was to find out what effect legislators' education levels have on constituency service.

Study Rationale

The research questions and problem highlighted in this study form a part of an increasingly important subject of debate in policy and scholarly areas in regard to the legislators' constituency service as affected by their level of education in Kenya and in other parts of the world especially in the developing countries. The debate revolving around legislators level of education has been going on in Kenya for a while culminating in the inclusion of clauses in the formulation of the Kenya 2010 constitution that required a university degree as a pre-requisite for anyone intending to run for a legislative position. This was however watered down

by the tenth parliament to exclude legislators of both the senate and the national assembly from this requirement. There is a renewed interest to the importance of legislators having at least a university degree given the magnitude and sensitivity of the roles bestowed upon them (Nation Media Group PLC, 2012; Standard Group PLC, 2012).

Peoples' fate, destinies of nations and history itself are shaped by politics. Unfortunately in the developing world when electing a politician, voter's decisions and choices are frequently influenced by the image that is created by the mass media and professional image makers; they also tend to take into account only current events and tasks like ethnic alignments (Uche, 1990). The levels of education or even the ability to perform the legislators' tasks barely feature during election period. This is partly due to the lower education levels among the electorate themselves. It is against this background that the rationale of this study should be viewed.

A country specific study like this that narrows down to a legislators' specific role makes an invaluable contribution by availing data that might increase the quality of debate on the impact of education level on legislators constituency service. In fact, this study expounds the correlation between legislators' level of education and service delivery to their constituents. The study findings will actually put on perspective what has been universally accepted as "a job you don't need a degree for-to be a legislator". The government policy makers and professional organizations should thus find study's findings quite useful for re-evaluation of policy goals in regard to the legislative profession.

The focus on the Constituency Development Fund (CDF) utilization as a measure of legislators' constituency service also makes the study very important. The legislator is the chairman of the CDF committee in his/her constituency and as such determines to a greater extent the expenditure of the funds allocated in his/her constituency. It is the legislator who will determine, of course along with the CDF committee, which projects will be given preeminence and thus determining the development of that constituency and eventually the national ranking of the same (Kimani *et al.*, 2009)

For scholars this study should enrich and expand the growing, but still scanty, literature on the impact of legislators' level of education on constituency service. Even though the important role that higher level of education plays on service delivery has been generally acknowledged, very little empirical research has been done in regard to the effect it has on legislators' constituency service delivery. Most contemporary studies have been too general and sweeping, focusing generally on the impact of higher education on job performance, conglomerating all kinds of jobs and roles together (Celik, 2002). By focusing on a part of a legislators' specific job and concentrating on one country -Kenya- this study adds new empirical insights to existing knowledge on

the impacts of legislators' level of education on constituency service.

More over the study fills the gaps in the existing literature in other important ways; it broadens the geographical scope in the existing literature on the impact of education level on legislators' constituency service. Kenya is a third world developing country, and much of other studies relating to legislators constituency service as affected by their level of education have been carried out in developed countries, hence this study brings on board the third world experience.

II. LITERATURE REVIEW

It is important to note that as a field of study, legislators' constituency service has been widely researched on, Halligan *et al.* (1988); Clarke *et al.* (1975), but constituency development fund utilization as a measure of legislators' constituency service is a relatively new endeavor. But if CDF utilization as a measure of legislators' constituency service is a recent addition to the list of scholarly areas of research, then the impact of legislators' level of education on constituency service with CDF utilization as a measure of that service is even greener as an area of study.

Halligan *et al.* (1988) used the representational role theory and local-cosmopolitan variables in explaining constituency service work. They used this approach in comparing constituency service behavior of Australian state and Canadian provincial legislators and exploring explanations for variations in service levels between the parliamentarians of the two countries. Their study found that in both Australia and Canada legislators personal and community characteristics were directly related to the amount of time the legislators spend on constituency service. This approach evidently does not look at constituency service from a devolved fund perspective and it does not link it with the legislators' level of education, which is the focus of study here.

Zyl (2010) concentrated his study on the negative impact on accountability and service delivery that is associated with CDF in poor countries. The conclusions of his study were that "CDFs breach the separation of powers, distribute allocations less progressively than other funding mechanisms, CDF allocations and project selection are used to influence the results of elections, CDF projects are less aligned with local development priorities than other local infrastructure projects, CDFs displace funding that might otherwise have gone to local governments and impose a number of administrative and monitoring burdens on the latter, the implementation of CDF projects is more poorly monitored than that of other projects, CDFs weaken the ability of the legislature to oversee the executive, CDF enhance clientelistic aspects of the relationship between legislators and the electorate, and weak legislatures are more likely to adopt CDFs than strong ones".

Zyl (2010) then recommends that the taking up of CDFs should be discouraged in countries where it is being considered and instead other options for strengthening legislatures and enhancing projects delivery at the local level be put into consideration. He therefore focused on the problems associated with the CDF, and the reforms needed to make it more effective and not CDF utilization as a measure of legislators' constituency service delivery in relation to their level of education.

Another study done by Mattes and Mozaffar (2011) although it focused on a number of African countries and on the consequences of education for legislator behavior, it concentrated on education and legislative role orientations, education and legislator time allocation, education and information, education and party defection as well as education and legislative reform. Its findings were that highly educated legislators bring with them important social and political characteristics and experiences that may enhance their performance as effective legislators. However it is important to note that it did not touch on the effect of legislators' education levels on constituency service with CDF utilization or any other form of devolved funds as a measure of constituency service.

Hazama (2005) did a constituency service study in turkey, exploring the causes and the consequences of constituency service in a proportional representational system. He found out that parliamentarians spent the largest part of time at their disposal to constituency service, for re-election purposes, and that the demand for and supply of constituency service depended on different politico-economic structures of the constituency. Small constituencies tended to have a high demand for and supply of the constituency service unlike the expansive ones. The constituencies which were not very much economically developed or endowed tended to generate more demands than those which were more developed but this did not significantly motivate the parliamentarians to provide constituency service. As it is evident in Hazama (2005) study, legislators' level of education was not considered as one of the factors that could affect their constituency service.

Essentially if the scarcity and other limitations of the literature in regard to the impact of legislators' level of education on constituency service present problems for this study, they, on the other hand, emphasize the significance of this study for the development of the field.

Theoretical Framework

This study has employed Easton's political systems theory in analyzing the impact of education level on the legislators' constituency service. The study recognizes that there are other theories in political science, like public choice theory, elite theory but these theories are not adequate in explaining the variables in this study.

Public choice theory for instance is devoted to understanding and predicting the behavior of politicians as

well as bureaucrats in the polity by utilizing analytical techniques borrowed from economics, based on the postulate of rational choice. Public choice theory applies the neoclassical economic tools (self-interest and utility maximization) to explain political behavior. In this theory, individuals, interest groups, bureaucrats, and politicians are seen to be only seeking their own self-interest as in the market place. The decisions that are made wholly depend on the costs and benefits to be derived from an action taken whereby each group attempts to maximize their own net benefits. The seeking of self-interest results in the adoption of a particular stand in the stipulation of institutions and property rights (Hill, 1999).

This theory certainly cannot explain the effect of legislators' education levels on constituency service. By its very nature service entails helping or doing work for someone else, and constituency service therefore would mean legislators helping their constituents meet their needs. This clearly is not a selfish act, what public choice theory is all about, but a benevolent act, an act of giving rather than taking which is not in agreement with public choice principles.

The elite theory explains or describes the power relations within the society. The theory posits that, the most power is in the hands of a very small cohesive group of the elite, comprising the members of the economic elite and the policy planning networks. This power however is independent of a country's democratic elections system. Such power is derived from positions held in corporations, and the influence that the elite have over the policy planning networks usually through financial support of foundations or with think tanks. The membership of the elite is therefore able to affect significantly the policy decisions of corporations and governments. From the postulates of the elite theory, it is evident that it cannot explain the correlation between the variables in this study effectively (Mills, 1999).

In Easton's framework, political system is defined as that system of interactions that is concerned with the authoritative allocation of values. This political system performs essential functions for the society and in the course of performing these functions it might have to encounter many challenges from the environment in which the system exists. The persistence and survival of the system depends on its ability to face these challenges. The influences and pressures that reach the system are called inputs which may include supports and demands for such public goods as order or protection or regulation. The system converts these inputs into outputs or responses in the form of decisions or policies. This system response becomes feedback to the environment and the environment in turn evaluates the output and modifies its demands and supports to the system (Joseph, 2004).

According to David Easton, a system's relative stability or change depends in a large measure to the operation of the system's internal variables. There is no system that is completely defenseless when it comes to the disturbances to

which it may be subjected. The processes and structure of the system seldom leave it completely susceptible to the vagaries of chance. The system may be able to manipulate its environment or environmental circumstances will definitely dictate modification of the system or both. It is the internal variables which interprets the environmental demands, determines the system's response to such stresses and also be responsible for the success or failure of the system's responses. Stresses may be reduced or even aborted if the system is willing and able to take measures to modify existing structural or cultural regulators. Thus the ultimate success or failure of a system's response to external demands is primarily determined by the operation of its internal variables (Prestine, 1991).

A system is also influenced by external forces which form a part of the social and physical environment which lies outside the political system boundaries and yet within the same society. Although the political system remains conceptually distinct from all other systems, it nonetheless exists as an open system. Therefore external forces although outside of the system boundary, still exert a great deal of influence on the political system itself in the form of demands and supports. A decline in the support of a system is experienced when demands remain either unfulfilled or are perceived to be unfulfilled. The system becomes ripe for assault on its core variables if the imbalance between the demands and the perceived output of the system continues (Prestine, 1991).

The agitation by the populace in Kenya for legislators to have certain levels of education, which was witnessed during the formulation of the Kenya 2010 constitution, was a way of producing demands, demands to have better services from the legislators. These demands were directed to the political system that needed to be processed. The action to be taken would produce outputs in form of policies, like legislating the minimum level of education for legislators.

Hypothesis

The higher the legislators' education levels the better the constituency service.

III. METHODOLOGY

Data Collection

The study utilized secondary data obtained from the parliament of Kenya and the National Taxpayers Association. The data includes the education levels of the legislators and their ranking in the CDF utilization in the said period. The legislators' ranking in CDF utilization was used as a measure of constituency service in this study.

Data Analysis and Presentation

The legislators were grouped into two, those with at least a bachelor's degree and those without a bachelor's

degree i.e. those with tertiary/technical college qualifications and those with secondary education and below. Charts and graphs were used to present the results diagrammatically.

Historical And Contextual Background

Introduction

In this chapter the historical and conceptual background of both constituency services in relation to legislators' education levels is looked at in depth. Essentially the chapter revolves around the emergence of constituency service, and how its conceptualization has changed over time in different parts of the world. The different requirements for eligibility to election in different countries over time are then discussed extensively and the chapter comes to a close by looking at the emergence of CDF in Kenya. The CDF is used in this case as a measure of constituency service in an attempt to establish the correlation between legislators' education levels and constituency service.

The Emergence of Constituency Service

Constituency service has its roots in representative democracy which came into being through a system of institutions established in the wake of English, American and French revolutions (Manin, 1997). These revolutions brought to an end the British colonization of American states, the monarch in France leading to constitutionalism, the legal abolishment of nobility which constituted its feudal privileges the declaration of the rights of man and of the citizen, Ross (2003) and in England, the sacred rights of property were established (which involved the abolishment of feudal tenures, and arbitrary taxation), bestowed political power to the propertied (sovereignty of Parliament and common law, abolishment of prerogative courts), and removal of all barriers to the triumph of the ideology of the propertied - the protestant ethic (Hill, 1991).

It is these revolutions that led to representative democracy under which citizens were allowed to elect officials, at regular intervals, to represent their interests. Election was devised as a means of placing in government persons who enjoyed the confidence of their fellow citizens. At the origins of representative government this confidence derived from particular circumstances: the successful candidates were individuals who inspired the trust of their constituents as a result of their network of local connections, their social prominence, or by the deference they provoked. Each elected representative was at liberty to vote as per his conscience and personal judgment. It didn't constitute part of his role to transmit a political will already formed outside the walls of parliament; he was not the spokesman of his electors but their trustee (Manin, 1997).

The qualifications needed for eligibility to election would change and go beyond confidence derived from trust by constituents, to encompass a wide range of requirements. Among them age, citizenship, residence requirements, non-

refundable deposit and supporting signatures, in the united states for example different political positions attract different requirements for the candidates in terms of age and citizenship. The presidential and vice presidential candidates are required to be US citizens by birth (natural born citizen), and are also required to be aged above 35 years while senators are required to be at least 30 years and representatives 25 years. The minimum age for eligibility for election is different in different countries, for instance 18 years in Spain, 21 years in Venezuela, 23 years in Taiwan, 25 in Uruguay, 30 in Costa Rica, among others. On average the age of eligibility for candidates in most legislative elections is 21 years (Blais et al., 2003).

In Africa, given that most of its countries gained independence in or around the 1960's, the qualifications for election at that time were minimal, revolving around age, citizenship and participation in liberation movements depending on which position one was running for. Immediately after independence, most African countries experienced a wave of *coup d'états*, mostly led by the military, which put in power a crop of leaders who had no regard for the rule of law leading to dictatorship. This would mean that elections as a means of choosing leaders were a formality, where it was held, and hence qualifications for election didn't matter as such (Onwumechili, 1998).

In the late 1980's and early 1990's however, African countries experienced a new wave of democratization which opened the way for multiparty politics in a number of countries. This would see some countries embark on a journey of constitution writing which would include among other things, minimum qualifications for eligibility to election, besides those which had already been established in the independence constitution (Onwumechili, 1998).

In Kenya the requirements for election in legislative positions, have always been there which included age, citizenship as well as language proficiency (*Const 1963*, 1963). These requirements would remain up to and until the enactment of the Kenya 2010 constitution, constitution which included a university degree as the minimum educational qualifications for legislators, governors and the president along with his/her deputy. The legislators however almost immediately amended the constitution to do away with this requirement, as far as they are concerned and left it only applicable to the president, deputy president and the governors (Standard Group PLC, 2012).

The qualifications that have been needed over time for eligibility for election in almost the world over, have not focused on legislators educational levels with exception of a few countries like Chile where one must have completed secondary education or an equivalent to be eligible to contest in legislative elections (Blais et al., 2003). A study by Ariss and Timmins, (1989), however shows that there is an indirect evidence of causality between the individual's academic achievements and his/her eventual job performance. Thus the

importance of finding the effect of legislators' education levels on their constituency service.

Constituency service, as noted earlier, came into being with representative democracy which has elections being its characteristic feature, which were established as a way of choosing representatives to advance the interests of the constituents. The roles of the representatives would change and expand as time went by to go beyond representing the interests of the citizenry who voted for them, to offering services to these citizens, besides legislation, as well as political and electoral activities. The service offered is what came to be called, constituency service. Under constituency service the legislators assist constituents who have problems with Social Security payments, Medicare, pensions, or with other local programs and agencies. Constituent needs vary widely, and this depends on whether a legislator represents a farming constituency, usually in the reserves, or a densely populated city and also depends on the social, cultural, and political leanings of the people in that constituency or county. Members cast their votes on national issues with an eye to how the legislation will affect their own constituents (Petersen, 2012).

The Introduction of CDF in Kenya

This legislators' provision of services to the constituents means the use of resources, financial, time and otherwise. These resources in most countries have however been held and controlled by the central government like has been the case in Kenya. This problem is the one that necessitated the creation of CDF, as a means of devolving resources to the grassroots and thus empowering the local people to fight poverty through implementation of development projects at the local level and particularly those that provide basic needs as education, healthcare, water, agricultural services, security and electricity. Before the creation of CDF, other development initiatives like the District Focus for Rural Development (DFRD) had been tried with minimal success (Bagaka, 2010).

A close look at how CDF began in Kenya takes us back to the period immediately after independence. During this time, the executive and legislature had uneasy relationship and the executive to deal with this kind of a situation employed the services of other institutions, the Provincial Administration (PA) and the Harambee movement. Through these institutions the executive was able to tame and control the activities of legislators more so those who were opposed to the executive's policies (Bagaka, 2010)

The PA which was established by the colonial authorities way before independence and whose activities revolved around general representation of the authority of the executive at the local level, as well as coordination of government activities in the field, and the chairing of committees at the local level, was being used to suppress political opposition. Since the PA was a department in the

office of the president it was used on many occasions to enforce executive orders. In fact as early as 1965, the then president Jomo Kenyatta directed the PA to require all legislators to obtain permits before addressing any meeting including within their own constituencies, a directive which set the PA in direct conflict with legislators and which was interpreted as a move by the executive to control legislators' political activities (Oyugi, as cited in Bagaka, 2010).

The PA also through other legislations was empowered to organize and supervise electoral processes. The PA used these powers to restrict voter registration in some areas seen as strongholds of dissident legislators and also restricted political activities of these dissident legislators (Orvis, as cited by Bagaka, 2010). At other times the PA would issue licenses, only to cancel them without prior notice. In other occasions the licenses would be issued to vocal legislators, and then the PA would organize parallel meetings-*barazas*- in the legislators' location as a ploy to denounce their development agenda. Most local residents would attend the latter, since the law that existed for such *barazas* under the Chiefs Authority Act i.e. attendance was required by law, this would end up denying the local legislator audience of their constituents (Bagaka, 2010).

Harambee was the other avenue through which the executive was constraining political activities. Harambee activities were very instrumental in the provision of social services including building of schools, health facilities, water projects, cattle dips, as well as churches. Later on these developments projects were taken over by the government for operation and maintenance. Initially harambees were meant to be an avenue through which legislators provided resources to their constituents from their own pockets as well as from contributions from rich patrons within the system. The executive through the PA would deny permits for holding harambees to the dissident legislators. In the general public's mind harambees served as benchmarks for measuring the legislators performance at the constituency level (Bagaka, 2010).

The role of the PA as described above in enforcing the executive's preferences significantly reduced the legislators influence on the policy decisions and resources distribution at the grassroots level. This executive dominance was brought to a halt in 2002 election with the triumph of opposition against KANU. Once in power the former dissident legislators moved with speed to create the CDF, through which operational structure allocated more local policy making powers to the legislators and at the same time minimized the role of PA. The legislators created CDF as a means of addressing the unbalanced resource allocation which was to be equally shared using per capita resource allocation formula to all constituencies (Bagaka, 2010).

IV. STUDY FINDINGS AND DISCUSSIONS

Introduction

This chapter entails data presentation, data analysis and interpretation of the study findings. The data to be looked at here includes the different education levels of legislators, the constituencies they represented in the period between 2008 and 2013 as well as the legislators' CDF utilization ranking. The ranking was done in different phases, each covering different periods in the life of the tenth parliament.

The data was presented in the form of charts for ease of interpretation. Four CDF utilization ranking phases were looked at; they include the periods between 2008 and 2011. The first phase is the 2008 to 2009 FY, then 2009 to 2010 FY, then 2010 to 2011 FY and a follow up ranking of the 2010 to 2011 FY ranking. Each ranking constituted different number of constituencies from different regions in the country making it fairly representative.

Legislators education levels

In this study education level of the legislators is the independent variable. The first thing to show here is the findings of the different education levels of the 10th parliament legislators, grouping them into two, those with bachelor's degree and those without a bachelor's degree. The grouping is made as per the qualification of the legislators at the beginning of the life of the 10th parliament. As such therefore the bachelor's degrees that were acquired by legislators while in office in the period of study were not considered in this study, since the ranking was done in the early years of the life of the 10th parliament.

Figure 1 Presentation of legislators' education levels

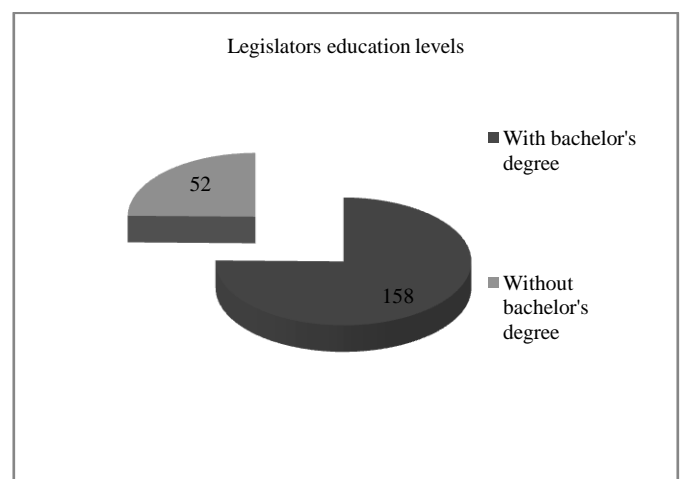


Figure 1 shows the 10th parliament legislators' education levels, where out of the 210 elected legislators, 158 had at least a bachelor's degree, constituting 75% and 52 didn't have which constituted 25%. The study concentrated on the 210 elected legislators who represents different constituencies and disregarded the 12 nominated legislators who do not represent any constituency. Among the 158 legislators, some have just

the bachelor's degree while others also have master's degree and PhDs. The other 52 include those who have post-secondary school tertiary or technical training as well as those with only secondary school qualification and those who don't even have the secondary qualification.

Legislators' Education Levels and Cdf Utilization

As already mentioned before, this study covered four different phases of CDF utilization ranking, the mean marks for each group of legislators, those with bachelor's degree and those without, was computed for each CDF utilization ranking phase as shown below. In the first phase, 2008-2009 FY, ten constituencies were ranked, in the second phase, 2009-2010 FY, ten constituencies were ranked, in the third phase, 2010-2011 FY, had twenty eight constituencies ranked and the fourth phase, 2010-2011 FY follow up ranking, had ten constituencies ranked.

The criterion for awarding the marks was that, out of the total number of constituencies ranked, the number one constituency would be awarded full marks; second ranked constituency would get one mark less until the last constituency which was awarded just one mark. The mean marks for each group of legislators were computed for each phase of CDF utilization ranking and presented in graphs as shown below.

Figure 2 mean marks awarded for different categories of legislators in 2008-2009 FY

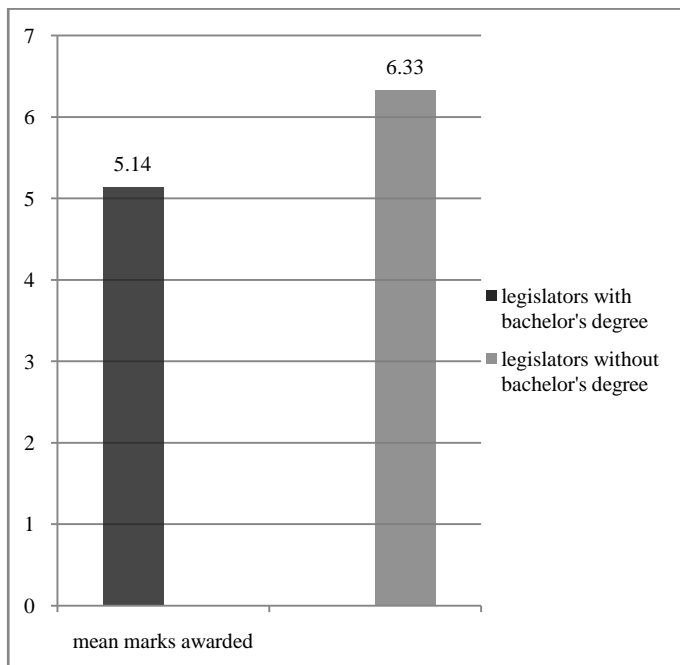


Figure 2 showing the legislators CDF utilization ranking for FY 2008-2009. The mean marks for legislators with bachelor's degree were 5.14 and for the legislators without bachelor's degree are 6.33.

Figure 3 mean marks awarded for different categories of legislators in 2009-2010 FY

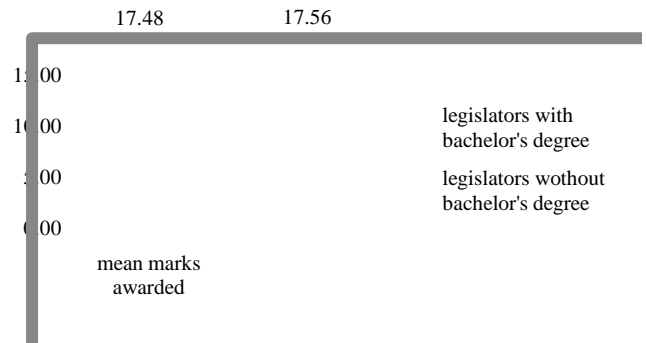


Figure 3 showing the legislators CDF utilization ranking for FY 2009-2010. The mean marks for legislators with bachelor's degree were 17.48 and for the legislators without bachelor's degree were 17.56.

Figure 4 mean marks awarded for different categories of legislators in 2010-2011 FY

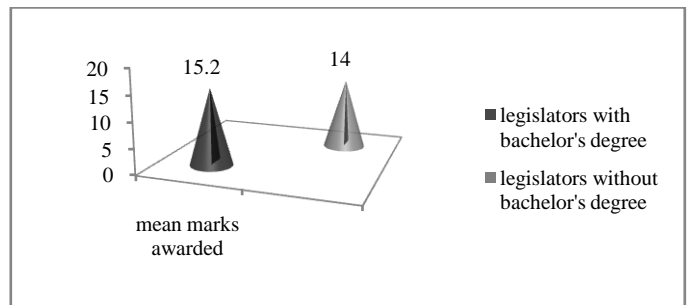


Figure 4 showing the legislators CDF utilization ranking for FY 2010-2011. The mean marks for legislators with bachelor's degree were 15.2 and for the legislators without bachelor's degree are 14.0

Figure 5 mean marks awarded for different categories of legislators in 2010-2011 FY, follow-up

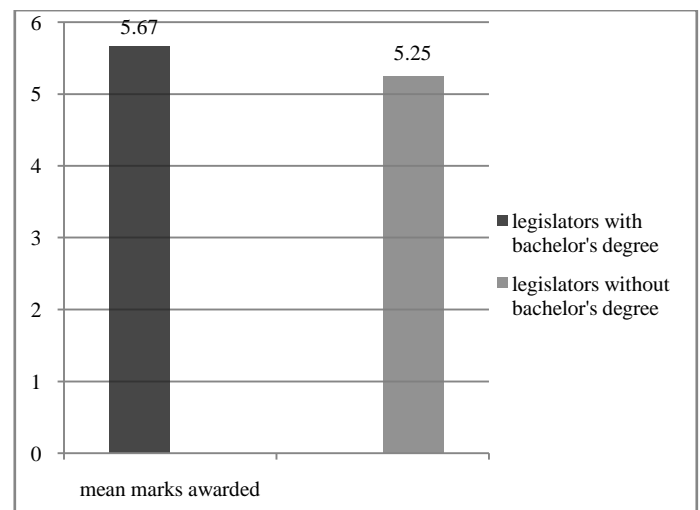


Figure 5 showing the legislators CDF utilization ranking for FY 2010-2011 follow up. The mean marks for legislators with bachelor's degree were 5.67 and for the legislators without bachelor's degree are 5.25

V. CONCLUSION

The trend that is coming out of the data presented above is that, at the beginning of the CDF utilization ranking the legislators without bachelor's degrees are scoring higher than their counterparts who have at least a bachelor's degree. The difference in the mean marks for the two groups is however getting narrower with subsequent ranking until in the third phase the legislators who have at least a bachelor's degree score higher than those who don't have a bachelor's degree.

The study faced some limitations which could have affected the results of the findings. The study did not establish who the heads of the CDF committees in different constituencies were and what their education levels were. The study did not establish the funding levels for each constituency during the period of study and lastly the population in the constituencies was not considered in this study.

VI. SUMMARY, CONCLUSIONS AND RECOMMENDATIONS

Summary

The objective of this study was to determine the effect of legislators' education levels on their constituency service using CDF utilization as a measure of the constituency service. The study utilized secondary data obtained both from the parliament of Kenya and the National Taxpayers Association of Kenya (NTA). This chapter provides a summary of the findings of the study in relation to the objective of the study. Answers to the research question, conclusions, recommendations and suggestions for further study are also provided in this chapter.

The study findings established that, a majority of the tenth parliament legislators in Kenya had at least a bachelor's degree. Out of the 210 legislators, 158 had at least a bachelor's degree and 52 didn't have one, constituting 75% and 25% respectively. With regard to the ranking of the legislators in terms of CDF utilization, different ranking phases gave varied results. The phase 1 (2008-2009 FY) showed a mean of the ranking of legislators without bachelor's degree faring better than for those with bachelor's degree, which is also reflected in the phase 2 (2009-2010 FY) findings. Phase 3 (2010-2011 FY) findings however painted a different picture altogether, which is also reflected on the phase 4 (2010-2011 FY, follow up) findings, that the legislators who had at least a bachelor's degree had a better mean ranking.

Conclusions

The objective of this study was to find out what effect legislators' education levels have on constituency

service. From the findings of the study the researcher concluded that higher education levels did not seem to have any effect on constituency service as far as legislators' CDF utilization ranking is concerned. In all the four phases of CDF utilization ranking, the difference of the mean marks for both groups of legislators was very minimal, and each group performed better in two phases. This study therefore does not confirm the hypothesis that the higher the legislators' education levels the better the constituency service.

Recommendations

The study therefore recommends that it's not necessary to have a legislation of at least a bachelor's degree as a qualification for eligibility to election in representative positions. It is however important to note that CDF utilization ranking is just one parameter for measuring legislators' performance among many other parameters like motions moved in parliament, interest articulation, private members bills presented, participation in various committees as well as debates on the floor of the house. Among these other parameters some of them could probably require legislators with certain education levels if they are to be performed satisfactorily.

VII. SUGGESTIONS FOR FURTHER STUDY

This study was not able to cover all the aspects that affect or influence the legislators' constituency service since it only focused on legislators' education levels. There is therefore need for further study on other factors that may influence legislators' constituency service like the impact of the committee members on the CDF utilization depending on their education levels, amount of funding allocated to the constituencies as well as the population in each constituency. The study also used CDF utilization as the only measure of constituency service; there are certainly other variables that can be used to measure constituency service. Further research work needs to be directed on the same.

APPENDIX 1

NTA RANKING OF LEGISLATORS CDF UTILIZATION FOR 2008-2009 FY

A= legislators with at least a bachelor's degree

CONSTITUENCY PERFORMANCE RANKING 2008-2009	CONSTITUENCY NAME	LEGISLATOR REPRESENTING THE CONSTITUENCY	MARKS AWARDED
1	Kathiani	A	10
2	Dagoret	a	9
3	Kisauni	a	8
4	Kisumu town east	A	7
5	Dujis	A	6
6	Eldoret south	A	5

7	Eldoret east	A	4
8	Funyula	A	3
9	Likoni	a	2
10	Mukurueini	A	1
TOTAL			55

a= legislators without a bachelor's degree

Mean marks for A=5.14

Mean marks for a=6.33

APPENDIX 2

NTA RANKING OF LEGISLATORS CDF UTILIZATION FOR 2009-2010 FY

CONSTITUENCY PERFORMANCE RANKING 2009-2010	CONSTITUENCY NAME	LEGISLAOR REPRESENTING THE CONSTITUENCY	MARKS AWARDED
1	Gatanga	A	34
2	Wundayi	a	33
3	Taveta	A	32
4	Kajiando central	A	31
5	Kajiando south	A	30
6	Kaspul kabondo	a	29
7	Keiyo north	A	28
8	Karachuonyo	A	27
9	Voi	a	26
10	Kandara	a	25
11	Mwatate	a	24
12	Gatundu south	A	23
13	Kigumo	A	22
14	Saboti	A	21
15	Nakuru town	A	20
16	Butere	A	19
17	Mwingi south	A	18
18	Mwingi north	A	17
19	Kaiti	A	16
20	Shinyalu	A	15
21	Dhiwa	A	14
22	Kwanza	A	13
23	Kiharu	A	12
24	Sabatia	A	11
25	Marakwet west	a	10
26	Gwasi	A	9
27	Masinga	a	8
28	Rangwe	A	7

29	Mbita	A	6
30	Kitui central	A	5
31	Naivasha	A	4
32	Kibwenzi	A	3
33	Malava	a	2
34	Marakwet east	a	1
TOTAL			595

Mean marks for A=17.48

Mean marks for a=17.56

APPENDIX 3

NTA RANKING OF LEGISLATORS CDF UTILIZATION FOR 2010-2011 FY

CONSTITUENCY PERFORMANCE RANKING 2010-2011	CONSTITUENCY NAME	LEGISLAOR REPRESENTING THE CONSTITUENCY	MARKS AWARDED
1	Belgut	A	28
1	Runyenjes	A	27
1	Galole	a	26
1	Magarini	A	25
1	Wajir west	A	24
6	Maragwa	A	23
7	Githunguri	A	22
8	Gachoka	A	21
9	Kitutu chache	A	20
10	Rongai	a	19
11	Kipkelion	A	18
12	Sigor	A	17
13	Narok south	A	16
14	Wajir south	a	15
15	Gatundu north	a	14
16	Ainamoi	A	13
17	Narok north	a	12
18	Siakago	A	11
19	Wajir north	a	10
20	Uriri	a	9
21	Migori	A	8
22	Wajir east	A	7
23	Isiolo south	A	6
24	Hamisi	a	5
25	Ikolomani	A	4
26	Rongo	A	3
27	Isiolo north	A	2

28	Kwisero	A	1
TOTAL			406

Mean marks for a=13.75

Mean marks for A=14.8

APPENDIX 4

NTA RANKING OF LEGISLATORS CDF UTILIZATION FOR 2010-2011 FY FOLLOW UP

CONSTITUENCY PERFORMANCE RANKING 2010-2011 FOLLOW UP	CONSTITUENCY NAME	LEGISLATOR REPRESENTING THE CONSTITUENCY	MARKS AWARDED
1	Eldoret north	A	10
2	Mvita	a	9
3	Westlands	a	8
4	Tetu	A	7
5	Kisumu rural	A	6
6	Kisumu town west	A	5
7	Machakos	A	4
8	Butula	a	3
9	Namable	A	2
10	Changamwe	a	1
TOTAL			55

Mean marks for A= 5.67

Mean marks for a=5.25

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