8. Can parliamentary sanctions strengthen local political accountability? Evidence from Kenya

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Summary

This chapter uses administrative data from Kenya that directly matches parliamentary sanctions with incidences of corruption at the subnational level to demonstrate how party politics can impede the legislative oversight of local politicians. The results show that co-partisanship between parliamentarians serving in oversight committees and local politicians in Kenya tended to weaken oversight because of collusive behaviour and the need to preserve party credibility. However, this effect seems to decline substantially when committee members face an electoral threat and are motivated by career concerns. These findings suggest that the structure and composition of national legislative committees and the nature of political incentives faced by the legislature can influence local accountability outcomes.

Parliamentary oversight of all levels of government is crucial for enhancing the transparency and accountability of public resources (Gaines et al. 2019; Shaw 1998; Strøm 1998). In its absence, politicians are likely to misappropriate public resources for private gain, compromising the delivery of quality public services, decreasing political responsiveness to the needs of the electorate, reducing state legitimacy, and increasing poverty and inequality (Keneck-Massil, Nomo-Beyala, and Owoundi 2021). Resource misappropriation can also undermine public expenditure efficiency and the targeting, quantity,

quality and outcomes of social spending (De Mendonça and Baca 2018; Transparency International 2014). Parliamentary audit institutions have the potential to enhance political and bureaucratic accountability in three main ways:

- Because of the constitutional powers bestowed upon the legislature, their recommendations can be legally enforceable, potentially changing the behaviour and incentives of those managing public finances.
- Audits quantify the incidence of resource misappropriation and so enable parliamentary institutions to make objective recommendations based on verifiable and credible sources.
- Parliaments often possess powers to summon politicians and bureaucrats, including the executive, to explain audit findings and respond to queries.

However, in most developing countries, the legislative accountability of government agencies mainly remains ineffective. According to the 2020 Global Report on Public Financial Management, 'legislative scrutiny is relatively weak on average', with 'legislatures performing better on scrutiny of budgets than on scrutiny of audits' (PEFA 2020, p.107). In most African countries, survey data have shown significant variation in the performance of parliamentary institutions and their capacity to hold the executive accountable (Opalo 2019). Poor coordination between the parliament and other government institutions is a critical factor contributing to the weak oversight. For instance, parliamentary committees often blame supreme audit institutions (SAIs) for providing highly technical audits, some of which are poorly conducted, politically motivated, or submitted late. Parliamentary committees also blame the National Assembly for a lack of effort and political will to adopt or enforce their recommendations.

In developing countries, the judiciary and anti-corruption agencies often point to low-quality audits and investigations as the basis for non-prosecutions. On the other hand, audit institutions point out the inability of parliamentary committees to either summon corrupt politicians and bureaucrats to account or deliver timely and appropriate sanctions. Both these explanations provide few insights into how to address the factors constraining the legislature in enhancing political accountability. Consequently, it has become something of an academic and policy priority to understand the root causes of institutional ineffectiveness and to identify potential policy remedies (Fashagba 2009; Opalo 2021).

This chapter examines the factors that influence the effectiveness of parliaments in promoting accountability at lower levels of government. The next section gives an advance look ahead explaining the study's rationale and value. Section 8.2 summarises the theoretical literature, while Section 8.3 presents the Kenyan institutional setting. Section 8.4 presents the research design, and Section 8.5 discusses the results.

8.1 The value of this study

Using a unique data set on legally binding disciplinary sanctions imposed by the legislature on local politicians and bureaucrats in Kenya, I examine how the variation in co-partisanship between the parliamentary accounts committee and local politicians affects the likelihood of decision makers getting sanctioned for misappropriating public funds. In addition, employing different metrics that capture the political incentives of committee members, I assess whether electoral competition alters the behaviour of committee members in exercising their oversight over local politicians.

Several factors make Kenya an appropriate setting to examine these questions. Local politicians (including the governors of the 47 counties) have substantial powers over spending decisions and often misappropriate public funds (D'Arcy and Cornell 2016). Given the sizeable resources controlled locally, parliamentary scrutiny can have important implications for both spending decisions and public service delivery. The country's institutional framework mandates the national Office of the Auditor-General (OAG) to carry out annual audits of the country's public finances and submit them to the parliament. Consequently, the efficiency of spending and service delivery outcomes at the subnational level is likely to be either determined or strongly influenced by the legislature (PEFA 2020). Taken together, these aspects permit an analysis of the role of vertical accountability systems in promoting local accountability.

The analysis generates two key findings. First, the organisation of legislative institutions and the nature of political incentives that their members face both influence legislators to hold local governments accountable for misappropriating public funds. Partisanship between parliamentarians and local politicians seems to generate unintended incentives to circumvent disciplinary sanctions, as the legislature promotes party interests. Second, electoral incentives tend to provide a mechanism through which committee members can align their oversight responsibilities with the public interest, suggesting a potential avenue for enhancing their oversight effectiveness.

The chapter contributes to a small but growing body of literature on legislative accountability in Africa (Opalo 2019; Osei 2020; Pelizzo and Kinyondo 2014; Pelizzo and Stapenhurst 2008). Unlike most studies assessing how local factors (such as elections and grassroots organisations) can improve accountability outcomes, the argument here focuses on the *interaction* between the central government (parliaments) and subnational governments. Doing so provides new insights on the importance of accountability institutions at the central government for local accountability outcomes.

The chapter also contributes to the growing body of empirical studies attempting to quantify parliamentary oversight's effectiveness (Foster 2015; Opalo 2021; Wehner 2006). The detailed nature of the parliamentary reports used in the analysis allows me to construct direct measures of sanctions, and match them with the different types of audit allegations. These measures

improve on the conventional approach of measuring parliamentary oversight using proxies (such as visibility in media outlets or the number of parliamentary hearings) that are potentially biased or require subjective classification. In addition, by adopting a within-country analysis, these estimation techniques help control for the differences in institutional settings and political institutions that normally plague cross-country analysis (Mickler 2017).

Lastly, the chapter contributes to the literature on the institutionalisation of politics in Africa, which to date has only considered determinants of parliamentary responsiveness such as term limits, parliamentary proceedings, and the availability of adequate skills and resources (Stapenhurst, Jacobs, and Olaore 2016; Wehner 2006). By focusing on the deliberations of an influential legislative committee in Kenya, the results demonstrate that formal institutional rules related to the selection of committee members matter for local accountability outcomes. This finding adds to a literature documenting how the lack of separation of powers within the political sphere hinders good governance (Golooba-Mutebi 2016; Pelizzo and Kinyondo 2014).

Evidence that the legislature matters for political outcomes has been documented in different countries, irrespective of the degree of political interference (Hansen 2019; Holzhacker 2005; Keyes 2021). Yet, in fiscal decentralisation, where bottom-up accountability might be weak, the legislature may be well placed to act as an alternative source of political accountability. The current literature often examines legislative issues and subnational accountability in isolation. This chapter addresses this gap by systematically focusing on the interaction between the two in a specific case analysis of the Kenyan legislature, yet with findings relevant for a broader set of countries or contexts. It shows that the legislature can have some degree of efficacy even in a political system usually associated with significant local corruption.

8.2 The literature on legislative oversight and partisanship

Parliamentary committees have long been argued to be 'among the most important features of legislative organisations in contemporary democracies' (Strøm 1998 p.21). Although they vary in size, scope, and responsibilities, committees were often established by parliaments so as to provide oversight, help with legislation (law-making), strengthen policy formulation and consensus-building, and undertake fact-finding and deliberating around executive appointments (Gaines et al. 2019). Their effectiveness has generally been analysed using the principal–agent theory, where committees (acting as principals) develop oversight tools to hold the executive and other government institutions (their agents) accountable for their actions. Committees thus enable politicians to develop specialised knowledge, identify issues suitable for legislative review, and recommend appropriate courses of action to the national assembly, parliament, or congress.

Existing studies point to the academic and policy debate on the ideal organisational structure of institutions of accountability in the central government, especially parliamentary committees (Pelizzo and Kinyondo 2014). The motivation behind the *selection and composition* of committee members is considered a critical element that can determine how parliaments can effectively achieve meaningful checks and balances between different levels of government. Because committees comprise a subset of politicians, doubts may arise about whether they can effectively monitor and sanction each other. One way that politics affects legislative processes and outcomes is via parliamentary committees made up of politicians who are sometimes motivated by political interests. In Sweden, for instance, it has been observed that:

> Members of the Constitution Committee were placed in an impossible dual role. On the one hand, they were responsible for a statesman-like inspection of constitutional democracy. On the other, they were party politicians driven by a legitimate desire to maximize their votes in the coming election. (Norton 2020, p.221)

Several theories provide insights into how partisanship influences political accountability through legislative oversight (Longley and Davidson 1998; Pelizzo and Stapenhurst 2014). Those that focus on partisanship suggest a direct link between political parties and committee members, with party loyalties influencing or even organising the behaviour of individual legislators within committees (Mathews and Flinders 2015). Committee placements and sessions are here considered to be primarily instruments that serve to attain partisan goals (Shaw 1998). Just as legislative parties are formed to solve whole-chamber collection action problems faced by subsets of politicians, so do party members in parliamentary committees (Strøm 1998). Committees can thus undermine the legitimate purpose of the legislature by promoting party interests and disproportionately making policy decisions along partisan lines to maintain party credibility (Norton 2019; Zubek 2008). For instance, Stapenhurst, Jacobs, and Olaore (2016) found that the Public Accounts Committee (PAC) in Nigeria advanced political goals by constantly harassing the executive. In South Africa, de Vos (2013) found that the dominance of the ANC Party in parliament limited the scope for effective parliamentary oversight. Evidence from the US Congress suggests that partisan divisions negatively reduce the inclination of committees to perform their responsibilities (Hughes and Carlson 2015).

An alternative approach focuses on the individual incentives of politicians. The distributive theory views politicians as self-interested and inclined to maximise their political standing. The structure and composition of committees are highly political and configured to help achieve electoral gains or redistribute political benefits to a subset of politicians or legislators (Keyes

2021; Mickler 2017). Consequently, individual legislators favour partisan interests over the public interest since they benefit from the collective reputation of their parties on the ballot (Jensen, Kuenzi, and Lee 2020; Strøm 1998). They can also improve their career prospects by aligning their oversight responsibilities with their parties in exchange for access to state resources, allowing them to gain or retain positions of power or raise their political profiles (Mathews and Flinders 2015; Meriläinen and Tukiainen 2018). For instance, Dauda, Suhuyini, and Antwi-Boasiako (2020) found that Ghana's influential legislative committee members protect co-partisans. So, legislators serve in committees for politically strategic reasons, and political considerations dominate legislative matters.

An important implication of both approaches is that where members of the oversight committee belong to the same party as the politicians they supervise (either at the central and local levels) this co-partisanship is likely to reduce the effectiveness of legislative oversight. A key mechanism that could reinforce this link is potential collusive behaviour (Laffont and Tirole 1991). On the one hand, politicians under scrutiny can influence committee members through bribes, monetary contributions to political campaigns, or lobbying for them locally (Mwangi 2008). On the other hand, legislators who receive such benefits can commit to helping supervised politicians circumvent sanctions through political favouritism, resulting in a mutually beneficial outcome. Typically, for such collusion to occur, it must be enforceable, and, given its informal nature, partisanship offers a platform for cooperation and mutual interactions that can sustain such behaviour (Tirole 1986).

Finally, an extended form of the distributive theory posits that electoral incentives can constrain political behaviour (Besley and Case 1995; Finan and Mazzocco 2020). When political careers are decided at the ballot, those serving in parliamentary committees have strong incentives to protect their individual reputations by ensuring that committee deliberations and outcomes are aligned with the public interest. For instance, Pelizzo and Stapenhurst (2014, p.259) note that 'if there is an electoral reward for [politicians] who perform oversight, then it is in the self-interest of [politicians] to perform it adequately'. A key implication is that the structure of incentives faced by committee members can determine the quality of legislative oversight. Thus, committee members facing higher electoral incentives should be more likely to perform their oversight responsibilities in line with the public interest.

8.3 Kenya's institutional setting for audit

Consistent with theories of retrospective voting, Kenyan voters have increasingly punished politicians for poor performance, with political turnover increasing per electoral cycle. Several high-ranking politicians, especially those implicated in misappropriating public funds, have been fired following audit deliberations from auditors and commissions of inquiry (Bachelard

2010). Audits seem to play an essential role in affecting politicians' career concerns, through either the ballot or judicial processes (Supreme Auditor 2015).

Members of the national legislature tend to favour their co-partisans for at least two reasons. First, party politics in Kenya matter for electoral outcomes. Most legislators care about the reputation of their parties, because voters often have preferences for party labels rather than for individual politicians. Survey data shows that in the mid-2010s at least 70 per cent of Kenyan voters identified with a particular political party (Afrobarometer 2015). Parties have often been blamed when their politicians performed unsatisfactorily or when they mismanaged public resources. Maintaining party credibility is thus an essential component of political survival. In addition, voters sometimes engage in block voting, selecting all of the same party's candidates across different electoral positions based on their loyalty (Mboya 2020). Thus, politicians have relied on party identification for re-election, creating incentives for them to protect their party's reputation and, therefore, disproportionately impose fewer legislative sanctions on corrupt or ineffective officials from their party.

Second, political favouritism also occurs because of collusive behaviour in corruption scandals (Laffont and Tirole 1991). Misappropriation of public funds, especially in procurement, often involves strategic collaboration between government entities and bureaucrats (Coviello and Gagliarducci 2010). The proceedings of such illegal activities would then be shared with legislators, who, in return, must ensure that critical allegations are dismissed during parliamentary sessions. Evidence shows that parliamentarians in Kenya, including those in oversight committees, have been constantly implicated in corruption scandals and bribe-taking to resolve audit queries (Rugene 2009).

Past research on the Kenyan legislature provides further insights into the mechanisms of political favouritism (Burgess et al. 2015; Harris and Posner 2019; Jablonski 2014; Mai 2020) and how intra- and inter-party politics influences legislative decisions and policy outcomes (Akech 2011; Nyamori and Nyamori 2015), and the impacts on party polarisation in Kenya. Yet there is still limited knowledge about how the legislature interacts with subnational governments in its oversight responsibilities. For instance, Opalo (2021) argues that parliamentary committees in Kenya fail to uphold the public interest and instead manage intra-elite distributive policies, reflecting the broader political environment of patronage and clientelism. Survey data also shows that 84 per cent of Kenyans thought that at least some, if not most, of the MPs were corrupt (Afrobarometer 2015). This finding is consistent with Rugene (2009), who argues that corruption is rampant in the Kenyan parliament.

The Public Accounts Committee (PAC)

The PAC is one of the most influential parliamentary committees. It is established by law and derives its mandate from various issues of the government's

standing orders and the Public Finance Management Act. The committee is responsible for ensuring the accountability of public finances by examining whether appropriated funds by entities (such as ministries, state departments, local counties, commissions, and independent offices) have been disbursed consistent with the government's financial regulations and procedures. Working with Kenya's independent supreme audit institution, the OAG, and other entities, the PAC holds government officials accountable for the efficiency and effectiveness of public spending.

The chairperson of the PAC is a crucial element in shaping the committee's effectiveness, given their powers to convene sessions, summon public officials, or control the agenda of the committee (McGee 2002; Stapenhurst, Jacobs, and Olaore 2016). The chairperson is often appointed from the main opposition party so as to enhance some separation of powers between the PAC and other government institutions (Pelizzo and Stapenhurst 2014). This practice enhances the committee's legitimacy by promoting more of a balance of power between the government and the opposition. In addition, it signals the willingness of the majority party and minority parties to work together in a bipartisan manner (Pelizzo and Stapenhurst 2008). Nonetheless, the selection process for the chair's position is highly politicised, given his or her ability to significantly influence the committee's procedures and outcomes (Nyamori and Nyamori 2015).

In addition to its chairperson, the PAC has no more than 16 other members. It is constituted immediately after each general election, and its members serve for an initial period of three calendar years. After this period, the committee is reconstituted to fill the remainder of the parliamentary term, which may extend another two years. During 2015–18, the committee members were drawn from seven different political parties, although the two main parties (the Orange Democratic Party and the Jubilee Party) constituted almost 75 per cent of all members (Figure 8.1). Five other parties were represented with a single committee member in the 2015–18 period, although the Wiper Democratic Movement gained two seats in 2018.

The PAC's deliberations regularly involve summoning accounting officers or county governors to respond to audit queries in sessions that have often been open to the public. (Accounting officers are those top public officials mandated to monitor, evaluate, and oversee the management of public finances in their respective government entities.) This summoning power makes the PAC very influential in the Kenyan parliament – it is one of the few institutions with legal authority to call upon senior government officials and bureaucrats. Nevertheless, the PAC's influence over oversight matters is restricted to offering recommendations and actions that are tabled and discussed with the National Assembly or the OAG. The PAC itself lacks prosecutorial powers. The OAG is responsible for making any follow-up actions and ensuring that accounting officers or their respective entities implement the PAC's recommendations.

Figure 8.1: The political parties of the Public Accounts Committee members in 2018 and 2017
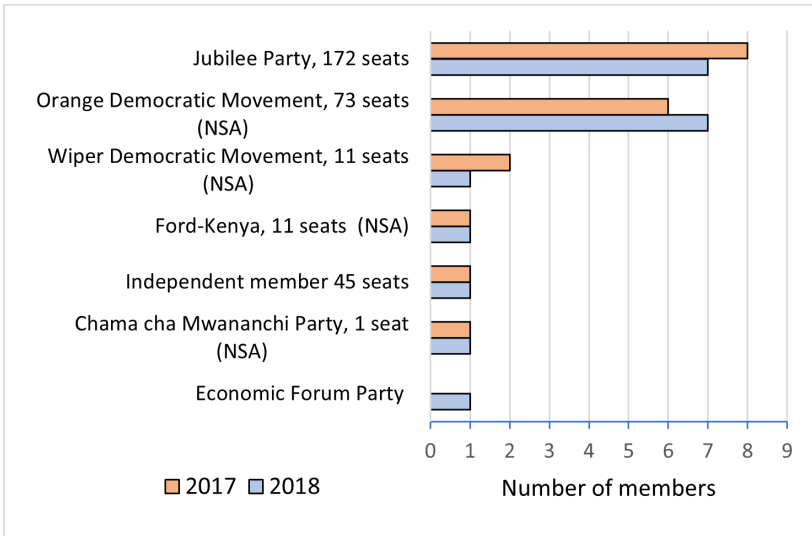
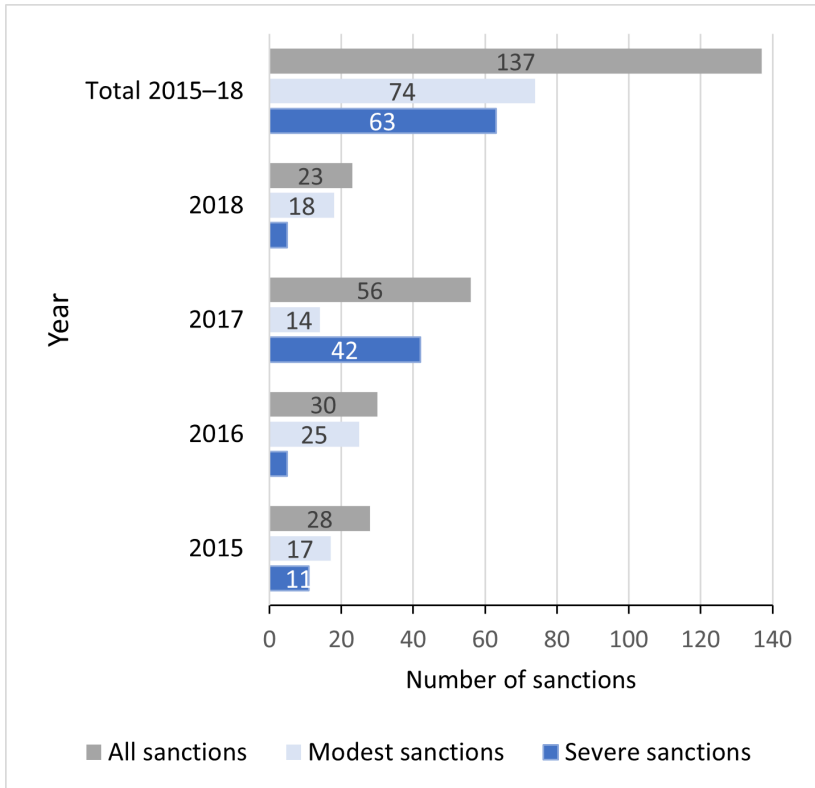Source: Public Accounts Committee Reports (various issues).
Notes: The distribution of PAC members in 2016 and 2015 was the same as in 2017. The near-majority party in the 2017–22 legislature was the Jubilee Party, holding 172 (49 per cent) of the 350 members, with one of its members as speaker. The parties labelled (NSA) formed a 'National Super Alliance'.

8.4 Research design: data, measurement, and estimation strategy

The data deployed here comes from a variety of official government sources. First, data on legislative sanctions imposed on county officials was hand-coded from annual reports produced by the PAC that specify the type of allegation uncovered in the audits, the committee's observation and findings, and the recommendations made to the National Assembly and the Senate. In all, 156 sanctions were imposed between 2015 and 2018, a period selected because of data availability. Second, data was collected from the Independent Electoral and Boundary Commission on indicators such as the party affiliation of PAC members, the number of votes received by each committee member in their previous election as MP, and the number of their political opponents. Finally, data on the amounts of misappropriated funds was obtained from audit reports conducted by the OAG. Most audit queries relate to misappropriations such as irregular and unsupported payments, irregular procurements and tenders, unsupported balances, outstanding debts, and pending bills.

Turning to measurement, three different coding approaches were adopted to measure the intensity of sanctions – that is, how severe their implications were for county officials. The first classifies sanctions into two non-overlapping categories: severe and modest. Severe sanctions include those where the PAC recommended either that (i) the national government, through the cabinet secretary or National Treasury, recover the money owed by the county governments, or (ii) the director of criminal investigation and the Ethics and Anti-Corruption Commission investigate the county governments, or (iii) the judiciary reprimand the accounting officers. Modest sanctions refer to those where the PAC provided a cautionary warning or advised counties to institute corrective measures to comply with the PFM Act. (See this chapter's Supplementary Materials, Table 8.A for some examples.[1]) Figure 8.2 presents a descriptive analysis of sanctions' distribution by severity. Excluding 2017, modest recommendations appear to be the most predominant outcome of the PAC's deliberations, casting doubt on whether the PAC can impose stronger oversight over local politicians.

Figure 8.2: Severe and modest PAC sanctions, 2015–18

Source: Public Accounts Committee Reports (various issues).

Table 8.1: Resolved and unresolved PAC cases, 2015–18

Year	Resolved	Unresolved	Not clear	Total
2015	6	17	5	28
2016	9	11	16	36
2017	14	45	1	60
2018	17	14	1	32
Total	46	87	23	156
% of total	*29.5*	*55.8*	*14.7*	*100.0*

Source: PAC reports.

A second code distinguishes between resolved and unresolved allegations. Resolved cases are defined as those closed by the PAC, where no further action is required by the committee or county officials. Unresolved cases remain pending and need to be followed up by either the committee, county officials, or the OAG. This distinction is vital as some cases classified as having modest sanctions remain unresolved and were deferred for later periods. More than half of the audit allegations were unresolved (Table 8.1). Half of these cases occurred in 2017. Less than a third of cases were resolved, while there was no clear information for the remaining cases.

I also examined the relationship between the partisanship of the PAC chair and local politicians – co-partisanship between the two is associated with a low share of severe sanctions (less than 30 per cent across the period 2015–18) and also of modest sanctions (less than 21 per cent). Co-partisans were also more likely to have their allegations resolved without any sanctions. A significant share of sanctions was on local politicians who were not affiliated with the chairperson of the PAC. Overall, these patterns suggest a role for political favouritism. Also coded was the number of recommendations or sanctions imposed by the PAC on each allegation. For each audit allegation, the PAC can recommend several courses of action to counties, often varying from 1 to 3.

Co-partisanship between the PAC and counties was measured using four proxies. The first is a binary variable (chairperson-governor) that takes the value 1 if the chairperson of the PAC and the governor are co-partisans. The second proxy is a binary indicator (chairperson-senator) equal to 1 if the chairperson is a co-partisan with the senator. A third measure takes a value 1 if the majority of the committee members are co-partisans with the governor. The final measure takes a value 1 if the majority of the committee members and the senator are co-partisans.

Finally, to measure electoral incentives, the analysis takes advantage of the fact that the committee members are also parliamentarians and subject to re-election after each five-year term. Electoral competition is proxied by the margin of an MP's victory over the runner-up MP in the previous election. I assume that those with smaller margins face the highest electoral threat.

Estimation strategy

The baseline specification adopted to estimate how co-partisanship between the oversight committee and local politicians affects disciplinary sanctions takes the form:

$$y_{it} = \beta_0 + \beta_1 Alignment + \beta_2\, Controls + C_i + \varepsilon_{it} \qquad [1]$$

where y_{it} is the outcome variable of interest (proxied using the three indicators of number of sanctions imposed, a binary variable for case resolved or not, and whether sanctions were severe or modest). The subscript i indexes each audit allegation, and t denotes the year the sanction was imposed. Alignment is measured using the four different proxies (co-partisanship between the chair of the PAC and governor/senator or between the majority of the committee members and the governor/senator). The coefficient of interest is denoted by β_1 and measures the association between co-partisanship and oversights.

The control variables included in the regression are the location/character of the county (rural or urban) as a proxy of the visibility of a particular county at the national level; the size of the budget (to capture the overall resource availability, because counties with higher budgets might have more incentives to misappropriate funds); a binary variable indicating whether a governor or senator was a politician before 2013 (to capture any existing political relationships that could facilitate corrupt networks); and a variable indicating the number of years to the subsequent elections (to capture the timing of elections, which could provide incentives to engage in resource misappropriation). County fixed effects (C_i) are included to control for time-invariant county-level factors that might affect the imposition of sanctions. This helps to minimise endogeneity concerns arising from omitted variables and minimises potential simultaneity between co-partisanship and the imposition of sanctions.

8.5 Results

Does co-partisanship undermine legislative oversight? Table 8.2 presents results from estimating Equation [1] using a linear probability model. Across the different specifications, the alignment coefficient has the anticipated sign and provides significant evidence in favour of the alignment hypothesis. Co-partisanship with the chairperson of the PAC reduces the likelihood of facing severe sanctions by 11 per cent (Panel A, column 1). Co-partisanship also reduces the proportion of recommendations by 27 per cent (Panel C, column 1). At the same time, it increases the possibility of having the audit resolved by 8 per cent (Panel B, column 1, a positive association since resolution is better here).

Co-partisanship between the chairperson and the county senator is associated with a 12 per cent reduction in the likelihood of receiving severe sanctions (Panel A, column 2), 11 per cent lower likelihood of having cases resolved (Panel B, column 2), and 30 per cent lower likelihood of receiving

Table 8.2: Testing the co-partisanship alignment hypothesis

	Type of co-partisanship			
	1: Chair-governor	**2: Chair-senator**	**3: Majority-governor**	**4: Majority-senator**
Panel A: Outcome variable: severe or modest sanctions				
Alignment	−0.110*** *(0.034)*	−0.116** *(0.06)*	−0.05* *(0.03)*	−0.03*** *(0.01)*
Panel B: Outcome variable: resolved or unresolved				
Alignment	0.081** *(0.04)*	0.111** *(0.04)*	0.08* *(0.06)*	0.10** *(0.04)*
Panel C: Outcome variable: number of recommendations				
Alignment	−0.27** *(0.14)*	−0.30* *(0.17)*	−0.110** *(0.04)*	−0.08*** *(0.04)*
Controls	Yes	Yes	Yes	Yes
County fixed effects	Yes	Yes	Yes	Yes
Observations	133	133	133	133
R-squared	0.62	0.69	0.56	0.71

Notes: Robust standard errors in italics and parentheses. ***$p < 0.01$, **$p < 0.05$, *$p < 0.1$.

a higher number of recommendations (Panel C, column 2). These results reflect the nature of personalised politics between politicians at different levels of the government. This may help explain why survey evidence shows that only 20 per cent of Kenyans think that the parliament should scrutinise county officials (Afrobarometer 2015). These findings were also present with the alternative alignment measures shown in columns 3 and 4 of Table 8.2, which suggest that alignment increases the likelihood of having audit queries resolved and receiving fewer recommendations by around 10 per cent, statistically significant at the 5 per cent level.

Are these findings robust to alternative explanations? First, it might be plausible that the PAC considers the amount of misappropriated funds in its deliberations. If this were the case, the type and severity of sanctions would drive the results because low amounts of misappropriated funds would receive fewer sanctions. To address this concern, Equation [1] above was re-estimated but controls for the amounts of misappropriated funds associated with each audit allegation. Table 8.3 presents the results. Across the different specifications, the alignment coefficient is similar in sign and magnitude to Table 8.2. These results show that corruption does not confound the results but also strengthens the finding that co-partisanship was significantly associated with lower disciplinary sanctions and more resolution of audits.

A second concern relates to changes in the broader political climate that might influence the committee's deliberation. For instance, if the PAC were more lenient or strict in holding politicians accountable in specific years, this would affect the baseline estimates. To address this, Table 8.4 reports estimates obtained from re-estimating Equation [1], but separately for each

Table 8.3: Testing for the effect of the amount of misappropriated funds

	Type of co-partisanship			
	1: Chair-governor	2: Chair-senator	3: Majority-governor	4: Majority-senator
Panel A: Outcome variable: severe or modest sanctions				
Alignment	−0.111** (0.04)	−0.115** (0.05)	−0.08** (0.04)	−0.06* (0.05)
Panel B: Outcome variable: resolved or unresolved				
Alignment	0.087** (0.03)	0.116** (0.04)	0.10* (0.06)	0.15** (0.05)
Panel C: Outcome variable: number of recommendations				
Alignment	−0.25* (0.05)	−0.28* (0.05)	−0.13*** (0.05)	−0.09** (0.05)
Controls	Yes	Yes	Yes	Yes
County fixed effects	Yes	Yes	Yes	Yes
Observations	133	133	133	133
R-squared	0.22	0.43	0.42	0.47

Notes: Robust standard errors in italics and parentheses. ***$p < 0.01$, **$p < 0.05$, *$p < 0.1$.

Table 8.4: Testing for the effect of broader political events

	Party of PAC chairperson and county governors aligned			
	2015	2016	2017	2018
Panel A: Outcome variable: severe or modest sanctions				
Alignment	−0.05** (0.02)	−0.04** (0.02)	−0.01** (0.05)	−0.04* (0.02)
Panel B: Outcome variable: resolved or unresolved				
Alignment	0.01** (0.004)	0.001** (0.0004)	0.20* (0.11)	0.05 (0.05)
Panel C: Outcome variable: number of recommendations				
Alignment	−0.11** (0.04)	−0.06*** (0.02)	−0.18** (0.08)	−0.00 (0.02)
Controls	Yes	Yes	Yes	Yes
County fixed effects	Yes	Yes	Yes	Yes
Observations	23	20	59	31
R-squared	0.08	0.06	0.15	0.41

Notes: Robust standard errors in italics and parentheses. ***$p < 0.01$, **$p < 0.05$, *$p < 0.1$.

of the years under analysis. The analysis is restricted to alignment between the chairperson of the PAC and county governors, although the results were robust to the other measures of alignment. Across all the columns, the coefficient of the alignment variable has the expected sign and is statistically

significant for most of the years. This result suggests that differences in annual political events, such as the setting of the committee's agenda, the allocation of resources from the central to the local governments, and the parliamentary schedule, were not confounding the main results.

Testing for collusive behaviour

Does co-partisanship undermine political accountability because of collusive behaviour? Empirically, testing for this mechanism is complicated because collusive behaviour is not directly observed. So, the analysis examines whether there were differentials in sanctions conditional on the type of audit allegation. This is consistent with the idea that certain kinds of corruption, especially those that require coordination between different politicians, generate resources that politicians could use to advance their careers.

To investigate this possibility, Table 8.5 presents the results obtained from re-estimating Equation [1] separately for each type of audit allegation. The results show significant variation in imposing disciplinary sanctions according to the kind of misappropriation. Across the columns, alignment varies in size, magnitude, and significance. The coefficients in columns 1 and 2 are statistically insignificant, suggesting that sanctions were not lower for pending bills or outstanding debts. These were typically audit allegations that can be traced back to either bureaucrats or debt interest payments. Pending bills consist of any amount related to goods and services received. Still, a commitment was

Table 8.5: Differences across types of cases

	Types of cases			
	1: Pending bills	2: Outstanding debts	3: Unsupported balance	4: Irregular procurement
Panel A: Outcome variable: severe or modest sanctions				
Alignment	0.05 *(0.05)*	0.101 *(0.11)*	−0.09*** *(0.03)*	−0.12** *(0.06)*
Panel B: Outcome variable: resolved or unresolved				
Alignment	0.005 *(0.005)*	0.000 *(0.00)*	0.32** *(0.15)*	0.11* *(0.06)*
Panel C: Outcome variable: number of recommendations				
Alignment	0.001 *(0.001)*	0.04 *(0.05)*	−0.14*** *(0.05)*	−0.09*** *(0.03)*
Controls	Yes	Yes	Yes	Yes
County fixed effects	Yes	Yes	Yes	Yes
Observations	40	45	33	38
R-squared	0.18	0.20	0.14	0.41

Notes: Robust standard errors in italics and parentheses. ***$p < 0.01$, **$p < 0.05$, *$p < 0.1$.

made to carry the bills over to the next financial year, thus drawing unnecessary interest charges.

However, the results in columns 3 and 4 are positive and significant at the 5 per cent level, suggesting that counties receive significantly fewer sanctions if audits revealed unsupported balances or irregular procurements. Unsupported balances are those transactions that take place during the financial year, but sufficient documents were not provided to show that the expenditure was authorised or that the counties made the payment and yet did not receive the goods and services. Irregularities in procurement refer the overpricing of contracts and tenders relative to the stipulated market price. Misappropriations are significantly associated with collusion as they entail coordination from different government entities.

This finding is consistent with the evidence of collusive behaviour within legislative committees in Kenya. For instance, Ayaga (2015) detailed how members of the PAC accused each other of bribe-taking to avoid scrutinising allegations of resource misappropriation. Akech (2011, p.372) noted that legislators can serve on committees,

> even though their membership would entail a conflict of interest— either because they face allegations of corruption, are allegedly allied to corruption cartels, or have commercial interests that these committees oversee.

Finally, Hope (2014) argued that bribes are paid to Kenya's MPs from internal sources such as their counterpart legislators, or external sources such as businesspersons to lobby legislators, to either debate or vote in ways favouring their interests.

Do electoral incentives influence legislative oversight?

According to several studies, career concerns predict the behaviour of political agents and can predict the effectiveness of the legislature in executing its mandate. Politicians, especially those serving in the committees, have incentives to signal their competence in performing their oversight responsibilities, either as a means of getting promoted to more influential positions in the government or to signal greater competence to voters, or to receive significant media attention. So those facing higher electoral threats are more likely to execute their oversight responsibilities more effectively than their counterparts, leading to more severe oversight outcomes.

To test this hypothesis, I examined how the structure of political incentives within parliamentary committees influenced the scrutiny of subnational governments. Equation [2] below introduces an interaction term between the alignment variable and political competition. Each MP's 2013 constituency margin of victory over the second runner-up was used as a proxy for the

Table 8.6: Do MPs' electoral incentives impact on the co-alignment effect?

Explanatory variables	Dependent variable		
	1: Intensity of sanctions	2: Resolved vs unresolved	3: No of recommendations
Alignment × Competition	0.16** (0.07)	−0.32*** (0.12)	0.23*** (0.07)
County fixed effects	Yes	Yes	Yes
Observations	80	87	90
R-squared	0.61	0.72	0.53

Notes: Robust standard errors in italics and parentheses. ***p < 0.01, **p < 0.05, *p < 0.1.

closeness of political competition, with slimmer margins assumed to improve legislative performance among committee members.

$$y_{it} = \beta_0 + \beta_1 Alignment + \beta_2\, Competition + \beta_3\, Alignment * Competition$$
$$+ \beta_4 Controls + C_i + \varepsilon_{it} \qquad\qquad [2]$$

By taking derivatives, the effect of political competition on legislative sanctions is given by $\beta_2 + \beta_3$ (competition), which is conditional on the strength of the electoral incentives of the committee members. The estimated coefficient of β_3, therefore, accounts for the differential effect of political competition for aligned (relative to non-aligned) committee members, which is reported in Table 8.6. The results suggest that aligned legislators with a smaller margin of victory in the previous elections were more likely to impose higher sanctions than those that did not. The point estimate of the interaction term in column 1 is statistically significant at the 5 per cent level, implying that electoral incentives increase the probability of having an audit allegation unresolved by 16 per cent. The point estimate in column 3 reveals that political competition increases the probability of receiving a higher number of recommendations by 23 per cent by an aligned committee member. The results in column 2 show that these incentives also lower the likelihood of having an audit allegation resolved by 32 per cent by an aligned committee member. These findings reflect a pattern where aligned committee members who serve in competitive constituencies portray stronger incentives to oversee county governments by imposing stricter sanctions for misappropriating public resources.

Conclusions

Using a unique data set that matches parliamentary sanctions with the political alignment of local and central government officials, this analysis shows that co-partisanship between legislative committee members and local politicians can undermine political accountability. Kenyan politicians affiliated with

the chairperson of the PAC or the majority of committee members tended to receive lower sanctions than the unaffiliated ones. Additional analysis that merges electoral data with parliamentary sanctions shows that, when legislators faced a credible electoral threat, they tended to exercise their oversight responsibilities more in line with democratic principles.

Taken together, these findings point to some broad policy implications. First, concerted efforts should be made to ensure that the structure and composition of legislative committees are set up in ways that create political incentives to enhance their capacity to fulfil their oversight mandate. While party politics is a crucial feature of most parliamentary systems, increasing the institutional distance between the oversight committees and the politicians under scrutiny for misappropriating public funds can reduce the risk of political favouritism and enhance accountability outcomes. Useful measures here could include a more proactive role of different institutions (such as parliamentary budget offices and parliamentary subcommittees) to provide more bureaucratic and technical inputs into the oversight process. The literature has also advocated the establishment of several initiatives (such as open forums where top politicians are summoned to respond to parliamentary questions and independent bodies that examine the deliberations of oversight committees) to review or probe any inconsistencies in sanctioning (Pukelis 2016; Strøm, Müller, and Smith 2010). Efforts should be made to increase the transparency of oversight committees. In addition, redistributing some of the powers of the chairperson to other committee members could reduce the political salience of that position, and place the decision-making process with a larger set of members whose interests might differ from the chair.

A more robust civil society or media surveillance that ensures committee members carry out their mandates in line with the public interest could also play an important role. Mostly, there is limited public information on their work that can provide insights into their effectiveness and capacity to influence public policy. Providing such information is integral to assessing their effectiveness and could also provide voters with critical information to hold politicians accountable. At the minimum, African parliaments should be encouraged and supported to provide disaggregated data and timely reports on their deliberations.

Endnotes

Supplementary material for this chapter is available on LSE Press's Zenodo site (https://zenodo.org/communities/decentralised_governance/). See: *Supplementary material for*: Michael Mbate (2023) 'Can parliamentary sanctions strengthen local political accountability? Evidence from Kenya', Chapter 8 in Jean-Paul Faguet and Sarmistha Pal (eds) *Decentralised Governance: Crafting Effective Democracies Around the World*, London: LSE Press. https://doi.org/10.5281/zenodo.7919826

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