



Social Sciences

Elixir Soc. Sci. 82 (2015) 32680-32683

Elixir
ISSN: 2229-712X

Devolution in Kenya, a Case of Decentralized Resources or Political Power

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ARTICLE INFO

Article history:

Received: 2 February 2015;

Received in revised form:

17 May 2015;

Accepted: 23 May 2015;

Keywords

Devolution,
Decentralization,
Power.

ABSTRACT

The devolved system of governance should not instill a change dilemma in the Kenyan people. It is evident that devolution is likely to be met with resistance from leaders and other members. It is also evident that devolution may intensify inequalities among communities in Kenya since some regions have more natural resources endowed than others. Devolution may also be a transfer of the evils committed at the central system of government like corruption and misappropriation of funds to devolved systems. Ultimately, leadership should embrace reducing change resistance methodologies of building trust in the people involved in devolution, discuss upcoming changes, avoid threats in initiating change and involves all stakeholders in implementation devolution for successful implementation of the new structure of governance. The national and county levels should embrace optimum utilization of natural and human resource, focused strategy planning, aggressive resource mobilization and financial planning management. In addition each level of government should exercise integrity and respect constitutional, functional status and government institutions at various levels. Finally, different levels of the devolved structure have an obligation to build on their strengths and opportunities while seeking to eliminate weakness found and boldly face their threats.

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Introduction

Devolution or devolved government is a form of decentralized government in which the authority for decision making with respect to political, administrative and legal authority is transferred to quasi-autonomous county government. In other words, devolution is a political concept that denotes the transfer of political, administrative and legal authority, power and responsibility from the centre to county government created by the national constitution. In a devolved political system, the county government to which power, authority and responsibility has been transferred (devolved) is more or less autonomous from each other. This means that any one level of government is not under any obligation to refer to or seek authority from the centre in order to make and or implement decisions that fall within their exclusive jurisdiction. Devolution forms the foundation for political devolution in that it usually involves the transfer of responsibilities to counties that elect their leaders, raise their own revenues and are able to make investment decisions independently of the central government (Omolo, A. 2010)

Devolution in itself has led to a change dilemma as Kenyans ask whether the new structure again fails as it did 38 years ago. Several scholars including Mwenda, A.K (2010) also contend that little is currently known about ramification of the devolution of policy making power by an upper level of government (authorizes) to a lower level of government (The recipient). This problem is even worse because there is little that is known particularly with regard to second order devolution (The transfer of power from the county government to sub country and other lower levels. Kiringai, J. (2006).

Counties will be coddled as the new centers of power and resources. Therefore, knowledge on Devolution which in essence is transformation from central governance to devolved governance is necessary to facilitate the understanding of

counties and know they will be run by the residents, professional's business community, current local government employees and politicians. As a new phenomenon, county government will be the centers of development as they will have executive roles and 15% of devolved funds. Therefore there is need to sensitize and prepare stakeholders for the big role and expectation from the residents, the central government and the development partners. County government in their planning incorporate their contributions in meeting the Millennium Development Goals which includes change management entails thoughtful planning and sensitive implementation, above all consultation with and involvement of the people affected by the changes. (Kaimenyi, M, Ndungu, N. 2005).

Devolution has been successful in other parts of the world, Us, India, Nigeria, Sweden, UK and South Africa. Uganda practices devolution through kingdoms Tanzania through Jimbos. There is varying devolution system in place for instance; US, Nigeria and India systems are for devolved states. Counties will have to draw experiences from similar environments and factors that bring them closer and learn how they operate, benchmark their strengths and transfer that knowledge and experience to benefit the county. Counties should design and develop slogans to serve as a rallying call or marketing edge. California is known as the "Orange County" while New Hampshire's slogan is "Live free or die." Kerlinger, F. N (1992). The formative years in Kenya 2012 – 2015 will be for laying foundation by instilling the best management and leadership practices (Omolo, A. 2010). Kelleher, Christine A, Yackee and Susan Webb writing in the policy studies journal in their report, *An empirical assessment of devolution policy impact* state that sub – national levels of government provide more effective policy customers because they are closely tied to their respective constituencies "Closer to the people". Ndegwa, S.N

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(2002) says devolution should be followed as it allows experimentation and innovation and has better response to citizen preferences, promotes political participation and sub-national control enhances policy making legitimacy, leaders at various levels in the devolved structure being achievement oriented, dependable having tolerance for ambiguity and having ability to adjust to various situations.

Nigeria is one of the most populous African countries which run a devolved system divided into thirty regional states fed by executive governors, regional assemblies and government (Linder 1990). This country has had many governments and coups inspired by unequal use of their natural resources. It witnesses that rules tend to allocate themselves ownership of the exploitation of natural resources like oil whenever they are in power (Kiringai, J. 2010) fuelling upheavals and unrest. This scenario is likely to be experienced in the new structure of governance in Kenya if clear legislation is not done on the showing of natural resources between the national government and the county government in regard to resources discovered of various counties. Issues of religion dogging Nigerians government should also be addressed in the sharing of resources and power.

Gauteng Province of South Africa

South Africa is a country that has a devolved system of government having regional governments headed by premier. The national government retains supervisory and oversight roles; however the national congress has representation from the regional (provincial) governments both in the cabinet and assembly. Gauteng is one of the nine provinces of South Africa experiencing high population growth rate but is considered the economic hub of South Africa which contributes heavily in the financial, manufacturing, transport and telecommunication. What had made this province successful is that it has done zoning and proper use of local resources within the various devolution levels. It has also identified key, unique municipal strengths and their use and has had a strategy for municipalities to align development plans, avoid competitive behaviour, share resources and encourage idea generation to reduce poverty. The counties therefore should synergize their energies to sub-counties to rationalize use of resources as the county grapples with urbanization and growth (Kerlinger, F.N 1992)

The county of Los Angeles, California USA

Los Angeles County comprises of 88 cities within the state of California. This county has succeeded through devolving and has had various benefits which has led to development of complex rail road's in the country that helped to open up areas as nurture entrepreneurship development of the Hollywood film industry, development of the reliable electricity to power industries cities business and homes and their county is a melt pot of diverse cultures that pursue dreams and opportunities. This country however could not entirely offer a learning experience to the Kenyan devolved system because it is a case of a successful county in a developed world. This notwithstanding the historical, social – economic, administrative and legal development of this county that led to the utilization of natural and human resources, focused strategic planning, resources mobilization and financial planning and management should be emulated by the Kenyan counties (Amolo, A 2011)

Individual offering themselves for positions may hesitate knowing that through full of passion, promise excitement and rewards – leading is a risky dangerous work. This is because county and national leadership may challenge the long hold beliefs and demand new way of doing things which may cause pain, making people feel threatened and react by hurting the

leaders bolt personally and professionally (Kiringai, J. 2006) posits that change divides leaderships that are complacent “..... Feeling of content or self – satisfaction, especially when coupled with an unawareness of danger or trouble.” He says all leaders are challenged to move boldly towards the future focusing on the lookout for hazards and the opportunities that change brings. A sense of urgency he adds makes its practitioners alert each day at work, determined to achieve something important they shed irrelevant activities to move faster and smarter. Kaimenyi, M. & Ndungu, N (2005) observes that people resist all kinds of creative and unexpected ways that can get leaders taken out of the of the game, pushed aside undermined or eliminated. This is because when one leads through difficult change he challenges what people holds dear: habits, tools loyalties and ways of thinking. County leaders should challenge the manner of routine so entrenched in service delivery, recruitments, revenue collection and management. They should nurture relationships and maintain sustained revolutionary change.

Devolution development and its critics

While the World Bank holds that effective devolution depends on its design and implementation, this argument is weakened by the fact that, across states and time, there already exists varied devolution systems designed to fit the local context. The evidence of development traceable to devolution is weak. The World Bank's answer to this is that sometimes devolution brings with it changes that are hard to measure in economically quantifiable terms. Even where there is improved efficiency, it is difficult to attribute it to devolution, because improved efficiency may arise as a result of a variety of factors, not all of which are necessarily connected to devolution. Other skeptics assert that devolution is not useful and may lead to harmful effects, singling out developing countries whose relatively fragile economies and weak central governments are ill-prepared to manage the vicissitudes of devolution. The link between devolution and economic growth is also contested terrain with no clear answers observes Mwenda, A.K (2010)

Critics attack the fundamental assumptions upon which the concept of devolution is founded, one of the foremost critics, argues that, contrary to popular thought, devolution can exacerbate disparities between regions, or at the least, make redistribution, a function best performed by the central government, even harder. Omolo, A. (2011) argues that central government, through its national budget and macro-allocation, has a better chance of addressing disparities than local institutions. He argues that addressing disparities through devolution is based on the assumption that inequalities can be reduced by the movement of capital, goods and labour, an assumption which the experience of industrialized countries has proved faulty. He asserts, furthermore, that even raising the income levels of a region will have no effect if basic economic opportunities are lacking.

In addition, Omolo, A. (2011) attacks the allocative-efficiency argument which assumes that the local voter is rational and will vote according to local developmental needs. In reality, people vote on the basis of group loyalties such as tribal, religious and party-political affiliations as well as other interests unrelated to the allocative-efficiency argument. Even though the Bank proposes measures such as voter education and access to information, these have little effect especially in rural areas, which comprise a large part of the electorate in developing states. Omolo, A. (2011) maintains that this logic is irrelevant in the context of developing states, where needs are basic, common and known; even if such reasoning holds water, resource and

capacity constraints on their own will ultimately negate the argument. Furthermore, the assumption that if services do not work, people will vote with their feet by moving to a more responsive local authority, ignores the reality that it is highly impractical for the rural poor to uproot and move to other areas for service-delivery reasons.

Even the World Bank's confidence in devolution and state transformation has declined over time. While it was upbeat about the role of devolution in state restructuring and transformation in its earlier WDRs, such as those of 1997 and 1999/ 2000, the Bank has gradually adopted a more cautious approach or even neglected devolution arguments in relevant discussions. For instance, the 2011 WDR focuses on state institutions and transformation for security, development and welfare of citizens, but devolution is given peripheral treatment throughout the discussion. Despite the apparent decline of interest in devolution by the World Bank, there is still no alternative thereto that has so far been proposed. This alone makes devolution, despite its risks, a desirable if not the only option for developing states. Furthermore, recent trends indicate a growing interest in decentralizing power and resources to the local level as a means of managing internal conflict (Mwenda, A.K 2010)

However, and more importantly for this discussion, devolution is happening and is a reality with which states have to live. What is more, centralization, the extreme in the continuum, has been long associated with underdevelopment, inefficiency and institutional failure in developing states; it is, most certainly, not the way to go. Thus, the appropriate and practically beneficial inquiry here is not whether devolution works but how best to design it in order to avoid its potential pitfalls and reap its potential benefits (Mwenda, A.K 2010) Beyond self-rule and shared-rule arrangements, there are other vital structures and processes which have the potential to enhance inclusiveness in both local and national decision-making. These include the design of the electoral system, composition of the administration, and even the local and national executive and legislative structures. Wolff argues that self-rule and shared-rule arrangements should be complemented by these processes in what he terms "complex power-sharing". While the executive and legislature are institutions of horizontal rather than vertical power-sharing, devolved governance is influenced by their respective structures and powers.

Panorama for devolution in Kenya

Devolution is the most important aspect in Kenya's Constitution. It has decentralizing power and governance in the country. Decentralization has increasingly been adopted worldwide as a guarantee against discretionary use of power. It has also been touted as increasing efficiency in social service provision, by allowing for a closer match between public policies and the desires and needs of local constituencies. Kenya's Constitution entrenches devolved government by guaranteeing a minimum unconditional transfer to counties under the new dispensation. Counties are better placed than the national government to deliver social services, because they have specific challenges and the local knowledge to address them. Besides the envisaged improvements in service delivery, people have the opportunity to make decisions themselves rather than following directions imposed by a central government. With A constitutional guarantee of unconditional transfers from the centre, Kenya's counties have the means and the autonomy to begin to address local needs, and their citizens will be more able to hold them accountable for their performance. The politics of devolution explain the high intensity of hopes and

expectations that have been pinned to it. It also means that there are high risks if expectations are not met (Omolo, A. 2011)

De-ethnicisation of the state

Devolution, which is a way to disperse state powers throughout the country, is a way to break out of this vicious circle. Not all political competition will be focused on one office, which is inherently unhealthy. There will still be sites of power for parties or communities which are excluded from the presidency. This will not only empower communities and regions and give them important powers of self-government. It will also balance the enormous powers which the current constitution vests in the president and which are often exercised under the advice of his cronies, drawn from the president's community.

Devolution as a way to democratization

This may not all change with the introduction of devolution, but devolution will certainly open up opportunities for public participation in state affairs. There will be more debates about the purposes for which power should be exercised at the local level. People in rural and urban areas will be able to decide for themselves (or influence decisions) on numerous matters of local concern and to participate in greater number of debates and elections. Governments and officials at closer proximity to them will probably become more responsive and be compelled to be more accountable. Only in this way can we inculcate the practices and habits of democracy and participation.

Promoting economic and social development

Devolution can also lead to more rapid and more balanced economic and social development. The centralized system, with the concentration of all government institutions and decision making in Nairobi, leads to the concentration of economic activities in the capital city area. It leads, more generally, to uneven development and growing disparities of economic opportunities. This results in the impoverishment of many regions and communities—and the drift towards urban areas, particularly Nairobi. With regional and county governments spread throughout the country, there would be greater incentives and opportunities for economic and social development outside Nairobi, as these governments take their responsibility for the welfare and development of their constituents. There will emerge new centers of growth, in which people have opportunities of investment and employment.

Promoting equitable distribution of resources

There has been much debate whether devolution will lead to a more equitable distribution of resources throughout the country. It might be argued that a centralized, unitary system is more suited to equitable distribution and even development than a regional system, as the former collects and can distribute revenue and resources without the encumbrance of regional powers, politics and institutions. The practice, at least in Kenya, with the dominance of ethnic politics and of elites who fatten on state resources, does not bear this out. Centralization had led to the concentration of economic activity in and around the capital city. A huge proportion of the GDP is produced in Nairobi, and a disproportionate expenditure and the consumption of goods take place there, certainly greater than the rest of the country put together. There has been little re-distribution to the poorer parts such as the North East Province (and potential of the development of economic activity, especially regarding the livestock industry, has been frustrated by favouring abattoires further south).

Conclusion

The implementation cycle is the impending restructuring of the public administration and service delivery mechanisms at the

local level. These mechanisms have been in existence for decades and they have deep roots. For this reason, restructuring will not be easy, especially because it involves people. Some of these people and systems have been in existence for decades and disbanding or transferring them to the local area would be a hard task, already there have been controversies over how the national and county government should share responsibilities. Just who should do what? The restructuring also involves the introduction of new value systems, such as the focus on service delivery, the need for closer supervision, and the importance of knowledge, skills and experience. Realizing the desired goals will call for a careful strategy, supported by the necessary policies and legislation. Some of these are spelt out in the Constitution, and some are not. Where possible, Kenya will need to learn from the experience of other countries, which have restructured their public administration and service delivery mechanisms. But contexts differ. In Kenya, an additional degree of complexity will be added, because counties vary enormously in terms of basic characteristics and needs. That takes us back to the question is devolution in Kenya Decentralized Resources or Political Power?

References

- Adam G, Stuart N (2004). A Survey of the UK Tax System, Institute for Fiscal Studies Briefing Note 9.
- Bailey KF (1994). *Sociology and the New Systems Theory*. Albany: State University of New York.
- Blow K, Laura N, Hall J, John S, Smith S (1996). Financing Regional Government in the UK, *Some Issues, and Fiscal Studies* 17(4): 99-120.
- Commonwealth Grants Commission (2005). Report on state revenue sharing relativities, Canberra (<http://www.cgc.gov.au/>).
- Creswell JW (1994). *Research design: Qualitative and Quantitative Approaches*. Thousand Oaks, CA: Sage.
- Elischer S (2008). *Ethnic Coalitions of Convenience and Commitment: Political parties and party systems in Kenya*, GIGA Working Paper No. 68 (February), German Institute of Global and Area Studies, Hamburg.
- Ergas ZR (1982). Kenya's Special Rural Development Programme: Was it really a failure?, *The Journal of Developing Areas* 17(10): 51-66.
- Gay LR (1981). *Educational Research: Competencies for Analysis and Application*, Charles E. Mairill Publishing Company A. Bell & Howell Company.
- Columbus, Toronto, London. GOK (1965) Sessional Paper Number 10 on African Socialism and Its Application to Planning in Kenya, Nairobi:
- Institute of Economic Affairs (IEA) Kenya (2010). Report of the National Conference on Non State Actors Role in Decentralized Financing in Kenya. Nairobi: IEA Kenya.
- Kerlinger FN (1992). *Foundations of the Behavioural Research*. 2nd Edition. San Francisco: Winston Limited Inc.
- Kimenyi M, Ndung'u N (2005). Sporadic Ethnic Violence: Why has Kenya not experienced full-blown civil war?, in P Collier, N Sambanis, (eds.) *Understanding Civil War in Africa*, Washington, D.C: The World Bank.
- Kiringai J (2006). Public Spending in Kenya: An inequality perspective, in *Society for International Development Readings on inequality in Kenya*, Nairobi: Society for International Development (SID).
- Mwenda A (2010). Introduction' in *IEA Devolution in Kenya: Prospects, challenges and the future*, IEA Research Paper Series No. 24, Institute of Economic Affairs, Nairobi.
- Mwenda AK (2010). *Devolution in Kenya: Prospects, Challenges and Future*. Nairobi: IEA Kenya.
- Ndegwa SN (2002). *Decentralization in Africa: A stock-taking survey*, Africa Working Paper Series No. 40, the World Bank, Washington, D.C.
- Omolo A (2010). Devolution in Kenya: A critical review of past and present frameworks, in *IEA Devolution in Kenya: Prospects, challenges and the future*, IEA Research Paper Series No. 24, Institute of Economic Affairs, Nairobi.
- Omolo A (2011). *Policy Proposals on Citizen Participation*. Unpublished Republic of Kenya (2010). *The Constitution of Kenya*, Nairobi, Kenya: Government Printer. Republic of Kenya (2010). *The Constitution of Kenya*. Nairobi: Government Printers.
- TBurugu JN (2010). *The Country: Understanding Devolution and Governance in Kenya*. Nairobi: Centre for Leadership.
- The Institute for Social Accountability (TISA) (2011). *Proposals to the Task Force on Devolved Government Monday (21st March, 2011)*. Unpublished.
- Throup D, Hornby C (1998). *Multi-Party Politics in Kenya: The Kenyatta and Moi states and the triumph of the system in the 1992 election*, Oxford: James Currey.