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THE IMPACT OF DEVOLUTION GOVERNMENT IN KENYA



ELIAS MUNYIRI KAGECHA

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ABSTRACT

Devolution is a multi-dimensional approach that organizes governance and manages state power along multiple lines. It defines, distributes and constrains the use of state power along multiple lines by combining both vertical and horizontal dimensions. In essence, devolution forms the foundation for federal systems and structures of government and is founded upon the concept of decentralization and devolution of power. It may similarly be seen as a system of governance that devolves power from the centre to smaller sub government units at the local level in order to ensure that all citizens equally enjoy the national cake. It can actually be described as the statutory granting of powers from the central government of a state to government at a sub-national level, such as a regional, local or county level.

As manifested in other countries, devolution is a process of giving political autonomy to administrative units that are already in place. By contrast, in Kenya, devolution will entail creating new political and administrative units at once. In the Kenyan situation, devolution carries the promise of a more equitable model of development, almost the magic bullet. The prevailing feeling is that investments and services have been spread unequally across the country, often following political and tribal affiliations, thus fuelling resentment.

Kenya's reform moves beyond the typical approach of devolving new functions and resources; it recognizes the broader political and developmental role of county governments. The approach to devolution is explicitly integrated, incorporating strong administrative, fiscal and political elements in the reform process. By its provisions, the Constitution of Kenya 2010 seeks to reverse the centralized non-participatory governance paradigm by institutionalizing an embracing governance and leadership system based on integrity. It does this primarily by establishing an enabling normative framework. It provides for relevant governance institutions; checks and balances on the exercise of executive power; facilitative legislation; enhancing public participation in governance as a bulwark against abuse of power and tightening the process of recruitment, and retention of critical public officers.

Into the third independence decade, however, deteriorating government service delivery raised questions about the efficacy of an excessively centralized government, leading to minimal and eclectic decentralizing measures, such as President Daniel arap Moi's weakly-implemented District Focus for Rural Development (DFRD) planning and budgeting framework. Persisting

demands by a heavily repressed political opposition and a robust civil society for a return to political pluralism as a means of fostering greater government accountability, along with global liberalizing pressure, bore fruit in 1991 when Kenya returned to plural party politics.

The demands for extensive constitutional reforms, however, notably incorporating the devolution of government to sub-national agencies, were eventually only met in the new millennium. After a two-decade gestation, August 2010 saw Kenya adopt a new constitution with far-reaching provisions for democratization, including the devolution of government to 47 counties.