

*State of Implementation of Devolved
Governance in Kenya*

Devolved Governance Dialogue

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Constitution of Kenya, 2010

- Clamour for the New Constitution.
- On the 27th August 2010 Kenya promulgated a new constitution, the Constitution of Kenya 2010.
- At the heart of this constitution is the system of devolved government.

Devolved Government Structure in Kenya

- Devolution is the constitutional transfer of power, resources and services or functions from a central authority to two or more levels of government.
- In the Kenyan case, the devolved system of government has two levels of government, namely the national and the county governments.
- Article 6 of the constitution further provides that these two levels of government

Devolved Government cont/...

- Distinctiveness of the two levels of government is enhanced through 4th Schedule to the Constitution.
- Article 186 categorizes the functions into;
 - Exclusive
 - Concurrent
 - Residual

Objectives of Devolution

- Chapter eleven of the Constitution sets out nine objectives of Kenya's devolved system of government.
- The objectives address virtually all the major governance challenges that affected the country under the centralized governance system.
- Effective Implementation of the objectives of devolution will radically transform the manner in which the country will be governed

Implementation of Kenya's Devolved System of Government

- Implementation is a technical process involving the passage and enforcement of laws.
- It is also a political exercise.
- Implementation of devolution must take cognizance of political dynamics.

Implementation Cont/...

- Implementation of the CoK, 2010 and therefore devolution, requires;
 - Constitutional and legal frameworks, policies, regulations and administrative procedures to give it effect.
 - Institutional frameworks and administrative structures necessary of service delivery at both national and county governments
 - Governance systems ie financial systems and processes including resource allocation as envisaged by the constitution
 - Effective functioning of a key institutions charged with facilitating the coming into full effect of the constitution.
 - Good will from key stakeholders who should work in synergy.
 - Harmonizations of transition activities by the relevant actors.
 - Effective Management of the transition processes and activities.
 - Institutionalization of the practice and culture of constitutionalism.

Challenges to the Implementation of Devolution

- The implementation of the constitution generally, and devolution in particular, is bound to experience many challenges for instance;-
 - Ineffective change management
 - Resistance to change (re-centralization tendencies)
 - Lack of synergy among the actors
 - Failure to respect roles

Challenges to the Implementation of Devolution Cont/...

- Lack of devolutionist to champion the course.
- Failure of certain institutions to deliver on their mandates.
- Political expediency informing critical decisions.
- Political environment.
- High expectations from the public
- Slow pace of establishing systems/structures
- Lack of trust and cooperation between governments
- Lack of information sharing
- Inadequate understanding and appreciation of Kenya's model of devolution.
- Lack of civic education on devolution

Safeguards to the Implementation of Devolution

- Some safeguards are of a constitutional nature while others are of a political nature;
 - Chapter Sixteen of the Constitution.
 - The people's goodwill and desire for devolution.
 - Existence of opposition coalition committed to devolution

Conclusion

- Implementation of is only about four months old.
- The full picture regarding implementation of devolution may therefore not have merged.
- Observations made at this stage about the implementation of devolution must therefore be viewed as tentative.

- THANK YOU