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Influence of Decentralized Units in Enhancing Democratic Governance Process in Kenya

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Abstract

Devolution framework in Kenya is anchored in article 174 of the Constitution which espouses the relationships where political, administrative and fiscal power is distributed to semiautonomous territorial and sub-national units which seek to promote accountability, transparency, responsiveness and legitimacy in a state. For this to be achieved, the devolution framework borrows heavily on the objects of the Kenyan devolution framework to select key indicators like devolved units to measure the relationship between the devolution framework and democratic governance indicators. The devolution framework in Kenya promised a structural architecture of power relations that engenders democratic governance tenets of transparency, accountability and open governance. The objective of the study was to establish the influence of decentralized units on enhancing democratic governance. The study adopted descriptive and correlation research design. All the forty-seven (47) counties in Kenva were targeted, with five officers per counties forming the sample frame. Regression models were used to examine the influence of the devolution framework on democratic governance in Kenya. The study found that there was a positive relationship between decentralized units and democratic governance. This study addresses the existing knowledge gap by determining the effect of decentralised units on democratic governance process in Kenya is not direct but rather is through devolved units. The findings of this study therefore have implications for theory, practice and policy. The study recommends need to strengthen institutions and resource mobilization to the devolved units.

Keywords: Decentralized Units, Democratic Governance, Kenya

1.0 Introduction

Background of the study

Devolution is one of the various forms of decentralization which is an attribute of all governments globally. Kauzya (2007) observes that various decentralization forms offer vertical



and horizontal decentralization, where vertical offers a vote while horizontal offers a voice to the citizens. Devolution embraces both were the citizens are heard and their vote counts in assembling the governance structure. Globally therefore, it is not if governments decentralize but rather how and why they do choose their preferred mode of decentralization.

Ndegwa (2002) offers in a study of decentralization that 'it is significant to note that in no country was the claim to centralization as preferred organizational mode made or implied, nor was decentralization considered undesirable, only difficult to effect and sustain'. Decentralization is therefore an emerging governance model globally and its effects have been shared among several governments..Based on the principle of subsidiary, it assigns specific functions hitherto performed by the national government (centre) to the lowest sub national organs. Such distribution of responsibilities and powers could involve some shared functions, with the logic being to enlarge sub-national participation in decision making over interventions, and hence engendering local relevance and citizen participation (Kauzya, 2007). Globalization has been accompanied by an equally global tendency towards devolution of authority and resources from nation – states to regions and localities that takes on various forms, depending upon which actors are driving decentralization efforts (Montero, 2001). Devolution has therefore become a global phenomenon in a several countries, among them Brazil, China, India, Mexico, the US, and countries of the European Union (Montero, 2001)

Globally, devolution has been associated with efficiency, the expectation that the devolved functions to the lowest feasible levels of decision making will optimize information flows and reduce transactional costs. A decision to devolve therefore is often based on the failure of central government to deliver, such as in revenue collection or in service delivery (Commonwealth Secretariat and Commonwealth Local Government Forum, 2001). Mwenda (2010) argues that devolution also seeks to resolve 'over-centralized mis-governance' or to diffuse secessionist tendencies by facilitating outcomes that result to greater consensus in decisions. Devolution under the 2010 Kenvan constitution entails the transfer of fiscal, administrative and political power to the devolved entities with citizens playing a central role in governance. The constitutional architecture of devolution was a departure from the past where power and resources were highly centralized and citizens had minimal participation in governance (CoK, 2010). In devolution responsibilities, resources and authority are transferred from higher levels of government to lower levels as one way through which the governed participate in governance (Muia, 2008). The national government cedes some powers to clearly defined sub-national geographical units (Katsiabuni, 2003). Manor (1999) observes that in the administrative devolution, there is a set of policies that transfer the administration and delivery of social services like health, education, social welfare or housing to the sub-national units. Devolution therefore is defined by high autonomy and downward accountability. The sub-national entities are not directly accountable to national government though they have to work within set statutes and rules (Oloo, 2006).

This study seeks to demystify the devolution model in Kenya by tracing its key tenets as embraced by the Kenyan constitution, Article 174 (CoK, 2010). The selected variables for the devolution framework are inspired by the objects of devolution and hereof identified among others, and heavily influenced by the spirit of article 175 of the Kenyan constitution. The variables being evaluated on their influence on democratic governance in Kenya is Decentralized Units. This study will therefore determine the relationship between the devolution framework in



Kenya and democratic governance variables of transparency, accountability, inclusion and responsiveness.

1.2 Statement of the Problem

Devolution, a major hallmark of the 2010 constitution presented a governance model with the aim of engendering an accountable exercise of power. It provides for a legal and policy framework for ordinary citizens to participate in the process of governance, hold leaders to account and allow for open leadership (Ochieng, 2012). This framework is meant to ensure that powers of self-governance are devolved and that participation of the people in the exercise of public power of the state is guaranteed. Baseline survey report on governance in Kenya (SID, 2012) indicated that Kenyans had high hopes on devolution to decentralize power and share national resources among counties.

The devolution mode of governance has however disappointed the democratic threshold expected by Kenyans. The very principles of democratic governance aspired by the 2010 constitution have manifested a mixed results and wanton political disillusionment. The executive arm of county governance has highly escaped unchecked by the legislature, as the battle and war on accountability fails to be checked by the doctrine of separation of powers envisaged by the devolution model. County assembly attempts to hold the county executive accountable have often been neutralized by the Courts as the case of Embu County demonstrates (Kakah, 2014). This is despite the fact that twenty-three (23) MCA's voted against eight (8) to impeach the governor for flouting the County Government Act by appointing public servants without the assembly's approval. Indeed, their decision was upheld by the Senate and the High Court of Kenya. The decision was however overturned by the Court of Appeal (Goan, 2015). The accountability riddle will show its ugly face yet again in Muranga, where the County assembly will use the accountability power bestowed to it to blackmail its County executive chief by impeaching him for failing to allocate ten million for the County assembly expenditure on local and foreign travel (Odunga, 2015).

Public participation in the County assemblies has largely been undermined (TISA, 2015). The County assemblies have been using national newspapers to advertise public participation even in areas with low literacy levels and low newspaper distribution and access. This has led to selective involvement of people in public participation forums, limited sharing of budget documents, and when shared, is in technical language limiting participation, poor feedback to communities after the public participation exercises. TISA (2015) observes that communication gaps between the County executive, the County assembly and the ward administrators are worsening the situation. The information gap has resulted in slow, late, inaccurate or incomplete communication. Civic education is also yet to have any meaningful impact on Kenyans as many citizens do not know that there were specific processes in which they were required to participate and offer their views. Community level infrastructure development programme is yet to take root to support village and ward level programmes (Tisa, 2015).

With Kenya's performance on accountability and transparency of decentralized units on trial, this study sought to establish the influence of decentralized units in enhancing democratic governance process in Kenya.



1.3 Objective of the study

To establish the influence of decentralized units on enhancing democratic governance.

1.4 Research question

What influence does decentralized units have on the democratic governance in Kenya?

2.0 Literature Review

2.1 Theoretical review: Regulation Theory

Regulation theory explains the axis between economic and social relations, and why institutions are established to order their interactions. The theory has largely emerged to replace the public interest theory which portents that the society is self-regulatory and can order its relations (Mitnick, 1980). It proposes the need for existence of an institution or regulator with the prerequisite tools to guide its operations and safeguard its existence and operations.

Regulatory theory contends that the units or institutions thereof derive their authority and objectives from legislative instruments that not only define them but also determine their scope and limitations. This highly relates to the core functions and the role the institution plays in making its own rules for implementation or implementing the rules or procedures of another institution or government (Ogus, 1994). This is mostly in cases where agencies have delegated roles and responsibilities from the national governments or Constitutions. The theory observes that every entity created ought to have a match between its functions, mandate, authority and accountability. This is reflected at best by the balance between agency expertises and delegated tasks therein (Baldwin & McCrudden, 1987). For the institutions to thrive, independence should be granted to them and their decision making process must be cushioned from external interference. Its officials must be recruited on merit and on a bi-partisan basis and guarantee the leaders of the agencies some security of tenure to discourage their dismissal except on grounds of misconduct (Horn 1995; Majone 1994).

This theory is ideal for Kenya's 47 counties who have to generate their own revenue and forward them to the national government which in turn redistributes the revenues to the counties using a laid down formula. Agleitta (1979) had concluded that "structural forms can only form a complex structured whole able to reproduce itself and evolve in an orderly manner, by their location within the state. It is within the state that cohesion of these structured forms can be assured".

2.2 Empirical review

Devolved units under the framework of law of autonomies and Decentralization exist to achieve the goal of "the effective participation of citizens in decision making, the deepening of democracy, the satisfaction of collective necessities, and the integral socioeconomic development of the Country. Article 6 of the COK, 2010 divides Kenya into forty-seven (47) counties and requires state organs to ensure reasonable access to their services in all parts of the Republic. At the same time Article 184 provides for urban areas and cities as units of decentralization under the counties. Moreover, Article 176(2) requires county governments to



decentralize their functions and the provision of services to the extent that is efficient and practicable. Furthermore, Part VI of the County Government Act, 2012 requires that the functions and services of the county government should be decentralized along the units specified in the Act. The counties are administratively devolved further into sub-counties, wards and village units.

Functional devolved governments are expected to bring services closer to the people and espouse the prerequisites for an economy that attracts and retains local and foreign investments. Efficient and effective devolved units have the potential to spur economic growth, political stability and social advancement in line with the precepts of the Constitution and national and county development plans including the Kenya Vision 2030. The second Medium Term Plan outlines the importance of decentralized units such as the cities, urban areas, sub counties, wards and village councils in delivering accelerated and inclusive socio-economic development, improved standards of living and new employment opportunities. These efforts shall in their whole address the key barriers to economic consolidation such as poverty, joblessness and inequality and pave way for faster realization of Vision 2030.Abdumlingo and Mugambi (2014) undertook a study challenges of managing devolved funds in the delivery of services: a case study of Mombasa County. The study sought to investigate the various challenges in managing devolved funds and services. The methodology involved descriptive research study and interviews conducted in four constituencies namely Likoni, Kisauni, Changamwe and Mvita.

Don (2014) undertook a study on the challenges of strategy implementation in Nairobi County Government. The objective of the study was to establish the challenges of strategy implementation at the devolved unit. The study adopted a descriptive cross- sectional research design. It employed face to face interviews as a primary data collection method. A structured interview guide was used as the sole research instrument. The study concluded that the level of management skills influences the strategy implementation in the devolved unit. The study also concluded that organizational structure of the devolved unit influences strategy implementation. This was through bureaucratic bottlenecks, differentiated roles that lead to specialization, number of reporting lines, harmony or reporting lines and employee placement. The study further revealed that the challenges that highly inhibit the devolved unit's performance include lack of support from the top management, slow budget approval, lack of clear individual role, lack of alignment with the organization strategic plan, lack of employee involvement, poor staffing level, and ineffective communication during strategy implementation and lack of coordination of activities during strategy implementation.

2.3 Conceptual framework

A conceptual framework is a concise description of the phenomenon under study accompanied by a graphical or visual description of the major variables of the study (Cooper & Schindler, 2008). Young (2009), states that a conceptual framework is a diagrammatical representation that shows the relationship between dependent variable and independent variables. A conceptual framework is also a set of broad ideas and principles used to structure a subsequent presentation (Kombo & Tromp, 2009).





Figure 1: Conceptual framework

3.0 Research methodology

This research adopted descriptive and correlation research design. Study population consisted of all the 47 Counties in Kenya. The study used a census for all the forty-seven counties in Kenya, targeting critical officers in the implementation framework of devolution in Kenya. The County executive was represented by the governor or his representative, while the county assembly speaker was represented the County assembly. The IEBC County coordinator represented the electoral agency, which is tasked with the enormous task of civic education in the country. County attorneys provided the much desired legal framework situation of the devolution framework in the counties.

The study adopted a census technique with respect to the unit of analysis. Questionnaires were designed to collect information on the influence of devolution framework in Kenya on democratic governance. The questionnaire instrument for data collection was preferred as it helps the respondents to be objective and more precise in responding to research questions. In designing the question items, both closed and open ended format of the item will be used. Care will be taken to ensure that the design is simple and respondent friendly. A five - point likert scale (Likert, 1961) which ranges from 'very great extent' to 'very low extent ' (5= 'very strong extent', 4='great extent', 3='moderate extent', 2= 'low extent and 1= very extent') will be used, to reflect the strength of agreement or disagreement of the respondents. The questionnaires were divided into the various sections of the variables. In this study the primary data obtained from the questionnaires was checked for omissions, legibility and consistency before being coded for analysis. Statistical Package for the Social Sciences (SPSS) software was used to organize code and analyze information and generate quantitative report. Newman (2009) indicates SPSS's main advantage as includes many ways to manipulate data and containing most statistical measures. Regression analysis was used to determine the relationship between the dependent variable (democratic governance) and the independent variables (devolved units)

The regression model adopted was:

$$Y == \beta_0 + \beta_1 X_1 + \beta_2 X_2 + e$$

Where:

Y = Democratic Governance



 X_1 = Devolved units

e is error term

 β_0 represents the constant

 β_1 regression coefficient

4.0 Results and findings

4.1 Decentralized units

4.1.1 Descriptive statistics

In this study, decentralized units were measured by 10 statements. Respondents were asked to rate on a scale of 1 to 5; where 1= Strongly disagree, 2= Disagree, 3= Neutral, 4= Agree and 5= Strongly Agree. The analysis is on Table 1

Table 1: Descriptive Statistics on Decentralized Units

Statements	Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree	Mean	Std. Dev
Decentralized units have improved proximity							
to public services	3.6%	3.0%	7.8%	75.3%	10.2%	3.86	0.78
Decentralized units have enhanced timely							
access to services	1.8%	16.3%	17.5%	54.8%	9.6%	3.54	0.94
In order for devolution to function as							
expected, there are several structures that							
need to be set up including the office of the							
Governor, County Assembly, County Public							
Service Board, and the Senate	3.0%	3.0%	7.8%	65.7%	20.5%	3.98	0.82
Devolution may create or strengthen of							
independent units or tiers of Government	9.6%	15.1%	4.8%	56.0%	14.5%	3.51	1.20
Devolution may transfer of authority for							
decision making, finance and management to							
counties with cooperate status	0.0%	0.0%	9.6%	70.5%	19.9%	4.10	0.54
Devolution describes an inter-organizational							
pattern of power relationship.	2.4%	1.8%	1.2%	69.3%	25.3%	4.13	0.74
Devolved unit need to be given autonomy							
and independence without direct control of							
centre government	0.0%	0.0%	0.0%	39.2%	60.8%	4.61	0.49
The local level units must have clear and							
legally recognized geographical boundaries							
to exercise authority and perform public	0.004	0.004	0.004	50.00 <i>i</i>	a a 4 <i>a</i> 4		0.44
functions	0.0%	0.0%	0.0%	69.9%	30.1%	4.30	0.46
The devolved units should act on its own,							
not under hierarchical supervision of the	0.00/	0.00/	0.00/	26.10/	62 0.04	1 < 1	0.40
Central Government	0.0%	0.0%	0.0%	36.1%	63.9%	4.64	0.48
Devolved entities permit to establish and	1.8%	1.8%	6.0%	31.9%	58.4%	4.43	0.83
	-						



manage their own budgetary, evaluation system and monitoring

Average

4.11 0.73

The results show that 75.3% agreed with the statement that decentralized units have improved proximity to public services. 54.8% agreed that decentralized units have enhanced timely access to services, 65.7% agreed that in order for devolution to function as expected, there are several structures that need to be set up including the office of the Governor, County Assembly, County Public Service Board, and the Senate, 56.0% agreed that devolution may create or strengthen of independent units or tiers of Government, 70.5% agreed that devolution may transfer authority for decision making, finance and management to counties with cooperate status, 69.3% agreed that devolution describes an inter-organizational pattern of power relationship, 60.8% strongly agreed that devolved unit need to be given autonomy and independence without direct control of centre government, 69.9 agreed that the local level units must have clear and legally recognized geographical boundaries to exercise authority and perform public functions, 63.9 agreed that devolved units should act on its own, not under hierarchical supervision of the Central Government while 58.4% agreed that asset management seminars had agendas on planning for retirement. The overall mean of the responses was 4.11 which indicates that majority of the respondents agreed with the statements on decentralized units. The standard deviation of 0.73 indicates that the responses were closely varied.

This is consistent with Munoz, Acosta & Moreno, (2006) that devolved governance improves the political involvement of the people in public decision making, and to strengthen democracy and spur the country's development efforts. A devolved unit under the framework of law of autonomies and decentralization exists to achieve the goal of "the effective participation of citizens in decision making, the deepening of democracy, the satisfaction of collective necessities, and the integral socioeconomic development of the Country. Romeo & Spyckerelle, (2003) observes that devolved governance is being preferred in order to strengthen and expand democracy by devolving it downwards to the local level. Devolved units strengthen public accountability, and improve service delivery and government effectiveness.

		Democratic Governance	Decentralized Units
Democratic Governance	Pearson Correlation	1	
	Sig. (2-tailed)		
Decentralized units	Pearson Correlation	.333**	1
	Sig. (2-tailed)	0.000	
** Correlation is signification	ant at the 0.01 level (2-ta	ailed).	

Table 2: Correlation between Decentralized Units and Democratic Governance

Fitness of Model

In table 3, the fitness of model explains the relationship between decentralized units and democratic governance. Decentralized units were found to be satisfactory variable in determining democratic governance. This was supported by the coefficient of determination also known as the R-square of 0.111. This means that decentralized units explains 11.11% of the variations in



the dependent variable. These results further mean that the model applied to link the relationship of the variable was satisfactory.

Table 3: Model Fitness

Model	Coefficient			
R	0.333			
R Square	0.111			
Adjusted R Square	0.106			
Std. Error of the Estimate	0.35247			

The ANOVA results indicate F statistic of 20.49 which was greater than f critical of 5.8 implying that the model was statistically significant. Further, the results imply that the independent variable, decentralized units was a good predictor of democratic governance. This was also supported by the reported p=0.00 which was less than the conventional probability of 0.05 significance level. This is shown in table 4.

Table 4: Analysis of Variance

	Sum of Squares	df	Mean Square	F	Sig.
Regression	2.546	1	2.546	20.49	.000
Residual	20.375	164	0.124		
Total	22.921	165			

Table 5 results revealed a positive relationship between decentralized units and democratic governance ($\beta = 0.240$). The relationship was also significant at 5% level of significance (P-value=0.000). This finding implied that an improvement in decentralized units by one unit leads to a 0.240-unit improvement in democratic governance.

Table 5: Regression Coefficient

	В	Std. Error	beta	t	sig	
(Constant)	3.445	0.220			15.649	0.000
Decentralized Units	0.240	0.053	().333	4.527	0.000

The specific model is;

Democratic Governance= 3.445 + 0.240 X

Where

X = Decentralized Units

Hypothesis Testing

The hypothesis was tested by using the linear regression (table 5). The acceptance/rejection criteria were that, if the p value is less than 0.05, the Hi is not rejected but if it's greater than 0.05, the Hi fails to be accepted. Based on this objective and literature review, the following alternative hypothesis was formulated for testing.Decentralized units has an influence on



democratic governanceResults in Table 5 show that the p-value was 0.000<0.05. This indicated that the alternative hypothesis was not rejected hence decentralized units has positive and significant influence on democratic governance.

This study is consistent with that of Munoz, Acosta & Moreno, (2006) that devolved governance improves the political involvement of the people in public decision making, and to strengthen democracy and spur the country's development efforts. Decentralization exists to achieve the goal of "the effective participation of citizens in decision making, the deepening of democracy, the satisfaction of collective necessities, and the integral socioeconomic development of the Country. Romeo & Spyckerelle, (2003) observes that devolved governance is being preferred in order to strengthen and expand democracy by devolving it downwards to the local level. Devolved units strengthen public accountability, and improve service delivery and government effectiveness

5.0 Conclusions

The results showed that decentralized units had a positive and statistically significant effect on democratic governance. The study concluded that the improvement in decentralized units leads to a positive improvement in democratic governance. Functional devolved governments bring services closer to the people and. Efficient and effective devolved units have the potential to spur economic growth, political stability and social advancement. The overall mean of the responses was 4.11 which indicates that majority of the respondents agreed with the statements on decentralized units. Decentralized units have improved proximity to public services, enhanced timely access to services.

6.0 Recommendations

This study recommends need to strengthen institutions such as the Ministry of Devolution and Planning, Council of Governors, County Assembly, Intergovernmental Relations Council, Ethics and Anti-Corruption Commission, Senate, Office of the Controller of Budget, Auditor General among others. Strengthening these institutions entails building their capacity to perform functions, adequate funding, increasing human resource and ensuring they are autonomous from political interference. The legal framework also requires creation of further decentralized units such as Sub-Counties, wards, cities, village councils to bring governance closer to the people and responsive to the needs of the people. Further decentralization also increases service delivery, accountability, transparency and provides an effective feedback mechanism.

However, the national government in collaboration with the county government must aim at strengthening the capacity of these structures through resource mobilization. For ease of compliance, it is also recommended that an easy to understand lay peoples' manual of the key provisions on good governance be prepared to act as a checklist for Governors, CEC's, MCA's, other stakeholders and the general public.

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