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Abstract

This study sort to find out, the influence of separation of powers on performance of governance in County governments in Kenya. Purposive sampling probability and simple random sampling techniques were utilized in drawing a representative sample from a population of 47 counties in Kenya. Structured questionnaires were used in the collection of qualitative and quantitative data. Simple regression model was used to analyze the data with hypothesis testing being applied as the basis to reject or fail to reject the null hypothesis at 0.05 with the aid of statistical results package for social science (SPSS) as a tool. The findings revealed that commitment on separation of powers significantly influence the performance of governance in county governments in Kenya. Specifically, through separation of powers, the county government has the autonomy and independence to focus on revenue generation and develop important sectors at the county level; It is through the separation of powers that power is applied to the objectives to which it was invented. It is therefore important that citizen participation in issues of governance is encouraged and facilitated. The reason for this is that citizen participation will increase their receptiveness to policies formulated to address their needs since they were at the center in the development phase of these policies.

Keywords: *Separation of powers, performance, County governments, Devolution & Kenya.*

Introduction

Devolution is seen to be the main cornerstone of development reforms in many countries. The importance of devolution is deeply rooted in the political economy argument that devolution leads to better performance of local governments such as county governments (Rosenbaum, 2013). Devolution of power entails inter alia democracy and accountability. Thus with devolution local communities would actively participate in agenda setting and decision-making. Local communities would make decisions on issues that affect them. Such participation and prioritization of developmental activities would go a long way in promoting social and economic development (Nhede, 2013). Devolution of power underscores the need for transparency in governance matters. Across the world, many countries have successfully implemented devolution for example Britain, Germany, United States of America, Canada and Australia. According to William (2013) in his paper “Is Devolution Universal”? A Comparative Analysis of Regionalization and Subnational governments asserts that Germany is a federal democratic republic with a strong federalist tradition. Political, legislative, and administrative powers are allocated between the federal government and the 16 federal states, or “Länder” which allows for power sharing between the national government and the local governments.

Besides concern with efficiency in service delivery, devolution is meant to resolve ‘over-centralized misgovernance’ or defuse secessionist tendencies, its outcomes leading to greater consensus in decisions (Mwenda, 2010). Devolution in Kenya is the pillar of the Constitution and seeks to bring government closer to the people, with county governments at the Centre of dispersing political power and economic resources to Kenyans at the local level. Al-Rodhan (2009) argued that good national governance is an important component in creating a history of sustainability for the human race. According to Ghai (2008), most African countries with centralized systems of governance exhibit several symptoms that are associated with poor or failed governance. He further argues that one of the most serious symptoms include the inability to discern between public and private resources since most of the people in positions of leadership exploit public resources for private gain.

Ndulo (2006) on the other hand asserted that lack of commitment to devolution principles in most African countries with centralized governments’ leads to limited participation by the citizenry. Most African countries Kenya included were very much affected by the kind of leadership perpetuated by the colonialists. Most of the colonial masters were more interested in making economic gain than building economic institutions. The divide and rule approach of the colonialists developed ethnic hostility among various ethnic groups as they struggled to control resources that were available (Kimenyi, 2005). The principles of devolved governance also act as the roadmap to sustainable county governance. This was necessitated by the inability of the centralized system of governance to strengthen institutions and instead making them mere instruments of support to the ruling party (Cotrell & Ghai, 2007). The other reason why devolution was supported in Kenya is due to the marginalization of some regions and communities in terms of development and involvement in decision making. Mackinnon (2015) asserted that devolution granted the devolved governments the capacity to develop policies that are better tailored to the economic and social conditions of their areas, encouraging policy divergence through the introduction of local solutions to local problems.

However, some county governments have not achieved the devolved governance principles as enshrined in the new constitution dispensation in Kenya to enhance service delivery and set development agenda for their citizens. Secondly, the contentious issue between the national and county governments has been the division of revenue to counties, with the counties cry that their allocations are too minimal and cannot support them fully. However, despite these complaints, a report released by Controller of Budget for the fiscal 2013/2014 indicated that counties had not utilized the little resources allocated to them efficiently with allegations of misappropriation of funds and more spending on recurrent expenditure with little resources left for development (GOK, 2014). In another report on corruption by National Ethics and Corruption revealed some irregularities in county governments spending of the monies allocated in the budget that they were not able to account for (GOK, 2015). There were irregularities in recruitment of staff whereby they recruited 96 members even though only 36 positions had been advertised as vacant implying that 60 members staff were recruited irregularly (GOK, 2015)

Successful devolved government requires an efficacious design for the context within which it is to be undertaken as there was a great need to assess the capacity and other resource needed for the successful devolution agenda. Harnessing performance of governance in Kenya's counties required full commitment to the principles as stipulated in the Kenyan Constitution (2010) which this study intended to achieve.

Objective of the study

To determine the influence of separation of powers on performance of governance in County Governments in Kenya

Hypothesis of the Study

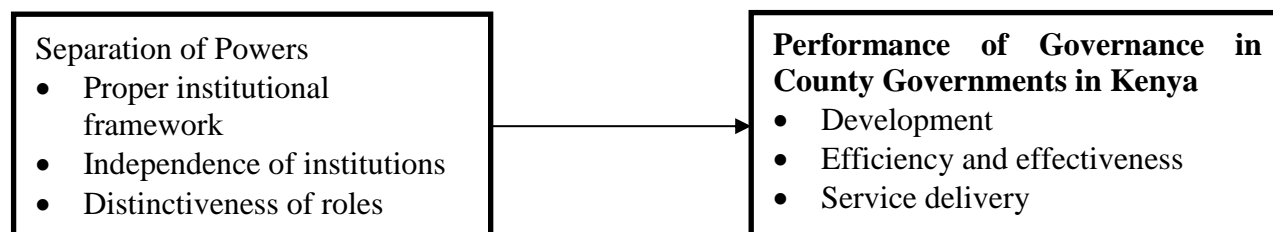
H₀: Separation of power does not have a significant influence on performance of governance in County Governments in Kenya.

Theoretical Framework

According to Wanjoyi (2003), the local government founded upon the premise that the sub-unit government stimulated popular participation in development and political activities which ensured that there was separation of powers to enable adequate contribution to performance of the local authorities in Kenya. Montesquieu a famous French political philosopher published "The Spirit of Laws in 1748" he held up the English form of government as the best because it had a separation of powers among the different branches of government. Montesquieu believed that separating the government would prevent it from becoming too powerful and depriving the people of their rights. Separate branches could also watch over each other to ensure no other branches overstepped their bounds. According to William (2013) in his paper 'Is devolution Universal? A Comparative Analysis of Regionalization and Subnational governments asserted that Germany is a federal democratic republic with a strong federalist tradition. Political, legislative, and administrative powers are allocated between the federal government and the 16 federal states, or Länder which allowed for power sharing between the national government and the local governments.

Conceptual Framework

The conceptual framework Figure 1 illustrated the perceived relationship between separation of power and dependent variable (performance)



Independent Variable

Dependent Variable

Figure 1: Conceptual framework

Literature Review

In modern states, values once associated with a doctrine of the formal separation of legislative, executive and judicial powers depended on pluralistic arrangements, in which the powerful departments of central government operated in a web of countervailing powers exercised by legislatures, courts, devolved administration, local government and other public bodies, political parties, and a network of pressure groups (Turpin & Tompkins, 2007). Unless these departments were connected and blended, as to give to each a constitutional control over the others, the degree of separation which the maxim required, as essential to a free government, can never in practice be duly maintained thus checks and balances were therefore indispensable (Mangu, 2005). The constitution had meticulously defined, distributed and constrained the use of state power along multiple lines.

The organization of governance and state power requires that power be divided, distributed and dispersed so as to ensure that power is applied to the objectives for which it was invented and in the manner in which it was intended. It was on this conceptual necessity that formed the foundation upon which the devolved systems and structures of government are premised. Another important aspect of separation of powers was the role of the provinces and local government as separated spheres of government, although with large areas of concurrence with national government. The principles which underlined this division of powers, and their factual consequences, required separated consideration of its own (O'Regan, 2005). The Constitution identified devolution and sharing of power as one value and principle that guided our governance system.

Further, the structural arrangement of the constitution provided for clear separation of powers, checks and balances. Every legal system required rules that specified the major institutions and officials of government, and determined which of them was done and how they interacted, and how their membership or succession was to be determined (Mangu, 2005). The principle of separation of powers was a positive edit in the Constitution of Kenya and was recognized and respected as a permanent and indispensable feature of Kenya's constitutional system. The constitution promised to fundamentally alter the relationship between the Judiciary, the

Legislature and the Executive by reintroducing the time honored cornerstone principles of the Constitutional supremacy, parliamentary sovereignty and judicial independence. Separation of powers gave the local governments the autonomy and independency for better organization in the county functions thus bringing out the distinctiveness.

Closely related to the concept of Separation of Powers was the doctrine of the Rule of Law which was one of the most important political ideals of all time. It was one of a cluster of ideals constitutive of modern political morality. The rule of law was a fragile but crucial ideal, one that was appropriately invoked whenever governments tried to get their way by arbitrated and oppressed action or by short-circuited norms and procedures laid down in a country's laws and the Constitution (CoK, 2010). Interfering with the courts and manipulating the Constitution for partisan advantage, were few examples of abused rule of law.

Performance of County Government in Kenya

The British and Irish Ombudsman Association (2009) identified six principles of good governance as: independence, openness and transparency, accountability, integrity, clarity of purpose and effectiveness. According to the Association independence is about ensuring and demonstrating the freedom of the office holder from interference in decision making; openness and transparency was, as the name implied, about ensured openness and transparency in order that stakeholders had confidence in the decision-making and management processes of the scheme; accountability was ensured that all members of the scheme, included the office holder, staff members and members of any governed body, were responsible and accountable for their decisions and actions, including the stewardship of funds (with due regard to the independence of the office holder); integrity was about ensuring straightforward dealing and completeness, based on honesty, selflessness and objectivity, and ensured high standards of probity and propriety in the conduct of the scheme's affairs and complaint decision making; clarity of purpose is about ensured stakeholders who knew why the scheme existed and what was done, and expected from it; and effectiveness was about ensuring that the scheme delivered quality outcomes efficiently and represented good value for money.

Looking at governance from a slightly different perspective, the UNDP (2013) identified eight major principles of good governance including: participation, consensus, accountability, transparency, responsiveness, effectiveness and efficiency, equity and inclusiveness and rule of law. Participation here referred to participation by both men and women, either directly or indirectly through legitimate representatives. This was key cornerstone of good governance. Participation needed to be informed and organized. They also included freedom of expression; and assiduous concern for the best interests of the organization and society in general. Transparency here meant that information provided understandable forms and media; that were freely available and directly accessible to those who were affected by governance policies and practices, as well as the outcomes resulting there from; and that any decisions taken and their enforcement were compliance with established rules and regulations; responsiveness implied that good governance required organizations and their processes designed to serve the best interests of stakeholders within a reasonable timeframe. Good governance was responsive to the present and future needs of the organization, exercised prudence in policy-setting and decision-making, and that the best interests of all stakeholders were taken into account; consensus oriented implied that good governance required consultation to understand the different interests of stakeholders in order to reach a broad consensus of what was in the best interest of the entire stakeholder

group and how this can be achieved in a sustainable and prudent manner; equity and inclusiveness implied that the organization that provided the opportunity for its stakeholders to maintain, enhance, or generally improved their well-being provided the most compelled message regarding its reason for existence and value to society; effectiveness and efficiency indicated that good governance meant that the processes implemented by the organization to produce favorable results met the needs of stakeholders, while making the best use of resources – human, technological, financial, natural and environmental – at its disposal; accountability being a key tenet of good governance helped to clarify who is accountable for what should be documented in policy statements. In general, the World Bank sort to show that an organization is accountable to those affected by its decisions or actions as well as the applicable rules of law; and rule of law which argued that good governance required fair legal frameworks that are enforced by an impartial regulatory body, for the full protection of stakeholders.

A number of researchers (Globerman & Shapiro, 2002; and Sisaya *et al*, 2015) concurred with World Governance Indicators' definition of governance as well as with its six aspects or components and detailed components as follows: The first aspect of governance, voice and accountability captured perceptions of the extent to which citizens of a country are involved in the selection of governments. It also encompassed the degree to which the media was independent and active which was crucial for monitoring public office holders and for making them accountable for their actions. An effective voice mitigated abuse of office and allowed freedom of expression among the citizenry. Policies that influenced and determined the provision of public goods, subsidization and credit availability were driven by the ability of the different interest groups engaged in productive bargaining (Binswanger and Deininger, 1997).

The aspects of governance were on the other hand, interrelated. Better accountability mechanisms for example, led to less corruption, just like a more effective government provided a better regulatory environment, and respect for the rule of law leads to fairer processes for selecting and replacing governments and less abuse of public office for private gain (World Bank Group, 2010). The definition of governance as referring to the institutions and policies affected the performance of an economy and that it was viewed as the traditions and institutions by which authority in a country was exercised included: (a) the process by which governments were selected, monitored and replaced, (b) the capacity of government to effectively formulate and implement sound policies, and (c) the respect of citizens and the state for the institutions that govern economic and social interactions among them.

(Globerman & Shapiro, 2002); World Governance Index, (2017) was integrated with the aforementioned dissection of aspects of governance further provided evidence for their interconnectedness. Consequently: (a) The process by which governments were selected, monitored, and replaced, in effect understood to refer to (i) voice and accountability which, as earlier explained, denoted the perceptions of how far a country's citizens were able to participate in selecting their government, as well as to the extent to which freedom of expression, freedom of association, and a free media existed in that country; and (ii) Political stability and absence of violence which referred to the likelihood that the government destabilized or overthrew unconstitutional or violent means, including politically motivated violence and terrorism. (b) The capacity of the government to effectively formulate and implement sound policies in effect refers to (i) Government Effectiveness which as mentioned above denoted perceptions of the quality of services provided by government, the quality of the civil service and the extent to which operated free of political pressures, the quality of policy formulation and policy implementation, and the

extent to which government is truly committed to the policies; as well as (ii) Regulatory Quality which denoted perceptions of the ability of the government to formulate and implement sound policies and regulations that permitted and promoted private sector development. (c) The respect of citizens and the state for the institutions that governed economic and social interactions among them, is about (i) Rule of Law which denoted perceptions of the extent to which agents had confidence in and abided by the rules of society, particularly the quality of contract enforcement, property rights, the police, and the courts, as well as the likelihood of crime and violence occurring; and (ii) Control of Corruption which is about the extent to which public power is exercised for personal benefits whether qualified as petty or a grand form of corruption, as well as captured of the state by elites and private interests.

Research Gap

Majority of previous empirical studies on devolution had been conducted in developed and developing countries of German, America, Zimbabwe (Kyriacou & Roca-Sagale's 2011). There is relatively little work done to examine the influence of commitment on the principles of devolved government on County performance. Mapavu (2015) in his work entitled "The Controversies of devolution in Zimbabwe" shows that there is still a lot to be done in implementation of the devolution. There is need for the devolved government to ensure that they adhere to the principles of devolved government to realize the goals of devolution.

Material and methods

This study adopted a descriptive research design that also employed the quantitative research design due to its in-depth analysis of the influence of commitment to devolution principles on the performance of county governments in Kenya. This study focused on the ten ministers and ten chief officers in the ten devolved functions at each county which include Finance & Accounting, Agriculture & Livestock, Environment & Natural Resources, Health services, Education, Culture & Social, Physical planning/housing, Public works & Utilities, Public Service Management, Trade, Industry, Development & Registration and Roads & transport. The results from the study generally reflected how commitment influenced devolution principles and the performance of devolved governments in Kenya. From the target population of the study which was 200 (Two hundred), the researcher adopted a stratified sampling technique which is regarded as the most efficient system of sampling as there is minimal possibility of any group of population being completely excluded (Gupta & Gupta 2009). In this study the researcher used the formula given by Kothari and Garg (2014) to give 132 respondents. The researcher used questionnaires in collecting the primary data. The researcher employed Cronbach's coefficient alpha method to determine internal consistency of the items to be measured in each independent variable. The results showed that performance of governance in County Government ($\alpha=0.774$), and Separation of powers ($\alpha=0.705$). Scales were reliable as their reliability values exceeded the prescribed threshold of 0.7.

Data Analysis and model specification

To ascertain the correlation coefficient between the independent variables and dependent variable, data was analyzed qualitatively and quantitatively which addressed the research objectives. Quantitative data was analyzed by means of statistical models to give reliable information about the data. The researcher applied regression analysis to determine the relationship between dependent and the independent variables. This was done by the help of the

statistical results packaged for social science (SPSS) as a tool. Descriptive statistics was used to present the results, which were tabulated in frequency distributions, percentages and graphs.

The study used both simple regression models and multiple regression model to test hypothesis to estimate the coefficient.

a) Simple regression models

Objective one: $Y = \beta_0 + \beta_1 X_1 + \varepsilon$1.1

Where:

Y – County performance (Dependent variable)

X_1 – separation of powers

B_0 – the constant

β_1 – The coefficient

ε - error term

Findings and Discussion

This section describes the data analysis, presentation and interpretation of the findings. The findings relate to the objectives that guided the study. The study distributed 132 questionnaires to 7 county government in Kenya. Out of the 132 questionnaires, 127 were returned. However, of the 127 returned, a total of 121 were reasonably and adequately completed representing approximately 94% response rate.

Descriptive statistics and factor analysis

Commitment on separation of powers

Separation of powers is one of the fundamental issues that the devolved system was instituted to address. The devolved system is premised to divide, distribute and disperse power to ensure that power is applied to meet its intended objected. In this regard, the study sought to establish the commitment on separation of powers. Table 1 highlights the results. Basing on the findings in table 1, it is evident that there are proper institutional frameworks in place that ensures good governance in the county government (mean = 3.64, SD = 0.885). There is thus a likelihood of stronger accountability and increased oversight which are key in providing better institutional framework for effective delivery of public services. To further support the above notion, more findings revealed that the county institutions of governance are independent (mean = 4.08, SD = 0.678).

Further, the county is highly dependent with the national government in local budget making process (mean = 3.79, SD = 0.718). The implication is that there is limited devolution in terms of budget making since the national government dictates the process. It could be an impediment for the local government in terms of fulfilling development initiatives mainly because of budget constraints. The advantage however is that the public has knowledge of the role played by all county government officials in all devolved functions (mean = 3.69, SD = 0.893). Despite this, it is undefined if there are clear distinctive roles of all the devolved functions at the county levels (mean = 3.36, SD = 1.024).

In addition, different departments in the county are accountable for their functions in the county (mean = 3.81, SD = 1.011). They are therefore expected to mobilize revenue from the different sources in the county and use it effectively. In addition, there is good flow of information in the county offices that allows county policy understanding (mean = 3.65, SD = 0.892). Consequently, there is no information asymmetry. Besides, there is good relationship among the county structures for instance the Governor's office and the County assembly that promotes development in the county (mean = 3.64, SD = 0.751). Finally, the county has adequate autonomy to create by-laws for better governance (mean = 3.61, SD = 0.916).

From the findings in Table 1, all the items related to separation of powers were significantly loaded on their respective factors thus all were retained for analysis. Furthermore, factor 2 accounted for a cumulative variance of 49.11% while all three, accounted for 66.08% of the total variation in separation of powers. Sampling adequacy was tested using the Kaiser- Meyer- Olkin (KMO) Measure of sampling adequacy. As evidenced in Table 4.11, KMO was greater than 0.5 (0.926), and Bartlett's Test was significant, $\chi^2 (55) = 2224.588$, $p\text{-value} < 0.001$.

Table 1: Commitment on separation of powers

Statements	Mean	Std. Deviation	Loadings
There are proper institutional frameworks in place that ensures good governance in the county government.	3.64	0.885	0.764
The county institutions of governance are independent.	4.08	0.678	0.736
There are clear distinctive roles of all the devolved functions at the county levels.	3.36	1.024	0.749
The county is highly dependent with the national government in local budget making process.	3.79	0.718	0.724
The public understands the role played by all county government officials in all devolved function.	3.69	0.893	0.629
Different departments in the county are accountable for their functions in the county.	3.81	1.011	0.684
There is good flow of information in the county offices that allows county policy understanding.	3.65	0.892	0.698
There is good relationship among the county structures for example the Governor's office and the County Assembly that promotes development in the county.	3.64	0.751	0.515
The county has adequate autonomy to create by-laws for better governance.	3.61	0.916	0.76
Separation of powers	4.109	0.814	
Total Initial Eigenvalues	% of Variance	Cumulative %	
2.847	25.88	25.88	
2.555	23.23	49.11	
1.867	16.97	66.08	
KMO and Bartlett's Test			
Kaiser-Meyer-Olkin Measure of Sampling Adequacy.	0.926		
Bartlett's Test of Sphericity Approx. Chi-Square	2224.588		
Df	55		
Sig.	0.000		

Performance of County Governments

In this section of the analysis, the study highlights the results on the performance of county government. As evident in Table 2, there is inadequate sources of income for investment (mean = 2.52, SD = 1.484). The implication is that the county is unable to mobilize sufficient revenue to invest in development initiatives. Besides, the county government has not been able to invest

enough resources for its development (mean = 3.4, SD = 1.201). In addition, it is unclear if the county government has established proper mechanism of governance to ensure efficiency and effectiveness in utilization of all country resources (mean = 3, SD = 1.258). Consequently, issues of mismanagement of county resources are likely to be prevalent.

Besides, the county is yet to attain adequate service delivery in devolved functions at the county level (mean = 2.88, SD = 1.199). Similarly, sufficient efforts have not been made towards implementing policies governing all the devolved functions in the county (mean = 3.03, SD = 1.176). As well, devolution is yet to make infrastructure accessible to citizens in the county (mean = 2.74, SD = 1.34) and provide channels for communication with the citizens in the country (mean = 3.01, SD = 1.012).

However, the GDP of the county has improved since devolution of powers to the county (mean = 4.07, SD = 1.112). There is also accountability and transparency because the county budgets and expenditures are open to public scrutiny (mean = 4.34, SD = 0.852). Finally, the executive agencies and their administrative staff are open to vetting and control by the elected leaders (mean = 4.28, SD = 0.887). The findings in Table 2 show that all the items related to performance of county governments were significantly loaded on their respective factors thus all were retained for analysis. Furthermore, factor 1 and 2 account for a cumulative variance of 37.705% while all three, account for 53.942% of the total variation in performance of county governments. Sampling adequacy was tested using the Kaiser- Meyer- Olkin (KMO) Measure of sampling adequacy. As shown in Table 4.16, KMO was greater than 0.5 (0.880), and Bartlett's Test was significant, $\chi^2 (153) = 3385.61$, p-value < 0.001.

Table 2: Performance of County Governments

Statements	Mean	Std. Deviation	loadings
The county has adequate sources of incomes for investment.	2.52	1.484	0.676
The county government has invested enough resources for its development.	3.4	1.201	0.576
The county government has established proper mechanism of governance to ensure efficiency and effectiveness in utilization of all county resources.	3	1.258	0.651
There is adequate service delivery in devolved functions at the county level.	2.88	1.199	0.797
The county government has implemented policies governing all the devolved functions in the county	3.03	1.176	0.714
Devolution has made all infrastructures accessible to citizens in the county.	2.74	1.34	0.547
That the county government has provided channels for communication with the citizens in the county	3.01	1.012	0.575
That the Gross Domestic Product (GDP) of the county has improved since devolution of powers to the counties	4.07	1.112	0.591
County budgets and expenditures are open to public scrutiny/approval.	4.34	0.852	0.692
That the executive agencies and their administrative staff are open to vetting and control by the elected leaders	4.28	0.887	0.726
Performance of County Governments	4.124	0.66043	
Total Initial Eigenvalues			
	% of Variance	Cumulative %	
	3.413	18.963	18.963
	3.374	18.742	37.705
	2.923	16.238	53.942
KMO and Bartlett's Test			
Kaiser-Meyer-Olkin Measure of Sampling Adequacy.	0.88		
Bartlett's Test of Sphericity Approx. Chi-Square	3385.61		
df	153		
Sig.	0		

Inferential Statistics (Hypothesis Testing)

This is a method of statistical inference that explains the test of the relationship between each independent variable and the dependent variable. From the findings in Table 3, separation of

power has a positive and significant relationship with the performance of governance in county governments ($r = 0.750$, $p\text{-value} = 0.000$) at 0.01 level of significance.

The study hypothesis (H_0) stated that there is no significant effect of separation of power on performance of governance in county government in Kenya. However, the findings in table 3 showed that separation of power has a positive and significant effect on performance of governance in county government in Kenya ($\beta_1 = 0.75$, $p < 0.05$). Thus, the hypothesis was rejected and this can be explained further by assessing the value of the t-test which indicates that separation of power would be attributed to the regression model 12 times more compared to the effect of the standard error associated with the estimated coefficient ($t = 12.375$). More findings in Table 3 revealed that the R value indicates a relatively weak correlation between separation of power and the response variable (performance of governance). This is because the R value is positive (0.563). This means that the variation in performance of governance was attributed by 56.3% change in separation of power. In corroboration with the results, the idea behind the formation of the local governments was to devolve power and allow for popular participation in development and political activities which ensured that there is adequate contribution to performance of the local government in Kenya (Wanjoyi, 2003). Besides, William (2013) asserted that the strong federalist tradition in Germany made it possible to share power between the national government and the local government and in so doing improve service delivery. Furthermore, with separation of powers, the rule of law is observed to the extent that the government does not get its way by arbitrated and oppressed actions (CoK, 2010).

Table 3: Regression Results for Effect of Separation of powers on Performance of governance in County government

	Unstandardized Coefficients		Standardized Coefficients			Correlations		
	B	Std. Error	Beta	T	Sig.	Zero-order	Partial	Part
(Constant)	1.122	0.176		6.36	0.00			
Separation of powers	0.695	0.056	0.75	12.375	0.00	0.75	0.75	0.75
Summary Statistics								
R		.750a						
R Square		0.563						
Adjusted R Square		0.559						
Std. Error of the Estimate		0.5727						
Change Statistics								
R Square Change		0.563						
F Change		153.142						
Sig. F Change		0.00						
a Dependent Variable: performance								

Conclusion

In conclusion, separation of powers is not only beneficial for the local government but also for the national government. With separation of powers, the local government has the autonomy and independence to focus on revenue generation and develop important sectors at the county level while at the same time reducing reliance on the national government. Though the devolved system of government is yet to perform at its best, so far it is commendable as the citizenry have an opportunity to participate in issues of governance. There are various areas of improvement such as promotion of social, economic and cultural development of the citizen and free and fair appointments at the county governments. There is therefore shortcoming in terms of strengthening the governance system to ensure that there is transparency and accountability. Such pertinent issues need to be addressed to realize the goals of a devolved governance system.

Recommendations

Basing on the reviewed literature and the findings of the study, the organization of power requires that there is separation of powers. It is through the separation of powers that power is applied to the objectives to which it was invented. It is therefore important that citizen participation in issues of governance is encouraged and facilitated. The reason for this is that citizen participation will increase their receptiveness to policies formulated to address their needs since they were at the center in the development phase of these policies. Also, there will be accountability and transparency as all the concerned stakeholders will have the nitty-gritty details of development initiatives. Other than facilitating citizen participation, there is need to ensure that citizens are treated fairly and their human rights upheld. Moreover, it is utmost necessary to have free and fair appointments at the county government to bring on board competent individuals and to also develop a culture of transparency at the county level of governance.

In connection with the results known above, this study has highlighted the key role played by separation of powers, in eliciting improved performance of governance in county governments. One direction of future research would be a replication study in other counties not covered in the study. Furthermore, in terms of methodology, future scholars can conduct a longitudinal study as well as appreciate both the quantitative and qualitative aspects of research. The thesis has, however, has contributed knowledge that is needed for this kind of research.

REFERENCES

- Al-Rodhan, N. (2009). *Sustainable History and the Dignity of Man: A Philosophy of History and Civilizational Triumph*.
- Constitution of Kenya (2010). *The Constitution of Kenya*. Nairobi. Government printer.
- Contrell, J., Ghai, Y. (2007). *Constitution making and Democratization in Kenya (2000- 2005) Decentralization*, Vol.14, pp.1-25
- Ghai, Y., P. (2008) "Devolution: Restructuring the Kenyan state," Vol No.2 Journal of Eastern African Studies Vol No.2 of 2008, Routledge Publishers, (originally a lecture at the African Research and Resource Forum KICC Nairobi, 23 November 2007).
- Ghai, Y., P. (2011). *Kenya's Constitution: An Instrument for Change*, Clarion, Nairobi

- Gupta, S. P., Gupta, M. P. (2009). Business Statistics. New Delhi: Sultan Chand & Sons Educational Publishers
- Kimenyi, M. S. (2005). *'Efficiency and efficacy of Kenya's Constituency Development Fund: theory and evidence.'* Economics Working Papers: 2005(42).
- Kothari, C. R., and Garg G. (2014). *Research methodology. Methods and Techniques.* Mumbai: New Age International (P) Ltd.
- Mangu A. M., B. (2005) Separation of powers, independence of the Judiciary and Good Governance in African Union Members States. University of South Africa
- 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.
- Nhede, N., T. (2013). Devolution of power and effective governance. The Zimbabwean Constitutional debate African Journal of Public Affairs.
- O'Regan, K. (2005) Checks and Balances reflections on the development of the doctrine of separation of powers under the South African Constitution. ISSN 1727 – 37881, Vol. 8 No. 1.
- Rosenbaum, A. (2013). Decentralization and Local Governance: Comparing US and Global Perspective. *Halduskultuur – Administrative culture*, 14(1), 11-17
- Turpin, C. & Tomkins, A. (2007). *British government and the constitution, texts and materials.* (6th Ed.).Cambridge: Cambridge University Press.