

## **FIELD: GOVERNMENT**

### **THE SIGNIFICANCE OF DEVOLUTION IN THE CURRENT SOCIETY:**

#### **PROS AND CONS OF DEVOLUTION**

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#### **Abstract**

*Devolution is prevalent in sovereign states of multi-ethnicities and distinct localities. It provides for equitable share of development opportunities across regions and ethnic communities in the current society. Some states have majority and minority ethnic groups that practise herd mentality in electing people's representatives to political office. Party ideology and policy rank behind ethnic and regional affiliations in determining elective leadership. The outnumbered minorities stand no chance to influence sharing of resources and distribution of the national cake.*

*The governing parties tend to be populated by members from majority ethnicities who domineer minorities in state institutions. Racism, tribalism, nepotism, and regionalism determine beneficiaries of appointments, scholarships, and tenders in the public service. It breeds vulnerable groups and denies marginalized regions access to essential public services. **Devolution of power, authority, functions, resources and services is the most effective way of empowering local***

*communities for sustainable development. It is significant that devolution be entrenched in constitutions of the current society to accelerate rural development.*

## **1. Introduction**

Devolution is a response to marginalization of minorities in decision making, allocation of resources and distribution of the national cake. It refers to the exercise of political authority by, mainly, elected representatives within areas defined by community characteristics (Smith, 1985). It is a form of decentralization or transfer of authority and responsibility from the central government to lower level(s) of government for a range of public functions (Public Health, 2020).

In a global society, devolution may involve power and authority moving down to regions, (vertical decentralization), transferring them from the central government to subnational entities while horizontal decentralization (outwards) transfers or shares responsibilities among public, private, and civil societies or non-state actors (Keating, 1998). The significance of devolution must be reflected in its ability to uplift living standards of the most vulnerable segments in the society.

The vulnerable include women, youths, people with disabilities, unemployed, unemployable, and the elderly. Ten years' experience with devolution postulates, ***“Devolution of power, authority, functions, resources and services is the most effective way of empowering local communities for sustainable development.”*** Subsequent chapters examine the significance of devolution and its pros and cons in the current society with a case study for Kenya.

## **2. Objectives of Devolution**

Empower communities to take charge of their own development initiatives in self-governance;

Move resources and services closer to the people that need them;

Recognize diversity and protect the vulnerable and marginalized for equitable development;

Enhance people participation in policy decisions and planning of activities that affect them; and  
Decentralize state organs, functions and services from the capital.

### **3. Justification and Rationale of Devolution**

Governments are formed to enhance living standards of the people to self-sustaining. The state provides leadership and services that mobilize resources and communities to undertake development activities. Poverty, illiteracy and diseases remain enemies of development since independence. The vulnerable segments in the society and whole populations in marginalized regions subsist on charities and handouts.

Despite expansion of education, local communities remain unenlightened on their rights and obligations in society. They do not claim for their rights. The elites mislead them in performing their duties for want of enlightenment. It is notorious during election of their representatives where they practise herd mentality and end up choosing mediocre leaders.

Poor physical infrastructure, health facilities, personnel and shortage of drugs lead to death of people from preventable diseases. The call to devolve power, authority, functions, resources and services is a justifiable and rational long overdue decision to attain equitable development.

### **4. Global Overview of Devolution**

Great Britain is said to be the locus of devolution. She conceived devolution on whose basis unitary states create layers of local units that become autonomous, independent and perceived as separate levels of government over which central authority exercises little or no direct control (Cheema and Rondinelli 1983). Yes, Britain may be the locus of devolution but growth of regional governments in Europe is the most significant trend in the decentralization of political authority (Keating, 1998). In England, devolution involves transfer of powers and funding from the central to local governments. Decisions are, thus, made closer to the people, communities and businesses that

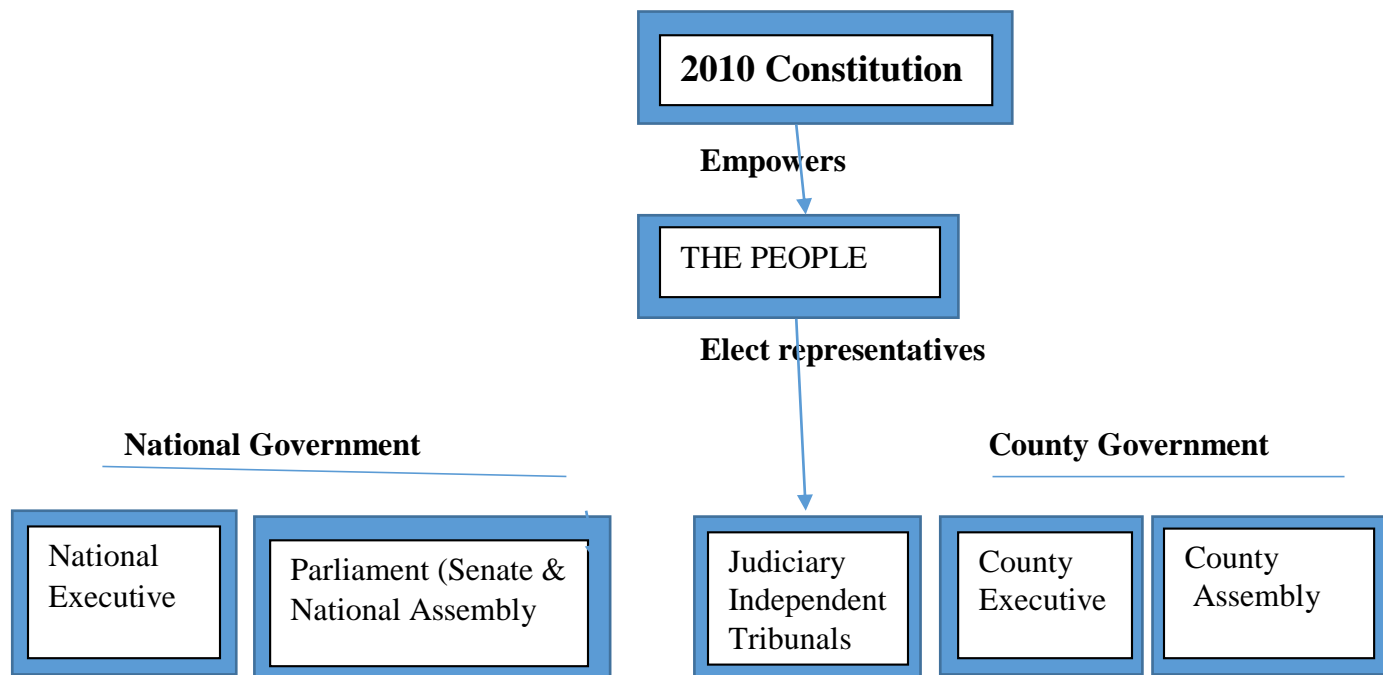
affect them. Although England has not legislated devolution, three home nations of the United Kingdom (UK) effected devolved governments through The Scotland Act 1998; Northern Ireland Act 1998; and The Government of Wales Act 1998. The Kingdom also has devolved overseas territories and Crown dependencies. The Republic of Tanzania is devolved into thirty (30) regions and territory of Zanzibar while the Republic of South Africa is devolved into nine (9) provinces.

**Table 1: Selected unitary states with devolution**

Year of devolution	State	Government type	Subdivisions	Main units	Other units
2010	Kenya	Republic	Counties	47	-
1977	Tanzania	Republic	Regions	30	Zanzibar
1998	United Kingdom	Commonwealth	Home nations	03	Overseas territories, Crown dependents
1996	South Africa	Republic	Provinces	09	

(Source: WikipediA en.m.wikipedia.org)

## 5. The Devolution Case for Kenya



## **Figure 1: Devolution chart showing relationship between the people and state organs**

**(Source: [Countytoolkit.devolution.go.ke](http://Countytoolkit.devolution.go.ke), September 2020)**

Kenya's devolved system of government is the product of the Constitution of Kenya 2010, which secures County Governments from easy reversal by the Central Government except as provided for in the constitution under Article 192(1).

### ***Evolution of Devolution in Kenya***

Devolution evolved over time until it became entrenched in the Constitution of Kenya 2010. The 1963 Independence Constitution of Kenya had a devolution concept in the form of Majimboism (autonomous regions) but resembled federalism. The Kenya African Democratic Union (KADU) favoured autonomous regional governments while Kenya African National Union (KANU) vouched for nationalism (central government). KANU won the 1963 General Elections and, hurriedly, sponsored amendments, leading to the dissolution of the opposition party, KADU. It paved way for Kenya to become a de facto one party state, KANU, which formed a strong central government with imperial presidency. The successor of the founding president was the former Chairman of KADU. In 1983, he introduced District Focus Strategy for Rural Development (DFSRD) a rudiment of Majimboism. He retained imperial presidential powers but strengthened districts which the current constitution transformed into the forty seven (47) counties.

After the opposition won the 2002 General Elections, Constituency Development Fund (CDF) was legislated for every constituency to receive funds for development of their own activities regardless of political party affiliations. The stalled projects were revived and new ones launched and implemented across the country. It was a game changer and viewed as a form of devolution. It was not a surprise when devolution became entrenched in the constitution. Devolution is not restricted to county governments. It includes horizontal dispersal of powers and

functions within the National Executive from the presidency to commissions and independent offices. Security organs are also independent of direct control by any person or authority to ensure impartiality in their investigations and law enforcement.

## 6. Significance of Devolution: Discussion

The most significant aspect of devolution is enlightenment of the locals to strive for self-reliance as the sure pathway towards sustainable development. Fruits of devolution begins at household level, moves to corporate, and, then, community level. Empowering individuals, firms and communities to generate and run their own initiatives is the foundation to eradicate poverty; eliminate illiteracy; and control diseases for self-reliance. Self-reliance is contextualised as a progressive transformation from the lowest point of survival to dignified living under a favourable and enabling environment (Table 2).

**Table 2: Putting significance of devolution into context**

### Family (household) level:

Food Security#Ugali once a Day (1-red flag)→Breakfast and Supper (2)→Breakfast, Lunch and Supper(3)→Five Course Meal (4)→Five Course Meal of Balanced Diet (5- dignified life);

Shelter#Cowdung Smeared Floor, Mud-Walled and Grass Thatched House (1-red flag)→ Cow dung Smeared Floor, Mud-Walled and Iron-Roofed House (2)→Cemented Floor, Stone Walled and Iron-Roofed House (3)→Tile-Floor, Stone-Walled, and Tile-Roofed self-contained House (4-comfortable housing)

Water#Fetching from Streams(1-red flag)→Boreholes (2)→Roof Catchment (3)→Concrete Spring (4)→Storage Tank (5)→Piped water and Sewerage & Drainage Connectivity (6-clean drinking water)

Waste Disposal#Bushes (1-red flag) →Pit Latrine (2) → Toilets Connection to Septic Tank (3) → Toilets Connection to Sewage System (4 good hygiene)

Healthcare#No Birth Attendant(1-red flag)→Traditional Mid-wives (2)→Pre-Natal and Antenatal Clinics (3)→Affords Outpatient Services (4)→Affords In-Patient Services (5)→ Affords Routine Medication (6 – healthy living)

Education# No ECD (1 –red flag) ECD (2) pre-unit (3) →primary (4) →secondary (5) →university/tertiary learning institutions (5-attained employable education)

Transport#Walking (1 –red flag) →bicycle (2) →motorcycle (3) →car (4) →bus (5) →helicopter (6-luxurious living)

Energy#Kerosine for lighting and firewood for cooking (1-red flag)→solar for lighting and gas for cooking (2)→solar cum generator for lighting and gas for cooking (3)→solar cum electricity for lighting and gas-cum electricity for cooking (4-clean energy)

Communication#Limited to Visits (1-Red Flag) →Letters (2) →Telegrams (3) →Landline (4) → Mobile (5) →Radio (6) →TV Set and Social Media (7-Enlightened)

### **Corporates (business firms)**

Start-ups/Grow/Expand Business#roadside Kiosks (1)→Stockist (2)→Retail (3)→Wholesale (4)→Distributor (5-large efficient firm)

### **Community (serviced sites)**

Education infrastructure#No ECD (1-red flag) → ECD (2) →primary (3) →secondary (4) →tertiary institutions (5) →universities (6-job and business opportunities across the board)

Health infrastructure#quacks (1-red flag) →dispensaries (2) →medical clinics (3) →health centres (4) →hospitals (5) →MTCs (6-available medical services)

Transport infrastructure#footpaths and no bridges (1 red flag) →/footpaths and wooden foot bridges (2) →dusty and muddy rough roads with wooden bridges (3) →smooth rural access roads and wooden bridges (4) →gravel roads/concrete bridges (5) →tarmac roads and concrete bridges (6-good road network)

Water drainage and sewerage#rivers/streams and bushes for waste disposal (1 red flag)→spring and pit latrines (2)→boreholes and pit latrines (3)→piped water and pit latrines/toilets (4)→public water points and toilets (5)→public piped water and toilets (6-proper water drainage and sewage system)

Energy#candles for lighting and firewood for cooking (1)→ kerosene lamp/lantern for lighting and firewood for cooking (2)→gas cooker and solar lighting (3)→solar lighting and electric cooker (4)→electricity connectivity and street lights (5-well developed area)

Social amenities#only roadside selling points and no spaces of social amenities (1) open air markets, lack of school spaces, street preaching (2)→built markets, worship sites and school spaces (3)→ built markets, worship sites and school spaces, entertainment halls and play fields (4-developed community)

Legend: 1 (undeveloped) 7 (highly developed)

## **7. Pros and cons of devolution**

Of much significance in devolution is creation of reliable sources of revenue that enable local entities to, effectively, govern and deliver services. For the Kenyan case, county governments are guaranteed of equitable share of revenue from the National Treasury. They, also, have their own local sources of revenue such as land rates, parking charges, rent, permit & license fees, cess, and entertainment fees among others that sustain funding of county activities. The expected independent National Treasury will serve the two levels of government on an equal basis. The delayed disbursement of funds to counties will be minimized.

Gender equality is easy to achieve through affirmative actions under devolution. It was achieved in appointments to both elective and appointive positions but remains an issue at the national government, including Parliament. With proper enlightenment, devolution is best for community empowerment to enable beneficiaries take charge of project cycle management. Effective exploitation of resources by locals themselves ensured with facilitation from benefactors.

Devolution guarantees freedoms and flexibilities at local level for improved public services. Policies, programmes and projects are tailored to suit local circumstances and production conditions. Greater regional representation and effective governance is another plus for devolution. Needless to waste money and other resources on official residences for elected leaders. They are expected to own residences in their home counties. Last but not least, decision making processes are closer to and involve the governed through public participation. The people are mobilized to participate in the formulation of county integrated development plans.

The beneficiaries of devolution, do not celebrate yet. You should not sit on your laurels but work hard to entrench devolution in constitutions with protective clauses. Why? Power devolved



is power retained and can be reversed under certain circumstances. Even in Kenya where devolution is a creature of the Constitution, a function or power not assigned by the constitution or national legislation to a county is a function or power of the national government (Article 186(3) of the constitution). The president may suspend a county government a) in an emergency arising out of internal conflict or war; or (b) in any other exceptional circumstances (Article 192(1)(a)(b)).

First, devolved units are temporary legislated entities susceptible to amendments to restore power and authority to the central government. The County Government of Makueni, Kenya, completed the legal process of returning it to the central government. The President declined to implement the recommendation and gave local authorities a chance to resolve issues for locals to enjoy fruits of devolution (The Standard September, 07, 2015). A mischievous president would have returned its powers and functions to his central office. Legislation creating devolved units can be amended to dissolve or create more. For Kenya, Article 188 provides for Parliament to establish a commission to review county boundaries that can rename, establish or abolish counties.

Second, devolution is inherently centrifugal, meaning regions may, constantly, compete with each other to gain more power and resources. It is the case for regional economic blocks. County Governors formed neighbourhood blocks to enjoy economies of scale. Third, devolution can be a slippery slope to secession. After the controversial and voided presidential election results of 2017, Kenya's opposition mooted the idea of secession for fear that the tyranny of numbers will keep only two ethnic communities in power for the foreseeable future. The clamour for secession fizzled out when the handshake happened between the presidential arch-rivals.

The success of devolution is at the mercy of the national government. It is a creation of legislation like any other statutes. It can be legislated back to the central government through amendments. As stated elsewhere, delays in the disbursement of equitable share of revenue to

counties can develop into a recurring problem. Once division of revenue Act is passed, funds to both levels of government are expected to be released at the same time. It, reportedly, does not happen as contemplated. There are functions the national government may delay to transfer for parochial reasons for not wanting them let go. It becomes a source of mistrust, affecting the authority of the central government over the devolved units.

Less alignment of policies and priorities between the two levels of government may lead to duplications and inefficiencies. More serious as noted in the Kenyan case is political conflicts in counties where governors are elected on opposition party tickets. Aligning projects to policies of the governing party is the sources of conflict. Cooperation with the National Executive is interpreted differently by the two sides. It is regarded by both sides as warming up to the ruling party and diminishing pledge of loyalty to party leaders and party policies.

The cost of building and setting up new institutions and capacity building for needed staff competencies can be prohibitive. Most of the costs are administrative, defeating the developmental purpose of devolution. Another shortcoming not talked about is the possible mediocrity of elected local representatives whose only qualification may be being a member of the 'right' party or inexhaustible deep pockets for handouts.

## **8. Recommendation**

Devolution should be entrenched in constitutions under protected clauses to achieve its purpose

## **9. Conclusion**

Devolution of power, authority, resources and services from central governments to subnational entities can spur sustainable community development

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