**Case Study: What is the Significance of Devolution in the Current Society?**

**Discuss the Pros and Cons of Devolution.**

Name

Professor

Institutional Affiliations

Course

Date

**Case Study: What is the significance of devolution in the current society?**

**Discuss the pros and cons of devolution**

**Definition of devolution**

Devolution, as an aspect of decentralization, can be defined as the process or situation in which the government at the center, relinquishes part of its power to other bodies such as the local governments, (Kangu, John Mutakha, 2015). It is the statutory granting of powers from the government of a sovereign state to the government at a sub-national level.

Therefore, they enjoy autonomy from the Centre. This means that any level of local government is not under obligation to refer to or seek authority from the center to implement decisions that fall within their exclusive jurisdiction.

For Example, the adoption of a devolved system of government in Kenya was a desire of citizens who wanted access to public services closer to them, (Cheeseman, Nic / Lynch, Gabrielle / Willis, Justin, 54/2016, pp. 1-35). This helped enhance people's self-governance, enabling communities to manage their affairs, and protecting and promoting the interests and rights of minorities and the marginalized. Furthermore, it ensured equitable sharing of resources, the adoption of a devolved system of government in Kenya was a desire of citizens who wanted access to public services closer to them. This by far was geared towards the promotion of democracy and accountability in the exercise of power, fostering national unity by recognizing diversity, enhancing people's self-governance, enabling communities to manage their affairs, protecting and promoting the interests and rights of minorities and the marginalized, and ensuring the equitable sharing of resources

**Reasons for devolution**

First, ethno-regional; this is the main reason that centralized governments give way to devolution and a decentralized model is because the different regions under the central government have vastly different ethnic, religious and traditional heritages

Secondly, the political; sometimes devolution occurs because the regions under a central government differ vastly in their political views and values.

Thirdly, independence; many smaller regions desire to break away from their central governing body to become their own sovereign nation.

**The Pros and Cons of Devolution**

Devolution can have both positive and negative effects on governance and national cohesion. The effectiveness of devolution depends on various factors, including the specific circumstances of each country, the nature of devolved powers, and the management of conflicts between central and regional governments. Here are some potential benefits of devolution:

1. Improved governance and consultations with constant relationship between the different arms of county governments, the council of governors has promoted dialogue.
2. The other centrepiece of the 2010 constitution was the ‘big bang’ devolution of power to Kenya’s 47 county governments, implemented in 2013. This had the potential to reshape gender dynamics in Kenya and to improve county governments’ decision-making
3. It is the devolution that makes government more responsible. When government delegate some roles to other bodies, it will get enough time to concentrate on priority issues.
4. Improve prudent financial management. With the challenge of inadequate finances and delaying of finance release, counties have started to develop mechanism to increase the locally generated revenues to finance their budgets.
5. They have also improved service delivery in that counties prioritize their own development and service delivery needs and plan based on felt needs and local priorities.
6. It has seen an increase in public confidence as well as development of projects that address local need.
7. Balance country’s economic development: Resources are distributed and are managed to ensure the local and regional administrations have whatever things they require within their reach. This boosts country’s economy and raises its earnings (World Bank, Ed No 5, 2011).
8. Brings the government closer to the governed people: This helps the citizens to express their needs and what they require for easy governance.
9. Facilitates participatory decision making:  By bringing many bodies and people of different field with different expertise to make decisions, concerning a particular issue.
10. Accommodates -social- diversity:  This is the knowledge of different cultures and beliefs by a people. Devolution accommodates all the different diversities.
11. Devolution has expanded political space and freedom: This is because of the accommodation that local governments give to people to use their knowledge and expertise.
12. Healthcare has been enhanced and expanded: This has reduced child mortality rates and has increased access to specialized treatment due to the use of recent machines.
13. Improved regional representation: Devolution allows regional governments to better understand and address the needs of their populations.
14. Decentralisation; devolution can reduce the burden on central governments by delegating powers and responsibilities

On the other hand, the success of devolution has been coupled up with challenges. This affects the smooth implementations of the devolved governance. Some of these disadvantages include:

1. It is too expensive to run, due to diversity of roles. There are many roles in the administration department and this increases the costs of running the department since a lot of funds is spent mostly on their salaries and allowances (The Standard Media, 2017).
2. This can lead to ethnicity. It is no secret Kenyans are tribal. Devolution marginalizes the Kenyan people within tribal lines since mostly the counties consists of a single tribe hence no integration with other communities.
3. Leads to unnecessary inefficiency and redundancy due to duplication of roles including incoherent national policymaking and leadership. Devolution has led to the division and decentralization of power.
4. Pushing the country in huge debts and escalating high taxation. Due to the decentralization of power and the creation of many posts in the devolved system of government, the country ends up borrowing from other donor countries in order to sustain the its operations. This has hence resulted in the country borrowing heavily thus creating huge debt. mal citizens as prices of basic commodities ends up rising due to high taxation
5. May lead the drive to secession. Where there is too much devolution, the governments at the regional and districts may feel too independent and may begin to think they could stand on their own.
6. Difficulty in getting qualified personnel. One of the disadvantages of devolution is that it is difficult to get qualified personnel to accept posting to the remote places.
7. It may also create red tape, rigidity and slow down decision making- process. Since there are many departments created through devolution, coming to a beneficial decision takes longer as it should be (www.thestar.co.ke/news/2015/12/12/.Accessed on 20th March 2018).
8. Despite enshrining gender equality in law, Kenya’s 2010 constitution has failed to deliver the transformation many had hoped for. Women remain significantly marginalized. Little progress has been made towards mainstreaming gender considerations into fiscal policy or budgetary decisions
9. Rather than systematically addressing decision-making and the gendered impacts of devolution, county governments have focused on isolated and piecemeal programmes.

**Case study brief- Devolution in Kenya**

In Kenya, devolution can be traced to 2010 when Kenyans welcomed a new constitution, (Article 174 (e) (f) (g), Constitution of Kenya, 2010). For so long Kenyans clamored for a new constitution and a change in the way the country was governed. Devolution came at a time when the previous political system, which was centralized, was blamed for vast inequalities, largely for exclusion and deep divisions in Kenyan society, (The Standard Media (2017). It informed the setting up of structures for the transition to devolved governance. It started with the publication of the Sessional Paper on Devolved Government, which would guide the formulation of the devolution laws(Constitution of Kenya 2010, CoK, 2010)..

One key factor was the dissatisfaction with the highly centralized model of governance, associated with an imbalance in resource allocation resulting in ethno-regional development inequalities, marginalization of some communities, and failure to involve the people in governance processes, among other ills. The people yearned for a more equitable distribution of national resources and an end to development inequalities between regions of the country, fueled largely by ethnicity

The Kenyan experience demonstrates the promise and pitfalls of devolution. On the positive side, some benefits will trickle down when resources are devolved to powerful political actors at the local level, (www.thestar.co.ke/news/2015/07/03/corruption-the-top-threat-to-devolution). County governments negotiated a working relationship with the national government in terms of power and revenue sharing. However, the county governments lacked the capacity, knowledge, and resources to effectively deliver the devolution dividend of shared prosperity, enhanced delivery of vital services, and improved management of public resources.

As has been alluded to previously, the main success of devolution to date has been, first and foremost, that it has been implemented. Devolution has brought some level of resources and development to the local level and particularly to counties that for long have been largely marginalized from national politics. In many counties there are new health centres, roads and street lights that wouldn’t be there without devolution

Devolution has opened up opportunities for women and other disadvantaged groups to participate in policy planning, budget allocation and monitoring of expenditure, (National Council for Law Reporting with the Authority of the Attorney General: The Constitution of Kenya. Revised Edition, 2010). The relationship between governors and MCAs, (Member of County Assembly), the governors and the senate could have been better; effective oversight is possible through elected county assemblies. Some counties have formed economic blocs to ease economic cost and sustainability of producing some raw materials. But as currently is with most counties that are involved in supremacy battles on who owns what and what power they influence it would be difficult to achieve the desired fruits of devolution.

**Conclusion**

Decentralization of power to counties is what defines devolution system of government in Kenya and world over. Devolved governance in Kenya is in its infancy and still offers a window of opportunity for effective policy initiatives and real-world change. To achieve the goals of devolution, there should be a better working relationship between all levels of government, parliament, county governments, the ministries, independent offices/ commissions, civil society. All should work together for the good of devolution.

We believe devolution is important because it ensures decisions are made closer to the local people, communities and businesses they affect. It will provide greater freedoms and flexibilities at a local level, meaning councils can work more effectively to improve public services for their area. County governments have the mandate of facilitating the public participation but this has been optimal. While the solution to the conundrum above may not appear to be readily apparent, it would seem that the beginnings of those solutions have begun to organically materialize. These challenges can be addressed if all involved parties are given enabling environment to perform their functions.

Although the blame has been on national government for tampering with implementation of devolution process, the county government is also to blame. High rate of corruption has been experienced at county level. County governments have failed to implement public participation a mandate provided to them by the constitution, (The Standard Media, 2017). The process is slow due to challenges which some were envisioned even before the devolved system of government was adopted.One thing, however, appears certain: devolution is here to stay, and a majority of Kenyans are better off as a result. Beyond this, further compelling pro-devolution arguments can be made, given the recent history of the country.

**References**

The Standard Media (2017). County funds are held up at the Treasury. Available at www.standardmedia.co.ke/business/article.

Charbit, C. (2011), “Governance of Public Policies in Decentralized Contexts: The Multi-level Approach”, OECD Regional Development Working Papers, 2011/04, OECD Publishing. (http://dx.doi.org/10.1787/5kg883pkxkhc-en)

Institute for Government (2014) Achieving Political Decentralisation Lessons from 30 years of attempting to devolve political power in the UK. (http://www.instituteforgovernment.org.uk/sites/default/files/publications/Decentralisa tionPaper%20-%20FINAL\_0.pdf)

Prud'homme, R (1995) “The Dangers of Decentralization”, World Bank Research Observer, 10 (2): 201-220.

The Star (2015). Corruption the 'top threat' to devolution. Available at www.thestar.co.ke/news/2015/07/03/corruption-the-top-threat-to-devolution.

Why Corruption Is Devolution's Biggest Enemy. Available at www.thestar.co.ke/news/2015/12/12/.Accessed on 20th March 2018.

World Bank. (2011). Special Focus: Kenya’s Momentous Devolution. Ed No 5. Available at www.siteresources.worldbannk.org.Accessed on 20th June 2018.

Article 6(2) b, 27, 174 (e) (f) (g), 189,191, 204 Constitution of Kenya, 2010.

Kangu, John Mutakha: Constitutional Law of Kenya on Devolution, Nairobi 2015.