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INSTITUTE OF DIPLOMACY AND INTERNATIONAL STUDIES

**THE ROLE OF DEVOLUTION IN ADVANCING DEMOCRATIC
GOVERNANCE IN AFRICA: A COMPARATIVE ANALYSIS OF KENYA
AND SOUTH AFRICA.**

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**A RESEARCH PROJECT SUBMITTED IN PARTIAL FULFILMENT FOR
THE DEGREE OF MASTERS OF ARTS IN INTERNATIONAL STUDIES**

NOVEMBER 2019

DECLARATION

I declare that this research project is my original work and has never been presented for any award in any other institution.

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This project has been submitted for examination with my approval as the University of Nairobi supervisor.

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DEDICATION

I humbly dedicate this work to almighty God, my family, and my supervisor Prof. Nzomo

ACKNOWLEDGEMENT

I thank God for his kindness and mercy during this academic journey. Special appreciation to my family for the support you have shown me in my life as a whole, your prayers and guidance in my career has kept me going. You have stood by me even in hard times.

Special appreciation also goes to my supervisor, Professor Maria Nzomo thanks for always giving me proper guidance and direction in my studies. I would not have done it without your direction. May God bless your future endeavors in leading and seeing many more go through your hands. I also appreciate the entire IDIS staff for always being there for me.

To my classmates and friends, thanks for cooperation; through you people I learnt the importance of team work.

God bless you all.

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LIST OF ACRONYMS AND ABBREVIATIONS

CECs	County Executive Committees
CoG	Council of Governors
CoK	Constitution of Kenya 2010
CKRC	Constitution of Kenya Review Commission
CSOs	Civil Society Organizations
DDCs	District Development Committees
DFRDs	District Focus for Rural Development Strategy
EACC	Ethics and Anti-Corruption Commission
MCAs	Members of County Assemblies
NGOs	Non-Governmental Organizations
UNDP	United Nations Development Program

DEFINITION OF CONCEPTS

Various terminologies have been used in this study as illustrated below:

Decentralization

It refers to the shift of power, resources and personnel from national to sub national levels of government. It also refers to the transfer of power of national government to the local community so that the community helps in designing policy formulation and implementation.

Deconcentration

This refers to the process of administrative decentralization whereby the central government designs a structure that enables its agents to work close to the local people in field units / agencies of central government,

Delegation

This is the transfer of responsibilities from central government to semiautonomous bodies that is directly accountable to the central government,

Devolution

Refers to the process of transferring decision making, implementation powers, functions, responsibilities and resources to legally constituted local governments. This is basically a political arrangement whereby power; political, administrative and fiscal, is distributed to territorial units.

Delocalization

Is the spatial distribution of central government social-economic development facilities and activities such as schools, hospitals, e.t.c in peripheral regions¹.

Legislation

Laws that when enacted influence the implementation of devolution

¹ John Mary Kauzya (2003) “Strengthening Local Governance Capacity for participation” in Dennis A. Rondinelli and Shabbir Cheema: Reinventing Government for the twenty-first century: State capacity in a globalizing Society, Kumarian Press, inc, Bloomfield, CT, USA (2003)

Effective Implementation of Devolution

Efficient governance structures at the local level as opposed to the national level of governance.

Governance

The United Nations Development Program (UNDP) defines governance as ‘the exercise of economic, political, and administrative authority to manage a country’s affairs at all levels, comprising the mechanisms, processes, and institutions through which that authority is directed². Despite having various definitions, governance is vested upon three aspects: authority, decision making and accountability. This study employed the UNDP illustration of governance because it is wide and entails all the structures of governance. For the purposes of understanding the concept of democratic governance, governance is the process of practicing economic, political and administrative, power permitted to the actors of governance through legal, institutional and policy framework to manage country’s resources.

² UNDP, Governance and Sustainable Human Development (1997).

ABSTRACT

Devolved democratic governance has continuously been embraced by many nation states as a response to the abuse of authority by the ruling elites as well as a means of promoting effectiveness and efficiency in governance based on the interest of the people. Recently, many states have adopted devolution of power so as to enhance transfer of responsibilities closer to the people and this has been as a demand by the people so that they can realize the impact of inclusive sustainable development, solves inequalities that for many years have tormented states in the world. Devolution of power promotes the principles of democratic governance which requires peoples involvement in governance, thus states, levels of government respond to the aspirations of the people based on the rule of law. Devolved democratic governance has been pushed by the masses because of its potential to enhance democracy in the society. The study was grounded by specific objectives to investigate the contribution of devolution to democratic governance in Africa, analyze the influence of devolution in promoting democratic governance in Kenya and South Africa as well as examining the challenges and prospects for devolved democratic governance in a globalizing world. The study hypothesized that under decentralization, democratic governance practices can be enhanced in Africa and that devolved democratic governance has challenges and prospects in a globalizing world. The study used Liberal theory because it considers the formation of institutions or organizations that creates platforms for checking political power as well as advancing individual freedom to participate in governance issues. Qualitative and quantitative research design was used in this study and data analysis was based on content analysis, narrations and presented using charts, tables and graphs. The study established that devolution of power has the potential of promoting democratic governance in Kenya and South Africa since it was a push from the grass root level as well as from development partners in the international arena. It was observed to be a tool for enhancing cooperation and efficiency in service delivery to the people hence sustainable goals. Despite having the capacity for democratization, it was established that devolution of power does not automatically leads to democratic governance since it has various challenges for instance corruption, nepotism, political patronage, weak institutional framework and misuse of public resources that has as well been devolved. On the academic front, since the study only focused on the role of devolution in advancing democratic governance in Africa; comparative analysis of Kenya and South Africa, there are numerous areas that should be investigated, areas that can buy the focus within the theme of international relations for instance; the impacts of globalization of devolved democratic governance on African international relations. There is also need to advance theory building on the subject. The study recommends that devolution should be viewed as a vehicle of promoting the interest of the national government and not competitor. It is essential for the African states to strengthen the legal and institutional frameworks so that devolution can have maximum impact in serving the interests of the citizens as a whole.

CHAPTER ONE

INTRODUCTION

1.1 Background to the study

The study examined democratic governance in Africa through Comparative analysis of Kenyan and South Africa devolved system of governance.

Governance has its origins from Latin word ‘gubernaer’ and Greek word ‘kubernaein’ which mean to steer. Governance is the way in which governance actors manage the affairs of a country through a well-established legal and institutional framework for the benefit of the people³.

The debate on poor or democratic governance emerged in the 1970s as a measure of governance by the development agencies. Development agencies posit that bad governance results to underdevelopment⁴. UNDP and the World Bank have been championing the spread of development through democratic and good governance in the societies⁵. UNDP on the other hand, defines democratic governance as the processes of decision making, planning for development and delivery of services to the people. Such a process must be participatory, consensus oriented, accountable, transparent, responsive to the needs of the people, effective and efficient, equitable

³ Francis Fukuyama, ‘What is Governance’ (Centre for Global Development, Working Paper Series No. 314 2013).

⁴ Claudio Ciborra and Diego D Navarra, ‘Good Governance, Development Theory and Aid Policies: Risks and Challenges of e-Government in Jordan’ (2005) 11, *Journal for Information Technology for Development* 141.

⁵ Through the Bank’s Studies and reports, mainly through the World Development Reports series, issued by the Bank; see especially reports of 1997, 199/2000, 2004, 2006 and 2007. See also Yusuf et al (2009) for a discussion on the impact of the WDRs.

and inclusive and should follow constitutionalism and the rule of law⁶. UNDP also provides elements that describe democratic governance.

This study adopted the UNDP definition of governance because it is broad and defines what to look for in determining whether there is good or bad governance. Significantly, most of the aspects identified are adopted under Article 10 of the Constitution of Kenya (2010) as national values and principles of democratic governance hence form part of our national fabric. South Africa adopted the principles of democratic governance to enhance service delivery.

For many years since independence, African countries have been insulated by governance issues that jeopardized service delivery. They lived in the umbrella of one party democracy which was just an extension of the traditional make up to protect nationalism. The one party system provided an avenue for the political actors to monopolize and facilitate the distribution of services based on patronage and affiliation therefore rewarding supporters and neglecting those opposing their unjust ruling mechanisms⁷.

Globally, it has been argued that decentralization of power promotes democratic governance and in turn enhances development and service delivery at the local level. It brings governance closer to the people thereby promoting local participation in issues affecting them such as legislation, resource allocation, resource management, politics, development projects, health care, education, water provision amongst

⁶ W Andy Knight, *Democracy and Good Governance* (Oxford University Press 2008)

⁷ Kauzya, M. (2007). *Political Decentralization in Africa: Experiences of Uganda, Rwanda and South Africa*. Decentralizing governance: emerging concepts and practices. Brookings Institution Press, Washington, DC, 75-91.

others⁸.Based on this argument, various countries have adopted decentralization in order to promote development at the local level through decentralization of political and economic power from the central government to a number of sub national levels⁹.

Post-independent Kenya as a country has been characterized by centralized political and economic power amongst the few ruling elites, which resulted to un-even and unjust dispensation of public resources and consistent access and utilization of social and basic services in all regions within the country. The unequal dispensation of power and public wealth/resources was the main driving force for the clamor for the call for new constitution and this came to a crescendo in the 1990's onwards and eventually led to a referendum in the year 2010 that brought in a new devolved constitutional dispensation to advance the key national interests to promulgate inclusive development.

Mwenda noted that devolution in Kenya has been spearheaded to address the fragile plural societies as a result of internal wrangles, unevenness, corruption, economic stagnation, bureaucratic incompetent management of public goods, and lack of public participation, patronage and rent seeking¹⁰. Dent observed that there is need for proper distribution of functions to the lower level of governments so that policies implemented reflect the interests of the people (masses)¹¹.

⁸ See part two of the fourth Schedule, CoK 2010 which provides for the functions of the County Government.

⁹ Junaid Ahmed, Shantayanan Deverajan, Stuti Khemani and Shekhar Shah, 'Decentralization and Service Delivery' (World Bank Policy Research Working Paper 3603, 2005).

¹⁰ Mwenda, Albert K. "Devolution in Kenya. Prospects, challenges and the future." Nairobi: Institute of Economic Affairs. IEA Research Paper Series 24 (2010): 8-13.

¹¹ Dent, Martin J. Identity Politics: Filling the gap between federalism and independence. Routledge, 2017.

The politics of devolution illustrates the huge strength, aspirations that have been attached to it. This also means that it has dangers if not enhanced carefully. Kenya is also being watched by many other countries because of the highly ambitious and robust constitutional dispensation ever enacted in Africa and will be the fulcrum through which other countries will follow and especially those in Africa which have centralized power and bureaucracies over the years.

The opportunities and challenges being experienced in Kenya generated by the new devolved political administration determine the destiny of the country politically, economically, and socially. The victory of devolve system of governance in Kenya will rely on lessons learnt from South Africa and other decentralized polities globally.

South Africa is an African state that has experienced many challenges but still emerges as one of the first grown economies in the continent, and that has efficient and effective service delivery and joined the BRICS because of the milestones attained. The study therefore uses Kenya and South Africa comparatively to investigate the role of devolution in advancing democratic governance in Africa.

1.2 Problem Statement

Despite the spread of rhetoric of democratic governance processes in Africa, the continent still struggles to actualize the ideals of democratic governance. African countries have experienced governance systems that lack citizen's involvement in decision making, internal wrangles, unevenness, corruption, economic stagnation, bureaucratic incompetent management of public goods, and lack of public participation, patronage and rent seeking practices, making democratic governance in

Africa to remain a dream. The devolution structure is to ensure that authority to participatory governance which advances human rights, sustainable development, peace and security is enhanced to all. Implementation of democratic principles is still a challenge in Africa. Because of the numerous challenges plaguing governance, many African states have adopted various forms of governance to enhance service delivery. Kenya and South Africa have adopted devolution of power in response to the vices jeopardizing democratic and responsible exercise of power. Devolution creates avenues for people involvement in governance.

Taking into consideration the potential to devolved governance to work for or against the promotion of democratic governance, devolution as a strategy should be examined critically to actualize its objectives. Thus the study investigates the role of devolution forms of governance in Africa in promoting democratic governance through a comparative analysis of Kenya and South Africa.

1.3 Research questions

1. In what ways has devolution contributed to democratic governance in Africa?
2. What is the influence of devolution in the promotion of democratic governance in Kenya and South Africa?
3. What are the challenges and prospects of devolved democratic governance in a globalizing world?

1.4 Study objectives

The main objective is to investigate the role of devolution in advancing democratic governance in Africa through a comparative analysis of Kenya and South Africa.

1.4.1 Specific objectives

1. To investigate the contribution of devolution to democratic governance in Africa
2. To analyze the influence of devolution in promoting democratic governance in Kenya and South Africa.
3. To examine the challenges and prospects for devolved democratic governance in a globalizing world.

1.5 Literature Review

The literature review focuses on democratic governance practices under devolved model of governance. The review has been taken following issues revolving around decentralization and democratic governance. Many countries in Africa have faced numerous institutional challenges that affect democratic governance and these were as a result of over centralization and the tendency to alienate the people governed. The study explores how the current decentralization can transform the African states through comparative analysis of Kenya and South Africa.

1.5.1 Theoretical literature

The shift towards democratization globally has made it clear that many citizens' desires to be involved in the governance of their countries respectively. The increased awareness on human rights, governance and the desire for development is a clear signal that there is need to promote democratic governance. Because of globalization there is greater interconnectivity occasioned by technological advances and need for societal development, cooperation has become essential for survival of the nation states and has expanded to include sub national governments, non state actors and

social movements¹².

Parker proposed the Souffle Theory of decentralization; he argues that decentralization is composed of various aspects such as political, administrative and fiscal. Because of these different aspects, it is usually progresses with ease as well as setbacks¹³. Just like a souffle that requires proper mixture of eggs, milk, source of heat to arise, the theory posits that decentralization requires proper structures for it to thrive. He argues that it needs adequate dispensation of both political administrative, fiscal policies so as to ensure inclusive development in the society. Therefore the process of decentralization requires harmonization of all the aspects to enhance its continuous transformation that mirrors the political economic and social dynamics in the society to promote inclusivity that enhances democratic governance.

Elsageer posits that the distribution of responsibilities and authority to the grass root governance may not fully enhance prosperous decentralization if the leaders are responsible to their constituents/ population¹⁴. Godda states that accountability in the exercise of power can be ensured when there is adequate participation in policy formulation, implementation and monitoring by the people. The theory is essential as it provide detailed analysis of political decentralization which is also imperative in this study¹⁵.

¹² Giulianotti, Richard, and Roland Robertson. "Recovering the social: globalization, football and transnationalism." *Global Networks* 7, no. 2 (2007): 166-186.

¹³ Parker, Andrew N. *Decentralization: The way forward for rural development?*. The World Bank, 1999.

¹⁴ Ahmed, A. Elsageer, and Jonathan Stephen Mbwambo. "Does decentralization have a positive impact on the use of natural resources." *Term Paper for the Interdisciplinary Course, International Doctoral Studies* (2004): 22.

¹⁵ Godda, Henry G. "Decentralization of Secondary School Management in Tanzania: Strengths and Prospects." *Journal of Education and Practice* 5, no. 37 (2014): 116-124.

Decentralization as an instrument of democratic governance as advocated by the soufflé theory has also been criticized in that to some extent it encourages local royalty to regional recognition as to national recognition hence conflict of interests. This may as well promote the desire for self-government to the extent of advancing secession moves in states with diverse ethnic groups, for instance African states. This puts the sovereignty at jeopardy. There are potentials of dispersing issues of corruption, biased allocation and distribution of resources thereby diminishing the proper utilization of public resources developing states¹⁶. Decentralization may affect equity in the society since different localities have different capabilities. The theory is vital for devolved democratic governance in Kenya and South Africa where political administrative and fiscal responsibilities have been devolved. Despite having key tenets of democratic governance, the theory still cannot guarantee inclusive realization of devolve governance that promotes democratic governance in the society as a result of the human nature of contradiction.

Jensen and Meckling on the other hand proposed the Agency Approach which is an essential approach for illustrating transformations in public governance. This approach proposed a principal with specific goals and an agent who is tasked with enhancing implementation of the initiatives. The agency correlation between the principle and the agent is important to this theory as it enhances information flow¹⁷. Termeer questions the extent to which the agents can advocate for the objectives of the principles since the agents also have their interests that might conflict with that of

¹⁶ Saito, Fumihiko. "Decentralization theories revisited: lessons from Uganda." *Ryukoku RISS Bulletin* 31, no. 3 (2001): 1-17.

¹⁷ Jensen, Michael C., and William H. Meckling. "Theory of the firm: Managerial behavior, agency costs and ownership structure." *Journal of financial economics* 3, no. 4 (1976): 305-360.

the principle¹⁸.

The Agency perspective illustrates the correlation in which one institution delegate responsibilities to the other for instance the principal and the agent. It is important for the elected leaders to implement policies in good faith since they act as agents of the citizens as well as to meet the goals of the principal. Inadequate harmonization of the government problems (principal and agent), aspects of bad governance like corruption, is on the rise. Principal agent perspective is significant in that it presents proper institutional structures which can enhance the potential of the agents to improve on service delivery hence Gailmard establishes that it is essential in analyzing accountability in the exercise of power¹⁹.

Davis and Donaldson Criticized the Agency-perspective model. They argue that it is discriminatory since it places an agent as self-centered and fails to consider an agent's faithfulness in executing responsibilities in line with the master's goals²⁰. Kamara, Ofori-Owusu, and Sesay, also argue against the agency perspective in the sense that it fails to clarify that the principals may also have personal interest which they might attempt to fulfill using public goods for instance political leaders usually conspire with private agents to usurp public goods more so in tendering processes in which affiliation and patronage has played key roles²¹. Masanyiwa also objects agency perspective since it brings forth a vertical correlation of the center and the periphery

¹⁸ Masanyiwa, Zacharia S., Anke Niehof, and Catrien JAM Termeer. "Institutional arrangements for decentralized water and health services delivery in rural Tanzania: Differences and constraints." *Basic Research Journal of Social and Political Sciences* 1, no. 4 (2013): 77-88.

¹⁹ Gailmard, Sean. "Accountability and principal-agent models." Chapter prepared for the *Oxford Handbook of Public Accountability* (2012).

²⁰ Davis, James H., F. David Schoorman, and Lex Donaldson. "Toward a stewardship theory of management." *Academy of Management review* 22, no. 1 (1997): 20-47.

²¹ Kamara, Sullay, Diana Ofori-Owusu, and Lovetta F. Sesay. "Governance, Accountability and Effective Basic Service Delivery in Sierra Leone." (2012).

in a single way²². Because of the different levels of administration, it makes it cumbersome to examine various principals and the agents. This has high chances of jeopardizing the active public participation in democratic governance. The agents to act in utmost good faith are not guaranteed in the society. In most cases the representatives have engaged in corrupt dealings that only further their interests and that of their loyalist hence jeopardizing the desires of the masses.

Because of the minimal strengths of both the Souffle perspective and the Agency perspective in actualizing democratic governance through decentralization, the study therefore employs public value theory to advance its objectives. Public value theory is essential since it embraces the provision of initiatives based on the interests of the society, the choice that citizens will make for the mutual benefit of the society.

1.5.2 Empirical Literature Review

1.5.2.1 Concept Decentralization and democratic governance in Africa

Anciently, African states experienced amalgamated, personalized and a highly centralized structure of governance practices. The kings or the traditional rulers immersed all the powers and this only benefited the interests of the rulers but not the larger masses and this cankerworm bad governance jeopardized the inclusive growth and development of the nation states.

²² Masanyiwa, Zacharia S., Anke Niehof, and Catrien JAM Termeer. "Institutional arrangements for decentralized water and health services delivery in rural Tanzania: Differences and constraints." *Basic Research Journal of Social and Political Sciences* 1, no. 4 (2013): 77-88.

Kauzya argues that political and administrative restructuring in most of the African states since the early 1990's is to disintegrate with the ancient through decentralization of governance. Decentralization has become an instrument for development policies in the last two decades now. Devolved system of government can be embraced in African to enhance sustainable development²³. Democratic governance in Africa have experience many challenges through implementation and practice of its principles. This has forced many states specifically Kenya and south Africa to adopt decentralized form of governance to advance its development in various sectors at sub national level hence inclusivity; participation, equity in decision making is enhanced. Devolution is one of the many pro-poor interventions and rescue policy that can be implemented fully in the third world countries to reduce poverty rate and enhance participatory governance. Effective implementation of devolution based on rule of law can enhance greater participation as well as oversight which increase democratization in governance.

Faguet posits that attempts to enhance governance closer to the desires of the citizens have made decentralization become essential instrument with the pro-poor policies. This process basically involves administrative, fiscal, political, economic or a combination of both. Thus, whether or not decentralization is an appropriate approach for democratic governance is an essential question²⁴.

²³John-Mary Kauzya, "Decentralization: prospects for peace, Democracy, and Development"(conceptual background paper for the first conference of the European and African regional assemblies on Decentralization held in Florence Italy, 17-18th September 2004).

²⁴ Faguet JB, Decentralization and Popular Democracy: Governance from Below in Bolivia (University of Michigan Press 2012).

Kauzya notes that the term decentralization entails various concepts for instance devolution, de-concentration, delegation and delocalization²⁵. Decentralization therefore is the transformation from a structure of governance where there is transfer of responsibilities from the central government to the grass root level government for adequate decision making and policy implementation²⁶. Hence it is the dispensation of the national government responsibilities to the sub national governments with the aim of advancing the national interests of a country. Many governments usually advocates for decentralization to enhance effectiveness of service delivery or to empower significant public involvement.

Decentralization comes with a lot of impacts in the society that promotes human rights, participation in decision making. It has advance globalization and vice versa, through this, people can be empowered and have access to information thereby demand for more integrated society for improved economic and political culture. Through devolution of democratic governance in global community peace and security can be enhance, pressure from citizens interested in promoting their economic development will make states to refrain from the use of autocracy or military to advance their interest.

Decentralization generally advocates for the shift of the political power from the national governments (centralized governance) to the local/ sub national governance. It is deduced as a way of enhancing the effectiveness and responsiveness of the public sectors hence advancing the objectives of states that embraces it. Through the

²⁵ Kauzya, John-Mary. "Strengthening local governance capacity for participation." *Reinventing government for the twenty-first century: state capacity in a globalizing society*. Bloomfield: Kumarian Press, pp181-193 (2003).

²⁶ Angel Allan et al. *Decentralizing Development* Oxford University Press Inc. New York (2001).

localization of governance near the recipients, decentralization gives the general public an opportunity to contribute on the governance initiatives that impacts their lives and the authority to hold leaders accountable.

Decentralization has been viewed as an instrument for the democratization exercise in which the autocratic reigns are being restored to democracies. For instance, in Africa, rooting democratic governance has experience hard times and has led to numerous constitutional changes to mitigate the issues. In Kenya, Rwanda, Ghana, South Africa, Uganda and Nigeria, decentralization has been adopted to advance development. It is an intervention instrument for enhancing democratic governance clarified by substantial pluralism, responsibility, openness, citizen involvement, growth and development. It enhances dispensation of responsibilities thereby reducing the bureaucracies in the national government thereby promoting grass root development, inclusivity in decision making that results to mutual growth at the national level²⁷.

It is noted that devolved governments seems preferable than the centralized governance since they easily understand the services needed by the people and the best strategy for delivery due to the fact that they operate closer to the people.

Devolution of power can be a strategy for advancing the local national interests of states as it entrenches at the local levels hence promoting accountability and oversight. It has more avenues for proper governance since it works based on the priority of the locals. Responsibility is imperative to enhanced performance since it is

²⁷ Bekkers, Victor, Geske Dijkstra, and Menno Fenger. *Governance and the democratic deficit: Assessing the democratic legitimacy of governance practices*. Routledge, 2016.

well built where the authorities and those governed are close. The citizens can easily exercise their electoral authority efficiently on the local governments hence making leaders to work diligently because they belong to the local population as well²⁸.

Kauzya observes that decentralization aims at expanding authority and public resources at the grass root governments which is near and easily accessible to promote inclusive citizen involvement in the decision making. Through these, it acts as a key that national governments uses to open up areas to receive development and therefore promoting objectives of national governments in one way or the other²⁹.

In the political angle, Oloo posits that decentralization is an essential instrument for enhancing democratic governance in that it creates an avenue for the citizens to observe and counter check leaders, hence the potentiality of enhanced transparency and curtailment of corruption and general development/advancement in democratic governance practices³⁰.

Decentralization is also essential administratively in that it leads to the decongestion of the national governments and enhances the more division of labor to achievable sections. In consideration of decentralization's potential to shift authority to the local governments, it gives the citizens an opportunity to engage in policy making and implementation.

²⁸ Ribot, Jesse C., and Anne M. Larson, eds. *Democratic decentralisation through a natural resource lens: cases from Africa, Asia and Latin America*. Routledge, 2013.

²⁹ Kauzya, John-Mary. "Political Decentralization in Africa: Experiences of Uganda, Rwanda and South Africa." *Decentralizing governance: Emerging concepts and practices (2007)*: 75-91.

³⁰ Oloo, Adams. *Devolution and democratic governance: Options for Kenya*. No. 77-2006. Institute of Policy Analysis and Research, 2006.

Facquet observes decentralization as the dismantling of the political authority to efficiently answer the aspirations of the poor in the society. Thus, accrediting transformation of political power to the grass root governments which are close to the citizens to mutually act upon needs and hence addressing the key national interests of nation states³¹.

Because of these inherent features of decentralization and especially people's popular participation at the grassroots, Thomas posits that decentralization of Government is a crucial instrument for poverty intervention. However, embracing decentralization as the best strategy for addressing pro poor policies is not an exercise that is straightforward and without disparities hence has proved disputable thus constricts impact has been experienced so far³². Critically, still there is inadequate or straightforward outcome as to whether or not decentralization is the best strategy for addressing the pro poor policies in the society.

He further points out that the disappointments experienced in the management of public resources enhanced the fragility under centralized structure of governance. Many instances the issuance of public goods were biased and distributed in politically determined areas more so the urban sidelining the grass root communities which in many instances still lack basic amenities and support³³. By the mid 1980's, the decentralization processes has modeled governance structures in the African continent since many states have embraced transitions of responsibilities to local governments

³¹ Faguet, Jean-Paul. "Governance from below in Bolivia: A theory of local government with two empirical tests." *Latin American Politics and Society* 51, no. 4 (2009): 29-68.

³² Weiss, Thomas G., D. Conor Seyle, and Kelsey Coolidge. "The rise of non-state actors in global governance." *One Earth Future's* discussion paper series, <https://acuns.org/wp-content/uploads/2013/11/gg-weiss.pdf> 4 (2013).

³³ Ibid

and this promoted more inclusive and just dispensation of goods and services as well as public involvement in governance.

Owusu's study in Ghana demonstrated that decentralization is useful in reinforcing grass root governance despite experiencing difficulties as a result of inadequate capacity and proper infrastructure³⁴. Bird suggested that the key concern in the political exercise of decentralization procedure still remains "who should decide" for instance the case of Ghana and Nigeria in which the grass root governments heavily depends on the national government to facilitate their budgets³⁵. The same is experienced in Kenya where the devolved governance systems rely on the national government to fund the development projects.

The Kenyan and South African structure and nature of decentralization is what is referred to as devolution which needs to be interrogated here, how it advances the principles of democratic governance as country's national interests. Devolve governance is a pattern of decentralization and disposition of politics to the local level. This involves the formation of the semi-autonomous grass root decision making institutions that are more responsible to the voters as opposed to the national government. Through devolution of power, citizens can be empowered and to demand more inclusivity in governance and as well pressurize government to open more avenues for advancing their desires at the national level and international level as a result of globalization, devolution can expand their potential to explore their comparative advantage and this can advance national interest of the state through

³⁴ Owusu, George. "Small towns in Ghana: justifications for their promotion under Ghana's decentralisation programme." *African Studies Quarterly* 8, no. 2 (2005): 48-69.

³⁵ Bird, Richard M., and Michael Smart. "Intergovernmental fiscal transfers: International lessons for developing countries." *World Development* 30, no. 6 (2002): 899-912.

sustainable development initiatives³⁶.

Devolution has been advanced in Africa as an instrument to respond to various regional demands hence enhancing regional unity for instance in South Africa, Nigeria, Rwanda and Ethiopia in which the decentralization was as a result of the need of the minority ethnic groups who usually wanted inclusivity in the affairs of the state as a result of being sidelined by the autocratic regimes³⁷. the devolution exercises advances democratic governance; stimulates the division of powers, improved responsibility strategies in the governance structures as well as encouraging people to take charge of their politics, administration and developmental futures. Devolved governance can only realize its objectives if it is built upon a constitution of a country to refrain from resentments from the national governments as experienced by many decentralized countries. It is like a doubled edged sword, if there are no clear structures for management, it can lead to derailed development and loss of public resource in the hands of the political elites.

Devolution calls for the development of the devolved units as autonomous entities where the general public has a sense of belonging, satisfies demands as well as subjected to authority. Despite the massive logic of devolution to enhance democratization and the division of power, it is also an instrument that ensures citizens participate in the governing of their countries.

³⁶ Muia, Daniel M. Devolution: Which Way for Local Authorities in Kenya? Vol. 73. Institute of Policy Analysis and Research, 2005.

³⁷ CKRC The people's choice: The main Report of constitution of Kenya Review Commission. Nairobi: Constitution of Kenya Review Commission 2002.

Devolved units have legally and clear geographical boundaries in which they implement their functions. It is also important for devolve governments to have the capacity of raising adequate resources for efficient functioning since government projects require huge capital to take shape. Hence the devolved governance structures should be empowered as autonomous agencies that satisfy the aspirations of the all citizens.

Decentralization increases fairness, effectiveness it can as well be unsuccessful to enhance delivery of services if clear structures and guidelines are not followed. Still it may propel the challenge of national destabilization, hence unpleasant impacts. Despite the challenges, Litvark argues that it is a reality in proper governance and an instrument for states to achieve their national interests hence it is imperative in governance³⁸. The intertwined dimensions, the political and administrative must go hand in hand for it to realize its objectives in the society.

Adams notes that key particulars of decentralization include political, administrative and fiscal. The political decentralization embraces substantial public involvement hence stronger accountable political structures that promote the building of a democratic culture with responsible institutions for democratic governance. Decentralization of the administrative institutions strengthens its responsibilities and ensures adequate civil services within a state by enhancing empowerment at all levels of governance. Fiscal decentralization ensures that there is a move of the monetary wealth from national government to local governments to actualize their mandate of

³⁸ Litvack, Jennie, Junaid Ahmad, and Richard Bird. Rethinking decentralization in developing countries. The World Bank, 1998.

advancing the objectives of the national government which is a just distribution of public resources through tax powers³⁹.

Political, administrative and fiscal particulars of decentralization are very important for devolution to be effective. Inadequate harmonization of the three in Kenyan and South Africa system will make devolution meaningless. Kenya's past decentralization challenges and current threatening issues are closely linked with unsuccessful decentralization of the three particulars. Politics is viewed to be imperative in this case since most of the initiatives in a country are influenced by the nature of the political environment.

Devolve governance ensures realization of the political autonomy on the administrative structures that are in place of advance service delivery. The implementation of decentralized governance in Africa is not strange in Kenya. Imperatively the adoptions of decentralization for instance in South Africa and Rwanda is an essential restorative determinant for responding to both political and economic issues that existed in their history. The promotion of grass root governance in South Africa had an objective of rebuilding local communities and environments, as the basis for a democratic, integrated, prosperous and truly non-racial society subsequent to the damage experienced from apartheid⁴⁰.

³⁹ Oloo, Adams. Devolution and democratic governance: Options for Kenya. No. 77-2006. Institute of Policy Analysis and Research, 2006.

⁴⁰ Republic of South Africa: Department of Provincial and Local Government: The white paper on Local Government, 1998

Decentralization was adopted in Rwanda to help in the fighting of poverty as well as to aid reconciliation following the damage that they accrued from the 1994 genocide. It also helped the government to have adequate structures for service provision to the people⁴¹. On the other hand, Uganda employed decentralization as a transition to democratic governance with the aim of shifting authority to the grass root councils to promote public involvement, hence allowing the citizens to have choices in making decisions in governance⁴².

1.5.2.2 Decentralization as an instrument of democratic governance in Kenya.

Democratic governance is not just about decentralization, it's a wider ideology that enhances how the state and the society relate and therefore decentralization has the mandate of cementing the society-state relations to ensure respect for human rights, participation and voice, effective and efficient administration; capable of delivering services.

Kiwanuka in his study argues that African states have placed many efforts in the decentralization of power and also strengthening of the local leadership. This has been majorly done to promote democracy, transparency, inclusivity, integrity, resource management and distribution. This remains a dream unless the elements of democratic government are enhanced⁴³. Democratic governance can be attained if there is inclusivity and active participation is enhanced by all the stakeholders in the policy formulation and implementation. Poor institutional structures jeopardize democratic

⁴¹ Government of Rwanda: Ministry of local Government, good governance, community development and Social Affairs: Decentralization policy, May 2000.

⁴² Government of Uganda, Ministry of local Government, Decentralization secretariat: Decentralization in Uganda The policy and its implications (1994)

⁴³ Kiwanuka M (2012). Decentralization and Good Governance in Africa: Institutional Challenges to Uganda's Local Government, Journal of Asian and African Local Government Studies accessed

governance for instance the case of Uganda and its decentralization. It is therefore important for the governments to initiate an inclusive structure that enhance participation of the people, capacity building and social equity to promote democratic governance⁴⁴. This research focuses on devolution which provides devolved units unlike the local government. Devolution comes with clear principles that promote democracy in the society by responding to the immediate needs of the people.

Devolved governance has been the scholarly idea that best offers an option for the shortcomings in a centralized system of governance globally. Devolution has been researched regarding its assertion that it improves the state of governance by creating inclusivity, space for the marginalized, poverty reduction strategies, effective service delivery and cooperation within the states⁴⁵.

Leonard justifies that devolution enhances participatory democratic governance which is a human right as it enhance people driven leadership and self-determination. She posits that devolution can promote human rights but this must be worked for as it does not come easily as a result of contradiction in human beings. Her study doesn't bring forth the correlation of devolution and democratization⁴⁶.

In Analysis of constitutionalism and the 2010 CoK, Lumumba and Odero observes that the elements of democratic governance requires institutions to be effective, efficient and consistent in their operations, devolution helps in development.

⁴⁴ Ibid

⁴⁵ Speer, Johanna. "Participatory governance reform: a good strategy for increasing government responsiveness and improving public services?." *World development* 40, no. 12 (2012): 2379-2398.

⁴⁶ Leonard, J 'Decentralization and Local government enhancement; A human rights checklist (2003) UNDP

Democratic governance requires adequate institutional capacity and proper mechanisms to enhance accountability, transparency to ensure monitoring of policies to the general interests of the public⁴⁷.

Devolution has been designed to help decentralize power to the local level hence promoting democracy in the society. Ahikire investigates the place of devolution in the public sector by focusing her study in Uganda⁴⁸. She observes that devolution enhances power transfer to the sub national governments as well as delegation of responsibilities, planning, administration and the creation of space for people to participate in policy formulation⁴⁹. In her study she fails to address concerns that arise with respect to Kenya.

Kenyan constitution advocates for self-governance and responsibility by the local people to enhance democracy. Ghai notes that devolution has the mandate to enhance national values that advance the domestic policy of the national government⁵⁰. Ghai and Cottrell further notes that devolution reduces the centralized system that in many instances has been personalized there by enhancing cankerworm poor leadership within African states⁵¹. Despite proposing devolution as an adequate way of enhancing democratic leadership, the duo does not illustrate the adequacy of the model and the mechanisms to be used to enhance inclusivity in public participation.

⁴⁷ IPLO Lumumba, MK Mbondenyei and SO Odera, *The Constitution of Kenya: Contemporary Readings* (LawAfrica 2011).

⁴⁸ J Ahikire 'Decentralization in Uganda Today: In the context of human rights' (2002) International Council on human rights policy.

⁴⁹ Ibid

⁵⁰YP Ghai and JG Cottrell 'Kenya's Constitution: An instrument for change (2011)

⁵¹ Ibid

Nyanjom studied the impacts of Kenyan move from the centralized model to the devolved governance where he focuses on the development importance of the devolution. He found that devolution enhances development at the local level by uplifting areas that have been marginalized⁵². Kirira also investigates Kenyan move to the devolve governance. He investigates the impacts of the revenue allocation and expenditure concerns in the new system⁵³. In their studies, Nyanjom and Kirira have not clarified the model of inclusive public involvement in the decision making. Warner in other literatures have also demonstrated the role of readiness by the decentralization (local authorities) on enhancing provision of services as illustrated by constitution but fails to interrogate the functions of the devolved structure and how it affects the democratic governance.

Omollo in her study on the Kenyan experienced with devolution model of governance, prospects and challenges under new constitution observes that Kenya gained her independence under a constitution that embraced regionalism but was abolished later⁵⁴. By independent, powers were initiated to both the municipal and county councils under the regional assemblies. These authorities later were shifted under local government ministry after dismantle of the regional assemblies and this enhanced the dominancy of the central government. This study advocates for a well-designed devolution system of governance that will mitigate the gaps that the local governing structure had. This system provides space for inclusivity and active

⁵² Nyanjom, Othieno. Devolution in Kenya's new Constitution. Society for International Development (SID), Regional Office for East & Southern Africa, 2011.

⁵³ Kirira, Njeru. Public Finance Under Kenya's New Constitution. Society for International Development (SID), Regional Office for East & Southern Africa, 2011.

⁵⁴ Annette Omolo, 'Devolution in Kenya: A critical Review of Past and Present Frameworks', in IEA, Devolution in Kenya: Prospects, Challenges and the Future (, Institute of Economic Affairs, IEA Research Paper Series No. 24 2010)

participation of the people. Kenyan constitution advocates for participation. What is remaining is how this principle can be advanced to enhance democratic governance. This study seeks to unpack how the devolved system structures can realize its potential since its inception to promote democratic governance in Kenya.

Juma posits that Kenyan government practiced delegation after the breakdown of the regionalism through the local authorities as well as the de-concentration which was done through the provincial administrators⁵⁵. All these including the District Focus for Rural Development (DFRD) did not succeed because of inadequate political good will and attention to the good things the concepts could have yielded⁵⁶. He advances the strengths of devolution in his discussions as promoting democratic, self-governance, citizen participation, social equity, capacity building. He argues that devolution can have negative impacts if not well structured and managed⁵⁷. To him if devolution is not well managed, it can be caged by the local political elites and exclude the masses thus making democratic governance and participation meaningless⁵⁸. Devolve governance successes depends on the political culture that is practiced in a given country and the nature of the top leadership of a particular country. Most of the local government policies did not live to realize their objectives because they were implemented by the people who had biased opinions based on the political culture that was practiced in the 1980s thereby affecting the realization of the DFRD objectives⁵⁹.

⁵⁵D Juma, 'Devolution of Power as Constitutionalism: The Constitutional Debate and Beyond' https://papers.ssrn.com/sol3/papers.cfm?abstract_id=1382821

⁵⁶ Ibid

⁵⁷ Ibid

⁵⁸ Ibid

⁵⁹ Ibid

Adegboye interrogates the relevance of participatory democracy. To him democratic governance is realized when it enhances human rights, political, cultural and social economic rights. The question to respond to is whether the institutions of governance advocate for these. Proper social and political arrangements can initiate procedures that enhance the principles of democracy⁶⁰.

A study by Ochieng' on the comparative Legal, Constitutional and Policy framework for citizen involvement in devolution of governance in African states for instance Kenya and South Africa concludes that there are little institutional structures for enhancing people involvement in promoting democratic governance in the county governance in Kenya. He gives an example of the fact that there are no inbuilt strategies in the governing structures to confirm that the citizen's inputs are considered in policy formulation and implementation. This is a challenge in that most of the participation forums are held in places that a good number of people cannot reach. This is a real danger because there is possibility that citizens can be consulted for the mere purpose of it without necessary taking into consideration their views while designing and implementing projects⁶¹.

Recent surveys by the World Bank have indicated that the country has made tremendous move towards democratic governance. The survey shows that through the devolved governance, the country has made progress towards implementing the constitution thereby promoting the level of citizen involvement in participation, transparency and the making of sound objectives that address societal concerns at

⁶⁰Adegboye 'Consolidating Participatory Democracy in Africa: The Challenges and the Way Forward' (2013) 9 (2), European Scientific Edition 1857

⁶¹ Ochieng, W.K., ' Devolution of Government in Kenya as a means of Engendering Public Participation in Governance' (LLM Dissertation University of Pretoria 2012).

different stages in development. Sub national governments to this end have adopted friendly initiatives that enhance people power⁶².

Participatory democracy enhances inclusive decision making in a country. This enhances transparency, integrity, accountability hence enabling citizens to get involved in governance. Citizens, CSOs, NGOs and other stakeholders have an opportunity to act as watchdog on the policy implementation. These helps in reducing corruption as well as make leaders perform to the expectations of the masses⁶³. In Kenya, Makueni County has proved the importance of devolution in promoting democratic governance. The county has used the devolved structure to initiate proper citizen involvement and efficiency as required by county government Act⁶⁴.

Unique aspects of this study are that it illustrates democratic governance elements under devolution as they are implemented to participatory governance. This study also test leaders political interests and public perceptions on the various aspects of democratic governance and how their lack or presence has influenced development from a population that has already experienced devolution at work unlike in the other, largely a true reflection of the wishes of the people on deepening people-centered democratic practices in Africa with the aim of harnessing the developmental benefits that are accrued from devolution.

⁶² World Bank, World Bank Report: Kenya Economic Update, (World Bank June 2015, 12th Edition).

⁶³ Ibid

⁶⁴ Ngigi, Samuel, and Doreen Nekesa Busolo. "Devolution in Kenya: The Good, the Bad and the Ugly." (2019).

1.5.2.3 Overview of decentralization in South Africa

Decentralization in South Africa aimed at strengthening democratic governance at the grass root. History of South Africa is vested in the struggle for independence, freedom, land and by the 19th century it focused on the natural resources such as gold, diamond and other minerals underground.

From the colonial times, South Africa has been country whereby the collisions of the nationalist's interests determined its history. For instance from the clashes between the blacks and the whites from the Dutch that landed in the cape of good hope in the 17th century through conflicts initiated by the Zulu and the Xhola people. This was led by the Shaka Zulu in the onset of the 19th century and also the Anglo Boer war⁶⁵. Sampson posits that they stitch together the enemies in the most desperate and fragmented society in the world⁶⁶. The blacks were not only segregated from the whites, Sampson argues that the Indians never mixed with the blacks or the whites while the colored's in the Cape Town were shunned with their cousins not to mix with the blacks. The dominant English businesses men and the Afrikaner politicians also went their ways because of distrust⁶⁷.the distrust was bone out of victimhood of the Afrikaner people and the legacy of the colonial led directly of the apartheid policy immediately after 1948. The Afrikaners projected black Africans in their own image as unique people who would not accept to be assimilated and as the black Africa moved towards independence, they saw a new justification. The black South Africans

⁶⁵ Wilkins, Ivor, and Hans Strydom. *The Super-Afrikaners*. Jonathan Ball, 1978.

⁶⁶ Sampson, Robert J., and John D. Wooldredge. "Linking the micro-and macro-level dimensions of lifestyle-routine activity and opportunity models of predatory victimization." *Journal of quantitative criminology* 3, no. 4 (1987): 371-393.

⁶⁷ Sampson, Robert J., and John D. Wooldredge. "Linking the micro-and macro-level dimensions of lifestyle-routine activity and opportunity models of predatory victimization." *Journal of quantitative criminology* 3, no. 4 (1987): 371-393

can become free even as Ghana is⁶⁸. The policy instituted created separate black South Africans based on tribes. These entities were never viable as they were fused with corruption among the leaders on the ground.

The white South Africans were put under a form of devolution which involved the division of the country into provinces as defined by the four nations that united in the 1910 such as the Cape, Natal, Orange Free State and Transvaal.

The 1994 revolution maintained the provincial form of governance for the sub national entity but subdivided the existing provinces as well as absorbing the former homelands. Nine provinces were created. The process of devolution had to put into consideration the aspirations of all the groups. This wholesomely is to advance the interest of the public hence building a culture of democratic governance as a result of the equal representation⁶⁹.

1.6 Research gap

Research on devolution and democratic governance is yet fully harmonized, the literatures reviewed does not clearly illustrate how devolution has impacted democracy. Issues of governance in Africa are still challenge as most of the past studies do not clearly unpack how the thematic areas of devolution can promote democracy. Decentralization in Africa has not taken clear shape to promote democratization; lack of pilot cases to be learnt from has made states to stick to

⁶⁸ Sampson, Robert J., and John D. Wooldredge. "Linking the micro-and macro-level dimensions of lifestyle-routine activity and opportunity models of predatory victimization." *Journal of quantitative criminology* 3, no. 4 (1987): 371-393.

⁶⁹ Butler, Judith, Judith Butler, Spivak Gayatri Chakravorty, and Gayatri Chakravorty Spivak. *Who sings the nation-state?: language, politics, belonging*. Seagull Books Pvt Ltd, 2007.

traditional structures despite adopting devolved structures. The study seeks to clarify how the devolved governance practices based on devolution mandate can be improved a culture of democratic governance and how the two are intertwined by comparing Kenyan and South African devolved systems.

1.7 Justification

1.7.1 Academic justification

The study enhances knowledge by providing series of connections between devolution and principle of democratic governance in advancing public value in Africa with specific focus on Kenya and South Africa. In many instances democratic governance has inspired institutional reforms in Africa and that the desire for new constitutional orders has been enhanced by the efficient and improved governance in the society and institutions as a whole.

1.7.2 Policy justification

The study enables stakeholders to understand the policy and institutional gaps within devolved governance in Kenya and South Africa. It is imperative for operational work and as an instrument for quick information and analytical work to understand citizen involvement in development and promotion of state interests. It is mandated to advocate for democratic governance and policy makers such as politicians, CSOs, NGOs, operating within a devolved system of governance.

1.7.3 General Public justification

The study is also relevant to the public as it identifies avenues in which they can participate in the administrative, political and socioeconomic decision making, policy

formulation and service delivery within their respective counties and there by advancing public interests. It enhances the thrust to the importance of devolution in advancing development in South Africa as well as Kenya as it continues to implement devolved governance. It links democratization to development which is essential for the sub national governments and hence the momentums for realization of devolve governance in service delivery and efficiency in resource allocation, distribution and redistribution to the people. It bridges the gap as to why devolution should not be an island to itself but to enhance the deepening of democracy in Africa.

1.8 Theoretical Framework

The study employed Liberal theory to explain the linkage on how decentralization is an instrument for advancing the democratic governance which is essential for peace, security, cooperation and sustainable development in the society.

Liberalism in international relations considered cooperation, civil liberty, human rights, interdependence of the state preferences, mitigating the violent power of the state. It also emphasize on individual wellbeing as key pillars of a just political system⁷⁰.

Liberalisms considered the formation of institutions or organizations that creates platforms for checking political power as well as advancing individual freedom to participate in governance issues.

⁷⁰ Hughes, Bryn. "Revisiting the liberal logic of intrastate security: The mitigation of political violence for all?." *Democracy and Security* 6, no. 1 (2010): 52-80.

Liberalism an important and simple analysis of the African democratic governance and with the move to decentralization of power has been largely driven by the aspiration to shift from traditional centralized governance that mostly enhances unfair governance and distribution of resources. This move is like revolution by masses for inclusivity in governance, a move that closely relates to the work of Karl Marx, the proletariat revolution against the bourgeoisies.

The liberal theory addresses the failure of other theories in international relations, economics and politics to formulate institutions that are linked to multiparty, globalization of democracy, public governance through the use of advanced management systems, participatory governance, adherence to the rule of law, replacing governance that is based on affiliation and patronage as enshrined in the United Nations Charter⁷¹. This leads to interstate and intrastate integration based on the national interests of the states, effective distribution of resources to advance sustainable development.

All efforts and attempts presently are planned and directed to the direction of achieving the best public interests, unlike in the past where public interests was not defined or planned for and in the case of trying to apply, it was in colluding course with other community policies. This recognition of embracing people interests in governance has had positive impacts especially to the citizens. Quality governance, promoting transparency and participation of citizens has come to action hence

⁷¹ Friedrich, Carl J. "The Ideology of the United Nations Charter and the Philosophy of Peace of Immanuel Kant 1795-1945." *The Journal of Politics* 9, no. 1 (1947): 10-30.

propelling states towards achieving their objectives⁷².

The theory is relevant in understanding democratic governance challenges in the African states that has been brought by the personalization of power amongst the leaders who have used to advance their self interests instead of the better good of the entire society. It supports the decentralization of power as an instrument that can give power to local citizens to engage in governance issues, bring development closer to the people hence inclusivity in governance.

The theory is also relevant in that devolution and democratic governance on the basis that State performance can be successful through the application of quality management practices. Devolution creates avenue in which citizens get involved in policy formulation and implementation thereby enhancing realization democratic governance and development in the society. Liberal philosophy can be said to be the cause result of the change from the old public service delivery believe to the new incorporation of people's choices and idea as enhanced by decentralization.

1.9 Study hypotheses

1. Under decentralization, democratic governance practices can be enhanced in Africa.
2. Devolution have influence on democratic governance in Africa
3. Devolved democratic governance has challenges and prospects in a globalizing world.

⁷² Sørensen, Eva. "Democratic theory and network governance." *Administrative Theory & Praxis* 24, no. 4 (2002): 693-720.

1.10 Methodology of the study

This section focuses on the sources of data and data collection techniques, sampling procedures adopted and tools for data presentation and analysis.

1.10.1 Research Design

Harwel argues that research design is an illustration of how an investigation should take place. It shows how data is to be collected, instruments for data collection as well as how the analysis is to be conducted⁷³.

Research is the search for new knowledge. During research, a given approach has to be adopted based on what is to be investigated. Descriptive research design is adopted in this case because it responds to questions such as who, what, where and how.

1.10.2 Research paradigm

This study used mixed method research design. This approach aimed at building scientific knowledge about phenomenon. Mugenda argues that quantitative and qualitative methods are distinguished on the basis of the views about reality, source and impact of the relationship between the inquirer and the object and views about knowledge and truth⁷⁴.

The assumption of the quantitative methods helps the researcher to predict, describe, control and explain a phenomenon of interest. This therefore makes the study to be clear on the phenomenon to be investigated. It also enhances prediction by estimating

⁷³ Michael R. Harwell. Research design in qualitative/quantitative /mixed methods. University of Minnesota.

⁷⁴ Mugenda, O. Mugenda, and A. G. Mugenda. "Research methods: Quantitative and." (2003).

a phenomenon, hence correlation research. It enables control and manipulation of some parts of a variable in order to exert control over the other. Therefore it gives accurate observation over a particular phenomenon.

1.10.3 Study Target population

This study targeted Council of Governors in Kenya, targeting critical officers in implementation of devolution and realization of democratic governance, the representatives of South African Embassy in Kenya, CSOs, NGOs, political leaders, intellectuals, and the religious groupings.

1.10.4 Sampling technique

This study employed purposive sampling technique so as to allow the selection of cases that are essential in responding to the research questions. Purposive sampling is important for studying certain domain with well-informed experts. Purposive Sampling is very essential in this study because it is easily employed with both qualitative and quantitative research techniques.

1.10.5 Data collection technique

The study employed primary and secondary method of data collection. Primary data was obtained through questionnaires, interviews and observation. The questionnaires and interview instrument for data collection was preferred as it helps the respondents to be objective and more precise while answering the research questions. The study also used observation as a technique for getting data by observing structures placed to enhancing democratic governance and development. Structured questionnaires will be used to elicit information from the target populations. On the other hand, the

secondary information was obtained through document for instance books, academic journals, internet as well as the newspapers. This helps the researcher to refer and compare data findings in the past and the present.

1.10.6 Analysis and presentation of data

Data analysis is a process that comes after administering the research tools which can be field data or from the library. It involves the process of inspecting, cleaning, transforming and modeling data with the goal of discovering the useful information and suggesting conclusions and recommendations. This involves organizing the data, uncovering underlying structures, extracting important variables, detecting any anomalies and finding possible explanations of the findings hence more of content analysis method. Presentation is in form of pie-charts, graphs, frequencies tables and even narrations.⁷⁵

1.10.7 Ethical considerations

The researcher considered good code of conduct in carrying this study by enhancing originality of the study. To enhance data collection, the researcher secured permit from the National Commission for Science, Technology and innovation (NACOSTI). The participants were enlightened on their rights on whether to participate or refuse to get involved in the study, their safety was assured. Their participation is not mandatory hence consent is sought from the respondents.

⁷⁵ Nicholas Walliman, 2006. Social Research Methods. Sage Publication Ltd. London

1.10.8 Scope and Limitations

This research suffered inadequate time for more research on the topic. Devolution is a wide area of study that requires more time. However the researcher utilized and maximized on available time as far as dedicating more hours at night to research on the topic. Finally the Finance to carry out this research was limited since it was wholly financed by the researcher with no external assistance.

1.11 Chapter Outline

Chapter 1

Introduced the study topic and highlighted the background. It also stated the problem to the study, literature review, theoretical framework, hypotheses and methodology of the study.

Chapter 2

Discusses the conceptualization of decentralization on democratic governance in Africa; the analysis of decentralization on democratic governance providing its meaning, rationale and interpretations, the dimensions of decentralization, forms of decentralization and challenges of decentralization.

Chapter 3

Discuss democratic governance in Kenyan and South African devolved system of governance.

Chapter 4

Discusses the challenges and prospects of devolved democratic governance in a globalizing world

Chapter 5

Summary, Data findings and Analysis; It illustrated the results of the study based on the objectives and research questions

Chapter 6

It gives Conclusion and Recommendations of the study. It provides suggestions for further research.

CHAPTER TWO

CONCEPTUALIZATION OF DECENTRALIZATION ON DEMOCRATIC GOVERNANCE IN AFRICA

2.0 Introduction

This section examines how devolution strategy advances democratization in African governance. It discusses the core reasons as to why states are employing decentralization, various forms of decentralization.

2.1 The Concept of Governance

Traditionally, governance is closely associated with the ruling and control. Specifically, it relates to the practice of power of a state and how it manages its affairs to advance national interests. Democratic governance is a situation whereby there is legitimacy, the working government has the consent of their citizens; efficiency and effectiveness that leads to accountability and transparency and answerability for the actions conducted by the leaders, respect for human rights, competency amongst leaders that enhances proper policy making and implementation for better delivery of services to the people without discrimination⁷⁶. It is worth noting that governance entails the cultural and organizational surrounding where the masses and the leaders engage on the objectives of the state.

Traditionally, governance was viewed to be the procedure that entails policy formulation and implementation for instance in Athens where citizens could assemble at a point and discuss concerns of the society. During this time, government was the

⁷⁶ Firket Toksoz (ed), *Global Governance: Improving Quality of Life* (Tesev Publications 2008).

procedure of policy formulation on issues such as conflict resolution as well as taxation⁷⁷.

The rise in globalization of democracy in Africa has enhanced the dispersal of power to the masses, hence promoting citizen to widen governance scope since their opinions influences decisions within the state. Because of the non state actors, governance stopped being used interchangeably with government⁷⁸. Governance requires mutual partnership and collaboration amongst the stakeholders involved since it not only refers to the government agencies only but also the private sectors⁷⁹. Because of these, states are forced to initiate favorable conditions for the citizens and other non state actors to advance national interests⁸⁰.

The key distinction between governance and government is that the government is the sovereign and central organization that has authority over the people. Governance also relates decentralization of power and the partnership of different sectors and stakeholders to enhance national interest of a state.

Prof Nzomo argues that governance entails economic, political and administrative management of public affairs and it involves mechanisms, processes and institutions, in which people and groups advance their interests, negotiate and mediate their differences as well as exercise their rights and responsibilities as advanced by the

⁷⁷ Leftwich, Adrian. "Governance, democracy and development in the Third World." *Third World Quarterly* 14, no. 3 (1993): 605-624.

⁷⁸ Joan Corkery, 'Introductory Report' in Joan Corkery(ed), *Governance: Concepts and Applications* (International Institute for Administrative Studies 1999)

⁷⁹ Susannah Fisher and Swenja Surminski, 'The Roles of Public and Private Actors in the Governance of Adaptation: The Case of Agricultural Insurance in India' (Centre for Climate Change Economics and Policy Working Paper No. 102).

⁸⁰ G Thomas, D Weiss, Seyle Conor and Coolidge Kelsey, 'The Rise of Non-State Actors in Global Governance: Opportunities and Limitations (One Earth Foundation 2013).

liberal theory⁸¹.

Democratic governance therefore requires the involvement of all stakeholders to enhance inclusive and participatory decision making⁸².

2.2 Nature of governance structures of African states

In many instances, the governance orders in most African states have existed with both western and traditional systems. The leaders have been seen in an informal setup to be more of patronage based on the ability to award resources to their associates, affiliates. Significantly, political leaders are expected to be patrons of their clients hence no tangible difference between public and private. This has been different with that of the western countries bureaucracies that is supposed to preside over the interests and well being of all the citizens⁸³.

In Africa, a number of neo patrimonial states in the early 1960s and 1970s for instance the Ivory Coast under the leadership of Houphouët-Boigny and Kenya under Kenyatta. They managed to sandwich both the formal and informal logics successfully. They ensured that the leadership and officials functioned efficiently as per the desires of the informal political order.

Governments for long time have been controlled by one party system that advanced mostly the interests of their affiliates at the expense of the masses. The states

⁸¹ Nzomo, Maria. "Representational Politics in Kenya: The Gender Quota and Beyond'." In *African Research & Resource Forum*. 2012.

⁸² Tim Plumptre & John Graham, 'Governance and Good Governance: International and Aboriginal Perspectives' (Canadian Institute of Good Governance 1999).

⁸³ Chabal, Patrick, and Jean-Pascal Daloz. *Africa works: Disorder as political instrument*. London: International African Institute, 1999.

preferred to maintain minimal working infrastructure. The leadership enhanced ethnicity, regionalism, religion interest and this affected the representation of the African states in the global arena. The lack of openness in governance in Africa made Africa to be viewed as dark and hopeless. A few leaders took advantage of the western model of governance to deliver wisely the resources within the presidential disposal⁸⁴.

It is imperative to note that the neo patrimonial state successes was measured internally based on how good it executed its mandates based on the traditional environment. Apart from Africa, the success of the states was based on how its modern bureaucratic systems functioned. Many African states attempted to placate internal and external (especially donor) constituencies and this was based on being able to meet various needs⁸⁵. The African states in many instances were forced to follow the western democratic model so as to maintain their power. They embraced the structures of democratic governance but the actions and execution of mandates were not purely democratic. The leaders' have continued to try various ways so as to get support from the west by practicing democracy that only advances their interest.

The diminishing resources in the African states reduced the state capacity to execute its functions effectively. This was as result of the fact that many African states continued to embrace informal client based politics. This had serious consequences that jeopardized service delivery to the people. Politics became extremely violent in which the end justified the means. Corruption increased and competition for power

⁸⁴ Ibid

⁸⁵ Ibid

became the norm for accumulating wealth. Based on this, the initiation of multiparty politics and the privatization of the state enterprises advance the need formal structures⁸⁶.

Despite today in Africa there is advancement in governance for instance the good Botswana and the weak Somalia; there has been an overall decay in governance. All states suffer similar challenges for instance from the angle of inadequate utilization of state resources for the betterment of local people, massive corruption, inability to induce higher economic growth.

The improved governance stories in Africa, specifically Ghana, Rwanda, Kenya and South Africa shows that Africa have made some headway in advancing democratic governance that promotes global reputation and making African states to be identified as key global players but not just bystanders. Despite these improvements, they still faced challenges of ensuring adequate involvement in governance.

As a result of the challenges that the African states have experienced, many countries had amended their constitutions so as to adopt decentralization as a way of improving their systems of governance. Kenya just like South Africa has embraced devolution of power so as to meet the desires of the local people and this has been seen as a motive of promoting a culture of democratic governance.

⁸⁶ Chabal, Patrick, and Jean-Pascal Daloz. *Africa works: Disorder as political instrument*. London: International African Institute, 1999.

2.3 Decentralization of governance structures in globalizing society

African people advanced knowledge of citizenship rights and responsibilities that came through the passing of the cold war. They became educated and informed on the need to worry about the socioeconomic and political conditions of their states and started to develop interests to have opportunity to participate in national affairs but were still jeopardized by the governance structures that existed. Again based on the breakdown of the communist systems of development, there was an emergence of a move of rethinking on the issues of development, how it can be advanced, its sustainability and how it can be consolidated in a continent that has various diversified people⁸⁷.

The widespread constitutional amendments and reforms in the 1990s were an indication that the African continent was in the verge of advancing a more inclusive and participatory governance that could help addresses the needs of the people of promoting sustainable democratic governance.

Post cold war in many African states marked the spread of democratization through the wave of globalization. It marked the beginning of a culture of democratic governance as many national leaders were forced to embrace democracy so as to access the global market and assistance. The multiparty systems of governance were restored and this was to create space for many citizens to get involved in governance practices. The pressure from the globalization of democracy forced traditional rulers

⁸⁷ Commins, Steve, and Robert D. Ebel. "Popular Participation & Decentralization In Africa." (2010).

to liberalize politics so as to initiate inclusive public policy⁸⁸. This led to the push for various forms of governance that would enhance liberal democracy

Changes of development in the African structures were segmented in the Arusha declaration which gives content to the strengthening significance of decentralization and popular participation for better social and public accountability in governance.

2.4 Decentralization and its influence on democratic governance.

Many rationales can be recognized in decentralization to promote democratic governance. Devolution provides avenues for advancing cooperation, human rights and sustainable development which are essential for responsible governance. These can be advanced through public participation, capacity building, social equity and the practice of rule of law⁸⁹.

2.4.1 Devolution and participatory governance in Africa

The shift of responsibilities in decentralization gives the grass root government autonomy to advance and negotiate development issues that best fit the desires of their locals this advance national interest as well as human development that comes as a result of globalization of skills and technology. It brings cooperation between the national and the regional government and this can create favorable environment for investment, hence providing opportunity for the citizens to participate on policies that advance public value. As echoed by potter, it promotes management of power

⁸⁸ Olukoshi, Adebayo O. *The elusive prince of Denmark: Structural adjustment and the crisis of governance in Africa*. No. 104. Nordic Africa Institute, 1998.

⁸⁹ Author, 2019.

between different levels of government⁹⁰.

Olowu argues that from an angle of participation, devolution opens the state system to competitive societal forces by allowing political pluralism to replace single party systems, markets to replace state controlled prices and civil society to provide services where the state is weak⁹¹.

Participation in governance is very essential as it promotes sharing of information between various stakeholders and through this exchange program takes shape. Through this, citizens are able to compare opinions with other areas that have advanced similar initiative hence advancing the globalization of democracy. It requires collaboration and partnership amongst states and non state actors in the society⁹². Devartajan and Widlund justifies that it is an open governance process that create space for public participation on their national affairs. It enhances the identification of rational stakeholders, development of inclusive systems that allow engagement with public officials as well as the establishment of proper structures for participation⁹³.

To Devarajan and Widlund, public participation enhances the creation of free, open, transparent and accountable process in which groups of people in the society can engage and exchange opinions that can influence the decision making⁹⁴.

⁹⁰ Potter, Jonathan Graham, ed. Devolution and globalization: implications for local decision-makers. Organization for Economic Co-operation and Development, 2001.

⁹¹Goetz, Edward G., and Susan E. Clarke, eds. The new localism: Comparative urban politics in a global era. Vol. 164. Sage Publications, 1993.

⁹²Brynard, J. Public Participation in Local Government and Administration: Bridging the Gap. South Africa (2009). University of South Africa.

⁹³ Devarajan, S., &Widlund, I. (2015). The Politics of Service Delivery in Democracies: Better Access for the Poor. Stockholm. EGDI Secretariat.

⁹⁴ Ibid

Many African states have misunderstood the process and still believed that they have fulfilled the principles of devolution and public participation. Most of them still hang on the traditional local governments that in many cases act as spies of the top leadership and rarely address the concerns of democracy. To Kotze, Participation is more than just basic involving or consultation of the people⁹⁵. It involves persuading large number of people to influence policies within their state. Hence giving legality on decision arrived at by the general public since they will be addressing the immediate need of the larger population without discrimination⁹⁶. The process will enhance contribution in the form of the factors of production in general. Fukuyama observes that it is an awareness that enhances social capital as key governance indicator that gives direction on development⁹⁷.

Participation is very essential for any progress in the society. In many African states, Kenya and South Africa included, citizens have always been mobilized whenever projects are to be initiated, this has always been polarized by various political opinion hence it has always been view as a strategy for a few leaders to gain political mileage. In most cases leaders have failed to explain to the citizens the impact of such programs hence there is inadequate understanding among citizens. Citizens have also been accused of having the mentality that every meeting with public officials there must be a token. Citizens are as well urged to fully get involved in decision making in all aspects but not only based on token.

⁹⁵Kotze, A. (2009). *Development Administration and Management: A Holistic Approach*. Pretoria. Van Shaik Publishers.

⁹⁶ Ibid

⁹⁷ Fukuyama, F. (2001). *Social Capital and Civil Society*. Institute of Public Policy. George Mason University.

With reference to Kenya and South Africa, devolution can create forums for public participation. This allows the government to know the perception of the general public on particular policies that they are implementing, hence advancing the interest of the public to feel included in governance thereby creating favorable environment for cooperation as well as conducive environment that attracts investors in the country. Through investment, societal integration is enhanced which is good for human development, planning, management and active part in the development of structures of service delivery to advance public value. Devolution is built on the principle of inclusivity which is an ingredient of democratic governance. Therefore, Citizens that takes part in decision making either directly or indirectly are seen as friends to development as they help initiate policies⁹⁸.

Devolution gives power to the people to enhance participation and also opening up opportunities for the general public, engagement with the leaders and this promote participation that advances democratic governance, aspects of checks and balances is enhanced⁹⁹. This has also been justified by the South African model of citizen's participation in decision making. Kahneman and Thaler holds that those passing judgments on behalf of the people must be representative of the larger population¹⁰⁰.

⁹⁸ Author, 2019

⁹⁹ Author, 2019

¹⁰⁰ Kahneman, D., & Thaler, H. (2006). Utility Maximization and Experienced Utility, *Journal of Economic Perspectives*, 20(1)221–234.

Crook and Manor posits that devolution enhances participation and this improves democracy in the society by giving the people an opportunity to elect leaders that can drive development agendas¹⁰¹. Smith echoes that it promotes national integration, liberty, equality and welfare of the people¹⁰².

With proper designing and model of implementation, devolution promotes adequate accountability, inclusive and participatory sustainable development and democratic governance in the society. It needs favorable political environment so as to enable efficient mutual distribution and redistribution of services¹⁰³.

Biegelbauer and Hansen, participation is based on mutual representative and democratic governance driven by good ethics and conducts in the society¹⁰⁴. They argue that it should bring the sense of ownership among the citizens as indicated in article 174 of the Kenyan constitution of 2010¹⁰⁵.

2.4.2 Devolution improves Capacity building in the society

Devolved governance advances societal empowerment and this improves the status of a country in the global arena, it brings with it competition that makes regions to explore their comparative advantage in the production of goods and services and this enhances trade and cooperation. Empowered people have the power to make wise decisions and they are less driven by material poverty. Through capacity building,

¹⁰¹ Crook, R and Manor J, Democracy and decentralization in South East Asia and West Africa: Participation, Accountability and Performance (1998) Cambridge: Cambridge University Press

¹⁰² Smith B C, Decentralization: The territorial dimension of the state (1985) London: George Allen and Unwin

¹⁰³ Author, 2019.

¹⁰⁴ Biegelbauer, Peter, and Janus Hansen. "Democratic theory and citizen participation: democracy models in the evaluation of public participation in science and technology." *Science and Public Policy* 38, no. 8 (2011): 589-597.

¹⁰⁵ Ibid

devolution can promote equitable wealth creation opportunities to the people hence social change in the society. Baser and Morgan establishes that capacity building is a set of activities in which actors in the international development aid pursue to catalyze social change¹⁰⁶. Performances in the society enhance capacity building. They argue that implementation of capacity building efforts enhances performance in the society¹⁰⁷. Capacity building is very essential in service delivery since it promotes effectiveness and competency hence professionalism.

Bratton observes that it widens the active inclusivity and participation of the masses and this promotes the survival of democracy as more awareness is enhanced¹⁰⁸. Without proper citizen participation, the bad leaders may have the opportunity to take governance and economic management positions and this jeopardizes democracy. Bratton argues that capacity building is necessary to ensure the people do not get trapped by such situations¹⁰⁹. Therefore Vila and Carnales notes that democratic governance can only grow stronger and yield fruits where there is participatory governance through voting, participating in policy formulation and implementation of their countries interests/affairs¹¹⁰.

Mau argues that professionalism in the society can as well be promoted by capacity building in that it instills the ability to effectively responds to dynamics of change as well as find proper ways to respond to the threats to smooth integrity and governance

¹⁰⁶ Baser, H. & Morgan, P. (2008). Capacity, Change and Performance. European Centre for Development Policy Management.

¹⁰⁷ Ibid

¹⁰⁸ Bratton, M. (2010). Citizens' perceptions of local government responsiveness in sub-Saharan Africa. Afrobarometer Working Paper 119.

¹⁰⁹ Ibid

¹¹⁰ Vilà, Joaquim, and J. Ignacio Canales. "Can strategic planning make strategy more relevant and build commitment over time? The case of RACC." Long Range Planning 41, no. 3 (2008): 273-290.

issues such as corruption¹¹¹. Terry observes that capacity building protects the public from the patronage and affiliation practices and thereby assists the government in advancing national interest¹¹².

Lack of civic education jeopardizes the existence of democratic practices. Swedish International Development Cooperation agency (SIDA) observes that civic education enhances capacity building thereafter deepens democracy in the society. Moehler posits that the devolved model of governance deepens civic education in that it creates space for the citizens to engage with their leaders¹¹³. Effective implementation of devolution in Africa states can enhance empowerment of the grass root communities to know that they are key actors in the governance process.

Democratic governance is an essential initiative that requires and draws attention of many actors in the international system. Devolved democratic governance entails actors such as the civil society organizations, nongovernmental organizations, organized groups; inclusive citizen participation that has a role to play in governance structure. They advocate for Inclusivity, accountability and transparency which are essential for equitable service delivery. Soss and Schram notes that electoral malpractices, unfair political environment which denies the opportunity to have fair competition denies the citizens their rights to choose leaders adequately hence

¹¹¹ Mau, Tim A. "Leadership competencies for a global public service." *International Review of Administrative Sciences* 83, no. 1 (2017): 3-22.

¹¹² Terry, Robert W. *Seven zones for leadership: Acting authentically in stability and chaos*. Davies-Black Publishing, 2001.

¹¹³ Moehler, Devra C. *Free and fair or fraudulent and forged: elections and legitimacy in Africa*. Institute for Democracy in South Africa (IDASA), 2005.

disgrace to the electoral processes¹¹⁴. Mau and Tim argued that it is through elections that people are able to choose their representatives effectively and it's a form of participation in governance¹¹⁵.

Globally, it is the level of capacity building that determines the kind of politics and economics in a country. Terry notes that having the capacity to govern enhances governance in the society as it provides the structures for proper leadership¹¹⁶. Soss justifies this in the sense that capacity building gives the government to minimize the inadequacy in the political system and thereby reduces the chances of leaders getting involved in shortcuts that might jeopardize the effectiveness in service delivery¹¹⁷.

Mau further argues that effectiveness and efficiency that is promoted by the capacity building in the society builds public trust, transparency, accountability, integrity, good morals and professionalism that ensures competency, proper management hence public affairs are likely to be done properly¹¹⁸. The importance of the shared responsibility on capacity building has been ignored by many states in the international system. In Africa, political leaders have isolated themselves to be the key decision makers and this has made them trap their countries in huge debts and corruption that affects the effectiveness in service delivery for instance Zambia and Kenya. Political elites have also failed to adapt to the winds of change leading

¹¹⁴ Soss, Joe, Richard C. Fording, and Sanford F. Schram. "The color of devolution: Race, federalism, and the politics of social control." *American Journal of Political Science* 52, no. 3 (2008): 536-553.

¹¹⁵ Mau, Tim A. "Leadership competencies for a global public service." *International Review of Administrative Sciences* 83, no. 1 (2017): 3-22.

¹¹⁶ Terry, Robert W. *Seven zones for leadership: Acting authentically in stability and chaos*. Davies-Black Publishing, 2001.

¹¹⁷ Soss, J., Fording, C., & Schram, F. (2008). *The color of devolution: Race, federalism, and the politics of social control*. *American Journal of Political Science*, 52(3), 536–553.

¹¹⁸ Mau, Tim A. "Leadership competencies for a global public service." *International Review of Administrative Sciences* 83, no. 1 (2017): 3-22..

numerous intra and interstate conflicts. Recently huge mass demonstrations have been witnessed in Sudan since the beginning of 2019 by a people seeking change in governance.

2.4.3 Devolution improves Social equity

Devolution stands for fairness and justice in the society. In Africa, devolved governance is very important because it has the opportunity of solving the unfairness in governance that came with fragility in the society. It advances equity in the society through the provision of governance that is closer to the people. Through devolved governance, historical injustices as well as inequalities that exist in a state can be mitigated¹¹⁹.

Bozeman states that equity is defined by law that governs states and informed by deeper ethical consideration¹²⁰. To him, equity has close relations with the rules and exchange and distribution of resources in devolved structure¹²¹. Moulton posits that it is the public value that enhances progressive and sustainable development¹²². Valdivia justifies that it is a way of strengthening organizational and individual capacities as well as the emergence of stronger capabilities in the society hence it promotes capacity building which is a pillar in promoting democratic governance¹²³.

¹¹⁹ T. Gooden, Social Equity and Evidence: Insights from Local Government, *Public Administration Review*, 77, 6, (822-828), (2017).

¹²⁰ Bozeman, Barry. "What organization theorists and public policy researchers can learn from one another: Publicness theory as a case-in-point." *Organization Studies* 34, no. 2 (2013): 169-188..

¹²¹ Ibid

¹²² Moulton, Stephanie. "The authority to do good: Publicly responsible behavior among private mortgage lenders." *Public Administration Review* 72, no. 3 (2012): 430-439.

¹²³Valdivia, Walter D. "The stakes in Bayh-Dole: public values beyond the pace of innovation." *Minerva* 49, no. 1 (2011): 25-46.

Mau and Tim argued that governments should embrace good leadership, political morality in the execution of their mandates so as to enhance social equity in the society. Social equity promotes knowledge, skills, institutional competence to cooperation within the society and also to strengthen ties amongst¹²⁴. De Vries, & Steenbergen observes that Public service competency, integrity and professionalism are essential pillar for democratic governance in the society, hence it helps governments to control complex challenges that are emerging by changing trends in the society¹²⁵. Professionalism is important in democratic governance. Many African states have lagged behind as a result of leadership in public institutions that is based on affiliation and patronage. This has made governments to make unworthy decisions that hinder the spirit of democracy.

Chapter finding and conclusion

The study has observed that lack of political will is a major challenge to democratic governance in Africa. Despite having revised constitutions, the leadership mindsets, cultures and practices still remain coated by individualism and patronage in many African states. Corruption tenets are alive and this has negatively affected full realization of democratization as institutions of governance are controlled by few ruling elites to their own advantage.

Democratic governance in Africa is still weak and experiences leadership challenges. Articulating and consolidating the two concepts of devolution and democratic governance still get setbacks that create environment that affects their thriving.

¹²⁴ Mau, Tim A. "Leadership competencies for a global public service." *International Review of Administrative Sciences* 83, no. 1 (2017): 3-22

¹²⁵ De Vries, Catherine, and Marco Steenbergen. "Variable opinions: The predictability of support for unification in European mass publics." *Journal of Political Marketing* 12, no. 1 (2013): 121-141.

Devolution of power has the potential of advancing democracy in Africa if favorable environment and rule of law is enhance.

CHAPTER THREE
DEVOLUTION AND DEMOCRATIC GOVERNANCE IN KENYA AND
SOUTH AFRICA

3.0 Introduction

This chapter analyzes devolved governance and how it influences democratic governance in Kenya and South Africa. It gives insight on devolved governance practices in the two states that enhance the thriving of democratic governance. Decentralization of power has been adopted in African states to respond to various fragile situations that affects sustainable development, human rights as well as inclusivity in governance.

3.1 Devolution in Kenya: Constitutional Design

Decentralization of power and responsibilities had been practiced in Kenya in the past colonial power where the Britain used indirect rule tactic. The colonial constitution of 1963 provided for regional governments known as Majimbo which had a bicameral parliament and 7 regional assemblies¹²⁶. The design was embraced by the colonial authorities but was later abolished in 1964 as a result of opposition it received from the government that assumed office after the colonial government.

After the abolishment of decentralization in 1964, in 1984, under international donor's recommendation, Kenya adopted the poverty reduction strategy paper and the 5 year national development plan (DFRDs). This was to enhance more participation in promoting development based on the societal need. It enhanced more networking

¹²⁶ Maxon, Robert M. "The demise and rise of majimbo in independent Kenya." In *Kenya After 50*, pp. 19-48. Palgrave Macmillan, New York, 2016.

through the creation of favorable environment for the investors and policy makers in response to people's aspirations at the local level¹²⁷. This initiative had the objective of increasing the avenue for local development by transferring majority of the policy formulation and implementation at the local where such decisions impacts on the people.

The strategy was weakened by the lack of political good will and transfer of political power to the local councils so as to enhance resource mobilization. This is because the provincial administration mainly played a role in planning, implementation and coordination of development; this was overridden by their authoritative law and order maintenance role, thus rendering decision making a centralized practice. The District commissioner's double role of coordination of security and development overburdened them. Also lack of control of development funds of departments coming to the districts despite chairing and overlooking of DDCs (district development committees) Proposals by line ministries in Nairobi rendered the DDCS obsolete.

However, devolved government institutions were adopted under the promulgated constitution of 2010 to accommodate pluralism, enhance adequate equal distribution and redistribution of resources, inclusivity, as well as to strengthen national unity within the country¹²⁸.

¹²⁷ Government of Kenya: District Focus for Rural Development strategy paper 1983

¹²⁸ Author,2019

During the debates on constitutional change, the constitution makers considered South Africa's model of governance into account, though it was not adopted directly into the Kenyan system as there were other experiences considered as well¹²⁹. The Kenyan constitution also borrowed from Sudan and Nigeria but in general it reflected more of the South African structure and context¹³⁰.

The main agenda of decentralization is to promote democratic governance since it is a better way of enhancing cooperation and inclusivity in which decisions are guided by the desires of the general public. Devolution in Kenya as indicated in article 174 Of the constitution therefore explicitly aims at realizing the objectives that are attributed to decentralization, such as consolidating democracy, promoting state-building and the accommodation of different cultures, fostering more equal resource distribution redistribution, mutual coexistence for good to all and above all a culture of democratic governance¹³¹.

Article 6 of the Kenyan 2010 constitution established the 47 county governments with elected county assembly members and a governor¹³². National government maintains powers in all crucial matters (foreign affairs and international trade, defense, judiciary, educational and agricultural policies and so on), while the counties have power on key sectors such as labor policies, education policy, primary healthcare, transportation, and so on. However, according to Article 186(2) of the Constitution, the matters which are listed in both levels of government are concurrent powers.

¹²⁹ Wanyande, Peter, and Peter Wanyande. "Devolution and territorial development inequalities: The Kenyan experience." *Territorial Cohesion for Development Working Group, Rimisp*(2016).

¹³⁰ Gathii, James Thuo, and Harrison Mbori Otieno. "Assessing Kenya's cooperative model of devolution: A situation-specific analysis." *Federal Law Review* 46, no. 4 (2018): 595-613.

¹³¹ Author,2019

¹³² Constitution of Kenya 2010

Article 186(3) sets that the powers which are not defined by the Constitution or the legislation are attributed to the national government, while Article 187 provide for the transfer of the granted powers to countries if they prove that they would be more effectively performed¹³³.

Article 191 analyzes the imbalances that exists between the two governments and in case of any conflict between them, the central always carries the day. Because of the protection clauses that favor the national government, the Kenyan devolved system of governance entails administrative, fiscal and political devolution of power. Many provisions are committed to fiscal decentralization.

Devolution of power demands collaboration, cooperation and partnership between and amongst the levels of governance for enhancing national interests of the country. The national government shares resources with the county governments for effective service delivery closer to the local community. The national resources are managed mutually to enhance the benefit to the general public. Article 215 provides the Commission on Revenue Allocation, which has consultative powers on resource redistribution, and Article 207 provides for the Revenue Funds for County Governments. There is also the provision of the independent offices that are involved in enhancing accountability such as the Auditor General office.

Devolution in Kenya is a powerful tool for enhancing government interest and also to deepen democratic governance in the country by creating opportunity for the citizens to interact with policies that are implemented.

¹³³ Constitution of Kenya, 2010.

Oloo notes that the new quest for devolution in Kenya is a reaction to the failures of the previous postcolonial government in promoting unfairness in governance. Skewed development of the country and ethnic based mode of development to certain selected regions despite payment of taxes by all led to a lot of resentment of the Kenyan state apparatus by the marginalized public. Majority of the Kenyans viewed devolution as an instrument that would enhance democratic governance which would lead to inclusive participatory in governance¹³⁴.

The study established that Devolved governance in Kenya is very important since it it's the proper way of addressing the past injustices, promoting involvement in governance, enhancing competition that is essential for both internal and international trade, promotion of equitable distribution of resources as well as lifting the economy of areas that for a very long time have been marginalized.

3.2 Devolution and democratic governance for Kenya

Devolution of power is an instrument that advances effective inclusivity in governance, it creates mechanism that can enhance public interests, devolved governance settings have been structured to shares authority with the public so that policies that are implemented meets the public aspirations¹³⁵. Devolution of power is designed to provide opportunity for inclusive engagement on issues that are of interest to the state.

¹³⁴ Oloo, Adams. Devolution and democratic governance: Options for Kenya. No. 77-2006. Institute of Policy Analysis and Research, 2006.

¹³⁵ C Geurtz and T Van De Wiljdeven 'Making Citizen Participation Work: The challenging search for new forms of democracy in the Netherlands' (2010) 36(4) Local Governments Studies 531-549, 532.

Devolved democratic governance is adopted in order to enhance citizen involvement in governance, accountability, transparent and responsive governance as well as equity in service delivery to the citizens. Therefore the devolution in Kenya can promote public participation, inclusivity, transparency, accountability, capacity building, abiding by rule of law, equity, efficiency and effectiveness in governance since they clearly bring out what democratic governance entails.

Participatory governance implies that both state and non state stakeholders are involved in decision making to advance interest sustainable development. Devolution of power promotes cooperation within the state and also strengthens the ties with other foreign actors. As mentioned in chapter two, devolution gives room to the county government to develop close relations with foreign investors and this advances development in Kenya. The local governments in partnership advance favorable conditions that attract interests of investors and as well assure that foreign national rights are protected. Devolution enhances public participation and this enhances shared information as it allows the even the minority groups to air their views, citizens can be allowed to network with foreign nationals hence advancing globalization of democracy¹³⁶.

Devolved democratic governance brings inclusivity in the society and this ensures that all actors are included without biasness and discrimination therefore participation can be direct or through representatives that are chosen democratically.

¹³⁶ Mashamaite, Kgalema, and Andani Madzivhandila. "Strengthening community participation in the Integrated Development Planning process for effective public service delivery in the rural Limpopo Province." *Mediterranean Journal of Social Sciences* 5, no. 25 (2014): 225.

Public participation is an important national value that gives room to the people to exercise their rights of making appropriate choices that best addresses their interests. The devolved governance was very important since it offers numerous avenues of addressing issues that have been affecting the mutual development, it has helped to bring governance nearer to the people hence making them to participate on the issues affecting them for instance inclusive growth and development. With effective implementation of devolution, people's involvement in governance can be promoted in the society at all levels of governance. National government can use the devolved structures to get views of the public on various policies so as to determine whether the policies advanced meets the aspirations of the public for instance in agriculture, trade, mining sectors etc. The two third gender rule as well enhances inclusivity in the decision making since it advocates for the mutual recognition of both gender¹³⁷.

Devolution advocates for accountability and this requires mutual interdependence so that all actions are subjected to oversight. Devolved democratic governance requires that that all the stakeholders involved in the management the country's affairs are accountable to all their action hence this promotes effective implementation as well as to ensure that initiatives are in line with the laid down goals of the country. Leaders are therefore responsible to their constituents. Horizontal accountability involves the creation of internal control and financial control by stakeholders in governance. The vertical accountability ensures that stakeholders are responsible to the people; hence those in power have the mandate to deliver their promises during campaigns to the constituents¹³⁸. Members of county assemblies (MCAs), senators have the mandate to

¹³⁷ Article 175, CoK 201

¹³⁸ Madlonado (n 1).

oversight how the devolved resources are used so as to promote public value for all.

Accountability under the devolved governance can be realized if the county assemblies embrace their oversight role over the actions of the county executive. This goes in hand with the responsibilities of the Senate that has the responsibility on the county national revenue allocations. The constitution of Kenya also enhanced the creation of various independent offices that can promote accountability by overseeing adequate utilization of resources for instance Ethics and Anti-Corruption Commission (EACC)¹³⁹, Auditor general¹⁴⁰, director of public prosecution, judiciary and all these have the objective of building a democratic culture of governance in the management of both national and the sub national governments. It has been observed that proper accountability at the sub national governments (counties) have been jeopardized by a culture of corruption, affiliation, patronage, nepotism, clanism, clientelism in governance. All these are blamed on the inadequate oversight by the Senate, national assembly, county assemblies as well as the lack of commitment by the general public to put their leaders to question.

The principle of transparency denotes that actions of the government are executed in line with the stipulated laws, rules and regulations. County governments have adopted various legislations for instance the county government Act¹⁴¹ and the public finance management act¹⁴² which are mandated for efficiency and effectiveness, public participation and consultation, integrity, institutions for the implementation of the

¹³⁹ Government of Kenya, The National Survey Report On Corruption And Ethics (2015).

¹⁴⁰ Government of Kenya, Annual General Report Of The Controller And Auditor General , On The Audit Of Public Authorities And Other Bodies For The Financial Year 2017/2018 (GoK 2018).

¹⁴¹ Act No. 17 of 2012.

¹⁴² Chapter 412 C of the Laws of Kenya.

devolved governance objectives. Through transparent systems, there is accessibility and flow of information to those impacted by decisions made and as well the channels for response and the strategies for evaluation¹⁴³. County governments have ways through which the public can access information such as websites and public forums organized at the grass root levels. The Council of Governors in Kenya also has developed platforms in which they give the public information on what is happening in all the counties. Devolved governments have also embraced the use of media such as the radio, TV channels to inform the people some of the initiative they are implementing. Transparency enhances mutual coexistence and therefore governments which embraces openness in its mandates to the people is assured of full support and progress¹⁴⁴.

Appropriate use of limited resources available without wastage enhances effectiveness and efficiency in governance¹⁴⁵. It enhances the creation of a platform for mutual engagement; it can advance the interest of national government through partnerships, collaboration with other stakeholders so as to realize the development goals of the state. Through partnership, effective service delivery is promoted and this protects adequate utilization of the resources as well as the protection of the future generation¹⁴⁶. The study observed that corruption jeopardizes the realization of efficient and effectiveness of governance.

¹⁴³ Kefela (n 18).

¹⁴⁴ Ibid

¹⁴⁵ Chilufya Kawelwa, Good Governance and What Constitutes Bad Governance.

¹⁴⁶ Chilufya Kawelwa, Good Governance and What Constitutes Bad Governance.

Government actions based on devolved democratic governance are subjected to address the needs of the people. The assigned institutions are mandated to execute their responsibilities within stipulated duration so as to meet the objectives. For instance the improvement of infrastructures that serves the interest of the societal demands. This will help in shaping the national objectives of the country as well as its foreign interest.

Devolution advocates for the accommodation of diversified groups of people in the society and this is a universal concern. Global community advocates for equity in governance. Similarly, the study established that the Kenyan constitution provides for the gender rule to ensure that there is equal representation in governance. This calls for mutual consultations to ensure that the difference interests within the society can be harmonized to enhance the best initiative for public value. As advanced by the public value theory, consultations ensure that the public have opportunity to make choices on what best fit their aspirations. Democratic governance entails the accommodation of diversified members of the society and this can be enhanced by comprehending the social, culture, religion and the political practices of a given society¹⁴⁷.

3.2.1 Capacity building and Citizen awareness

Democratic governance requires effective citizenship that is empowered and has information on what governance entails. For democratic governance to be effective, devolved governance is needed so as to aid in putting measures for active awareness necessary for effective governance. Citizen awareness advances societal governance

¹⁴⁷ Author, 2019

and access to relevant information that is good for management of the public resources¹⁴⁸. It was observed that knowledgeable citizens with adequate access to information enhance the participation in governance and this promotes public values. It creates spaces and opportunities for the citizens to engage with their governments hence making the government to know the aspirations of their constituents. When information is dispersed without any knowledge on it, it becomes baseless and therefore it fails to achieve its intended propose hence the need to promote awareness amongst the citizens for democratic governance. Information should be relayed in a manner that the public understands. Andrew posits that access to information enhances education in the society and this promotes knowledge amongst the people to know what is good and bad¹⁴⁹.

As illustrated above, the devolved governments are required to execute their mandates in a clear and open manner by holding regular committee meetings in which the media and the public are involved. By facilitating the public to participate, inclusive development that addresses the common interests of the public is achieved. The constitution requires that the government should publicize the issue that affects the nation¹⁵⁰. The county government act as well provides legislations that promote information accessibility at the local level. Devolved governments can provide mechanisms for enhancing democratization in the society through adequate communication at the grass root level and with broader coverage so as to reach many

¹⁴⁸ Good Governance Learning Network 'Review of the White paper on local government: A Civil society perspective' 2007

¹⁴⁹ R Andrews et al 'Supporting effective citizenship in local government: Engaging, Educating and empowering local citizens' (2008) 34(4) Local government studies 499.

¹⁵⁰ Article 35(3) of the Constitution

citizens hence promoting mutual and inclusive participation¹⁵¹.

In many instances Kenya's framework for devolved governance have failed to ensure that the public have adequate notice time based on the governance issues. It is important to ensure that in cases where there are public notices, the citizens are given enough time to absorb the aims of various elements to be analyzed so as to ensure proper deliberation on issues. The leaders involved are also advised to develop a culture of active engagement but not merely a formality just to show that engagement has been initiated. Therefore this will promote the culture of active sharing of information within the society.

Devolution is like a double edged sword, if not handled properly can lead to poor utilization of resources and therefore the need to have right information that can enhance inclusivity in the decision making. Lack of or inadequate access to information can make those in power to make decisions that are favoring their selfish interests at the expense of the entire society. Therefore to remedy this, there is need to have proper legislation by the government that ensures the devolved governance employs a policy of mutual openness in their initiatives. It is worth noting that poor relay of information prevents the public from actively getting involved in governance and development in their localities hence aspects of corruption can increase.

¹⁵¹ Section 95 of the County government Act

Based on this, civic education is very important to be conducted to ensure realization of democratic governance¹⁵². In Kenya, the government has done little civic education to the citizens and this affects their active involvement in governance. In many instances it is the civil societies that have taken the initiative to educate the citizens but their actions are jeopardized due to inadequate resources in their disposal. It gives the citizens the vigor to participate in the governance processes as they know what is essential for the public. The county government Act impose responsibilities on the devolved governments to formulate civic education units in which proper programs should offered to the citizens so as to empower them with adequate skills necessary for democratic governance.

3.3 Devolution in South Africa

3.3.1 Introduction

Democratic governance in South Africa has been a long struggle through the apartheid period. The attainment of independence was a wake up to democratization and this was accompanied by the constitutional change that was meant to address the vices in the country. The constitution adopted decentralization of power to help in integrating the society on the basis of democratic governance and a society free from racial segregation. Investigation of devolution in South Africa is imperative to the study to aid more insight on how policies are advanced for democratic governance which enhances sustainable development.

¹⁵² A Gutmann Democratic education (1999) 8

3.3.2 Decentralization and the democratic constitution of 1996

The South African constitution through the adoption of decentralization is viewed as an instrument that was meant to advance democratic participatory governance after the vices of apartheid. The discussions that led to the new constitutions initiated 9 provinces and this was based on 10 provisions to ensure the survival of the provinces and the local governments with full respect to law. These provisions made the levels of government to be interrelated¹⁵³.”

In Section 151(3) of the Constitution, a municipality has the right to govern, on its own initiative, the local government affairs of its community, subject to national and provincial legislation, as provided for in the constitution.

Decentralization in South Africa as mentioned earlier was a response to the illicit actions in the society that affected the human rights and equal opportunities to all. It was enhance to manage societal diversity and conflicts to initiate democratic governance, community empowerment through sustainable development. Based on this, the study observed that democratic governance cannot overlook decentralization since the design of the constitution was meant to enhance the realization of democratic governance that addresses the immediate need of the society and creation of participation platforms as enhanced by devolution of power.

¹⁵³ Kauzya, John-Mary. "Political Decentralization in Africa: Experiences of Uganda, Rwanda and South Africa." *Decentralizing governance: Emerging concepts and practices* (2007): 75-91.

The study established that re-centralization in south Africa in many circumstances has been influenced by the courts which sometimes give autonomy to the national government over the devolved local governments

3.3.3 Influence of devolution on democratic governance in South Africa

In advancing the breakthrough from traditional structures to democratic system of governance, South Africa initiated devolution as system of governance and this was confirmed in the 1996 constitution. This was a reaction to a highly centralized system of governance that was coated with abuse of power, inequalities and underdevelopment.

3.3.3.1 Oversight, communication and accountability

Devolved governance has continued to advance the principles of democratic governance by enhancing effective communication, oversight and accountability in South Africa. Just like in Kenya, devolution of power requires continuous communication between all the stakeholders for it to realize its objectives of efficiency and effectiveness so as to reduce the difficulties that occurs in governance. This has been encouraged in both formal and informal way. The communication and oversight has ensured that representatives of the people in both levels of the government represents the aspirations of the citizens and this is done through frequent informal meetings with the people, structured discussion forums to help in formulation policies that can promote the societal development as well as cooperation that can advance the interest of the state¹⁵⁴.

¹⁵⁴ Faguet, Jean-Paul. "Decentralization and governance." *World Development* 53 (2014): 2-13.

The study observed that in South Africa, local governments are mandated to develop integrated development plans in partnership with the local communities. This joint discussion between the stakeholders and the local community is very important in promoting governance since it reduces the conflicts that may occur from hostilities within the society.

In South Africa, the study established that legislations within the local provincial administrations must go through public participation before they are passed. This has been advanced to ensure that the poor local communities' gets an opportunity to express themselves based on public value and cooperation in the society. The grass root liaison officers had the mandate to ensure that local community gets the necessary information on time. The liaison officers have the mandate to ensure that even the less educated people have an opportunity to participate and this promotes adequate response on societal issues, hence promoting peace and stability in the country¹⁵⁵.

The media has been used to ensure that the feedback are dispersed to the public and leaders questioned effectively based on their actions.

The study also established that in South Africa accountability has been an issues and the independent body mandated to promote accountability on governance has been affected by socio political influence. The civil society, Corruption Watch has filled the gap and through its work, many corruption cases have been brought to book. This

¹⁵⁵ Harrison, Philip. "Integrated development plans and third way politics." *Democracy and delivery: Urban policy in South Africa* (2006): 186-207.

has been done by the use of an identified text to notify it of the corruption cases in the society and make publicity on them hence forcing the state to take necessary actions¹⁵⁶.

3.3.3.2 Legal provisions

The significance of the courts in deciding the initiation of the decentralized constitutional provisions is very important in this analysis. Courts have assumed key roles in the interpretation of African legal systems, and the Kenyan and South African experiences are relevant examples of the occurrence. For instance, in South Africa, relevant constitutional court's case law providing interpretation of provincial competencies has strongly sabotaged the capacity of the provincial institutions to establish their legitimacy in the practice of their constitutional recognized legislative and executive entitlements. On the other hand, Kenyan courts have to a large extent defended the counties powers and functions, supporting the devolution process and providing the legitimacy that goes much beyond the tribunals, courtrooms and the decision making arenas, the council of governors have always seek court orders to help advance the participatory democratic governance in Kenya. When there is misunderstanding between the houses, the court process enhances interpretation so that devolution lives to its objectives.

3.3.3.3 Election, representation and popular participation

Based on the election and representation in South Africa, the Premier and municipal Chairperson are voted in through Provincial Legislature and Municipal Council,

¹⁵⁶ Mungiu-Pippidi, Alina. *The quest for good governance: How societies develop control of corruption*. Cambridge University Press, 2015.

whereas, in Kenya, the Governors and the MCAs are voted in directly by the people. Secondly, the South African system requires the Chairperson and the Deputy Chair of the National Council of Provinces¹⁵⁷, as well as the Speakers and Deputies of the National Assembly¹⁵⁸ and the Provincial Legislatures, to be elected from among the members of the legislatures. Under the Kenyan system, the Speakers of both houses of Parliament¹⁵⁹ and the County Assemblies are elected from among persons who are not members of the legislatures and their Deputies are elected from the members of the legislatures¹⁶⁰.

Kenya and South Africa conducts elections periodically so as to ensure leaders are accountable to their mandates. Through the devolution of power, elections have become more competitive as more people are contesting to be part of the grass root leadership. This makes leaders to realize that if they don't perform, they are likely to fail in the elections, hence striving to give their best in governance.

Just like in Kenya, elections in South Africa are held after every five years as enshrined in their constitution. Active citizens engage in local governance by voting in the municipal elections as well as practicing their right to be included in the running of the municipality, through these, they are aware of the municipal objectives for development, being aware of who their representatives such as councilors are and various ways of reaching him or her for mutual engagement in advancing policies that addresses public interests. Devolution of power has brought all these opportunity to

¹⁵⁷ Article 64

¹⁵⁸ Article 52

¹⁵⁹ Constitution of Kenya, 2010, art 106(1).

¹⁶⁰ Article 106(1)(b) for Parliament and 178(2)(b) for the County Assembly

ensure that accountability is enhanced by the leaders and the municipalities¹⁶¹.

The South African model is complex since it reflects all the features of the decentralization so as to meet the demands of what led to the initiation of the process. Despite initiating decentralization many years ago, democratic governance in south Africa still experience numerous challenges as common concerns of the local communities has not been addressed.

3.4 Chapter finding and conclusion

The study observed that numerous factions of political parties, polarization of interest, formation of political alliances by the leaders has negatively affected the functioning of all the levels of governments as leaders put more focus on their interest and that of the party and this affects the level of realization of full representation. Hence it has turn to be a platform for struggle over public resources by the political elites leading to inadequate public trust/ belief on the system of governance.

Realization of democratic governance in Kenya and South Africa experience interrelated challenges even after the decentralization of responsibilities. In adequate political environment has been observed as a key problem that derailed the full attainment of cooperation and realization of the democratic governance for inclusive development.

¹⁶¹ Ibid

CHAPTER FOUR
CHALLENGES AND PROSPECTS OF DEVOLVED DEMOCRATIC
GOVERNANCE IN A GLOBALIZING WORLD

4.0 Introduction

The chapter analyzes challenges and prospects to devolved democratic governance in globalizing world. Devolved governance has become a global shift in the recent times as most nation states get involved in the decentralization of power to the grass root level governments. The wave of decentralization has taken huge milestones because of the globalization of democracy and the need to advance sustainable development.

The increasing trends of globalization in the world have encouraged authoritarian states to decentralize power so as to delegate other responsibilities which are necessary for market accessibility and are fundamentally democratic¹⁶².

4.1 Challenges of Devolved Democratic Governance in a Globalizing World

Globalization has enhanced the spread of democracy in various parts of the world including Africa. Despite this, it has experience numerous challenges that has made the realization of democracy difficult even after the establishment of various mechanisms for governance.

The argument that all African states practice bad governance is not true. Many states such as Kenya and South Africa have adopted devolved democratic governance to enhance effectiveness in governance.

African states have experienced difficulties that are closely linked to political,

¹⁶² Work, Robertson. "Overview of decentralization worldwide: a stepping stone to improved governance and human development." (2002).

administration, and fiscal structures. According to Cheema, decentralization is not a remedy/ solution for enhancing democratic governance. Decentralization is a double edged sword that if there is no proper structures and adherence to rule of law, can lead to misuse of the limited resources and to the extent of only benefiting the ruling class, aspects of corruption and government bureaucracies can be devolved¹⁶³.

4.1.1 Corruption

Corruption is a huge impediment to all forms of government in the world, globalization has advanced the skills and technology in which the vice can thrive with few incidences brought to book. Many African states specifically Kenya and South Africa have experiences various forms of corruption and this has affected the service delivery to the people as well as cooperation and development in the society. The study observed that corruption has constituted the means through which the desires of individuals more so in patronage can be satisfied faster in the society. It is a general problem for many regimes globally but the developing states have handled it in unworthy manner and this affects realization of devolution mandates. For instance, in Kenya and South Africa, corruptions have been viewed as a way of life and have been experienced in the devolved units that were deemed to mitigate the problems that led to injustices in the society. Because of the inadequate power to mitigate the vice, most of the leaders have engaged in the corrupt dealings to the extent of usurping state resources for their own personal gain. The study observed that huge percentages of budgetary allocations are misappropriated and do not benefit the local citizens.

¹⁶³ Author,2019

Devolved governance has been affected to a large extent by the corrupt elites who further engage with donors to advance the syndrome of capital flights to foreign countries. They collude with foreign nationals who have intentions of investing and through kickbacks; they get permission to initiate companies that at the end serve the interest of the leaders and not the local citizens. This negatively affects the image of the countries in the global arena. The study established that they as well collude with Multinational corporations (MNCs) which jeopardize the operations of indigenous local industries hence affecting progress at the local level.

Barret observes that devolution may facilitate the capture of the devolved governments by the elites and this can advance persistent patronage engagement in governance hence blocking many locals from accessing opportunities. Poor implementation and environment that devolution takes place can jeopardize it from advancing its mandates to the people. In Africa and specifically Kenya, resources have been misused by the local governments and this jeopardizes the service delivery. The study established that devolution has led to the dispersal of majority of those who served in the central government to the local level, thus the vices have been devolved as well. The characters that existed in the national government still exist at the local government. Illicit acts have been brought at the grass root level hence affecting devolution of democratic governance. Elections malpractices that existed at the national government have been devolved to local government and appointments are based on affiliation and loyalty to the party. For example, the legitimacy of the county governors to appoint county executives have been compromised by the power to single handedly appoint their loyalist and again influence members of local

governments to support. This jeopardizes transparency in governance¹⁶⁴. The study observed that the system of government have led to more infighting in governance amongst leaders over who gets what, when and how at the expense of advancing favorable environment for growth and development to their constituents. This affects the policy formulation and effective public involvement in governance since leaders focus more on their personal interest.

4.1.2 Personalization of rule

The personalization of rules is also a hindrance to the realization of devolved democratic governance in African states. The increased reliance on politics as the only way of becoming rich has colonized the minds of many citizens and this leads to inadequate protection of human rights, inefficient service delivery as most leaders focus more in advancing their personal interests despite having policies to enhance inclusive development for all citizens. This has intensified the problem of corruption in Africa and specifically Kenya and South Africa as leaders tend to stick to power to advance the security of their wealth. Such attitudes amongst the leaders despite having devolved structures for equity in the society has made those with power to erode the measures for ensuring accountability in the society, justice and legitimacy to be just good on paper but not in implementation. This has made citizens to continue bearing more burdens in the society in form of taxes and therefore, some citizens feels that life has become worse under devolution than before. The high costs of living has made devolution to be an instrument for creating positions, more representation but little resources goes to the growth and development.

¹⁶⁴ Barret, C.B, Mude A.G. and Omiti J.M., 2007. Decentralization and the Social Economics of Development. Lessons from Kenya. Nairobi: CAB international

The study observed that devolution has promoted more borrowing in Kenya since the devolved institutions cannot raise funds for themselves. The loan burden is passed to the local citizens who are over taxed and therefore the dream that citizens had for devolved governments is diminishing. Because of varied level; of development in the African states and this is reflected in various local communities, there are high chances of varied potentials in the level of revenue collections hence this may jeopardize the capacity of service delivery as well in areas that have low level of development¹⁶⁵. Decentralization can yield numerous dangers in the society if adequate monitoring is not initiated. In African counties where decentralization has been implemented, still the citizens have not fully realized the fruits of the devolved governments. This can be pegged on the human nature of contradiction that's as well decentralized.

4.1.3 False popular participation

Devolution of power has been negatively affected by false participation in governance that has inflated false information on behalf of the people. Many governments, leaders have used false participation to picture an image of support from the people on policies that they are implementing and this jeopardizes effective governance as most of this policies are based on their hidden agenda of usurping what belongs to the general public. This is actually an intention of also promoting personality syndrome within the society and as such, those intending to oppose such moves are intimidated¹⁶⁶.

¹⁶⁵ Author, 2019

¹⁶⁶ Abrak, Saati. "Participation—to unveil a myth." In *Public Participation in African Constitutionalism*, pp. 13-25. Routledge, 2017.

4.1.4 Ethnicity

Negative ethnicity is a huge factor in explaining devolved democratic governance in Africa. Many political organizations in Africa have been developed base on the ethnic line and this has impacts on the devolved democratic governance as being experienced in Kenya. The ethnic variable has been configured essential in the economic engagement in Kenya and such leads to instability as reflected in Kenya, more so during election periods and as well during the formation of the government. In South Africa negative ethnicity has continued the racial discrimination as well as the enhancing the xenophobia and this affects the integration amongst the citizens of various states, diminishing state cooperation as witnessed in the 2019 xenophobic attack in South Africa against foreign citizens leading to the closure of embassy in Nigeria¹⁶⁷.

Operationalizing ethnicity in Africa has advanced hatred in the continent and this has affected internal interdependence. Political leaders have used that to only gain personal interests of clinging to power instead of service delivery. This has ruined the effective decentralization as each region views themselves as more important than the other. It is not new in the 21st century African context since it was initiated by the colonial masters who divided the African continent more so based on ethnic lines in order to enhance their influence over them. The impact has remained in African states and this affects the realization of proper governance as ethnic groups tend to integrate inward based on their culture and tradition and to advance their own interests by

¹⁶⁷ Basedau, Matthias, Gero Erdmann, Jann Lay, and Alexander Stroh. "Ethnicity and party preference in sub-Saharan Africa." *Democratization* 18, no. 2 (2011): 462-489.

politicizing ethnicity¹⁶⁸.

After independence, many African states still remain on their ethnic lines and this has advanced political conflicts that affect sustainable development and integration in the society.

Devolved governance was meant to redeem challenges such as ethnicity but it has received it cumbersome since most of the local units have been initiated based on the ethnic lines and therefore making cooperation difficult in the African states more so Kenya and South Africa in which each group feels they are superior and unique thus negatively affecting development.

However, for decentralization to enhance effective and efficient democratic governance, it must respond to the challenges that continue to rise. Proper institutional management is important because even instances where there are numerous elements of decentralization, improved governance is not guaranteed. Improved democratic governance is shaped by the building of a democratic political culture among the actors that implement the devolved governance initiatives. The success of decentralization is vested on the desire of all the stakeholders involved; government, private sectors, civil society, individuals to make decisions that advance public value¹⁶⁹.

¹⁶⁸ Weber, Anke, Wesley Hiers, and Anaïd Flesken. *Politicized ethnicity: A comparative perspective*. Springer, 2016.

¹⁶⁹ Author, 2019

4.1.5 Mode of representation

Devolved democratic governance has experienced a challenge based on the mode of representation within various states. Devolution of power can be an essential tool for addressing issues of governance in Africa but it comes with fears that it can enhance disintegration of a country based on regions or ethnic lines. Devolved units with sovereign authority can push for independence and this is a huge fear of the central government¹⁷⁰.

Ethnic based representation and presentation in governance can cause conflicts in the society leading to split of a country into smaller states as was witnessed in Yugoslavia. This can weaken the central state in order to recognize ethnicity. In South Africa for instance, mode of representation decentralization has had different perceptions, the whites have been accused of using it to divide and concentrate power without question. The blacks on the other hand view transfer of resource and authority as important. The blacks had the responsibility to stand as South Africans who were affected by the apartheid. Therefore ethnicity has mixed response on the mode of representation as one respondent from the South African embassy stated “if recognizing ethnicity can enhance the realization of democracy as was witnessed in Ethiopia necessary, then countries should harmonize ways of doing so”.

4.2 Prospects of devolved democratic governance in globalizing world

Based on the advancement of globalization of democracy internationally, the nature and behavior of human beings in the world has continued to change. It has enhanced

¹⁷⁰ Fung, Archon, and Erik Olin Wright. "Deepening democracy: Innovations in empowered participatory governance." *Politics & Society* 29, no. 1 (2001): 5-41.

demand and efficiency in service delivery in the international community.

With the increased demand for more proper governance and awareness internationally, many nation states have considered putting measures in governance structures that can address the immediate concerns of the society hence the employment of decentralization in many African states. Devolution of power to grass root government has increasingly been adopted in many African states including Kenya and South Africa as an essential element for advancing democratic governance in the world. This has been championed on the basis that decentralization promotes human security, poverty alleviation. The study established that it responds to the global concern of promoting sustainable development goals (SDGs) this is because of its best practice in creating an avenue for political, fiscal and administrative institutions for balanced governance amongst various levels of governments, thus enhancing universal development¹⁷¹.

4.2.1 Devolved democratic governance and natural resource management

International, most of the challenges that are experienced in the environment are linked to poor institutional management within states, hence devolved democratic governance has been voted to be a remedy for promoting sustainable development in various communities.

¹⁷¹ Assembly, General. "sustainable Development goals." *SDGs*, *Transforming our world: the 2030* (2015).

New partnership for African Development (NEPAD) policies indicates that poor institutional management, unfavorable political culture forms part of the major challenges that are affecting the African states. They promote unpredictable environment for business, integration (inter and intrastate) societal conflicts that can spill over from one state to the other, and all these affects the democratic governance. Bad governance practices leads to the creation of a condition which human development, interaction, businesses cannot thrive hence affecting decision making and implementations¹⁷².

Based on this, devolved democratic governance is essential for environment practitioners since it has the opportunity to shape the governance infrastructure where the current and future generation resources can be anchored. The proper management of the environment is a key concern of the decentralized governments because it can provide the energy for use in the future and as well enhance legitimacy of the local governments.

Effective Environmental governance is essential to all nation states because it enhance the survival of the future and present generation. It promotes the how to deal with environmental problems. Environment challenges have become a global concern in which many actors in the international system are involved in the discussions both formal and informal way so as to formulate ways through which it can be addressed and this policies should be observed by both global and local governments

¹⁷² Union, African. "The New Partnership for Africa's Development (NEPAD)." *Abuja: African Union* (2001).

4.2.2 Institutional framework for democratic governance

Devolution is associated with democratization, governance, conflict resolution, legal provisions, constitutionalism, development, the promotion of socio economic conditions in the society as well as accommodation of varied groups of people including the minorities within the community, hence requires full involvement of the state since it has the sovereign power to monitor all that happening within its territory. In Africa, states still experience numerous challenges with varied technicalities. This calls for the states to find ways of harmonizing policies to advance democratic governance hence the adoption of devolution.

The study established that devolution is an integrated system of governance that enhances public value since it embraces the initiatives based on the immediate need of the people, advances human rights and inclusivity which is essential for agenda setting.

4.2.3 Human empowerment

The design of decentralization is importance to the local governance in Kenya and South Africa. The two states have adopted devolved system that best fit their desires and this has enhance good relations amongst the residents, making devolution to have tangible meaning.

Devolved democratic governance empowers the citizens through the desire to enhance the transfer of responsibilities and power to the local citizens and policy formulation and implementation to directly involving the general public. Through this, the people are link with the government hence making government to be responsible to the needs

of the society and this promotes peace and mutual cooperation within the states¹⁷³. With reference to Kenya and South Africa, the established that the two states have initiated strategies of advancing the skills of stakeholders through trainings as well as the local people so that they understand their roles effectively. The civil societies have been involved in education Kenyan citizens on the constitution as well as to understand their contribution to societal growth if they get involved in governance. Participation is not only advanced through elections only , people participate as well through organized civil societies, NGOs, women groups as well as people with disability groups to champion the interest of the masses based on public value¹⁷⁴. The participation of people in governance is also enhance through contribution in policy creation through identification of issues to be addressed, it is also done through enhancing peoples accessibility to resources, information, promotion of skills in the society through technology and when all this occurs, governance is promoted.

4.2.4 The role of development partners

Globally, development partner's plays key roles in the promotion of devolved governance as well as giving financial and technocrat support to the African states. Devolved democratic governance has an opportunity to thrive in countries that have adopted it as a result a global wave to enhance human rights and development. Improved governance have become a common interest of many citizens globally and this push nation states to create favorable environment for its promotion. It is a common donor requirement for getting both bilateral and multilateral aid for development. Devolved governance has been supported by the foreign actors as it

¹⁷³ Fung, Archon, and Erik Olin Wright. "Deepening democracy: Innovations in empowered participatory governance." *Politics & Society* 29, no. 1 (2001): 5-41.

¹⁷⁴ Ghaus-Pasha, Aisha. "Role of civil society organizations in governance." In *6th global forum on reinventing government towards participatory and transparent governance*, pp. 24-27. 2004.

enhance efficiency and create more opportunities for businesses and therefore making nation states to protect devolution due to external pressure from actors who are interested in development. Devolved democratic governance enhance efficiency and the capacity of the state institutions not only within the public domain but also to the regulations and organizations that formulate a mechanism for conducting both public and private enterprises as well as economic and accountability in a country¹⁷⁵.

The study observed that devolution and democratic governance are interrelated and they thrive based on the societal demands. External actors in the global arena have impacts on promoting devolved governance in one area to another because of the increased demand for peace and security globally. Democracy is peaceful and under devolution, human needs can be addressed efficiently through adherence to governing laws. This can create a favorable climate for foreign donors and investors to initiate developments in Kenya and South Africa hence addressing vices like unemployment.

4.2.5 Popular participation

The demand for popular participation in governance is a key driving force for devolved democratic governance in the globalizing world. Globalization has enhanced access to numerous information that encouraged people from different societies to advocate for their rights and to be included in governance. Popular participation is essential in development based on the interest of the society. Many African states specifically Kenya and south Africa have realized that development can be mutually actualized through a democratic approach and the key architecture through which the

¹⁷⁵ Eakin, Hallie, and Maria Carmen Lemos. "Adaptation and the state: Latin America and the challenge of capacity-building under globalization." *Global environmental change* 16, no. 1 (2006): 7-18.

impact of the development can be realized is devolved governance which employ the energy of all stakeholders for sustainable development. The African charter on popular participation affirms that nation cannot be built without the popular participation of the people nor can creativity, human development, innovation, economic crisis be resolved without getting the opinions of the citizens in a country¹⁷⁶. The absence of devolved democratic governance in the society is the reason why there are continued development challenges in the Africa.

In Kenya, the study observed citizen involvement as essential element of governance. It is important for the public to participate in policy formulation and implementation to help the government to be more articulate on policies that responds to the immediate needs of the majority. The active mobilization by the CSOs in Kenya is promoting the hope of expanding the objectives of devolution. In South Africa, the study observed that popular participation has been advanced at the local level and this is regularly done through the local administrative units and it is a responsibility of the citizens. It has been advanced through the local councilors since the democratic state inherited a set of intergovernmental bureaucracies and fiscal flows which were to be eliminated. The advancement of popular participation is essential in South Africa as it promotes the alignment of the local needs by bringing leadership near the people hence promoting efficiency and effectiveness in managing public¹⁷⁷.

¹⁷⁶ Glen, Patrick J. "Institutionalizing democracy in Africa: A comment on the African Charter on Democracy, Elections and Governance." *African Journal of Legal Studies* 5, no. 2 (2012): 119-146.

¹⁷⁷ Wittenberg, Martin. *Decentralisation in South Africa*. Econometric Research Southern Africa, 2003.

The study observed that devolved democratic governance is essential for advancing Sustainable Development Goals which are global concerns therefore it can help overcome the crisis within Africa and as well as help eliminate the personalization of governance. Globalization of Popular participation in governance can enhance devolved democratic governance and this can give voice to the voiceless in the society to champion their rights so as to be included in governance processes.

The need for political autonomy amongst many citizens from different cultures globally has advanced the need for devolved democratic governance in the international system. The study established that in a country that is politically fragmented like Kenya and South Africa, devolution can create space for various ethnic groups, religions, political groupings to have greater representation in governance and this can promote peace and stability which is essential in realizing democratization in states.

In South Africa, participation of various ethnic groups, races in governance has promoted peace after the apartheid crisis and this created conducive environment for development and integration within the region. It attracted investors that were assured of their safety hence promoted technological transfer and international trade.

This study also established that centralization of power reduces popular participation and an obstacle to the realization of democratic governance. Political centralization translate to economic centralization and this can jeopardize the desires of all parts of the state to receive development which essential for human growth, hence the need for both horizontal and vertical devolution of democratic governance across all African

states.¹⁷⁸

Another importance of the devolved governance is capacity to absorb societal issues at the middle level and this is essential in maintaining sanity in a country. It helps in solving ethnic imbalance in governance. Different groups of people have an opportunity to negotiate on shared resources, enhance interdependence, and these strengthen unity in a country.

4.2.6 Inclusivity and societal development

Devolution is an instrument of minimizing conflicts in the democratic transition processes. This is a huge importance in the African situation since it is a continent that is plagued by various socio economic and political conflicts. By building on the Kenyan and South African scenario, devolution is essential for accommodating minorities and the marginalized groups of people's desires during democratic and constitutional transitions¹⁷⁹. The cases clearly demonstrate strategically that by encompassing the minority's requests for instance ethnic, racial, linguistic, political, geographical, persons with disabilities, as well as religious minorities reduces dangers to the realization of democratic governance. Moreover, the Kenyan and South African anti-systemic motives and non-negotiable requests, in the case of South Africa where the creation of the white Volkstaat had been led back to the domain of negotiable issues through decentralized institutional frameworks¹⁸⁰. Recently the xenophobia

¹⁷⁸ Respondent from South African Embassy, 2019

¹⁷⁹ Ghai, Jill Cottrell, and Yash Ghai. "The Contribution of the South African Constitution to Kenya's Constitution." (2017).

¹⁸⁰ Ghai, Jill Cottrell, and Yash Ghai. "The Contribution of the South African Constitution to Kenya's Constitution." (2017).

attacks have also been referred to the regional governments to mitigate the tragedy.

The Kenya experience and specifically the South African many years of practicing decentralization demonstrates that devolution of power has huge positive effects on the quality of democracy, governance, institutional strengthening, economic growth and social development, even if many aspects still remains on paper. The Kenyan devolution has enhance both vertical and horizontal inclusivity in the realization of public value, devolution has opened up the country and areas that had been neglected in the past have been included in the formulation of governance policies hence promoting participatory governance¹⁸¹.

Devolved governance in Kenya shifted power to the 47 county governments with county assemblies to address the concerns of the local people whereas in South African model, power has been shifted to the nine provinces and the 278 municipalities that plays a huge role addressing the immediate needs of the local people.

4.2.7 Chapter finding and conclusion

Devolved democratic governance is an evolving and continuous procedure that is determined by the political cultures within states, institutional arrangements and resource capability to advance its mandates. The employment of devolution of power is just a genesis of a procedure that requires mutual cooperation amongst various stakeholders as well as the political will to enhance its full realization in a globalizing world that keeps on changing.

¹⁸¹ Author,2019.

For devolved democratic governance to succeed, it needs to empower the communities, initiate strategies and that allows the grass root population to work with the national authorities, the non state actors; enhance resource mobilization and efficient allocation to the relevant institutions as well as utilization of the available resources effectively to advance mutual sustainable development through transparency and accountability. This requires adequate support and commitment from the leaders as well as the favorable legal environment that allows the implementation of its procedures and to develop an effective strategy for promoting, education, evaluation and monitoring, capacity building and information sharing in the society for effective promotion of national objectives of a state.

CHAPTER FIVE

DATA ANALYSIS AND PRESENTATION OF FINDINGS OF THE ROLE OF DEVOLUTION IN ADVANCING DEMOCRATIC GOVERNANCE IN AFRICA

5.0 Introduction

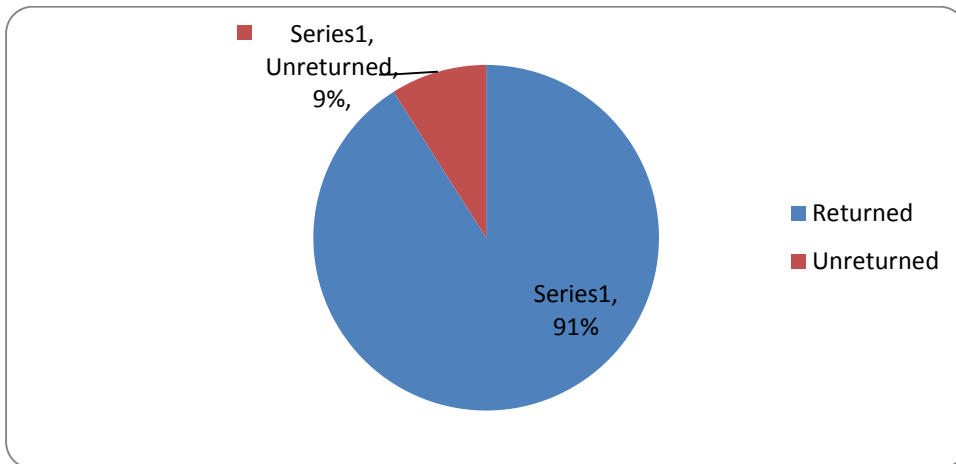
This chapter presents and analyzes the findings on the study topic role of devolution in advancing democratic governance in Africa; the case of Kenya and South Africa. The study findings relates to the general image, challenges to democratic governance in Africa, devolution and democracy, modes of representation, challenges and opportunities of devolved democratic governance in a globalizing world. The data analyzed is in harmony with the objectives of the study. Investigation was done through descriptive, content analysis and data presented through charts and tables.

5.1 Response rate

An aggregate of 100 questionnaires were administered and out of this, 91 of the questionnaires were responsibly filled and given back hence the rate of response was notably 91% as indicated in figure 5.1. 50% of response is adequately sufficient for descriptive study¹⁸².

¹⁸² Mugenda, O. Mugenda, and A. Mugenda. "G.(2003)." *Research methods*.

Figure 5.1: Response rate, 2019



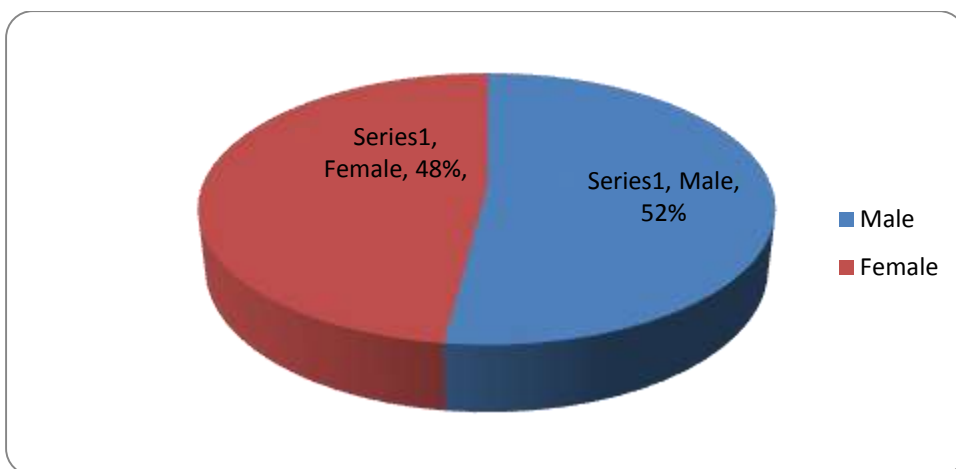
5.2 Demographic features of the respondents

The section describes the age and gender of the respondents in the organization.

5.2.1 Gender of the respondents

Gender was also considered important during the study as it helps to get more insight on the understanding of the problem by different groups of people as shown in figure 5.2 below

Figure 5.2: Gender of the respondents



Source; researcher, 2019

The genders of the respondents during the study were established and figure 5.2 above clearly shows that majority of the respondents (52%) were male while 48% were female. The findings show that more males were willing to respond because they viewed devolution as touching them politically and economically.

5.2.2 Respondents Age

The respondents were also asked to indicate their age and response was indicated in table 5.2 below. This study observed that 45% were between the age of 26- 36, 20 % were between 46-65, 10% were between 37-45, 25% were below 25 years. The study established that many young people are interested in devolved governance since they see it as a tool of opening up many areas that have been marginalized in the past hence creating more opportunity for them to do business, get jobs as well as participate in governance.

Table 5.1 respondent's age

Respondents age (years)	Percentage
Below 25	25
26-36	45
37-45	10
46-65	20
Total	100

5.3 Descriptive statistics

This section illustrates descriptive results on decentralization and democratic in Africa the role of devolution in promoting democratic governance in Africa.

5.3.1 Democratic governance challenges in Africa

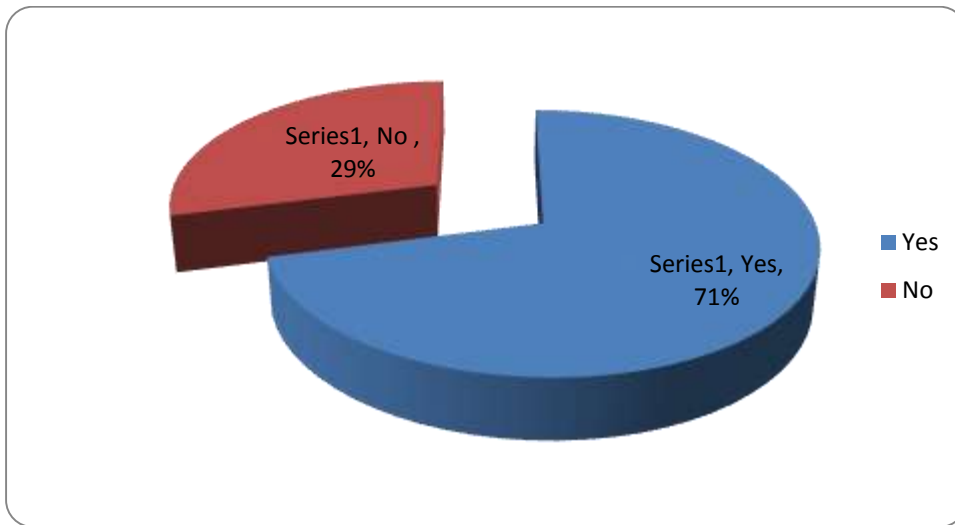


Figure 5.4: challenges to democracy in Africa

The study findings indicates that 71% of the respondents observed that democracy in Africa still experience a lot of challenges despite many African states adopting new forms of governance that enhance the spread of human rights, adherence to law. Many citizens still feels the institutions in place still does not meet the threshold of democratic governance.

The findings illustrated the cases of Rwanda, Uganda , south Africa and Kenya where decentralization have been enhance but still the rule of law, service to the common people and freedom to express oneself is still jeopardized by the authorities.

The study observed that challenges to democratic governance in the continent exist despite the establishment of frameworks to advance democratic governance at the central and local levels of government. Such framework includes the adoption of the devolution of power in the constitutions as observed in Kenya and South Africa respectively.

29% of the respondents believed that democracy has taken root in the continent indicated that pointed to the fact that many African states can now conduct elections without going to war and the courts have the power to nullify the elections as was witnessed in the August 2017 presidential elections in Kenya.

5.3.2 Devolution of power and democratic governance in a globalizing world

The respondents were asked to give their views regarding the role of devolution in advancing democratic governance. They were asked to indicate ways through which devolution can enhance democratic governance. The response was as indicated in figure 5.3 below.

Majority of the respondents (77%) indicated yes it had a positive role in the conduct of democratic governance and they are intertwined while 23% indicated no.

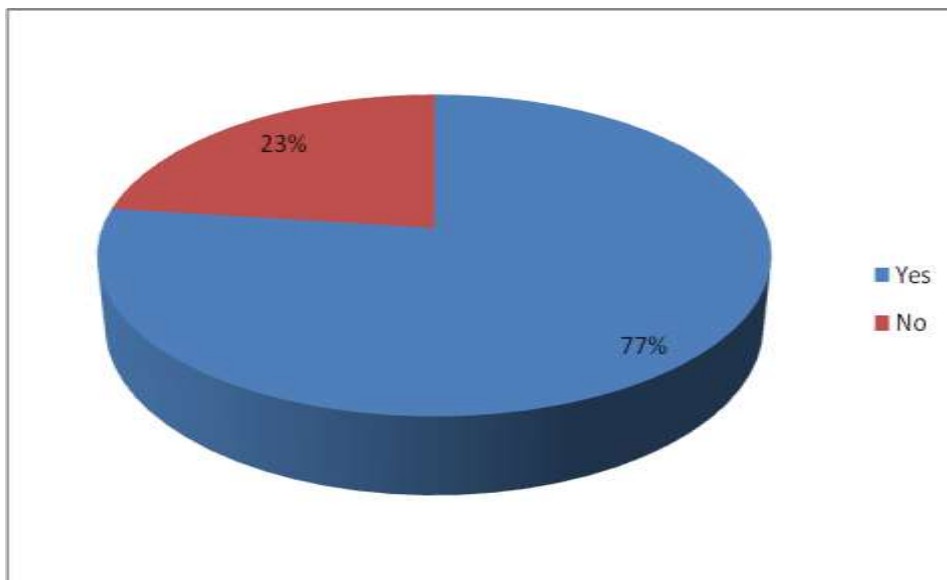


Figure 5.3: Devolution Promotes Democratic Governance

The findings indicate that 77% of the respondents believe devolution can advance the principles of democracy as well as promotes the interest of the states in the global as it creates platform for more network. They believed that devolution and democracy are intertwined.

The findings indicate that Political sovereignty and public participation by the local communities are essential elements for a legitimate government. Results of the study shows that in countries that are politically disintegrated, devolution can create avenues for various groups such as ethnic, religious as well as diverse political factions to have representation in development, policy formulation and implementation thereby promoting stability in a country.

The study observed that it is not relevant to concentrate all powers and responsibilities within the domain few individuals, and therefore diversity should be enhanced to give political economic and fiscal decentralization room to exist and function effectively. Devolution enhances democratic society since it minimizes the powers of the centralized system of governance from both political and economic angles. It initiates grass root participation in governance hence promoting public value for sustainable development.

The study observed that centralization of state power and resources by few elite rulers is a huge jeopardy to democratization in African states. Most of the African problems are linked to the nature of political culture that is practiced in various states despite having proper constitutions. The respondent argued that the impact of political centralization attributed to economic crisis and stagnation in Kenya and South

African. The institutions of power in these states were over centralized, covered by huge bureaucracies before the adoption of devolved governance and hence there was the need to effectively initiate both vertical and horizontal devolution of power to enhance efficient public value.

The personalization of power amongst the elites has promoted the gap that exists between the leaders and the citizens and this is an obstacle to democratic governance in the society. The study established that the role of centralized states should be minimized. This creates room for the local grass root governments to work.

Devolution of democratic governance can absorb ethnic concerns hence the formation of balanced equation of representations in regional and national levels of government to enhance inclusivity thereby promoting a culture of democratic governance. It should not be affected to allow political party colonization but to create space for political autonomy in which everybody is allowed to participate in the exercise of power. The findings are in congruence with the situation in Kenya, Rwanda and South Africa in which affirmative action has been advanced to ensure effective gender representation.

Effective devolution of power has been viewed as an essential tool of advancing public values as advanced by the liberal school of thought. It creates space for citizen involvement as well as opportunity for the regional governments to attract various investors that can initiate policies for empowering local communities.

The findings are in congruence with the affirmation that devolution in both Kenya and South Africa has performed noteworthy roles in socio economic and political issues that for many years had affected the states¹⁸³.

23% of the respondents indicated no, they argued that devolution does not automatically leads to democratic governance. They based their argument on the fact that most of the bureaucracies in the central governments have been devolved and this affects the realization of the devolved governance objectives. They respondents used the case of Kenya in which the county assemblies have been turned into battle field in which the representatives put their interests first at the expense of the electorates. This cankerworm bad governance jeopardizes the presentation and representation of the desires of the people.

The study also established that devolution of power can be a little dangerous to some extent because the more nation states tries to decentralized, the more they move against some community realities that can destroy the bigger community. In such scenarios, there are stressing issues to face certain communities and this might be dangerous to the future of African societies, these dangers can be overcome if African states are aware of them and amicable way forward initiated.

¹⁸³ Kessy, Ambrose. 2013. "Decentralization and Citizen's Participation: Some Theoretical and Conceptual Perspectives." *African Review* 40 (2): 215–39

5.4 Major impediments to devolution in advancing democratic governance

Table 5.2: Challenges to devolution

Challenge	Percentage (%)
Inadequate political will	40
Corruption	22
Ineffective legal and institutional frameworks	20
Financial constraints	18
Total	100

Majority 40% of the respondents indicated that unhealthy political environment jeopardizes the operations of devolved governments in realizing its mandates. The respondents argued that inadequate political will leads to struggle over resources hence negating efficiency in addressing the concerns of the local community. Corruption was also mentioned to be linked to the ineffective political will and 22% of the respondents indicated that it reduces the efficiency and effectiveness of service delivery hence only a few benefits. This affects the level of development as well as the diminishing the confidence of forming partnerships and collaborations with other states for human development.

Ineffective legal and institutional frameworks have also enhanced poor performance of the devolved systems. 20% of the respondents indicated that the legal battles that are advanced by different units of governance in most cases are based on the interests of the leaders who advance policies that doesn't meet the desires of the public but based on the interests and survival of their political careers as well as patronage based development.

The study also observed that inadequate funding to the devolved units jeopardizes the realization of devolution. 18% of the respondents stated that revenues collected by the governments are limited and making it hard for the regional governments to execute their duties effectively.

Negative ethnicity is a huge concern to devolution and democratization in Africa according to key informant respondents. As seen through Kenyan and South African experience, political organizations have been based on ethnic alignment and mobilization¹⁸⁴. Ethnicity has been used to balance economic and political engagement. Despite initiation of the devolved governance, in Kenya and south Africa, such systems has paralyzed the objectives of the devolved democratic governance, creates disunity and instability for instance in South Africa where the majority poor blacks feels they are still marginalized.

Ethnicity has been operationalized by leaders to advance their personal interest at the expense of the masses and this affects the aspirations of the devolution. The intense rivalry in politics based on tribes, race and color is a huge impediment to the devolution of democratic governance.

Poverty was also indicated by the key informant interview as a key jeopardy to realizing the democratic governance in Africa. The respondents stated that despite the adoption of the devolved governance in Kenya and South Africa, most citizens are still poor since they cannot access and afford quality services and opportunities. Even under devolution, poor populations are still subjected to manipulations by their

¹⁸⁴ Lentz, Carola. "'Tribalism' and ethnicity in Africa." *Cah. Sci. hum* 31, no. 2 (1995): 303-328.

leaders who coat themselves to be their representatives. Because of poverty, malpractices in the society has been rooted more so in elections where the citizen's minds are colonized by the tokens they receive from leaders hence paralyzing their decision making, hence not able to understand the importance of governance.

Based on the practice of devolved democratic governance in a globalizing world, democracy is learnt and transmitted. The disadvantaged poor people in the society always find it difficult to hold their leaders accountable to their actions and therefore this creates space for vices like corruption that affects realization of democratic governance in the society¹⁸⁵.

5.5 Lessons from South Africa

The South African long history of decentralization of power can derive tangible lessons for Kenya's developing devolved system of governance¹⁸⁶.

Successful decentralization in advancing democratic governance requires proper coordination and prioritization of the needs of the society. Devolution of democratic governance in South Africa can provide lessons to many African states to understand how to cooperate in promoting unity that is essential for economic development.

¹⁸⁵ Harber, Clive. "Education, democracy and poverty reduction in Africa." *Comparative education* 38, no. 3 (2002): 267-276.

¹⁸⁶ Ndegwa, Stephen N. "Decentralization in Africa: A stocktaking survey." (2002).

Table 5.3: Lessons for Kenya

Ways of improved democratic governance in south Africa	Nature
Intergovernmental framework	Effective
Democratic structure of institutions	Effective
Capacity building	Effective
Trust building and dispute resolution	Effective
Regular communication	Effective

The study indicates actions based on intergovernmental framework system, municipal systems, municipal structures, municipal financial management and division of revenues in South Africa is an essential pillar for promoting cooperation and diplomatic ties between with the rest of the world. Interdependence amongst the state organs have been prioritized to ensure that there is mutual cooperation amongst the government institutions that has enhanced effective distribution of responsibilities¹⁸⁷.

It was also observed that the democratic structure of South Africa provides an efficient environment through which devolution thrives. Based on its mode of representation, the devolved governance has given the citizens power to elect leaders who can advocate their interests adequately. Capacity building has been give key priority to ensure that local citizens understand their roles in governance. Parliamentary system of representation has pushed citizens at the grass root to be more conscious with local governance issues since they tend to elect leaders who prioritize mutual cooperation, their aspirations and national interest of the state.

¹⁸⁷ Cameron, Robert. "The upliftment of South African local government?." *Local Government Studies* 27, no. 3 (2001): 97-118.

Trust building and dispute resolution; as south African democracy evolved, the country created regular formal negotiating forums between provincial and national ministers and their officials are important in building personal relationships and trusts that goes with them in promoting public value¹⁸⁸.

The study observed that South Africa system has dispute resolution mechanisms in place even before any disagreement occurs. This is important to the more polarized societies just like in many African states. It saves on time and always advises the government before an issue even becomes worse.

The devolution of democratic governance is not just the decentralization of responsibilities; it entails inclusive and dedicated stakeholders who participate effectively and efficiently in governance. This study established that in South Africa, where the anti-corruption enforcement by the state has been relatively unsuccessful, a civil society body, Corruption Watch SA has successfully filled the gap. It uses anonymous text messaging to enable members of the public to inform it of case of corruption, both huge and small and generate publicity around them to try and compel the government/law enforcement agency to act.

Regular communication was established to be important for successful decentralization within the people of a region. Communication should happen both formally and informally. The regional governments ensure that all stakeholders in their respective areas have an opportunity on regular basis to represent their interests.

¹⁸⁸ Houston, Gregory F. *Public participation in democratic governance in South Africa*. HSRC Press, 2001.

This is realized through joint decision making, informal spontaneous meetings with communities to structured, as well as regular opportunities for discussions.

Conclusion

Realization of democratic governance in African states is still a challenge despite the adoption of various mechanisms like devolution. Proper democratization in Africa requires strengthening of rule of law to enable the devolved governance to function effectively on practical basis and not just on paper. Advancing the democratic governance in the continent requires a favorable environment given to the devolved governments to actualize their objectives of promoting sustainable development goals which are essential for human and societal integration. African states just like in other parts of the world should continuously embrace the decentralization of power to the grass root levels as a strategy of advancing democratic governance which is ideal for sustainable development and public value. Meaningful rule of law should be enhanced to ensure the thriving of the devolution of democratic governance.

CHAPTER SIX

CONCLUSION AND RECOMMENDATIONS

6.0 Introduction

This chapter presents the conclusion and recommendations from the findings on the role of devolution in advancing democratic governance in Africa.

6.1 Conclusion

This study was guided by three specific objectives. It investigated the contribution of decentralization to democratic governance in Africa, including the influence of devolution in the promotion of democratic governance in Kenya and South Africa. This study also examined the challenges and prospects of devolved democratic governance in a globalizing world.

In relation to the nature of democratic governance in Africa, the findings observed that African states still struggle to enhance the actualization of participatory governance that is based on interest of the people despite the existence of devolution frameworks within the global architecture, regional, national as well as at sub national level. The study illustrated that devolution of power enhances democratic governance as it brings governance closer to the people.

The study established that decentralization has been embraced in a number of African states so as to address various issues that had jeopardized service delivery, human rights, sustainable development. It also showed that decentralization was coined by various developmental agencies to help in the advancing participatory inclusive governance. For instance Kenya and South Africa have embraced devolution in

response to issues that plagued their societies for a long time hence promoting a culture of democratic governance.

The findings also indicate that devolution of democratic governance processes in many African states and specifically Kenya and South Africa have been advanced by local and national political realities at the core, local level democratic demand as well as the globalization of democracy so that inclusive development, equity and rule of law is actualized in the society.

It was also clear in the study that devolution of power does not automatically leads to democratic governance since it has various challenges for instance corruption, nepotism, political patronage, weak institutional framework and misuse of public resources. Despite having improved constitutions in African, states that supports devolution of democratic governance still experience bad governance as leaders invest more on their personal interests for instance manipulation of the constitutions. Findings indicate that administrative structures that are highly centralized jeopardized the local demands. The centralized structures are far from the local people hence many bureaucracies in the management of local affairs and this affects efficiency, effectiveness in the service delivery to the people hence creating space for political patronage for the survival of illiberal democracies.

Devolution of democratic governance has common challenges despite being implemented in different states. These challenges are associated with the implementation strategies and therefore do not mean it is a failure of the objectives of devolution in the respective states. The difficulties that decentralization in South

Africa has experienced should be a lesson to the implementing authorities since the devolved structures in Kenya heavily borrowed from the South African model.

Devolution is an instrument that promotes globalization of democracy as it stretches the national interest of states from grass root level to the international level through partnerships and collaborations in developmental agendas. It promotes public value which responds to the desires of the society both economically, socially and politically.

One of the lessons learnt from South Africa is that devolution requires a healthy environment for its survival. Democratic regimes will promote the tenets of decentralization but dictatorial regimes will always put unhealthy environment for transfer of power. Democratic regimes are healthy for participation in governance. Democracy in Kenya created a healthy ground for devolution. This shows that devolution and democratization are linked to each other, the concepts supplement each other. A country that has democracy can promote devolution and at the same time devolution can deepen democracy in the society since it opens up various avenues for human empowerment and inclusion in the decision making in governance. If devolution suffers it means that local people far from the central government suffer and this jeopardizes their desires hence the need for decentralization of democratic governance.

6.2 Recommendations

This section has been divided into two parts that is; academic and policy recommendations that can be employed to improve the status of devolution of

democratic governance in Africa and specifically Kenya and South Africa.

6.2.1 Academic recommendations

This study as an academic investigation only dealt on the role of devolution in advancing democratic governance in Africa; comparative analysis of Kenya and South Africa. Despite having this, there are numerous areas that should be investigated. Areas that can buy the focus within the theme of international relations for instance;

- The impacts of globalization of devolved democratic governance on African international relations

Secondly, the dormant theories of international relations could not effectively guide the research on devolution in reference to democratic governance. Hence this calls for scholars in the field of international relations to enhance theory development that can help in addressing devolution of democratic governance in the global relations

6.2.2 Policy recommendations

The study revealed that African states have received some degree of participatory governance under devolution of power. However the states still experience huge governance challenges that affect the realization of the objectives of the devolved democratic governance. Hence, it is essential for the African states to strengthen the legal and institutional frameworks so that devolution can have maximum impact in serving the interests of the citizens as a whole.

Devolved democratic governance is like a fulcrum to development initiatives in the society. The devolved governments require quality personnel to oversee grass root development demands of the local people, ensure proper utilization of the available resources as well as make good representation of the people so as to ensure effective and efficient governance that enhances public value. Evidence still shows capacities of the local governments in the two states are still low. Many county governments in Kenya are still decorated by appointments based on affiliation and this affects the performance that is expected by the general public. This should be addressed so as to allow democratic governance to be effective and to consolidate the devolved governance structures without sidelining the minority groups.

Decentralizations should be protected amicably so that the emerging challenges should not be allowed to destroy the benefits that have been experienced. Kenya should embrace devolution fully and learn from the South African long duration experiences so that it can attain efficient and sustainable development since it has a country to refer to. Adequate infrastructure is necessary to ensure that it enhances effective democratic governance. The levels of governments in the two counties should cooperate in the execution of their mandates so as to address the immediate needs of the people as well as to respect the integrity of each institution as enshrined under their respective constitutions. Both national and local governments should always consult each other so as to understand the actual needs on the ground. Intergovernmental cooperation is necessary even amongst the local governments themselves so as to allow exchange of programs that can advance human growth and peaceful coexistence. The inclusive interactions will enhance citizen participation hence democratic governance.

Inadequate resources are a challenge to the devolved democratic governance. It is important to ensure that there is adequate transfer of resources so that the devolved units meet the aspirations of the local people. The relevance of the devolved governments can be felt if there is provision of resources for implementing their objectives. The regional governments should also create avenues of generating more wealth to enhance their potentials. Through partnership and collaboration, the devolved units should be taken as strategy of attracting foreign investors hence promoting the diplomatic ties between states.

South African decentralization has survived because it has embraced a culture of democratic governance. Governance challenges have been viewed in many African countries to be an impediment to sustainable inclusive development. The study recommends constitutional institutions such as the executive, judiciary, parliament, civil society, citizens are key backbone of governance in the countries and therefore they have the mandate to cooperate and initiate relevant policies that can enhance the growth and survival of a culture of democratic governance in the society.

This study further recommends that devolution should be viewed as a vehicle of promoting the interest of the national government and not competitor.

6.3 Areas for further study

This study recommends that further research should be conducted on the influence of the illiberal democracies on devolved democratic governance

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APPENDIX I: QUESTIONNAIRE AND INTRVIEW GUIDE

CONSENT FORM

UNIVERSITY OF NAIROBI

INSTITUTE OF DIPLOMACY AND INTERNATIONAL STUDIES (IDIS)

NAME: JUMA KENNETH OMONDI

REGISTRATION NO.: R50/7292/2017

RESIGNATION: Masters of International Studies Student, IDIS

CONTACT ADDRESS: 22-40222, Oyugis

MOBILE NO.: 0715059273

PROJECT TITLE: Promotion of Democratic Governance in Africa: the role of devolution in advancing Kenya's national interest.

Please tick

I confirm that I have understood the information sheet for the above study and have had the opportunity to ask questions. []

I understand that my participation is voluntary and that I am free to withdraw at any time without giving reason. []

I agree to take part in the above study. []

Name of participant

Signature

Date

Name of Researcher

Signature

Date

PART A: Introduction

My names are JUMA KENNETH, a Masters of International Studies student at the University of Nairobi. As part of my MA degree, I am carrying out a study on ‘The role of Devolution in Promoting Democratic Governance in Africa: A Comparative analysis of Kenya and South Africa’. The main objective of the study is to determine the role devolution as an instrument in shaping democratic governance practices in Africa.

I would like to ask you questions that would enable me understand the extent to which devolution can be an instrument of advancing democratic governance practices in Africa with focus in Kenya. The data collected will help address the thematic areas of this study. Please note that all the information you give is confidential and will be used for research purposes only. Read each question carefully and give your honest response. Your responses will guide us in determining devolution principles that can promote democratic governance in the country.

Demographic Information

Name

(Optional):.....

Designation/Occupation.....

Are there any identifiable historical problems that the people of Kenya wanted devolve government to correct? Please list them

What are some of the initiatives that devolution of governance has put in place to promote democratic governance in Kenya? List them.

What are some of the programs and policies that devolution has put in place to ensure people-centered, poverty reducing, socio-economic development and service delivery?

To what extent has County governments decentralized their structures to ensure service to Wananchi/citizen at the lowest levels? Tick appropriately

County Headquarters Sub-county Level Ward Level Village Level

In your view what are some of the challenges facing devolution in delivering socio-economic development and provision of services to Wananchi/citizens?

Based on the challenges above, in your view what mechanisms should the country put in place to ensure that devolution meets its objective of advancing socio economic development?

DEMOCRATIC GOVERNANCE AND INSTITUTIONAL FRAMEWORK

What do you understand by the term democratic governance?

In your view do you think there is a relationship between democratic governance and development?

Yes No

Please explain your answer.

What mechanisms have the county governments has in place to involve the public in setting the development agenda including determining priority projects and programs?

In decision-making and developmental agenda, what mechanisms does the devolve governance has put in place to ensure equity in that all parts of the country benefit without any form of discrimination?

What mechanisms has your country put in place to ensure wananchi get timely, effective and efficient service delivery in your different service points?

In your view has the county assembly played its role in providing oversight by way of

checks and balances to the Executive?

Yes Somehow No

Please explain your answer

What mechanisms has the country leadership put in place to ensure consultations and consensus building in decision- making?

What are the challenges that may be hindering the realization of the above elements of democratic governance in the country?

In your view, could the challenges devolution is facing in enhancing service delivery and socio-economic development be as a result of poor governance mechanisms, weak institutions and structures?

Yes No

Please explain your answer

How can the devolved governments address such challenges?

How effective is the South African devolved governance?

What avenues does devolution in South Africa has to promote democratic governance?

Thank you.