

DEVOLVED GOVERNANCE AND LEADERSHIP IN PASTORAL REGIONS IN KENYA

BY

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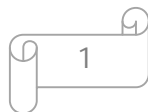
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ADDRESSING CHALLENGES FACING HUMANITY THROUGH RESEARCH AND
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SUB-THEME

GOVERNANCE AND LEADERSHIP



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ABSTRACT

DEVOLVED GOVERNANCE, LEADERSHIP AND PASTORALIST REGIONS IN KENYA

The new Kenyan constitution introduced new social, economic and political opportunities for Kenyans. Devolution is the most transformative provision with profound effects on governance system, the manner in which services will be rendered, because all the sovereign power belongs to the people of Kenya. The sovereign power of the people is exercised at national and county levels which will lead to pastoralists enjoy the sovereignty as “people of Kenya”. The problem is will the national and county governments recognize the right of the communities to manage their own affairs and further their developments? How will the interests of the pastoralists be protected in devolved governance? Since over the years, pastoralists have suffered marginalization by governments of Kenyatta, Moi and Kibaki and feel excluded from the mainstream development agenda of the country. The objective of the research is to study how existing institutions to oversee the implementation of constitutional provisions including the rights of pastoralists are protected and promoted. It will adopt descriptive analytical study of the empirical data. The findings will be significant for self governance and participation of the people in the exercise of the powers of the state and in making decisions affecting them. It is concluded there is little investment in such areas and hunger, conflict and abject poverty have defined and persisted in their existence. This is what is expected to be addressed with devolution and their leaders to be in forefront to uplift themselves from the sad moments in the previous governments to albeit progressivism. It recommends raise their own revenues and receive revenues from national government and appropriately plan; budget; implement; monitor and make their own laws and policies. Ensuring diversity in employment, because pastoralists who may be minorities in some counties may get a chance to be recruited and where they will majority will also benefit; equalization fund, allocation will boost revenue base and used for good projects and if the money is used prudently will certainly contribute to development of basic services in those areas.

Key words: Devolution; Sovereign; Marginalization; Progressivism, Prudent.

DEVOLVED GOVERNANCE AND LEADERSHIP IN PASTORAL REGIONS IN KENYA

Introduction

The new constitution has brought many serious reforms in governance, policy, law and institutions. In this respect, many people believe that the country will never be the same again because of the changes which will be realized in the transformation process. Changes which would be brought will depend on which avenues to follow, whether silent or radical, in order to bring the reforms to change the economic scenario which was identified by many with backwardness to forwardness regional development. The pastoral regions include the following: Turkana, Mandera, Wajir, Marsabit, Samburu, West Pokot, Tana River, Narok, Kwale, Garissa, Kilifi, Taita Taveta, Isiolo and Lamu.

Marginalization in the pastoralist communities should die a natural death and never resurrected. Since leadership is in the hands of the chosen leaders of their own known as or commonly known “governors”. For the case of pastoral regions, it is a must that changes should take radical perspective in order to be at par with other counties which were not marginalized in the previous unitary government of late Kenyatta, Moi and partially Kibaki, which was overhauled into federalism or regional and county governments, as it is popularly known in Kenya.

Many scholars of change have defined change in different ways to suit different situations in historical epochs in different social, cultural, economic and political set ups. But generally they are categorized into two in the essence to those which follow radical avenue or have revolutionary characteristics and are quick or rapid and those which follow silent avenues or have evolutionary characteristics and are slow. In this sense, “revolution is a change which breaks the older to its very foundations” [Lenin, 1973]. According to Yonder [1973], “it is used to describe any sort of change from a change in location of sovereignty, a purely political phenomenon, a change in social processes underlying and supporting the fundamental structural elements of society: the political, economic, religious and other institutions”. Here a complete set of concrete terms are found: the need to change “the political institutions” and the “social structure”, “the present ideology”, the “myths”, “the apparatus of coercion” and the “spiritual values”. However, in the actual fact it is not the alteration in beliefs, values or myths that lies at

the root of revolutionary transformations, but rather the class struggle representing the struggle between doomed and new production relations. Changes in the mentality of the people are a consequence of the changing objective conditions and material world, and not the other way around. Therefore, a revolution is not the same as social change; it is a form of social change. According to Johnson [1991] “social change may be defined as modifications in ways of doing and thinking of people”. Therefore, changes are continuous process and influence every walk of life. At times impact is immediately felt while at times it realized at a later stage. The change can be evolutionary as well as revolutionary. Several scholars have defined social change in their own way but all agree that changes influence life styles. The effect of changes brought about as well as how far these are accepted by the people. Every change has a link with the past and also has to do in present to link the future development in the devolved system in pastoral regions. Mulwa quoted “Change, change and change again, but for the better! It is the tree that is not flexible which is broken by wind. For to live is to change and to live long is to change often” [Fr.Quinn, 1999].

In the pastoral regions, any change whatever avenues it would take, so long as it a change, whether vertical or horizontal brings changes which are referred to as social system. Changes which take place in a sudden way are known as vertical or revolutionary. Those which take place quietly or slowly are called horizontal or evolutionary. In the pastoral regions in this aspect, because of modernization features in the societies, vertical changes are preferred to cope with the changes which are needed in the new constitution. Horizontal changes are not applicable because they have traditional features of the old constitution which took a slow pace to transform the society. Evolutionally changes can be equated with to the period of “analogy” and revolutionally changes equivalent to “digital” which is modern setup from the traditional one. It should be noted or pointed out that western literature often gives a very broad interpretations to the term “revolution”. Scientific, Technological, Commercial, Financial, Agrarian, Educational and even sexual revolutions” as well as a revolution in fashions, are distinguished as independent phenomenon on the grounds of their influences throughout society [Hagopian, 1978].

The new constitution has a landmark which is central place of Kenyan peoples in Article 1 of the constitution provides that “All sovereign power belongs to the people of Kenya” and shall be exercised only in accordance with the constitution. Sovereignty can be exercised directly or

indirectly through democratically elected representatives and can be delegated state organs, but what is noble here is “transparency and accountability” without which there will be no vertical development. Since the sovereign power of the people is exercised at national and county level, the pastoralist communities will enjoy the sovereignty as “peoples of Kenya” a feature which was overlooked and underestimated in the old constitution of unitary type which practiced favoritism.

Meaning of devolution

Devolution is a form of decentralization where political, administrative and financial authority is transferred from national to sub-national level [county]. In Kenya the sub-national level entities is forty seven county governments and the decentralized units, namely: sub-county, ward, village and urban areas and cities. It is significant to note that section 15 of the sixth schedule to the constitution provides that the process of transfer of these powers and resources would take a maximum of three years after the first election under the constitution.

In this aspect transition to devolved Government Act section, 23 and 24 provides the criteria for transfer of these functions.

The objectives of devolution

The Article 174 provides the objectives of devolution which can be summarized as follows:

- [1] To promote democratic governance and accountable exercise of power.
- [2] To foster national unity by recognizing diversity.
- [3] For self governance and the participation of the people in the exercise of the powers of the state and in making decision affecting them.
- [4] To recognize the right of the communities to manage their own affairs and to further their development.
- [5] To protect the interests and rights of marginalized groups.
- [6] To promote social and economic development and bring service closer to the people.

[7] To ensure equitable sharing a national and local resources.

[8] To facilitate the decentralization of state organs their functions and services from capital [Nairobi] of Kenya.

[9] To enhance checks and balances and separation of powers.

It is important to denote that, Article 175 provides that county government shall be governed by the following principles:

[A] Democratic principles and separation of powers.

[b] Have reliable sources of revenue to enable them govern and deliver services effectively.

[c] Have no more than two thirds of the representatives bodies in each county are of the same gender.

The enumerated objectives and principles on how the county governments are supposed to be governed, clarifies which type of Kenyan constitution is. Thus the former constitution of Kenya reflected features of both parliamentary and presidential constitution. The new constitution of Kenya reflects a mixture of features which depict written type, flexible, democratic and presidential type. Therefore any constitution must have the principle of constitutionalism.

Constitutionalism means living by the constitution [Digolo et al, 2004].Therefore, a constitution cannot be effective unless the leaders, government agencies, the military and the citizens are all committed to it. In this sense, governors of the counties have to exercise their powers in good faith and should not exceed them.

Conceptual framework

In the conceptual framework of social change, it shows for bringing all types of changes, including social changes not one but several factors are responsible. All the factors combined together bring changes and are closely linked with each other. One factor influences the other and thus none is exclusive, each one is complementary to the other as shown the illustrative conceptual framework in figure 1.

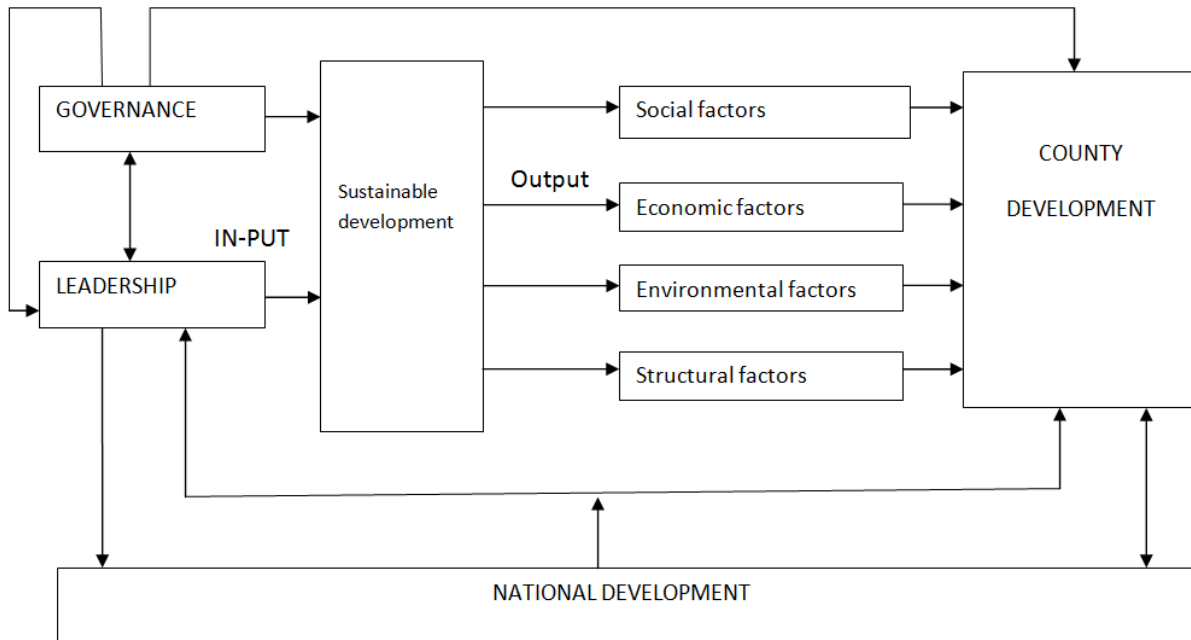


Figure 1: GOVERNANCE AND LEADERSHIP MODEL

Conceptualizing leadership and governance

According to Robert [2008], governance is performance-delivery of high quality political goods to citizens by governments of all bands. In Africa, as everywhere else, those political goods are security and safety, rule of law, participation and human rights, sustainable economic opportunity and human development. It is argued by scholars that “governance is the delivery of political goods to citizens”. The better the quality of that delivery and the greater the quality of the political goods being delivered, the higher the level of governance”.

In the county governments it is important to exemplify that delivery and performance are synonymous in this context. Therefore, leadership is very important in the bridging between delivery and performance. Delivery can refer to ‘giving out or distributing as goods and services. This means the pastoralists expect to get or receive qualitative services to set them free from

marginalization to localization as a consequence of transparency and accountability in performance. Performance means execution or accomplishments and functioning leading to effectiveness of what is expected. In essence, leadership is the key in delivering quality goods and services required by the pastoralists and leadership would be the pivot of achieving performance. Leaders in the pastoral regions are expected to be sincere and rise to the occasion to uplifting themselves by “running a speed of one thousand per hour in development” to move out of the yoke or sad state of affairs they are in, which were created by the previous unitary governments. Therefore, D’souza [2010], defines leadership as a group of managers. Positive leadership brings about the best results.

Conclusion

How interests the pastoralists can be protected in devolved governance?

First, there are institutions to oversee the implementation of constitutional provisions, including the rights of marginalized groups, ensures that the rights of pastoralists and general public are protected and promoted. Some of these include; Constitutional Commissions and Independent organs for example Commission for Implementation of the Constitution [CIC]; Kenya national Human Rights Commissions, National Gender and Equality Commission.

Second, there are a number of platforms and opportunities available to protect and promote the interests and rights of the pastoralists. The opportunities available for progress are concluded as strategies used to protect the interests of the pastoralists. There are several strategies available for use. “A strategy is a device or a design, a plan or action based on objectives through using stratagem”.

Strategy 1: *Self governance strategy*; the country governments are units where the population of the counties govern themselves. They raise their own revenues, receive revenues from the national government, plan, budget, implement, and monitor and make their own laws and policies, thus, may sound and seem easy or simple, may not be a panacea of good governance, economic growth and development, it is the necessary ingredient. This gives pastoralists and their counties to chart their futures [Rutin et al, 2013]. This strategy [self governance] will not be effective if it is not connected to leadership. It introduced the second strategy of leadership styles.

Strategy 2: **Leadership styles strategy**; this works hand in hand with self governance strategy. According to D'souza [2010], "positive leadership brings about the best results when we make it an intelligent, thoughtful, planned, deliberate and continuing process". Leadership makes demands on people and we must also remember that people are complex. Their reactions often puzzle us. The ability to lead people and guide their energies towards achieving a goal is the most vital factor in the success of enterprises and human beings. Leadership carries a heavy burden of responsibility, but at the same time it can be exciting and stimulating. In this sense the pastoralist's in their leadership styles which will give either positive results [development] or negative consequences [underdevelopment] in their counties. According Omosa et al [2006], have given a list of elements of leadership as follows;[i]Exercising power[ii]Controlling outcomes[iii]pace setting[iv]Exploring new development options[v]Harnessing the skills and abilities of others[vi]Policy and goal setting[vii]Achieving corporate goals and objectives. There are three kinds of leadership according to Max Weber: Charisma-have almost mysterious traits to endear him/her to the followers; traditional leaders: are those who become leaders because of birth or position in lineage and bureau tic/legal leaders: assume office because of merit based on qualification, technical competences and experience. A leadership style needs people's participation and makes now the third strategy.

Strategy 3: **Public participation**; public participation in the sense is the thread that runs through all objects of devolution. The devolution laws provide for avenues and modalities for public participation. This includes the following;

[A] *Participation in electoral process*-people [citizens] exercises their sovereignty, through democratically elected representatives. It should be noted that these leaders manage and offer oversight over the use of county resources. In the devolved system of government, if the leaders will mismanage and offer short sight over the use of county resources, then, the interests of the community will not be safeguarded.

[b] *Participation in leadership process*-pastoralists have rights to provide necessary input and ensure the laws that are enacted benefit them and future generations. If they cannot provide necessary demands and enhance laws to benefit them then nobody should be blamed apart from themselves to blame. According to Bhatnagar and Williams [1992], participation... "is a process by which people especially disadvantaged people influence decisions that affect

them...participation means implementation or [in sharing] benefits of a development activity, although these types of involvement are important and are often encouraged by opportunities for influences”.

[c] *Participation in planning and budgeting*-planning is the basis for budgeting and expenditure. According Saleem [2011], planning refers to “in brief, planning is deciding in advance what to do, how to do it and who is to do it”. It is noted that counties must develop county Integrated Development Plans through a participatory process. Participation according to Mulwa [2010], community participation enables people to become masters of their own destiny within the framework of their cultural and social-economic realities.Hence, community participation is about freedom of choice, freedom of action and freedom to make mistakes and take responsibility over the consequences of those mistakes”. “Nobody therefore should be blamed from outside the county because leadership is from the sons and the daughters of the soil in the pastoral regions”. If the pastoralist participate fully in the process their interests will be planned for, budget for and implement.Therefore, poor participation in the process will lead to poor budgeting and their interests may not be catered for. The Public Finance Management Act 2012 provides a platform for consultation on county plans and budgets.

[d] *Participation in public finance management*-the most vital principle of public finance management is openness and accountability including public participation. The County Budget and Economic Forum provides opportunity for the people who are willing to participate. All Kenyans, including pastoralists has locus standi [place of standing] and rights to ask and get information on issues that affect them. In the aspect of openness may to some extent ensure that resources are used for intended purposes. This will cure and safe past practices of money being budgeted for one thing and spent on totally different things.

In the public finance management, not only openness and accountability are important, but also consider priorities of assets. Prioritization refers to the scale of preference in doing from a list of needs allocation within a given period of time. Therefore, the county will consider to allocate the finance, for either Income Generating Assets like industries which will create employment opportunities for the youths and at the same time be a source of revenue for the county or/ Income Consuming Assets like vehicles which will need maintenance in repairs and fuel consumption or/ Income Saving Assets like construction of hospitals and schools where people

[patients] go for treatment and safe life and schools where children get education for life sustenance and future developments in the county.

Strategy 4; ***Ensuring diversity in recruitment***: The county government provides establishment and staffing of the public service. Therefore, pastoralists who may be minorities in some counties may get a chance to be recruited and where they are majority, they also benefit. In this case therefore, the qualified personnel from the county are automatically recruited before considering people from other counties.

Strategy 5; ***Existence of platform for public participation***: the county government Act 2012 provides that counties should establish citizen forums at county and decentralized levels. If it will be implemented well, the platforms will provide a sustained and effective pastoralists engagement and growth of civil culture in the region.

Strategy 6; ***Equalization fund***-all of the counties earmarked to benefit from equalization fund by the Commission Revenue authority[CRA] are in the pastoral regions as follows;Turkana,Mandera,Wajir,Marsabit,Samburu,WestPokot,TanaRiver,Narok,Kwale,Garissa, Kilifi,Taita Taveta,Isiolo and Lamu.This funds will boost county revenue base and increase spending on public goods project. Thus careful measures should be taken to ensure that the money spent on viable projects. If the money is used prudently, it will certainly contribute to development of basic services in those areas and people will feel protected and secure in devolved system and lead to progressivism.

Strategy 7; ***Pastoral regions big winners from Commission on Revenue Allocation [CRA] revenue sharing formula***: the CRA formula for sharing revenue horizontally, that is between forty seven counties favour most pastoral regions. The formula include; population[45%]basic equal share [25%],poverty [20%],land area [8%] and fiscal responsibility [2%].as a result of this formula, most pastoral regions received bigger shares of national revenue, which would be used for economic development leading to county and national development.

Strategy 8; ***The people have been empowered by the new constitution***: Empowerment is essentially a political process that seeks to redistribute power in favour of the poor and the disadvantaged. It involves the relinquishing of power from personalized and institutionalized monopoly of power into the hands of the stakeholders of any particular given undertaking

[Mulwa,2010].According to Chambers[1993], “empowerment entails enabling the poor and powerless to take more control on their lives, and secure a better livelihood with ownership and control of productive assets as one key element”. Decentralization or devolution of responsibility to the local people in the name of empowerment enables them generate their own innovations, find their own solutions and determine their own pathways.

Recommendations

1. There should be participation and monitoring role of the general public on how and where the resources have been used is necessary to ensure that funds are directed to where they are supposed and needed most.
2. The national and county governments, commissions and civic society organizations must ensure that there is continuous civic education and a feedback system.
3. The public should be vigilant in protecting their rights and interests. Since the common adage “the price of liberty is eternal vigilance”.
4. The leaders should be careful in spending the funds on viable projects first such as income generating assets and income saving assets and doing away with income consuming assets, so that to develop the regions which were said to be marginalized.
5. Education should be the key in the pastoral regions. The leaders should use huge sums of money in construction of infrastructure in schools and ensuring needy and brighter students are assisted to complete their studies in educational system.
6. The leaders should prioritize the construction of health centres and district hospitals and equip them with qualified personnel and drugs in every sub county, to help the people get medical services in the nearest and immediate services as possible.
7. The people have been empowered, so they should marshal locally available resources centrally to the process of local empowerment. Thus according to Mathie and Cunningham[2002], “empowerment rests on the principle that recognition of strengths,gifts,talents,and assets of individuals and communities is more likely to inspire positive action for change than an exclusive focus on their needs and problems”.

8.It is recommended that development planning and implementation in devolved government should take place in such away the abstract needs[qualitative] get attained in the process of meeting concrete physical needs[quantitative],abstract needs will be meet where people will work in solidarity in those pastoral regions [Mulwa,2010].

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