

NAKURU COUNTY
HEADQUARTERS

Devolution, Democracy and Development in Kenya

Agnes Cornell and Michelle D'Arcy

Devolution, Democracy and Development in Kenya

Agnes Cornell and Michelle D'Arcy

RESEARCH REPORT NO 5

 Swedish International
Centre for Local Democracy

Copyright © ICLD 2016

This study has been prepared within the ICLD. ICLD acknowledges the financial contribution to its research programme made by the government of Sweden (Swedish International Development Cooperation Agency – SIDA).

978-91-86725-18-1

Printed at Exakta Print, Malmö 2016.

Cover photo: The authors

ABSTRACT

On March 4th, 2013, Kenyans voted for the first time under their new constitution, bringing in devolution. To what extent has devolution changed Kenyan politics? We assess the progress made in the first year and a half after the election in terms of the extent to which devolution has broken up the centralization of the state; strengthened national unity; enhanced local democracy; and improved development. Drawing on primary data from interviews and secondary sources we find that devolution has made some progress in each of these areas, but that a number of issues remain. Central government has worked

to subvert devolution, though governors have been relatively successful at defending it. Devolution has given more groups access to power, but there are almost three million people in groups without access. The practice of local democracy has so far mirrored the problems at the national level, with vote-buying, compromised primaries and allegations of vote-rigging in many gubernatorial elections. Improved development may be challenged by patronage and capacity constraints. Overall our findings suggest that devolution has achieved some of its goals, but that many challenges remain.

LIST OF ABBREVIATIONS

ODM	Orange Democratic Movement
TNA	The National Alliance
URP	United Republican Party
MP	Member of Parliament
MCA	Member of County Assembly

PREFACE

The mandate of the Swedish International Centre for Local Democracy (ICLD) is to contribute to poverty alleviation and to strengthen the individual's freedom and rights by promoting local democracy. In order to fulfil this mandate, we offer capacity-building programmes through our International Training Programmes, mutual cooperation through our Municipal Partnership Programmes and knowledge management through our Knowledge Centre. The centre documents key lessons learned from our ongoing activities, initiates and funds relevant research, engages in scholarly networks, organizes conferences and workshops and maintains publication series. Devolution, Democracy and Development in Kenya is the fifth report to be published in ICLD's Research Report series.

In this study, Cornell and D'Arcy explore to what extent devolution has changed Kenyan politics - what progress has been made and what challenges still remain? Although the devolution is in many ways successful and much progress has been made already, the authors highlight a number of critical areas in need of further attention.

First, the devolved institutions lack institutional protection at the national level. The Kenyan Council of Governors is in need of more support and resources to be able to act as a guardian of the devolution. Second, there should be a more active approach to include ethnic minorities in policy processes. Third, party capacity needs to be strengthened in order to fulfil the development of democratic practices in local elections. Fourth and final, the authors point out the recurrent patterns of patronage that exists and argue in favor of a shift towards more investments in public goods and programmatic policies. These areas play an important role in reaching the goals of stability and development in Kenya. This study should be read by anyone especially interested in Kenyan politics or devolution processes in general.

Sweden, February, 2016

Olov Berggren
Secretary General
ICLD

AUTHORS' BIOGRAPHY



Agnes Cornell
Assistant Professor
Aarhus University
acornell@ps.au.dk



Michelle D'Arcy
Assistant Professor
Trinity College Dublin
darcym1@tcd.ie

DEVOLUTION, DEMOCRACY AND DEVELOPMENT IN KENYA

AGNES CORNELL AND MICHELLE D'ARCY

On March 4, 2013 Kenyans voted in the first election under the new constitution, introducing ambitious devolution reforms. Under these reforms significant political functions, fiscal resources and administrative responsibilities have been devolved to forty-seven county units at the sub-national level. These constitute historic changes in the institutional structure of the Kenyan state but will they lead to a new form of politics? Will devolution engender politics more focused on local issues, empower local communities, bring service delivery closer to the people, rebalance the relationship between centre and county and reduce ethnic tension and conflict?

Although it is too early to say whether or not devolution will fulfill expectations and lead to a new form of politics, this report makes an initial analysis on the impact devolution has had in the first year and a half in achieving its core constitutional ambitions. Under Article 174 of the Constitution, there are four main sets of objectives for devolution; to break up the centralization of power by decentralizing state organs and by enhancing the separation of powers; to strengthen national unity by recognizing diversity, protecting minority and marginalized communities and sharing resources equitably; to enhance democracy by introducing self-governance and participation; and to promote social and economic development through the improved delivery of services (Constitution of Kenya, 2010).

To make this assessment we use a range of data: original primary data from interviews and field observations conducted before and after the elections in four case study counties – Nakuru, Kiambu, Mombasa, and Kilifi; aggregate data from all 47 counties; newspapers, and official reports; and recent research in the area from Kenyan based academics.¹ Our case studies focused on county politics

and, in particular, on the gubernatorial elections, these being the first local elections in Kenya where the executive of the counties was directly elected.

Our findings suggest that in relation to the break up of the centralization of state power, devolution has created strong, powerful county governments that can act as a counterweight to central government. However, the very success with which power and resources have been devolved has provoked a backlash from the centre in ways that could threaten its success in the future. In terms of ethnic politics, devolution has significantly altered the access to resources for traditionally marginalized communities. However, it has not eliminated the potential for conflict, particularly among 'trapped minorities' within counties. In terms of democracy devolution has indeed dispersed and separated power as indicated, with power devolved from the centre. However, when it comes to developing participatory practices at the local levels current developments, especially during the last elections, leave much to be desired. Patronage, rigging of nominations, and the lack of party organizations all point to the fact that so far politics at the local level mirrors some of the problematic practices found at the national level. In terms of the final set of goals, the improvement of local services and development, this is perhaps where it is hardest to discern an impact at this point. While some improvements are already visible in some counties, there are significant capacity issues that point to challenges for the future.

The paper proceeds as follows: the first section briefly relates the current devolution project to research on comparative decentralization and also to the broader historical context of devolution in Kenya, emphasizing the expectation that it will address the over-centralization of power and the ethnic character of politics that has been seen as the key problem in Kenyan politics. The second section explains how our research was

¹ For this recent research see conference proceedings from the workshop on Devolution and Local Development in Kenya, arranged by the authors in co-operation with ICLD and the Institute for Development Studies, University of Nairobi (available at http://www.icld.se/eng/pdf/Report_Proceedings.pdf).

conducted and the following sections assess the performance of devolution so far in terms of its key objectives. Finally we conclude with some thoughts on where our research suggests future policy attention should be focused.

PREVIOUS RESEARCH ON DECENTRALIZATION AND THE HISTORICAL BACKGROUND OF KENYA'S DEVOLUTION

Decentralization is expected to make governance more responsive and accountable and so improve service delivery². In theory, decentralization creates downward accountability mechanisms, which should motivate politicians to provide public services more efficiently (Wallis & Oates, 1988). It enables electorates to monitor politicians and bureaucrats directly to ensure they are not engaged in corruption (Seabright, 1996). Because electorates are assumed to want public goods and to punish corrupt officials, making governance more responsive through decentralization is expected to improve service delivery and boost local development.

However, the empirical evidence from both Africa and beyond has questioned the assumption that decentralization improves governance. While some have found evidence that decentralization decreases corruption (Fisman & Gatti, 2002), others have shown that it either has no effect (Treisman, 2007) or increases corruption (Fan, Lin & Treisman, 2009). The effects of decentralization on corruption are ambiguous and seem to be highly dependent on context (Bardhan & Mookerjee, 2006).

These findings suggest that the effects of decentralization are conditional on certain beneficial circumstances (c.f. Faguet, 2014). An important conclusion is that decentralization reform 'is not exogenous to the issue of who has the power

and what they want' (Faguet, 2014, p. 10). Thus, the impact decentralization reforms will have depends very much on how power struggles between elite actors unfold (Faguet, 2014). Moreover, previous research on processes of decentralization and local participation in Africa points out that these processes may not automatically lead to more responsiveness to the poor:

'Although there are examples of decentralized government in Africa enhancing participation, there is very little evidence that it has resulted in policies that are more responsive to the 'poor' – or indeed, to citizens generally.' (Crook, 2003, p.79)

Thus, results from previous research do not give a solid answer on what to expect from these processes but rather point out that the impact of decentralization processes depend on the conditions under which devolution is being implemented and so highlight the importance of context.

The Historical Background to Devolution in Kenya
The historic 2010 constitution and the introduction of devolution in particular can be seen as the culmination of a much longer struggle within the Kenyan state to achieve a more equitable and democratic institutional structure. Although Kenya became independent in 1962 under a federal constitution known as *majimbo*, President Jomo Kenyatta quickly acted to dismantle it. Under his presidency and that of his successor, Daniel arap Moi, the state became increasingly centralized, with negative consequences for democracy and ethnic group relations. Over-centralization allowed certain ethnic groups to dominate the state, leading to inequitable resource distribution, an 'all or nothing' form of politics, and the politicization of ethnicity in ways that fuelled violence (Mueller, 2008; Branch & Cheeseman, 2009).

Despite growing frustration and pressure for reform of the highly centralized state that benefited particular groups, the situation remained fundamentally unchanged even after the introduction of multi-party politics under President Moi. Although Moi's successor, Mwai Kibaki was elected on a platform of change, he diluted the significant provisions for devolution in the new constitution put to referendum in 2005. The main

² In this report decentralization is defined as 'the transfer of public authority, resources, and personnel from the national level to subnational jurisdictions' (Ndewge, 2002, p. 2). Devolution is a more comprehensive form of decentralization and is always a form of power-sharing between central and sub-national government (Crook & Manor, 1998, p. 7). Sub-national units under devolution are usually larger than under decentralization. Both of these should be distinguished from, deconcentration: the delegation of authority from central government to local unelected officials (*ibid.* p.6-7).

opposition party created during that referendum, Orange Democratic Movement (ODM), successfully opposed the proposed constitution and continued to demand meaningful decentralization (Lynch, 2006; Lynch, 2008).

The 2007-2008 post election violence finally challenged the status quo and provided the impetus for significant reform. Already forced to work together in the unity government that was negotiated after the violence, President Kibaki and ODM leader Raila Odinga, oversaw the drafting of a new constitution that included a number of reforms aimed at curbing the power of the presidency and significant provisions for devolution. These included: the creation of county governments, with a governor, executive and county assembly in 47 sub-national county units; the reassignment of key service delivery tasks, including healthcare, to the county administrations; the redistribution of fiscal resources, to be not less than 15% of the national budget to the county governments; and the re-introduction of a bicameral parliament, with an upper house, the senate, which would constitutionally protect the interests of county governments (Kramon & Posner, 2011). The devolution reforms were in many ways return to the original *majimbo* constitution of the state, albeit with smaller units.³

These reforms were long fought for and devolution was one of the main reasons behind the

decisive popular vote in favour of the new constitution in the 2010 referendum (Kramon & Posner 2011, 96). If what had historically afflicted Kenyan politics, and caused ethnic violence, was the over-centralization of the state, then devolution is seen to be a critical part of the cure (Ghai, 2008).

OUR STUDY

This report is based on different forms of material, which include both primary data and secondary sources. In terms of primary data, we conducted 26 interviews with 30 individuals. The first interviews and participatory observations were carried out by our research assistant during the elections campaigns in February and March 2013. However, the majority of the interviews were carried out in July 2013 by the authors in collaboration with our research assistant. Our interviewees were primarily gubernatorial candidates, journalists, and campaign team members active in one of our four counties, but we also interviewed some national level campaign officials and NGO experts. When choosing the candidates and campaign team members for interviews we tried to maximize variation among the main political parties. The journalists we interviewed were persons that had covered the local elections and were therefore very knowledgeable about what happened in the counties before and after the elections. Some of the information that the interviewees provided is very sensitive and anonymity was often requested. We therefore refer to interviews only by reference to a coded number.

Our four case study counties - Nakuru, Kiambu, Mombasa, and Kilifi - were chosen because they represent important variation on key characteristics, such as degree of development, ethnic structures and national political prominence. Table 1 shows the variation between the counties in terms of these characteristics. As Table 1 illustrates two of the counties, Kiambu and Kilifi have a clear ethnic majority. In Kiambu Kikuyus are 81% of the population (Wiesmann et al 2014). In Kilifi Mijikendas are 86% of the population (Wiesmann et al 2014). Mombasa is highly diverse and Nakuru has a moderate level of ethnic diversity. In Mombasa, the largest single group, Mijikendas, have only 30% of the population (Wiesmann et al 2014). In Naku-

Constitutional changes related to devolution

National level

- Re-introduction of bicameral legislature
- 349 MPs in the National Assembly (47 women's representatives elected from county constituencies)
- 67 senators in the Senate (47 elected from county constituencies)

Regional level

- Introduction of 47 counties with county government
- Governor (executive power)
- County assembly (legislative power)

³ The 47 counties adopted in the 2010 Constitution are based on the 46 administrative districts that existed as of 1992, along with Nairobi County (Bosire 2014,5)

Table 1. Key Characteristics in Case Study Counties

County	Ethnic fractionalization	Economic development GDP per capita (PPP \$) 2009	Level of Urbanization (% population in urban areas)	National political prominence
Kiambu	Majority Kikuyu	1749	61	Very salient
Kilifi	Majority Mijikenda	1063	26	Marginal
Mombasa	High Diversity	2286	100	Important
Nakuru	Moderate Diversity	1332	45	Very salient
Kenya		1436	32	

Source: Kenya Open Data project, available at <https://opendata.go.ke/>.

ru although Kikuyus are the majority at 52% of the population, many other ethnic groups are also resident in the county (Wiesmann et al 2014). Moreover, in terms of economic development Kilifi is below, Kiambu and Mombasa are above and Nakuru is close to the Kenyan average. In addition there is considerable variation in terms of urbanization among the case counties. There is also variation in how prominent the counties are at the national level. Kiambu and Nakuru are important because of their large number of voters, Mombasa is important as the second biggest city, while Kilifi is marginal in relation to national level politics. Thus we believe that by examining these cases in detail we cover an important range of characteristics among Kenya's counties.

OBJECTIVE ONE: BREAKING UP THE CENTRALIZATION OF POWER

'We have created many kingdoms. We have mini, mini presidents' (Interview 5).

One of the central objectives of devolution is to correct the over centralization of power. To what extent has this been achieved? Since the first elections under the new constitution in March 2013, it is clear that devolution is having a significant effect on the balance of power between institutions, but not in the ways that many had expected. In

the promulgation of the new constitution, and the run up to the election, there was considerable concern that there might be reluctance from the central government to implement devolution fully, that the governors and county level governments would be weak, and that they would need strong constitutional protection if devolution was to succeed. However, the new county governments have proven themselves to be strong and capable of effectively fighting to protect the devolved institutions. This strength has in turn called into question the roles of senators and MPs, leading to a second round of attempts from central government to regain powers at the county level. Thus, while the balance of power between centre and county has see-sawed during the first year of devolution and the outcome of these dynamics remain somewhat unresolved, it does in many meaningful ways constitute a rebalancing of power away from the centre and down to the county level and thus a break-up of the centralization of the state.

In the immediate months after the first election under the new constitution, in March 2013, the concerns of central government resistance seemed justified. The Jubilee government dragged its feet on implementing devolution. They protected the old provincial administration and left it in place, despite the provisions in the constitution that it should be reconstructed in light of devolution (Constitution of Kenya, Sixth Schedule, Ar-

ticle 17). They were very slow to agree to budget allocations and release resources (*Daily Nation*, March 22, 2013).

However, what became clear early on was the strength of the newly created institutions, particularly the governors and their coordinating body, the Council of Governors. Despite having a limited role and resources under the 2012 Intergovernmental Relations Act, the council, under the chairmanship of Bomet governor Isaac Ruto, has consistently pressured the Jubilee government to ensure the full implementation of devolution, with considerable success. Constitutionally the Transition Authority was supposed to manage the process for three years but after a meeting with the governors in June 2013, President Kenyatta issued an executive order that the county governments should immediately take over all powers outlined in the constitution. Although the central government continued to drag its heels in enacting the executive order (*Daily Nation*, July 27, 2013), under further pressure from the governors this was eventually enacted in August. They also succeeded in ensuring a commitment to transfer 32% of the national budget, a higher allocation of resources than the 15% minimum threshold in the constitution (*Daily Nation*, August 9, 2013). They also successfully pushed for provincial commissioners to be redeployed (*Daily Nation*, June 1, 2013).

Governors also quickly began asserting their authority at the county level. They often built themselves extravagant residences (*Daily Nation*, June 29, 2013.), they insisted on being referred to as 'your excellency' and flying the national flag, until they were legally barred from doing so by the national parliament. They tried to appoint county government officials, although this is constitutionally the responsibility of the County Public Service Board. Overall, the governors, many of whom had been very powerful individuals within politics and public administration prior to being elected (Cornell & D'Arcy 2014), began behaving like 'mini presidents' (Interview 5).

Just as the governors began behaving like presidents, the Members of County Assembly (MCAs) began behaving like Members of Parliament (MPs). They wanted equivalent resources and authority to MPs, including having their own Ward Development Funds (WDFs) similar to the MP's

Constituency Development Funds (CDFs).⁴ Their behavior began attracting a lot of criticism. The budgeting process that began immediately after the March election quickly became a highly politicized process, with MCAs either awarding themselves significant expenses, such as cars and foreign trips, or extracting these demands from governors as the price for passing his legislation. For example, in Kilifi the MCAs blocked the budget until the governor allocated them 2.5 million Kenyan Shillings (approximately US \$28,230) each to buy vehicles (Interview 19). They have also tried to threaten governors with impeachment (*Daily Nation*, June 29, 2013). Although the MCAs have proven effective at extracting concessions from governors, it is not clear that they are capable of or correctly incentivized to play their role envisaged in the constitution as the primary form of oversight on county governments.

The behavior of the governors and county governments in the first year after devolution raised the prospect that the rebalancing of power might have gone too far in the other direction. Far from being weak institutions in need of protection, the new devolved units were replicating some of the kinds of behavior that had been seen to be a problem with centralized governments; misallocation of funds, ethnic favouritism in appointment, and poor policy and planning processes. In this sense it seems that while devolution has achieved decentralization of power from the centre to the counties, it is also the case that the exercise of power in the devolved units has much in common with the traditional ways in which power has been exercised at the centre. This may be even more problematic than centralized governance, as it brings the problems of that system even closer to the people.

In light of the very assertive behavior of the governors and county governments, the role of the senate became unclear. Originally the senate was conceived as the institution that would protect devolution at the national level, and as such was in many ways seen as being higher in the hierarchy of institutions than the governor.

This is reflected in the fact that more sitting

⁴ CDFs were a fund introduced in 2003 designed to support local development projects at the constituency level. However, they were seen by some as a key source of patronage for MPs (Kimenyi, 2005).

MPs ran for the senate (38) than ran for governor (25) (Opalo, 2014, p. 71). However, with the governors proving so effective at protecting their interests themselves, senators were left searching for a new role and, critically, their own source of funds within the new dispensation. With a considerable number of veteran politicians among their ranks (Opalo, 2014, 64), they moved to try to assert their power and importance.

The displacement of the senators' relevance was mirrored by that of MPs in ways that ultimately brought their interests closer together. Whereas before MPs were the key figures in distributing the main source of fiscal decentralization at the local level, the CDFs, these funds were now marginal compared to the significant resources in the hands of governors. The unequal distribution of funds in counties has often brought MPs into conflict with governors: for example, in Kilifi, Governor Kingi gave lower budget allocations to Kilifi South, despite it being a more populous part of the county, and leading to the MP, Mung'aro, challenging the whole county budget in court (Interview 19). Having to protect their constituency against governors was not a role that MPs envisaged or wanted to play. It again indicated that devolution had empowered county governments to a much greater extent than was anticipated.

With both houses aligned in feeling displaced by devolution, with their power and patronage resources undermined, it is unsurprising that a push back against devolution emerged at the national level. Under the County Government Amendment Act, signed into law on July 30th 2014, a number of provisions aimed to reinsert senators and MPs into the workings of county governments (*Daily Nation*, July 31, 2014). Senators were put in charge of the county committees responsible for deciding on development projects, and all MPs from constituencies within the county, including Women's Representatives, were to be on the committee. The Act further enhanced the role of Deputy Governors, whose role according to the original act was unclear. This was seen by the governors as a further attempt by the central government to undermine them (*Daily Nation*, June 21, 2014). There have been other moves by national level agencies to try to reign in county government expenditure. The Controller of Budget, the Salaries and Remuneration Commission and the

Commission for Revenue Allocation have tried to cut county budgets, arguing that the MCAs were spending too much on allowances and foreign trips, undermining development expenditure. The disbursement of funds to counties has often been delayed, according to the Council of Governors (*Daily Nation*, April 11 2015)

The governors responded angrily to these developments, launching a campaign, Pesa Mashinani, calling for a referendum to change the constitution to give 45% of resources to county governments, which has the support of the majority of the population according to an opinion poll (*Daily Nation* August 4, 2014; *Daily Nation*, October 15, 2014). The Speakers of County Assemblies have filed a court petition against the national agencies trying to reign in their spending. However, the issue runs the risk of becoming politicized along party lines in a way that could undermine the cross-party unity among governors that, up to this point, has been their great strength. Whether or not the governors can continue to work together, and the degree to which public support for devolution can be galvanized behind their efforts, will most likely determine whether or not the central government's attempts to check the power of the devolved units is successful.

These developments speak to the unexpected rebalancing of power that devolution has brought about. The push back against devolution from the national level is in many ways a tribute to the initial success of devolution in shifting power and resources from the centre to the counties. They constitute the most significant changes in Kenyan politics arguably since independence but whether or not these changes can be maintained remains to be seen.

OBJECTIVE TWO: STRENGTHENING NATIONAL UNITY

'It is not right but it is reality.' (Interview 11)
'But that is Kenya. Let's face reality. Tribe is still an issue.' (Interview 11)

Ethnicity and politics in Kenya

Ethnicity has been an important factor in politics in Kenya since colonial times (Oyugi, 1997; Orvis, 2001) and an important explanation for vote

choice in all Kenyan elections after the introduction of multi-party democracy in 1991 (e.g. Oyugi, 1997; Bratton & Kimenyi, 2008). For example, Bratton and Kimenyi report results from surveys before the elections of 2007 which show that: 'the predicted probabilities of voting for Kibaki are 90 per cent for Kikuyu versus 4 per cent for Luo' and argue: 'on the basis of this powerful evidence, it would be foolish to deny that voting in Kenya has an ethnic foundation. (Bratton & Kimenyi, 2008, 280).

Moreover, it is pointed out that ethnicity is not only important for voters but also influences politicians' behavior (Oyugi, 1997). Though, it should be noted that policy issues also contribute to voters' electoral choice (Bratton & Kimenyi, 2008). The following section discusses ethnicity in the 2013 elections.

Ethnicity in the 2013 elections

The ethnic violence that followed the elections in 2007 was one of the main spurs behind the process of constitutional reform and devolution was put forward as a key reform for diffusing inter-group tensions. To what extent and in what ways has devolution changed ethnic politics in Kenya? Will it weaken ethnic identity making it harder to mobilize groups across county boundaries? Or will it lead to further entrenchment of ethnic identity, balkanization and conflict?

Overall, it is clear from the interviews that ethnicity also played an important role in the 2013 elections, as this quote from a candidate in Nakuru illustrates:

'And of course I would make appeals to the Kalenjins and say, hey I'm one of you, I would say, this is home, should we not have a say at home? I mean that. I would know that that would sell among the Kalenjins of course.' (Interview11)

Our interviewees commonly accepted the importance of ethnicity as a fact that politicians had to deal with in order to win elections: '//...// as I had told you that what is important in our country here is the tribe, ok. People don't go for manifestos they go for the tribe' (Interview 12).

This is unsurprising and the 2010 constitution does not envision a Kenya without politicized

ethnic cleavages. Even though the explicit goals of devolution reforms in the constitution include inculcating a sense of Kenyan identity and strengthening national unity this is done by recognizing diversity; ensuring equity in allocation of resources and providing justice for marginalised communities and regions, rather than trying to get rid of ethnic politics (Article 174, Constitution of Kenya, 2010). Devolution is hoped to achieve these goals by providing smaller ethnic groups with access to resources that they have traditionally been excluded from; by acting as a compensatory mechanism for the communities and elites that lose out at the national level; and by constraining the power of the larger ethnic groups by splitting them into counties (Barkan & Mutua, 2010). In other words, overall, it is designed to create a more equal playing field for different communities, but not fundamentally alter how the game is played.

However, it should be noted that there is a tension in the constitution between its aims in relation to ethnicity at the national and sub-national level. While, as discussed above, the Constitution does not try not to get rid of ethnic politics at the county level, at the national level it contains provision to try to de-ethnicize politics. For example, according to article 19, paragraph 2: 'A political party shall not a) be founded on a religious, linguistic, racial, ethnic, gender or regional basis or seek to engage in advocacy of hatred on any such basis.' (Constitution of Kenya, 2010). Nonetheless it is important to ask if the goals of devolution in relation to ethnicity are being fulfilled.

Empowering traditionally excluded groups

A number of smaller ethnic groups who have never had significant access to national resources now do so via their 'home counties' (Bosire, 2014). These include the Kisii, Meru, Mijikenda, Somalia, Embu, Maasai, Taita, Pokot, Turkana, Samburu, and the Pokomo. In these groups there is a sense that now it is their 'turn to eat' the national cake. As one candidate in Kilifi, put it in relation to the Mijikenda sub-group that dominate the county; 'Kenyan politics is about it's our time to eat. If you get elected as a Giriama it's time for Giriamas to eat the national cake.' (Interview 18). Devolution has, in many ways, meant that it is everyone's turn to eat (D'Arcy and Cornell 2016).

However, while this may be a welcome development for groups traditionally excluded from power at the national level, it runs the risk of replicating in the counties the patterns of exclusion that have marked politics at the national level. There are fears that just as, for a long time, the central government had its owners, devolution will lead to counties having their owners – the ethnic group or sub-group that has a majority in the county. As a gubernatorial candidate in Mombasa expressed it:

‘And so now this is the problem with devolution is that now people kind of feel that should we take our own space and run with our own space, and say that this is Mombasa it belongs to X or this is Kilifi it belongs to X.’ (Interview22)

There is some evidence that this fear has foundation. In the March 2013 elections, although candidates often used a running mate for the position of deputy governor from another community to balance their ticket, the majority group won in the majority of counties outside of the big metropolitan cities. Where there were efforts to zone seats for minority communities, such as happened in Nakuru under the pact between The National Alliance (TNA) and the United Republican Party (URP), these did not work, as majority communities took full advantage of their numerical strength (Cornell & D’Arcy, 2014). After the elections, the governors have been criticized for underrepresenting minority groups in hiring county officials. According to the County Ethnic Audits undertaken by the National Cohesion and Integration Commission (NCIC), when employing the governors have focused on dominant ethnic groups in their counties, while ignoring other groups (*Daily Nation*, June 22, 2014). Where governors have tried to follow the law and have eth-

nic balance in their county executives they have sometimes faced discontent within their community. In Nakuru, according to party officials, Kikuyus were unhappy that the governor Kinuthia Mbugua was helping other communities and appointing them to his cabinet (Interview 12).

While devolution has increased the access to resources for traditionally excluded groups it has also raised the prospect of replicating the ‘tyranny of the majority’ at the county level. In a context where there is an imperfect match between county boundaries and communities, this means that although fewer people are now in principle excluded from access to resources, those that are now arguably in a worse position than before. Thus although devolution has, overall, given more groups access to national resources, these achievements have been made by replicating the kind of ethnically based politics traditionally found at the central level with the result that some marginalized groups and communities remain. Devolution has not overturned the logic of ethnic politics, but allowed more groups access to it.

Compensating losing groups

As losing ethnic elites have strong incentives to mobilize their groups for violence, as happened after the 2007 election, one of the key political rationale’s behind devolution is to compensate losing groups by giving them another assured chance to win in their home counties (Barkan 2011, 10). This second chance to ‘eat’ formed a political solution to the problems of intra-elite accommodation, as one veteran politician put it:

‘But I have always suspected that the real logic for why devolution, was to allow ethnic elites a second chance to eat. After losing the contest at the national level for presidency and the national government which left a lot of elites very bitter and organizing their peo

Table 2. Winners and Losers in the Process of Devolution

	Group members in home counties	Group members outside home counties
Groups in central government	1. win, win	2. win, lose
Groups out of central government	3. lose, win	4. lose, lose

ple to fight and resist the results of the elections. Somebody must have said you know what this devolution can help us. For all these guys who don't make it at the top, let's give them a second layer of something that is that they can take home and I think to that extent it has worked.' (Interview13)

However, as Table 2 illustrates, while devolution has created more 'winners' than under the previous system, it does not preclude the existence of 'losers'.

Under the previous system groups were straightforwardly either winners or losers but in the current system there is a new layer of governance where groups can win. When groups are in government at the central level and also in their home counties they are in a double win situation (Table 2, scenario 1). In this sense devolution has the effect of amplifying the gains for the larger community. Those from groups in central government but outside of their home counties who form minorities in other counties are also to some degree winners (Table 2, scenario 2), some of these being those involved in ethnic violence. This is currently the case, for example, with the Kalenjin minority in Nakuru, and the Kikuyu minority in Kisumu. Some groups who lose out at the national level under devolution can always be assured of being winners in their home county (Table 2, scenario 3). This is the case for a number of smaller groups and, at present, for the Luo, Luhya and Kamba. Finally there are groups whose losses are amplified by devolution when they are out of power at the national level and either lack their own home county or are minorities outside of their home county (Table 2, scenario 4). Many of the smaller groups currently fall into this category, for example the Kuria in Migori County, Sabaot in Bungoma County, Teso in Busia County and Marakwet in Elgeyo-Marakwet (Republic of Kenya, 2011).

Fifty percent of the total Kenyan population belongs to one of the five largest ethnic groups (Kikuyo, Luhya, Kalenjin, Luo and Kamba) (Central Bureau of Statistics, Kenya 2010), who now all have home counties, and another significant percentage belongs to a further 11 ethnic groups

who also now have home counties (Bosire, 2014)⁵. Thus it is undoubtedly the case that devolution has given the majority of Kenyans greater access to national resources, at least in terms of ethnic representation, than they had under the previous system.

However, the category of those who are 'double losers' under devolution should not be ignored. At present approximately at least 2.9 million or 7.4% of Kenya's population could be classified in this group (the authors' calculations based on data from Central Bureau of Statistics Kenya, 2010). While under the current administration those in this category are mostly the smaller and often less politically relevant groups, this might not be the case in future. Most of the large groups have minorities in counties outside their home counties and were they to be out of government at the national level, these minorities would be in a 'lose, lose' situation.

This possibility, and the likelihood that violence would attend to this scenario, was raised in interviews by a number of politicians and campaign officials from across the political spectrum in relation to the Kalenjin in Nakuru. Although overall the Rift Valley is the Kalenjin's home province, Nakuru is an exception in being a Kikuyu majority county. With Nakuru Town being the key administrative centre of the Rift, and Navasha one of the main economic hubs, Nakuru has been an important focus for both communities, and the site of intense ethnic violence in the past. Our interviewees emphasized that the Nakuru Kalenjin felt disadvantaged and vulnerable as they faced being a minority in a Kikuyu majority county (Interview 11; Interview 12). They tolerated this situation and voted for a Kikuyu governor only because they were offered power at the national level in return. However, as a senior member of the Kalenjin community in Nakuru emphasized, this solely depended on the persistence of the alliance between Uhuru and Ruto at the centre. Without that alliance, they warned that there could be a return to violence (Interview 11). Thus, although devolution has not made ethnic tensions worse, it has not eliminated

5 Kisii, Meru, Mijikenda, Somalia, Embu, Maasai, Taita, Pokot (included in the Kalenjin group in national census), Turkana, Samburu, and the Pokomo (included in Mijikenda group in national census) (Bosire, 2014)

the possibility of ethnic violence when politically relevant groups find themselves out of power at both the national and county level.

Weakening ethnic identity at the national level

The vulnerable position of certain groups under the new dispensation also highlights another potential impact of devolution that has implications for national level ethnic politics: the emergence of intra-ethnic divergence of interests in the large ethnic groups.

Devolution has the potential to create splits within the super-ethnicities because different sub-groups can have divergent interests both within and between counties. Between counties, there is the potential for differences between sub-groups within and outside home counties. For example, as mentioned above, devolution has created divergent interests between Kalenjins in Nakuru and Kalenjins in the other counties in the Rift Valley. Originally promised the governorship by Ruto, Kalenjin elders in Nakuru reacted with anger at being asked to support a Kikuyu governor (Interview 11). As a senior Kalenjin politician in Nakuru put it:

‘I’m thinking Ruto may not totally understand our dilemma as Nakuru people. He is not a Nakuru guy, he is Eldoret. He probably doesn’t know the way it pinches us, our real pains that we go through in Nakuru as Kalenjins of Nakuru’ (Interview 11).

The different situation facing Kalenjins in Nakuru has brought sub-group identities into play and some interpret the election of KANU MPs in Rongai and Kurusoi as a backlash against the URP and their attempts to impose Kikuyu candidates on the Kalenjin electorate (Interview 11).

Within counties, devolution has the potential to create splits within the super-ethnicities because, while sub-groups do not usually compete at the constituency level, they can do at the county level. For example, in Kilifi, a Mijikenda majority county, there was no question that a candidate other than a Giriama, the largest sub-group would become governor (Interview 19). In Nakuru, the two main Kalenjin sub-groups Kipsigis and Turgens, split the Kalenjin vote for governor (Interview 11). As a senior Kalenjin politician put

it devolution ‘creates a rift, it creates a tension between those within the Kalenjins themselves. If it was only the old system you probably would not have felt it, you probably would not have felt it in the older systems if it was just constituencies’ (Interview 11).

Whether or not these tensions will weaken ethnic identities, mobilization and voting at the national level remains to be seen. It seems plausible that communities could continue to mobilize as ‘super-ethnicities’ at the national level, while operating as sub-groups at the county level. Devolution has been observed to have the effect of weakening large ethnic groups and equalizing their influence against the smaller ones in other contexts, such as in Nigeria (Roeder, 2010).

However, the sustainability of a ‘two tier’ system of ethnic identification and voting is questionable. Firstly, it would pose a challenge to the parties, who tried to operate ‘six piece’ voting in this election, calling for votes for all six positions across national and county office. Secondly, it provides opportunities for national level elites to try to split communities in their votes for both county and national level offices. Raila Odinga tried to take advantage of the discontent of Nakuru Kalenjins, addressing community elders in Nakuru, apologizing to them for the PEV and supporting a Kalenjin ODM candidate for governor (Interview 11). While on this occasion he was not very successful, this might not be the case in future. Finally, divergent interests could create pressures for changes to county boundaries, a challenging issue for national level ethnic-based parties to handle.

One of the key aspirations of devolution is to constrain the negative consequences of politicized ethnicity in Kenya. In many ways devolution may be succeeding as it has certainly brought access to resources to a larger number of groups. However, these aims are being achieved by further entrenching the logic of ethnic politics and recognizing rather than challenging diversity. Devolution entrenches ethnic identities in ways that some see as mirroring colonial ‘tribal homelands’ (Akoth, 2011). The implicit logic at its heart is, as one veteran politician put it, for ‘every ethnic community to deal with its own.’ (Interview 13).

In a context of strong ethnic group identification, this is arguably a more realistic, and there-

fore achievable approach. However, the fact that counties do not perfectly match ethnic communities may mean that devolution unleashes some pressures for boundary changes from ‘trapped minorities’. There is already discussion in Nakuru among the Kalenjin community about shifting boundaries to join Kalenjin-majority counties in the Rift (Interview 11). A veteran politician in Nakuru expressed his fears in this regard: ‘So we have therefore a devolution that I believe will lead to the eventual balkanization of the country //...!’ (Interview 13)

Whether or not the system can deal with these pressures peacefully through the political process remains to be seen. According to Article 188 of the Constitution county boundaries can only be changed if recommended by an independent commission and passed by a two-thirds majority of both the senate and the National Assembly (Constitution of Kenya, 2010). This high threshold means that boundary changes could be difficult to achieve democratically, as has been the case in other federal states (Roeder, 2010). If there is a high barrier to change through constitutional mechanisms it could produce violent pressure for boundary changes.

OBJECTIVE THREE: ENHANCING LOCAL DEMOCRACY

‘Politics is not for new entrants’ (Interview 1)

The third set of objectives on enhancing democracy include 1) ‘to promote democratic and accountable exercise of power’ and 2) ‘to give powers of self-governance to the people and enhance the participation of the people in the exercise of the powers of the State and in making decisions affecting them’ (Constitution of Kenya, Article 174). Democratic improvement takes time and it would be premature to take a firm stance about the devolution process leading to improved democracy in one or the other direction. However, our study on the gubernatorial elections clearly showed that there are a number of issues to deal with in order for local democracy to be enhanced. Overall, our study revealed a pattern of continuity rather than change. That is, the patterns dominating Kenyan politics were mirrored at the local level.

Democratic and accountable exercise of power

The most important challenges for democratic and accountable exercise of power that came up in the case studies on the gubernatorial elections were the lack of party organization at the local level, severe irregularities in the nomination processes, vote buying and rigging of elections.

The political parties’ role in local level elections was very limited, not only in terms of providing enough resources but also in terms of organization. Certainly, party structures existed at local levels at least in terms of formal organization (e.g. Interview 1; Interview 6; Interview 12) but they seemed mainly to have been used for the national campaigns (e.g. Interview 6). From the national party organization the primary support seems to have been to provide party material, like fliers, t-shirts and caps but little else (e.g. Interview 7; Interview 10).

The lack of party organization at the local level meant that the local candidates to a large extent had to rely on their own organizational and financial resources for campaigning (e.g. Interview 9). Accordingly, the gubernatorial candidates set up their own campaign teams and largely remained separate from the national campaigns (e.g. Interview 10). Moreover, this problem was aggravated because, compared to the MPs, the gubernatorial candidates had to campaign over the whole county, which is a much larger geographical area to cover and therefore requires even more resources (e.g. Interview 5; Interview 6). Overall, the lack of support from national party headquarters meant that candidates without strong financial resources at their own disposal were not likely to be successful in the gubernatorial elections.

The nomination processes before the gubernatorial elections were important in all four counties. In counties with a clear majority for a certain party winning the primaries for the right party were decisive for getting the gubernatorial seat:

‘You know here we have the nominations, party nominations then after party nominations is when you go to the general elections, so first campaigns are for the party nominations. You are able to be elected as a [nominee] which was the toughest. It was the toughest of them because now it was kind of once you are a TNA candidate in this coun-

ty, where TNA is very popular, almost automatically you become elected. So our main campaigns were at the nominations stage.' (Interview 10)

Nomination processes were far from ideally conducted from a democratic standpoint. The weaknesses in party organization at the local levels, mentioned above, seem to have contributed to severe irregularities in the primaries (e.g. Interview 3; Interview 5). The national parties took a hands-off approach in relation to the nominations, which provided leeway for local elites to manipulate the nominations:

'You should also note the parties don't have capacity to conduct free and fair nominations. //...// so the incumbents capitalize on that weakness and //...// In most cases find themselves nominated //...// Because you use, they say oh there is going to be nomination, they appoint a nomination day they appoint officials //...// But the logistics they can't afford they don't have resources. //...// You find a presiding officer arriving at a voting center at 11, because they didn't transport. They had to use matatu or they is no matatu in some places they had to use motorbike or something.' (Interview 3)

The irregularities were not only of a technical nature. Different types of undue influence on the officials in charge of the nominations seem also to have been in extensive use by those who wanted to get the party nominations:

'And also because the party did not have enough supervision machinery to ensure that there is free and fair nomination, election of those office bearers, then people who have more money influenced the process.' (Interview 5)

Given that these nominations are so important for the electoral outcomes the irregularities related to them are a serious obstacle to enhanced local democracy. Some interviewees alleged that elections were sometimes rigged. They claimed that the number of votes for different candidates changed from the polling stations to the tallying centers.

A recurring theme in the interviews from all four counties was the importance of money for campaigning, including for what could be seen as vote-buying. In addition to the resources needed for travel and organization of the campaign teams, candidates also had to actually have something - money, food, travel reimbursements - to provide at rallies and meetings to the voters. Handing out money to potential voters was an intrinsic part of campaigns:

'It starts very early during campaigns people are being feasted, you know being entertained. You are being given money in the pocket to go and spread the word' (Interview 3).

These practices were in response to demand as voters expected candidates to provide money:

'//...// people want money during election. They want money. Without money they cannot, cannot support you.' (Interview 8).

Self-governance and participation of the people

To what extent has devolution given powers of self-governance to the people and enhanced their participation? What kind of politicians did Kenyans choose to govern at the local level in the first set of county level elections?

In terms of the kind of politicians that voters chose to represent them as governor, the evidence from our four case study counties indicates that it was essential to have a reputation of being an experienced insider able and likely to deliver patronage (Cornell & D'Arcy, 2014). Candidates had to demonstrate to voters their capacity to provide patronage (e.g. Interview 6). This quote from an interview in Nakuru describes the winning candidate Kinuthia Mbugua's reputation as a job-provider:

'So that period Kinuthia was in AP (Administration Police), he have to employ youth to be in police force. So he plan his ambition, maybe his ambition to be governor maybe, God knows, but he plan his ambition. Maybe go there, you are a widow, you go there. Maybe you don't have job or you are a widow you have your kid, he has performed well in high school. Maybe you don't have a job, you go there, oh hi mzee, oh I want ask for a request,

Women and devolution

No woman was elected county governor in Kenya in the elections of 2013 (but several women are deputy governors). In the four county cases there were no women candidates for governor.

Several factors could explain the absence of women in the governor elections:

- *The importance of patronage networks*
Women are often excluded from patronage networks. It is therefore hard for women to be influential in contexts where patronage networks are important for political success. (See for example Bjarnegård 2013)
- *The importance of money*
Women generally have less economic resources than men and individual wealth was of crucial importance for the electoral campaigns.
- *Lack of security*
The lack of security was a real concern for both women and men during the electoral campaigns and the elections, but more so for women. According to our interviewees women even abstained from voter registration and voting in some counties because of security concerns. According to our interviewees it was more dangerous for female candidates than men to campaign and women also could not afford to pay for security to the same extent.
- *The introduction of specific elective seats for women*
The specific seats for women in the national assembly may have contributed to fewer female candidates for other seats. Politically successful women were asked by their parties to run for these specific seats instead of running for the general ones. Though, it should be noted that the percentage of women in the National Assembly is higher (19%) now than it was in the National Assembly (9%) before the introduction of women's representatives (IPU 2014).

just give me my person job. Give me my guy job.' (Interview 7)

Voters demanded future patronage from their representatives and a good reputation of providing patronage was seen as increasing the likelihood that a candidate would provide patronage also in the future. Overall, voters expected that if their candidate would win it would be their 'turn to eat' (D'Arcy and Cornell 2016).

If we look at the backgrounds of winning governors in the four case study counties, voters seem to have preferred politically experienced candidates. It is clear that, in our case study counties, the newly elected governors had all previously worked in the public administration or had been elected officials. In other words, they were insiders of the political system before devolution. When we examine aggregate data for all the 47 governors in Kenya we find that 34% of the elect-

ed governors worked in the public administration before being elected and that 21% of the winning governors had been elected political representatives. Only a small portion of the governors had actually had an occupation outside the state: 17% had been active in the corporate sector while only 4.4% came from civil society.

In all of these ways the experience of county level elections seems to have reinforced and reflecting the existing patterns of politics in Kenya rather than engendering a new phase of responsive and responsible self governance.

6 Aggregate data collected by the authors. Sources are Kenyan newspapers and websites.

OBJECTIVE FOUR: IMPROVING LOCAL DEVELOPMENT AND SERVICE PROVISION

‘You buy bigger cars so that you don’t feel the pot holes. While the public are suffering in the potholes.’ (Interview11)

It is far too early to assess the impact of devolution on local development and service provision but we briefly point at some important issues that may determine the prospects of local development and service provision under devolution; the degree of patronage; capacity at the local level; and clarity in responsibilities and roles between local and national levels.

Patronage

As mentioned above, patronage was a recurring theme in our interviews. This is not only a concern in terms of distorting democratic accountability. To the extent that elected politicians use public resources for providing private goods to their clients (constituencies) instead of investing them in public goods, patronage may also be an obstacle to improved local development and service provision. However, it remains to be seen to what extent the newly elected county governments invest in public or private goods provision. It may of course be a clever election strategy to promise club goods, i.e. improvements for particular groups, as this campaign worker told us:

‘When we are campaigning, we concentrate on that area, tell them what they want to hear but now when you come back say after a winning, no you sit. We promised these people this, this and this. But maybe we are able to do only five, so what do we do? Give the processing plant only, give the milk plant //...// but on the ground level try and see how you can solve. Politics is part of it, lies is part of it.’ (Interview 10)

But whether these promises will be fulfilled is likely to depend on a whole range of factors, like for example resources and local capacity.

Capacity

The newly created county governments have been given responsibility for some of the key areas of service provision, including healthcare. However, although Section 15 (2) (a) (ii) of the Sixth Schedule of the Constitution provides for the enactment of legislation specifying how the national government shall ‘assist county governments in building the capacity to govern effectively and provide the services for which they are responsible’, these responsibilities were transferred very quickly with little assessment of whether or not county administrations have the capacity to deliver. Unless these gaps are quickly identified and addressed devolution will not be able to deliver meaningful local development.

A clear delineation of national and local responsibilities

The new local responsibilities were often layered onto the existing structures in a manner that has caused considerable confusion. In one example of the lack of clear delineation of roles and responsibilities, the decision by the central government not to remove the old positions of county commissioners has led to supremacy battles and confused delegation of responsibilities in a number of areas, including security. In Mombasa, tension between County Commissioner Nelson Marwa and Governor Hassan Joho is seen to have contributed to the escalating violence in the city, as tense relations between the two has led to poor communication and operationalization on the issue of militant Islamic violence (*Daily Nation*, July 22, 2014). The county commissioners are the national government’s representatives in the counties, and their retention has been seen by the Council of Governors as an attempt by the central government to undermine devolution. Without a clear delineation of national and local responsibilities, as pointed out by the Taskforce on Devolution, there will be wastage, inefficiency, duplication and, in the worst cases, a complete lack of service delivery (Republic of Kenya, 2011).

CONCLUSION

‘So, I think the train has left the station on devolution. The question is really what is the speed on that train?’ (Interview 5, p.20)

In the first year after its implementation, devolution has already begun to profoundly alter Kenyan politics but questions remain about how fast its future progress will be. While it has already had a significant effect on the balance of power by creating powerful new county governments, the central government’s ongoing reaction to these developments may continue to try to put the breaks on the process and reassert central control. In terms of ethnicity, while devolution has brought increased access to resources for traditionally excluded groups, it has not eliminated the potential for ethnic conflict from ‘trapped minorities’ who could destabilize its ongoing institutionalization. In terms of local democracy, we have seen that local elections have been plagued with similar obstacles to improved democratic processes as previous national elections in Kenya. Local level elections suffered from lack of party organization, vote buying, compromised nominations and vote rigging. In terms of local development and service provision it is far too early to assess the impact of devolution. However, in this report we point at three issues that will be important for the realization of improvements; a low degree of patronage, capacity at local levels and a clear delineation of responsibilities between local and national levels.

Much progress has been made but if devolution is to fully realize its goals in the future our research highlights a number of areas that need attention. First, efforts by central government to subvert devolution are likely to continue and constitute a significant threat to its ongoing institutionalization. Now that senators are increasingly working with MPs to redefine their role in the new constitutional arrangement away from safeguarding and towards a more active and powerful role, the devolved institutions lack institutional protection at the national level. The institution that has proven itself most effective at playing this role has been the Council of Governors, which arguably needs further support and resources. Second, the 2.9 million people in groups that are minorities at both the national and county level constitute a sizable group whose needs should not be ignored. Third, low party capacity, resources and organization have constrained the development of democratic practices in local elections. To ensure these elections are not compromised in future, attention needs to be paid to how to build party capacity. Fourth, attention also needs to be paid to the recurrent pattern of patronage. For example, how could the demand for private goods and particularistic policies among the electorate be replaced with a demand for public goods and programmatic policies? With attention to these areas devolution can start to accelerate towards realizing its ambitious goals of bringing greater stability and development to Kenya.

REFERENCES

- Akoth, S. O. 2011. 'Challenges of Nationhood: Identities, Citizenship and Belonging under Kenya's New Constitution', Washington: Society for International Development (SID) Constitution Working Paper No. 10 (15).
- Bardhan, P. & D. Mookherjee. 2006. 'Decentralization, corruption and government accountability' in S. Rose Ackerman (ed.) *International Handbook on the Economics of Corruption*. Northampton, Mass: Edward Elgar. Pp. 161-188.
- Barkan J. D. 2011. 'Kenya: Assessing risks to stability' Washington DC: Centre for Strategic and International Studies.
- Barkan J. D. & M. Mutua. 2010. 'Turning the corner in Kenya: A new constitution for Nairobi' *Foreign Affairs* August 10.
- Bjarnegård, E. 2013. *Informal Institutions and Political Recruitment: Explaining Male Dominance in Parliamentary Representation*. New York, NY: Palgrave Macmillan.
- Bosire, C. M. 2014. 'Kenya's ethno-politics and the implementation of devolution under the Constitution of Kenya 2010'. Paper for Workshop on devolution and local development in Kenya, June 26, Nairobi. International Centre for Local Democracy.
- Branch, D. & N. Cheeseman. 2009. 'Democratization, sequencing, and state failure in Africa: Lessons from Kenya.' *African Affairs* 108 (430): pp. 1-26.
- Bratton, M. & M. S. Kimenyi. 2008. 'Voting in Kenya: Putting Ethnicity in Perspective.' *Journal of Eastern African Studies* 2: pp. 272-89.
- Central Bureau of Statistics Kenya. 2010. '2009 Population and Housing Census Results'. Available at: http://www.knbs.or.ke/index.php?option=com_phocadownload&view=category&id=100&Itemid=1176. Accessed November 10, 2014.
- Cornell, A. & M. D'Arcy. 2014. 'Plus Ça Change? County-Level Politics in Kenya after Devolution.' *Journal of Eastern African Studies* 8: pp.173-91.
- Constitution of Kenya. 2010. Available at <https://www.kenyaembassy.com/pdfs/The%20Constitution%20of%20Kenya.pdf>. Accessed November 10, 2014.
- Crook, R. C. 2003. 'Decentralization and poverty reduction in Africa: the politics of local-central relations.' *Public Administration and Development* 23 (1): pp. 77-88.
- Crook R. C., & J. Manor. 1998. *Democracy and decentralization in South Asia and West Africa: Participation, accountability and performance*, Cambridge: Cambridge University Press.
- Daily Nation*. 2013. 'Central Government is Subverting Devolution.' March 22, 2013.
- Daily Nation*. 2013. 'End of an era as Uhuru recalls all provincial commissioners.' June 1, 2013.
- Daily Nation*. 2013. 'Governors want functions transferred by Aug 10.' July 27, 2013.
- Daily Nation*. 2013. 'Uproar as governors channel funds to lavish expenditure.' June 29, 2013.
- Daily Nation*. 2013. 'Counties to get cash as revenue law signed.' August 9, 2013.
- Daily Nation*. 2014. 'Bill gives deputy governors more powers.' June 21, 2014.
- Daily Nation*. 2014. 'Governors ignore minorities in jobs.' June 22, 2014.
- Daily Nation*. 2014. 'Mombasa leaders protest failure to end insecurity.' July 22, 2014.
- Daily Nation*. 2014. 'Law puts senators in charge of county cash.' July 31, 2014.
- Daily Nation*. 2014. 'Save devolution' Bill on the cards.' August 4, 2014.
- Daily Nation*. 2014. 'Most Kenyans back referendum campaign.' October 15, 2014.
- Daily Nation*. 2015. 'Governors audit devolution, blame executive for failures.' April 11, 2015
- D'Arcy, M. and Cornell A. 2016. 'Devolution and Corruption in Kenya: Everyone's Turn to Eat?' *African Affairs*, forthcoming
- Faguet, J.-P. 2014. 'Decentralization and Governance.' *World Development* 53, pp. 2- 13.
- Fan, S. C. Lin, & D. Treisman. 2009. 'Political decentralization and corruption: Evidence from around the world.' *Journal of Public Economics*. 93 (1-2), pp. 14-34.
- Fisman, R. & R. Gatti. 2002. 'Decentralization and corruption: evidence across countries.' *Journal of Public Economics*, 83(3), pp. 325-45.
- Ghai, Y. 2008. 'Devolution: Restructuring the Kenyan State.' *Journal of Eastern African Studies* 2, pp. 211-26.
- IPU 2014. Inter-Parliamentary Union. http://www.ipu.org/parline-e/reports/2167_A.htm. Accessed November 12, 2014.
- Kenya Open Data. Available at <https://opendata.go.ke/>. Accessed November 10, 2014

- Kimenyi, M. S. 2005. 'Efficiency and efficacy of Kenya's Constituency Development Fund: theory and evidence.' *Economics Working Papers*: 2005(42).
- Kramon, E. & D. N. Posner. 2011. 'Kenya's New Constitution.' *Journal of Democracy* 22, pp. 89–103.
- Lynch, G. 2006. 'The fruits of perception: 'ethnic politics' and the case of Kenya's constitutional referendum.' *African Studies* 65 (2), pp. 233-270.
- Lynch, G. 2008. 'Courting the Kalenjin: The failure of dynasticism and the strength of the ODM wave in Kenya's Rift Valley province.' *African Affairs* 107 (429), pp. 541-568.
- Mueller, S. D. 2008. 'The political economy of Kenya's crisis.' *Journal of Eastern African Studies* 2 (2), pp. 185-210.
- Ndegwa, S. 2002. 'Decentralization in Africa: A stock-taking survey', Washington DC: World Bank.
- Opalo, K. 2014. 'The long road to institutionalization: the Kenyan Parliament and the 2013 elections.' *Journal of Eastern African Studies* 8 (1), pp. 63-77.
- Orvis, S. 2001. 'Moral Ethnicity and Political Tribalism in Kenya's "Virtual Democracy"' *African Issues* 29, pp.8-13.
- Oyugi, W. O. 1997. 'Ethnicity in the Electoral Process: The 1992 General Elections in Kenya.' *African Journal of Political Science / Revue Africaine de Science Politique* 2, pp. 41-69.
- Republic of Kenya. 2011. 'Final report of the Taskforce on Devolved Government.' Available at <http://www.scribd.com/doc/64712979/Final-Report-of-the-Task-Force-on-Devolved-Government>. Accessed November 10, 2014.
- Roeder, P. G. 2010. 'Ethnofederalism and the Mismanagement of Conflicting Nationalisms' in J. Erk and L. M. Anderson (ed.s) *The Paradox of Federalism: Does Self-Rule Accommodate or Exacerbate Ethnic Divisions?* Oxford: Routledge.
- Seabright, P. 1996. 'Accountability and decentralization in government: An incomplete contracts model.' *European Economic Review* 40 (1), pp. 61-89.
- Treisman, D. 2007. *The architecture of government: Re-thinking political decentralization*. Cambridge: Cambridge University Press.
- Wallis, J. J. and W. E. Oates, 1988. 'Decentralization in the public sector: An empirical study of state and local government'. In H. Rosen (ed), *Fiscal federalism quantitative studies*, Chicago: University of Chicago Press, pp. 5– 32
- Urs Wiesmann, Boniface Kiteme, Zachary Mwangi. 'Socio-Economic Atlas of Kenya: Depicting the National Population Census by County and Sub- Location', KNBS, Nairobi, CETRAD, Nanyuki, CDE, Bern, 2014)

INTERVIEWS

- Interview 1, July 2014.
- Interview 3, July 2014.
- Interview 5, July 2014.
- Interview 6, July 2014.
- Interview 7, July 2014.
- Interview 9, July 2014.
- Interview 10, July 2014.
- Interview 11, July 2014.
- Interview 12, July 2014.
- Interview 13, July 2014.
- Interview 18, July 2014.
- Interview 19, July 2014.
- Interview 22, July 2014.

ICLD PUBLICATION SERIES

ICLD Working Paper series

No 1, *Governance Dilemmas of Sustainable Cities*,

Joakim Öjendal & Anki Dellnas

No 2, *Limits to Local Democracy: The Politics of Urban Governance Transformations in Cape Town*, Marianne Millstein

No 3, *Perspectives on Decentralization*, James Manor

No 4, *Sanctions, Benefits, and Rights: Three Faces of Accountability*, Merilee S. Grindle

No 5, *Choice, Recognition and the Democracy Effects of Decentralization*, Jesse C. Ribot

No 6, *Where Is Local Government Going in Latin America? A Comparative Perspective*, Andrew Nickson

No 7, *Engaging Civil Society to Promote Democratic Local Governance: Emerging Trends and Policy Implications in Asia*, G. Shabbir Cheema

No 8, *Citizen Engagement, Deliberative Spaces and the Consolidation of a Post-Authoritarian Democracy: The Case of Indonesia*, Hans Antlöv & Anna Wetterberg

No 9, *Real Democratization in Cambodia? – An Empirical Review of the Potential of a Decentralisation Reform*, Joakim Öjendal & Kim Sedara

No 10, *Participatory budgeting and local governance*, Harry Blair

No 11, *Decentralizing for Development: The developmental potential of local autonomy and the limits of politics-driven decentralization reforms*, Leonardo G. Romeo

No 12, *Strengthening Local Governance in Africa: Beyond Donor-driven approaches*, Göran Hydén”

ICLD Policy Briefs

No 1, *Proceedings of the Workshop: State of the Art of Local Governance – Challenges for the Next Decade*, Bent Jørgensen, Anki Dellnas & Joakim Öjendal

ICLD Proceedings

No 2. *Proceedings of the Workshop: Workshop on Devolution and Local Development in Kenya*. Agnes Cornell and Michelle D’Arcy

ICLD Research Reports

No 1, *When Local Government Strikes It Rich*, James Manor

No 2, *Farce of the Commons: Humor, Irony, and Subordination through a Camera’s Lens* Jesse Ribot

No 3, *Mapping Spaces for Democratic Participation in South Aceh, Indonesia*

Leena Avonius with Olle Törnquist and Fadli Ali

No 4, *Gendering Decentralization in Cambodia* Kim Sedara and Joakim Öjendal

No 5, *Devolution, Democracy and Development in Kenya*, Agnes Cornell and Michelle D’Arcy

ICLD Swedish International
Centre for Local Democracy

Visiting address: Hamnplan 1, 621 57 Visby, Sweden
Postal address; P.O. Box 1125, SE-621 22 Visby Sweden

www.icld.se

ISBN 978-91-86725-18-1



9 789186 725181