



**KENYATTA UNIVERSITY**

**SCHOOL OF HUMANITIES AND SOCIAL SCIENCES**

**DEPARTMENT OF PUBLIC POLICY AND ADMINISTRATION**

**EFFECTS OF DEVOLUTION ON THE RESTRUCTURING OF THE PROVINCIAL  
ADMINISTRATION IN KENYA: A CASE OF NAIROBI CITY COUNTY**

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**JUNE, 2020**

**DECLARATION**

**Declaration by the Candidate:** “I hereby declare that this research project is my original work and has not been submitted to any other university for the award of any academic credit”.

Signature.....

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**Declaration by the University Supervisor:** This research project report has been submitted for the review with my approval as University Supervisor.

Signature.....

Date.....

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## **DEDICATION**

This study is dedicated to my beloved mom who is the source of my ambition, hope, faith, confidence and determination; words fail me in expressing my appreciation to her dedication, love and persisted confidence in me which has made me grow and kept me going. Mom your great love, deep prayers and gentle disciplining has escorted my dreams to be true.

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It's my wish that this research project is a reflection of our Devolution progress and that it will be helpful in fully implementing the needed structural adjustments to achieve the envisioned benefits to Kenyans.

I give Glory to God for all of you. Thank you.

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## **DEFINITION OF TERMS AND KEY WORDS**

**Devolution:** Devolution is a form of decentralization of governance which involves the transfer of decision making and implementation powers, functions responsibilities and resources to a legally constituted and popularly elected local government (The ICJ Kenya section April 2013). The act of causing traditionally national government roles to be moved to a lower level of government which is autonomous in accountability, implementation and funding.

**Provincial Administration:** The former structural units of decentralization from the office of the president through the provinces to the grass root level.

**Restructure:** Aligning the former decentralised structural units to tally with the constitutional structure as per the Kenya constitution 2010 schedule six.

## ABSTRACT

Devolution in Kenya is about decentralising political, financial and administrative powers to forty seven counties. Kenya had practised devolution through the one year Majimbo government which lasted in 1964, before the highly centralised provincial administration was established. The provincial administration was centralised and gained control over all decentralized ministerial functions in the country; as an extension of the executive office of the president in the field. The Constitution stipulates that the provincial administration be restructured to align with the devolved administrative structure. Little research has been done on the structural frictions that arise from the fact that central governments are keen to retain or recapture the same authority that have been devolved to the lower level governments. Therefore, on this basis this study sought to establish the effects of implementing devolution on the operations of the Provincial Administration. The study was anchored on the objectives of establishing how devolution had shaped the structure of the Provincial Administration in Kenya; examine the extent to which functions of both County and National Government Administrators are interlinked and to identify the challenges faced in the implementation of Schedule Four of the Constitution. Both primary and secondary data were used. The study was guided by the Structural Functionalism theory of Emile Durkheim, which compare the society to an organism comprising of structures that influence each other for its own existence. A case study design was used with Nairobi City County as the study area. A simple random sampling technique was used to select the sample size for the questionnaires from the sample frame. Further the study used purposive sampling technique to select key informants for the interview guide. SSP version 21 and Content analysis were used to analyse the descriptive data. Data was presented in tables, charts and prose form. The study found out that the provincial administration had restructured through change of titles and administrative units but not functions, there were points of roles interlinkages some of which are not procedurally and devolution was facing challenges such as: - revenue allocation, administrative and bureaucratic culture, organisational capacity and stakeholder mistrusts. The study concluded that duplication of functions by both levels of government still exists and that the aligning of the provincial administration with the schedule four was yet to be fully attained. Devolution advance national unity by recognising diversity and that it promotes participatory and transparent exercise of authority. The study recommends the enactment of legislation on functions to regulate the constitutional functions of the two levels of government and that commission on Revenue allocation to focus on Wards as the point of reverence in budgeting as they happen to be the service delivery vocal point. It further recommends the need for concerted efforts in creation of awareness on matters devolution through a structured civic education program. The fourth schedule needs to be implemented in tandem with the county government act 2012, for separation of functions between the National and County governments. There is need further research on devolution in future and to widen the study by including a bigger samples size, widening its scope and other variables not covered by this study.

## **CHAPTER ONE: INTRODUCTION**

### **1.0 Introduction**

This chapter one of the study established the basis and context of the research. The aim and significance of undertaking the study as well as the historical background as to why the topic of the study was important have also been discussed. Additionally, a justification of carrying out the study as it was, have been underlined together with the scope and contextual summary.

### **1.1 Background of the Study**

Devolution has been practiced worldwide by different countries with each choosing the practice which suits the purpose for devolved government. For the purpose of this study, I looked at how the first five years of devolution in Kenya had imparted the restructuring of the highly centralized Provincial Administration in the office of the President (Constitution of Kenya 2010, Article 262).

Barnett Hilaire, (2009) argues that the European member states have shown preference to transfers power to sub national governments. Belgium and Italy have favoured federalism hence joining the earlier federates of German and Austria whereas Portugal and the United Kingdoms(UK) have transferred considerable power to most of their region but remained Unitary states (Barnett Hilaire, 2009). In Britain devolution is practised through the autonomy of the Wales, the Northern Ireland Scotland and the Mayor of London. This transfer of power was as a result of the Scottish referendum of 1997 and that of the Wales in 1998 both of which were motivated by the need to be legitimate states and have the autonomy toward service delivery and development (Barnett Hilaire, 2009). Additionally, the devolution in United Kingdom received

an empowerment by the commitment of the 1997 labour party manifesto and from Good Friday Agreement of April 1998 (Akash Paun et al. 2019).

Conversely, to the case of Kenya's devolved system where all devolved units have similar powers and authority; these devolved regions of the United Kingdom do not enjoy similar level of authority. For instance, Scotland has independent judicial system unlike the others. The Scotland Act 1998 section 51 makes statutory provision for administrative support to be provided to the Scottish executive by the home civil service but silent on their devolved specific functions in Scotland (Barnett Hilaire, 2009). Akash et al. 2019, notes that Northern Ireland devolution system worked well to minimise violence through a functional Assembly and executive, coupled with good working relationships amongst the top ranking communities. Nevertheless, devolution failed owing to institutional collapse. Northern Ireland has thereby had no elected devolved government since 2017. They add that there is notable public lethargy towards the parties' inability to offer good governance though Ireland remains a devolved entity. Admittedly, the expectation by the populace to that the parties would be open, responsive and accessible was unrealistic and not achievable. Parties worked in power-sharing formulae for none of them won majority seats in the assembly (Akash et al. 2019).

In the United States of America devolution has been anchored on responsibility. Tannenwald (2012) notes that, political goodwill has been wanting with the federal government holding dominantly on power. Nevertheless, the functions of the state have been declining in respect to those of the federal government over the last two decades. The devolution debates have been majorly centred on medical program and both primary and secondary education welfare

(Tannenwald, 2012). Devolution in china resulted from a decision of the central government to achieve innovation reforms. Sub national government agency were appointed and subordinated to the national government for accountability purposes (Barhdan and Mookherjee, 2020). This resulted to transferring much of the economic power as compared to the political power. Contemporary devolution in china is centred on provinces autonomy and budgetary control. China practise devolution through several levels as in provinces, counties and townships.

India is devolved through states. The federal central government has largely promoted the devolution agenda for its own benefits (Besley and Burgess, 2002). Its legislation and administration dominance has ensured that devolution is influenced and managed for the central governments advantage other than the devolved units. For instance the five year development plan and colonial British rule of central government coordinating the export and political control has preserved the centres legitimacy over that of the devolved units (Besley and Burgess, 2002). India was majorly an industrial country focusing more on industrialization and economic growth with less emphasis on poverty reduction. The constitutional amendments of 1993 saw agricultural cooperation and local government as key drivers to poverty eradication. Previous decentralization attempts had not been as effective as this particular one which granted legal identity to Districts, Economic blocks and villages as units of devolution (World Bank 2000a.7). However, financial and fiscal powers have been held by the central government through parallel bodies.

Besley and Burgess (2002) argue that India has devolved administratively but its central mechanism of planned economy undermines the political and fiscal power of the regions. The central government is said to dictate financial and economic goals of the states. They further note

that this dominance resulted to fiscal imbalances which seriously affected the national budget in the 1980's and brought about the call for fiscal devolution to counter debts through prioritizing expenditure and planning at regional level.

According to Omolo A. (2010), devolution has gradually taken root in the last three decades in Africa. The three leading federal state of Africa which are; Nigeria, South Africa and Ethiopia have devolved system of government. Similarly, the unitary states in Africa have also shown keen interest and success in devolution. For example, Tanzania, Ghana, Uganda, Rwanda and Kenya have devolved systems of governance. He further argues that each country has a unique explanation towards devolution. For instance in South Africa, the state demanded implementation of devolution as a means and strategy to rebuild the country after the long period of apartheid rule. There was a feeling that governance through provinces and local counties would be better for social integration, democratic enhancement, and community and environmental development.

Uganda's devolution in contrast to South Africa's was engineered from the top through consultative forums and pilot programme to restore the country's political stability (Kauzya, 2007). It was a government political reform to ensure accountable and transparent political institutions. Rwanda's devolution was a government driven agenda to eradicate poverty and ensure socio-political coexistence after the 1994 genocide (Kauzya, 2007). In both Uganda and Rwanda there is a form of national government administration cascaded to the lower levels to coordinate central government administration functions and act as linkages to the central government.

Kenya's devolution is a key feature in her 2010 constitution. It resulted as accumulation of many reasons which the Kenyan people felt could only be best dealt through a devolved system of government. The devolution structure is two tiers where power and resources have to be dispersed from the central national government to forty seven counties. The constitution of Kenya 2010, article 174 outlines the why to the power and resources sharing. "These include: facilitating equitable development and sharing of resource (including access to essential services), enhance public participation and involvement in governance as well democratic accountability in the exercise of power, national unity through recognising diversity and protection of marginalised communities, among other objectives. Through their respective institutions, county governments same as the national government are expected to pursue these objectives (Constitution of Kenya 2010).

Kenya constitutional review process is a main point of reference for the country's quest for devolution. The constitutional process has had need for devolution as one of its main agendas culminating to the chapter eleven of the 2010 constitution. Colonial rule in Kenya anchored on socio-economic discrimination and segregation between the masters and the natives bore development marginalisation and inequalities. This has seen concerted calls for equity through successive post-independence governments. However all these calls fell on deaf ears as the Commission of Inquiry to the 2007/2008 Post-Election Violence documents (Waki Report, October 2008). This commission went further and argued that the main causes of the violence could only be better addressed by devolved system of governance. These main causes included but not limited to the following: high levels of poor urban based idle youths wallowing in



unemployment and poverty who could easily be mobilised and militarized towards violence, evident central government abuse of state power and resources and impunity amongst the political elites.

The commission argued that devolution would dismantle the over centralisation of state power, resources and control. This would similarly foster national unity by bringing together different groups to the control of governance. Devolution was envisaged to avail the needed capacity for equal development and effective public service delivery in the country. This would subsequently address the equitable development gap and offer equal access to service delivery. Furthermore, entrenching and implementation of the Devolved system of governance in the Kenyan constitution was foreseen as a way of minimising or curbing altogether future political conflicts.

Devolution was practiced in Kenya at independence until 1964 when Kenya reverted to a unitary state through a constitutional amendment (Burugu, 2010). This enabled decentralization to be carried out through the provincial administration and the Kenya local authorities. A form of devolution termed “Focus for Rural Development” was implemented in 1984 without sustainable success (Chitere and Ileri, 2004). The local authorities were managed through the Local Government Act cap 265 Laws of Kenya. However, they had minimal autonomy as in terms of legislation and finance while the central government would manage the local authorities administratively. Nairobi City Council was one of the local authorities (Nairobi City Council) which has been currently devolved in to the Nairobi City County.

Provincial administration on its part was an extension of the executive office of the president which had overwhelming control over all the decentralised ministerial functions and overshadowed the parliament and the judiciary arms of the government (Ghai, 2011). The provincial administration performed such executive roles as quasi judiciary, coordination of security and development, and adjudication among others. It was this over centralization through the provincial administration that created the need for devolution as it was viewed as an abetment of all bad governance through imperial presidency corruption, nepotism, electoral malpractices, social and regional marginalization and insecurity among others.

The provincial Administration, currently known as the National Government Administration according to National Government Coordination Act, 2013, was instituted during the Kenya colonial administration period to permeate the executive authority to lowest level. After independence and collapse of devolution (regional governments), the national government used Provincial Administration as a pillar from which all government function were anchored and ingrained. Provincial Administration had been cascaded in to eight provinces. These provinces were each subdivided into a number of districts depending on population and land size although at times political allegiance was considered. The districts were cascaded to divisions which were subdivided in to locations. Under the locations were the sub-locations which acted as the lowest level of the structure.

Ghai, (2011) argues that the Provincial Administration had attracted a lot of dislike from many Kenyans because of its roles and position of authority, and influence over local politics. Ghai further notes that for two decades Kenyans debated and struggled to make a new constitution

and the hatred for provincial administration was evident as many opinions were for its crapping and total abolishing in the 2005 referendum. It could be on this basis that the Provincial Administration was never mentioned in the chapter on devolution or schedule four of the Kenya Constitution 2010, but on the consequential provision of schedule six to ensure that it remained a non-official constitutional agency just as it was in the previous regimes. Article 189 of the Kenya Constitution (2010), articulates that the two levels of government shall carry out their roles with respect for functional integrity of each other. This article ensures that the central government does not neutralise the counties power as it happened with regions in 1964.

Kenya's devolution has been viewed by many as a great strategy to move from centrality of Provincial Administration to desired lower levels of power however, if not properly managed through constitutional implementations the devolution prospects could be still born (Mungai, 2013). This is the background upon which this study sought to find out how the implementation of devolution in Kenya had influenced the restructuring of the Provincial Administration in terms of structural, composition and role differentiation.

### **1.1.1 Nairobi City County**

The 2010 Constitution of Kenya established forty seven counties to act as vehicles of devolution; Nairobi City County is one of them. The County hold the similar boundaries as the formerly Nairobi City Council and Nairobi Province administrative Unit of the Provincial Administration. The approximate population of the county is 4.4 million as per 2019 census with an annual percentage growth rate of 3%. The country is further divided in to seventeen subcounties which are subsequently sub-divided into eighty-five electoral wards. The subcounties are the equivalent

of parliamentary constituencies represented by Members of Parliament at the National Assembly while the wards are represented by an elected Member of the County Assembly at the County Assembly ([www.nairobi.go.ke](http://www.nairobi.go.ke)).

The defunct Nairobi City Council had in 2003 established a decentralisation unit to carry out functions to the grassroots. Subsequently, when the devolved system of government was implemented ten years later in 2013 it was a less struggle. The County established the Devolution and Subcounty sector pursuant to the 2010 Constitution chapter eleven and the County Government Act No. 17 of 2012 Laws of Kenya. This sector is meant to drive devolution in the county; to achieve this, the sector coordinates, supervises and manages all devolved function of the county to the grassroots, inclusive of revenue collection and development projects.

The sector is headed by a secretariat composed of the County Chief Officer as the head who is deputised by a Director and a Chief Administrative Officer. The seventeen subcounties are headed by a Subcounty Administrator each with the Eighty-five Wards having a Ward Administrator as the head ([www.nairobi.go.ke](http://www.nairobi.go.ke)). The wards are correspondingly divided into villages which on the contrary are yet to be operationalized.

## **1.2 Statement of the Problem**

Devolution in Kenya based on both political and socio-economic contexts. It was occasioned by the need to achieve equity of socio-economic development and access to public services through decentralization of power and resources to the forty seven counties. These powers and resources were being managed and distributed through a centralised administrative structure of provincial administration. The structure as it were, fostered an impediment to the success of devolution.

The 2010 Constitution chose to address this challenge by asserting the need for the restructuring of the Provincial Administration to be aligned with the devolved system structure. The constitution devolved political, administrative and fiscal powers to forty seven Counties from the national government where the provincial administration previously took charge.

This Constitution (2010) was promulgated on the 27<sup>th</sup> of August, 2010. It envisaged that the Provincial Administration be restructured to align to its chapter Eleven on devolution and fit within the devolved government structure. The restructuring was to commence on the date of promulgation for a period of five years ending in August 2015. Devolved structure was to take shape as per the Constitution's ratification after the March 2013 elections results announcement. The transitional authority was created to foresee the devolution process ensuring smooth transition of formerly National government functions, employees and assets to County governments. The parliament created and passed the National Government Coordination Act 2013, which came to force after the announcement of the presidential results of March 2013 general elections. The National Government Coordination Act 2013, laws of Kenya has laid down the structure of the devolved Provincial Administration but left out its specific roles in the devolved system of government. At the same time, the County Government Act 2012, has put in place devolved administration to supervise, coordinate and manage devolved functions most of which had been performed by the Provincial Administration in the former regime.

Studies have documented that Kenya at independence had a devolved form of government which only lasted for one year before the centralised provincial administration was established. This history would negate the envisioned benefits of devolution if repeated (Ghai, 2011). Bagaka

(2010) argues that, phased devolution guarantee much success, like the cases of India and Uganda as compared to a one time all functions devolution in the Kenyan case ; which he refers to as a “big bang” which could result to a “still birth”. The Kenya Devolution Transitional Authority was folded in March, 2016 after working for four years. This authority was mandated with ensuring a coordinated transfer of functions devolved from the National government to the counties (Henry Owino, 2016). According to the Authority’s working papers, there was remarkable success on the mandate besides challenges which hindered full goal attainment. Admittedly, there was evident reluctance on the part of National government to cooperate with the Authority. This coupled with lack of term extension by the National assembly and financial challenges meant much work was left incomplete. This pose the fear of recentralisation of the devolved functions as Owino (2016) observes. The Authority however attempted to foresee that all the fourteen functions as per the Schedule four of the 2010 Constitution we transferred. This wholesome transfer made Kenya’s devolution unique in that all functions were moved once to new structures. The Kenyan form of devolution hence would be a one of its kind therefore the need for a study on its operationalization; the reason for undertaking this study.

Nonetheless, the Provincial Administration is far from releasing grip from government powers and resources and the structure is yet to be aligned with the devolved system of government. This continuous rigidity in holding unto functions that are supposedly devolved as per schedule four of the 2010 Constitution pose a challenge to the success of devolution. A research carried out by John Solonka in 2015 found out that full alignment of the previous administrative structures to the devolved system of government would ease implementation of devolution in Kenya. However, he did not explore on the effects of implementations of devolution on the

restructuring of the Provincial Administration which this research intends to carry out and explore further on the subject.

To attain this, the researcher employed a qualitative case study approach, with Nairobi City County being used to gather both primary and secondary data and information. Specifically the researcher employed SSP version 21 and content analysis to analyse the descriptive data and put forward appropriate policy recommendations towards intervention.

### **1.3 Objective of the Study**

The main objective of the study was to establish the effect of devolution in the restructuring of the Provincial Administration. The study was guided by the following research objectives.

- i. To establish how devolution has affected the structure of the Provincial Administration in Kenya.
- ii. To determine the interlinkages of both county and National government functions.
- iii. To identify the challenges faced in the operationalization of Schedule Four of the constitution.

### **1.4 Research Questions**

The study sought to answer the following research questions.

- i. To what extent has devolution affected the restructuring of the Provincial Administration in Kenya?
- ii. How are the two levels of government functions interlinked?
- iii. What are the challenges faced in the implementation of devolution in Kenya?

### **1.5 Justification and Significance of the study**

This study was expected to give rise to information and deductions which are helpful in the notional apprehension of effects of devolution in the restructuring of the Provincial Administration in Kenya. The study was worth carrying out for it is of importance to policy makers in the national and county government as a reference point to determine the success of devolution in Kenya towards achieving its intended objectives, by forming a basis for devolution progress analysis in the country. This shall be helpful in adoption of appropriate approaches by national and county governments to the devolution efforts.

Additionally, the study would fill-in the gaps of previous studies and be of great importance to future scholars for it will form a base for future research and come up with literature material for future researchers. The study would similarly form a partial qualification for a Master of Public Policy and Administration award from the Kenyatta University.

### **1.6 Scope and Limitations of the study**

The study sought to determine the effect of devolution on the organization structure and area of linkages and challenges in restructuring the Provincial Administration.

The study was undertaken in Nairobi City County. This was for ease of sampling; involve both rural and urban settings and majority of Kenya's communities. Both National and County government Administrators and the employees of independent commissions and other target population were easily sampled.

The main limitation of study was its inability to include all the counties in Kenya. The respondents approached were likely to be reluctant to give information fearing that the



information sought would be used to intimidate them or print a negative image about them or their employer. To counter these, the researcher used introductory letter from the University and assured the respondents that the information they gave would be treated confidentially and be used purely for academic purposes.

The researcher also encountered problems in eliciting some information from the respondents owing to government administrative secrecy oath and the code of conduct for civil servants. However, researcher made the assumption that the respondents would be cooperative enough and gave true information for the study and all the resources intended to facilitate data collection, and that the information collected was a representation of the whole sector for inference.

## **CHAPTER TWO: LITERATURE REVIEW AND THEORITICAL FRAMEWORK**

### **2.0 Introduction**

This is the second chapter of the study. It gives an overview on past research on the broad knowledge of the subject of this study's specific topic; the effects of devolution on the restructuring of the Provincial Administration in Kenya: case of Nairobi City County. This chapter ushers in the framework for the case study comprising the focus of the research explained in this project.

The literature review intended to bring out the previous studies on devolution. The previous studies would be relevant in determining the key data collection needs for the primary research to be carried out. Additionally, these would offer a preview and a basis for building on the topic as well as a platform for the primary data analysis of the findings thereof. This was in line with current practise in established research work as explained by Hazel (2004).

### **2. 1 Introduction to Devolution**

World over devolution has been witnessed in many countries. This has taken different shapes and forms depending on whether the context is political or socio-economical. In the United States of America for instance devolution is responsibility based (Tannenwald, 2012). The main objective is to increase the federals' autonomy, thereby plying on socio-economic context. In India devolution mainly is administrative while on consolidating political and fiscal power to the center. According to a research by the World Bank (World Bank 2000a.7), India development was formerly majored on industrialization and economic growth with less emphasis on poverty reduction. This had to be countered with agricultural and local governance which proved to be pertinent in poverty reduction. A constitutional amendment in 1993 ensured that devolution was

fully adopted with districts, blocks and villages being granted distinct statuses (Indian 73<sup>rd</sup> constitutional amendment of 1993).

China on her part has devolution based on provinces autonomy and budgetary control. Devolution in china resulted from a decision of the central government to achieve innovation reforms. Sub national government agency were appointed and subordinated to the national government for accountability purposes (Ma, 1996). Contemporary devolution in china is centred on provinces autonomy and budgetary control. China practise devolution through several levels as in provinces, counties and townships.

African, devolution is taking root. The most pronounced devolution practicing states include Nigeria, South Africa, Ethiopia, Ghana, Tanzania, Rwanda, and Uganda among others. For African states, each has a unique reason backing the devolution policy (Omolo A, 2010). South Africa on her part embraced devolution to rebuild the country from impoverishment of apartheid rule. Uganda's devolution was geared towards promoting political acceptance in the country and to legitimize the government after a period of illegitimacy rule due to national resistance movement having taken the functions of the government during the period of instability (Onyanch 2003). Devolution was viewed as a procedure for strengthening institutions of governance, empowerment and participatory development.

Kenya's devolution is tripartite; political administrative and fiscal responsibilities. Administratively, the county government will initiate and perform local priorities (Nyanjom, 2011). Unlike other countries where the three were devolved sequentially, "Kenya's devolution was a big bang" (Bagaka and Kobia, 2013).

The Constitution advocacy for devolution of governance implicated that the overly centralised executive had to be restructured to accord to the spirit of this devolution. The Executive authority through provincial Administration had to be reorganised to conform to the chapter eleven of the Kenya Constitution 2010. Professor Yash Pal Ghai (2010), states that this need for restructuring and conformity emanates from the change plight with Kenyans expressing fear that the expected structure could moreover backfire as it happened with the Lancaster house Constitution of 1963.

## **2.2 Devolution in Restructuring the Provincial Administration in Kenya.**

The devolved government in Kenya is expected to promote social and economic development and the provision of proximate, easily accessible services throughout Kenya. While there are a lot of prospects in the success of devolution, there is equal measure of threats to this success. The Constitution of Kenya, article 262 (17) proposed the retention of the Provincial Administration as an extension of National government executive by virtue of its authority of being a system of Administration.

There is a challenge of restructuring the various government departments to reflect the letter and spirit of the Constitution in particular this envisaged restructuring of the Provincial Administration to accord with the new constitution.

Focus however should be on how to devolve these functions without negatively affecting service delivery as “the framework or arrangement that links the different parts of the local government organization [and] guides the roles of different members of the organization Weber’s theory of bureaucracy which term organizations as “networks of authority distribution” (Bittner, 1965, p. 243). To function efficiently, in Weber’s view, bureaucracies must be characterized by an

organizational structure that has six attributes, namely: a well-defined hierarchy of authority, division of labor based on functional specialization, rules pertaining to rights and duties of positions, procedures for dealing with work situations, impersonality of interpersonal relations, and employee selection, and promotion on the basis of technical competence (Reimann, 1974, p. 693).

Researches on organizational structures conducted by the Aston team in the 1960s identified the primary dimensions of organizational structure, namely, specialization, standardization, formalization, centralization, configuration, and flexibility (Pugh, Hickson, Hinings, and Turner, 1968). Blau's (1972)

Devolution structure in India has taken a two tier form of governance. There are states which number to twenty nine and seven unions (Craig Johnson, 2003). The states have legislative assemblies which are the political wings and the administrative wing which is the devolution channel. Devolution structure runs from the States to the Districts, Sub-divisions to Community Development Blocks then to villages.

Devolution structure in Uganda has run through two channels. The urban structure channels and the rural structure channel. The urban structure runs from the national central government through the city council, to municipality council, to Divisions in city of in municipality, up to wards then to cells as the lowest point of public service delivery. The rural channel runs from the District Council, to counties, to sub-counties, to parish councils, to village councils as the lowest points of public service delivery.

Constitution of Kenya articles 262(17) has stipulated that Provincial Administration be restructured to accord to the constitution's eleventh chapter on devolution. The parliament in 2013 formulated and enacted the National Government Coordination Act which laid out the structural and institutional foundation to accomplish constitutional provisions of Article 131 (1,b) and 132 (3,b). The Act aimed at aid in the exercise of executive authority pursuant to Articles 131 (1, b) and 132 (3, b & c) of the Constitution. Similarly, the Act would enable effective administration and coordination of the national government functions and lay out the administrative structure and composition of the national government service delivery units cascading down to the grass root.

Any policy changes in governance bring about change in the institutional framework within a given country; hence, Parliament passed the National Government coordination Act 2013 to spearhead the operationalization of this schedule. This Act of parliament changes the name from Provincial Administration to National Government Administration (NGA) and changes the structure of the authority from provinces to county level cascading the offices through sub-county, wards, locations and sub-locations. The Parliament had earlier enacted the County Government Act 2012 which put in place county administrative officers as per the devolved structure of government. Unlike the National Government Coordination Act, this Act spells out the functions of the devolved administrative officers

### **2.3 Functions interlinkages between the national government and the county government**

Bagaka (2011) argues that Kenya's devolution is limited therefore national government will retain most of its roles and provide leadership as the intergovernmental agency during the

transition period. This he argues is the cooperation and relationships as envisaged in chapter 11 part 5 articles 190 of the Constitution and thereby the Provincial Administration would also offer leadership and continuity in case a county is suspended by the president.

This however has provided for role duplication. De Guzman and Reforma (1993) state, “This duplication appears to be endemic in most agencies; there are field personnel of the different national agencies operating side by side with those of the various local government units”

There is an impending challenge on role interlinkages between the two levels of government. The county government Act 2012 and the Cities and Urban Act 2011 provide for cascading administrative units within the county to decentralise administrative roles as stipulated in the respective Acts in the county. The National Government Coordination Act 2013 on its part put up the administrative structure in place but no specific roles. This pose a policy loop hole on the distinctiveness and level of cooperation of the two governments and similarly goes against the Constitution’s Article 201(d) on the prudent and responsible public finance spending (The Futures Bulletin Institute of Economic Affairs, April 2013). As stated in the local government statute of 1993 the, case of Uganda the issue of interlinkages expressed itself through structural conflicts. The central government had the role of issuing policy guidelines, regulations, advice, supervisory and inspection services. However on ground the two layers of governments end up implementing and at times implementing similar roles.

The two levels of government are distinct and interdependent and should relate through consultation and cooperation. (The Constitution of Kenya, Article 6(2) & Article 189). Therefore the two levels are expected to exercise their functions without jeopardising each other. The

Intergovernmental Relations Act, 2012 has spelt out the legal and institutional framework upon which the two levels of government shall consult, cooperate and resolve disputes. The Act has provided for three bodies upon which its mandate will be fulfilled: These bodies include; the National and County Government Coordinating Summit, the Intergovernmental Relations Technical Committee and the Council of County Governors.

#### **2.4 The Challenges Facing Devolution**

Implementing devolution has not been an easy task world over. Several challenges have ensued either inception or on the way. One of these challenges has been financial arena of devolution necessary for the attainment of devolution objectives (Muli, 2014). The World Bank Report (Soriano, Steffensen, Makayan and Nisperos, 2005) stress the necessity of a prudent financial system for functional devolved system of governance. Tannenwald (2012) holds similar narration claiming that whereas subnational governments have the authority to create or source out for revenue as well as tap from identified sources, “the central government has retained the major levies and tax sources, relinquishing the relatively less productive ones to the local units” (p. 55).

India central government delayed devolving finances to the devolved units making it difficult for them to operate (World Bank 2000a.7). According to Craig Johnson, (2003) devolution of financial and fiscal powers have been a challenge since the central governments opts to establishing parallel bodies to be entrusted with both financial and fiscal matters. Uganda’s devolution was a case of gradual implementation with emphasis on policy and good governance the finance and resource management coming in later. According to Onyanch, (2003) the then President Yoweri Museveni was quoted to had stated “ours is a fundamental change” to imply a measure to instill democracy, in his presidential speech in 1986.



Kenya constitution requires that though the Provincial Administration will not be involved in financial matters it may be of support to the counties in form of security, substantive reinforcement, logistics, personnel and other specialized roles. The UK's Constitution Reforms and Governance Act 2010, on its part fail to define who a civil servant was or even clearly define the roles of civil servants (Barnett Hilaire, 2009). This ambiguity has led to impartiality with some civil servants pledging their loyalty to either of the two levels of government. The National Government Coordination Act 2013 in Kenya similarly doesn't specifically define the roles of the Administrators creating a similar ambiguity as in the UK.

Bagaka (2011) argues that the Provincial Administration will form the linkage connecting the inter-ministerial role at the state and the lower levels and provide the role of monitoring and evolutions of funds and technical utility from national government to county governments.

Another challenge is role differentiation and skilled human resource. The Constitution of Kenya chapter 11 article 187 and schedule 6 article 15 shows that some roles of the Provincial Administration will be transferred to the county government while others will be retained by the national government. Bagaka (2011) argues that in the transfer of these roles transition experience is required. This expertise may be hard to find outside the Provincial Administration hence, Bagaka (2011), affirms this by claiming that the Provincial Administration is the blessing in disguise to transit and guarantee level running of the national government programs at the counties.

Devolution happening on political context has been noted as another key challenge to its effectiveness. The case of India saw the entrenchment of discrimination and inequality within the

system. A similar scenario may be reflected in Kenya due to political interests. Uganda having favoured devolution due to collapse of state organs owing to the political civil wars and the rise of the National Resistance Movement, have seen a more politicised decentralization that any other country with the resistance councils being strengthened to take up the functions of the defunct state organs (World Bank 2000a.)

## **2.5 Gaps in the Literature Review**

From the literature reviewed it is evident that the devolved government is expected to promote social and economic development and provision of proximate easily accessible services throughout Kenya. To achieve this however, there is the challenge of restructuring the various government departments to reflect the spirit of the Kenya Constitution (2010). The reviewed literature has not been able to show how implementation of devolution has affected the expected restructuring of the Provincial Administration to accord to the constitutional expectation. The reviewed study has not fully highlighted the challenges to devolution. Indeed when, when considered together, it is evident that the findings of other studies on devolution can be concluded as robust or complete and are diverse and parallel. Added to this, to date, no profound study has considered the effects of devolution on the restructuring of the Provincial Administration in Kenya. Thereby the need for this study seeking to find out the effects of devolution in the restructuring of the Provincial Administration in Kenya taking a case study of Nairobi City County.

## **2.6 Theoretical Review**

### **2.6.1 Emile Durkheim (1858-1917) Structural Functionalism Theory.**

This study will be guided by the structural functionalism theory which holds that society is compared to an organism comprising of structures referred to as social institutions. The social institutions carry out different functions in the society for its very own existence. The social institutions are interrelated and interdependent such that one can affect or influence the other or the whole and/or vice versa. The social institutions efforts are geared toward the well-being and stability of the society.

In relation to this theory, the introduction of devolution in Kenya means that a need (over centralization) was felt prompting societal dysfunction which required reorganisation of the government structure. This dysfunction called for social change culminating to constitutional change hence, different government structures have been affected and need to respond positively for social order to be achieved. In response, the Kenya constitution (2010) has redefined the structure of government in to two tiers (national and county governments) and the three arms of government to include the independent commissions. Roles previously carried out by different arms have been redistributed to these other arms (commissions) and other roles devolved to the counties.

Unlike the conflict theory, which focus on the negative aspect of society revolving around conflicted and ever changing nature of society which force social order on to society through competition and domination by those powerful people in the society, functionalism theory defend status quo in society by believing that people cooperate to effect social order in the

society by depending on each other through shared public values for society to remain relatively stable (Tony Bilton, 2002).

The Kenyan devolution is anchored on interdependence and cooperation between the two tiers of government which are interlinked by shared values. Owing to this therefore this study used the structural functionalism theory to find out how implementations of devolution, has affected the restructuring of the Provincial Administrations to achieve the expected functional devolved system of government in Kenya.

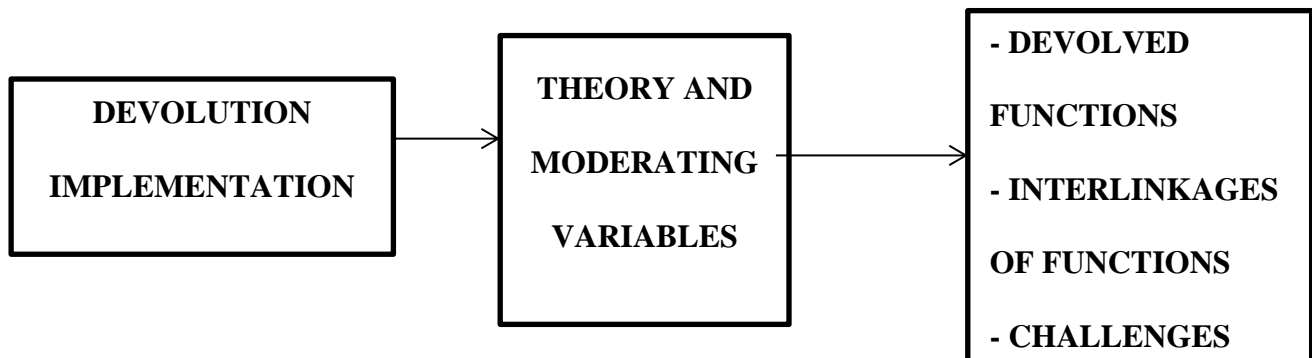
## 2.7 Conceptual Framework

**Independent variables**

**Devolution**

**Dependent Variables**

**Restructuring of the Provincial Administration**



## **CHAPTER THREE: RESEARCH METHODOLOGY**

### **3.0 Introduction**

This chapter presents the methodology which will be used to carry out the study. It describes the type and source of data, the target population and sampling methods and the techniques that will be used to select the sample size. It also describes how data will be collected and analysed. The suitable methodology in this study gives the guidelines for information gathering and processing.

### **3.1 Research Design**

The design for this study was descriptive case study. A descriptive study focuses on finding out the what, where and how of a phenomenon (Cooper and Schindler, 2003). Tony Bilton (2002), notes that a descriptive case study has to do with the deep exploration of problem solving circumstances in which problems are pertinent to the research problem, and that it provides a reliable and representative information on the area of study. Owing to these factors thereby, this study sought to establish the effects of devolution in Kenya in the restructuring of the Provincial Administration, was guided by the descriptive survey research design.

### **3.2 Variable of Study**

The research variables were devolution being the independent variable and structure of the Provincial Administration as the dependent variable. Implementation of devolution would affect the restructuring of the Provincial Administration in different ways since the constitution advocated for the latter to be restructured in accordance to the former.

### **3.3 Site of the Study**

This study was accomplished in Nairobi City County. The County offered a metropolitan set up, and it's where the targeted population is basically situated and hence it was reached with ease.

Nairobi County was among the first counties to implement the County Government Act (2012) by hiring the County Administrators to coordinate devolved functions.

### **3.4 Study Population**

Target population in statistics is the specific population about which information is desired. Population studies are more representative because everyone has equal chance to be included in the final sample that is drawn (Kothari, 2006). According to (Frederic, 2010), Target population a universal set of the study of all members of real or hypothetical set of people, events or objects to which an investigator wishes to generalize the result.

### **3.5 Sampling Techniques and sample size determination**

#### **3.5.1 Sampling Techniques**

The study area was sampled through simple random sampling technique for the questionnaire. In this case the researcher listed all Sub counties in Nairobi County each on a separate piece of paper. The pieces of papers each bearing the name of Sub counties in Nairobi County was then folded after which the papers were put in a container, The researcher then randomly picked one of the folded paper, eight times from the container. Using this technique the researcher randomly picked eight Sub counties as the study area. The Sub counties that were randomly selected include Kasarani, Embakasi South, Starehe, Mathare, Makadara, Westlands, Dagoreti North and Kibra and systematic sampling was used accordingly to select two sub locations. Further Random sampling was used to select twenty four participants from each of the sixteen sub locations. Further the study used purposive sampling technique to select key informants for the interview guide; one county commissioner, two assistant County Commissioners, and two field

officers as per the County Government structure, two Sub county Administrators, three Ward Administrator and two civic leaders.

### 3.5.2 Sample size determination

The required sample size was calculated based on Fishers et al. (1998) recommendation as follows: The sampling plan describes the sampling unit, sampling frame, sampling procedures and the sample size for the study. The sampling frame describes the list of all population units from which the sample was selected. The study employed every element in the target population so as to give a chance to every respondent. This technique ensured that bias was not introduced regarding who were included in the census (Kothari, 2005).

$$N = \frac{Z^2 p q}{d^2}$$

Where:

n= the desired sample size (if target population is greater than 10,000)

Z= the standard normal deviate at the required confidence level (1.96 for 95%)

P= the proportion in the target population estimated to have characteristics being measured

q= 1q

d= the level of statistical significance set (0.05)

Sample size =  $\frac{(1.96)^2 (0.5) (0.5)}{(0.05)^2}$

$$(0.05)^2$$

$$n= 384$$

The researcher used simple random sampling procedure to get a sample totalling to 384 respondents comprising of 384 local residents.



**Table 3.1: The distribution of correspondents**

<b>Sub county</b>	<b>Sub location</b>	<b>N</b>
Kasarani	Clay city	24
	Ruai	24
Embakasi South	Kwa Reuben	24
	Kware	24
Starehe	Land mawe	24
	Kariokor	24
Mathare	Kiamaiko	24
	Huruma	24
Makadara	Viwadani	24
	Harambee	24
Westlands	Parklands	24
	Kagemi	24
Dagoreti North	Kawangware	24
	Kilimani	24
Kibra	Laini saba	24
	Kibra	24
Total		384

*Source research 2020*

The study used purposive sampling technique to select the following key informants from the National Government Administration structure. They include one County Commissioner, two Assistant County Commissioners, and two field officers as per the County government structure, two Sub County Administrators, three Ward Administrator and two Members of County Assembly. Thus making 10 in total

### **3.6 Research Instruments**

This qualitative research relied quite extensively on in-depth interview which typically seemed like conversations with predetermined response categories. The researcher explored the topic generally to help uncover the participant's opinions in respect to how the informants frame and structure the feedback. A general interview guide was used to obtain people's views on the effect of devolution on the restructuring of the Provincial Administration. This involved face to face

interviews with people purposively sampled from the population and the application of the questionnaire on the simple randomly selected respondents.

### **3.7 Pre-test**

The study selected a pilot group of three individuals from the target population at National Government Administration to test the reliability of the research instrument.. The pilot study allowed for pre-testing of the research instrument to determine its clarity to the respondents so as to enhance the instrument's validity and reliability. The result assisted to correct variability emanating from the instruments thereby ensuring that what was preconceived is what was measured. The pilot figures were not incorporated in the authentic study.

### **3.8 Data Collection Procedure**

This study amassed both primary and secondary data. Primary data was assembled for the project right from respondents using the interview guide and questionnaires. Secondary data was gathered from libraries, research centers, internet among others.

### **3.9 Data Analysis**

Prior to processing the achieved responses, the finalized questionnaires were revised for completeness and dependability. Quantitative data gathered was analysed using SPSS software while qualitative data gathered collected using interview guide was analysed used using thematic means. Pragmatic content analysis was used to understand why the respondents perceive and belief what they said in determining devolution as a cause to restructuring of the Provincial Administration. The words, phrases and signs were classified to in terms of their probable causes and effects.

### **3.10 Data Management and Ethical Considerations**

The approval of the National Commission for Science, Technology and Innovation (NACOSTI) and that of the Graduate school of Kenyatta University were sought prior to administering the study guide and the questionnaires. Then utmost caution was exercised in guaranteeing the sustenance of respondents' rights and privacy while administering the data collection instruments. The study explained its intentions and sought the consent of the respondents before the study prerequisite were handed to them. No respondent was pressurized into the exercise at any stage. The study findings were presented in the absence of manipulation from the researcher.

## CHAPTER FOUR: STUDY FINDINGS AND DISCUSSIONS

### 4.0 Introduction

The chapter presents and analysis the findings of the study. The chapter is presented in commensurate with the study objectives.

### 4.1: Response Rate

Out of the 384 questionnaires furnished to the respondents 353 were filled and assembled. This was a response rate of 91.9% concluded to be sufficient for the data analysis as Mugenda and Mugenda (2003) acknowledges any rate of response higher than 70% is excellent.

**Table 4.1: Response Rate**

Questionnaires Issued	Questionnaires Returned	Percentage
384	353	91.9

The results represented in table 4.1 show that 91.9% of the respondents returned their questionnaires as compared to 8.1% of those who did not return. This implies that the finding did not suffer from lack of sufficient data for analysis.

### 4.2 Demographic Information

The research started by analysing the respondent's background information. Information sought under this section include, the respondents, gender, age category and educational qualifications.

#### 4.2.1 Respondents by Gender

Respondents were required to indicate their gender; this was sought in view of ensuring that both male and female respondents were fairly involved in this study.

**Table 4.2: Gender**

	Frequency	Percentage
Male	228	64.6
Females	125	35.4
Total	353	100.0

Results presented in table 4.2 show that majority of the respondent (64.6%) were male whereas 34.6% were female. Drawing from the findings, it's apparent that both male and female respondents took part in this survey. This implies that the finding of this research did not undergo gender biasness.

#### **4.2.2 Distribution of the respondent's by Age**

Various age groups are regarded to bear diversified opinion on varying content. In view of capturing different opinions from these groups, respondent were entailed to specify their age bracket.

**Table 4.3: Age Brackets**

<b>Age Bracket</b>	<b>Frequency</b>	<b>Percentage</b>
25 to 35 years	114	32.3
36 to 45 years	104	29.5
46 to 55 years	98	27.8
above 56 years	37	10.5
Total	353	100.0

Owing to the research findings it's evident that most of the respondents (32.3%) were aged between 25 to 35 years, 29.5% of the respondents were aged between 36 to 45 years, 27.8% of the respondents were aged 36 to 45 years whereas 10.5% of the respondents were aged above 56 years.

#### **4.2.3 Educational Qualifications**

Respondents were required to indicate their educational qualifications; this was sought in view of gauging their abilities to respond to the research questions. Results are presented in table 4.4

**Table 4.4: Educational qualifications**

	<b>Frequency</b>	<b>Percentage</b>
Secondary School	178	50.4
Degree	120	34.0
Masters	55	15.6
Total	353	100.0

Results presented in table 4.4 shows that 50.4% of the respondent's held Secondary School certificates, 34% of the respondent's held bachelor's degree, with 15.6% of the respondent's having masters education. Drawing from the findings, it is apparent that the entire respondent was well in education which implies that they were disposed to respond to the research question proficiently.

#### **4.3 Effect of Devolution on the structure of the Provincial Administration**

This study on its first objective, sought to examine the extent to which respondents concurred with the following statements that sought to establish how devolution had shaped the structure of the Provincial Administration in Kenya.

**Table 4.5: Effect of Devolution on Provincial Administration Structure**

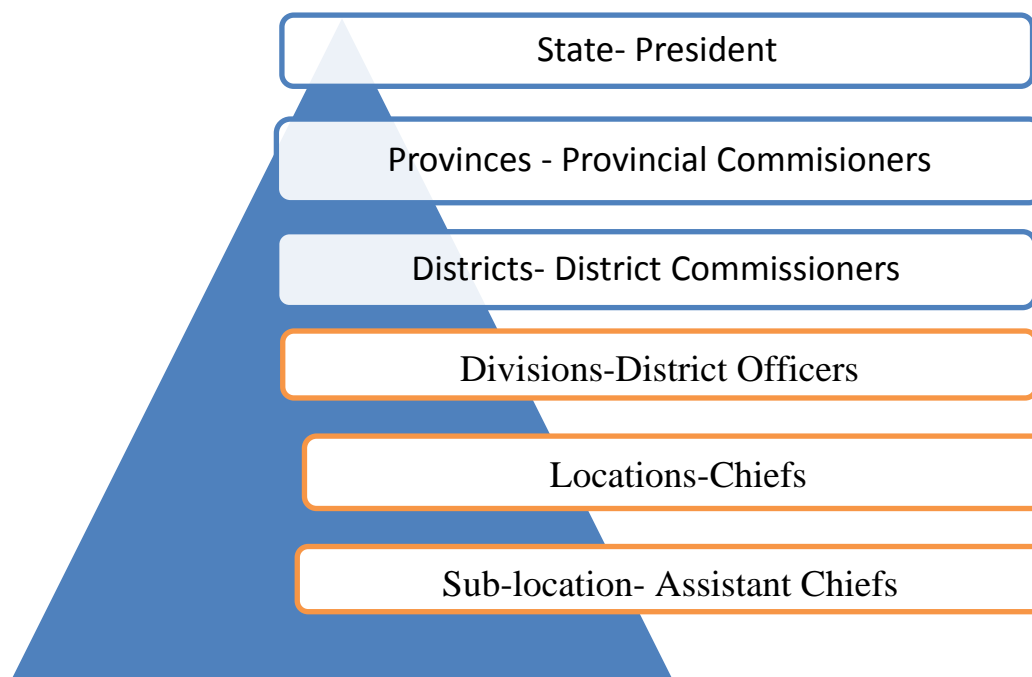
Statements	Mean	Std. Deviation
The reforms had a substantial impact in transforming the institution of provincial administration	4.18	0.69
In devolved system the chiefs' office was the most improved in terms of service delivery despite that over 70% of civil disputes being arbitrated by provincial administration each year	4.15	0.60
Under devolved structure there is increased coordination and efficiency national government service delivery.	3.89	0.64
The national government's system of provincial administration will have to be reorganized so that its functions do not overlap with those of the county governments.	3.84	0.64
There is no framework stating how the security structures at the lower levels should exchange information and collaborate	3.74	0.73
Provincial administration under devolved system promotes social and economic development and the provision of appropriate, easily accessible services throughout Kenya.	3.90	0.59
Under devolved system, provincial administration is merely a change of titles but retention of functions	4.16	0.77
Under devolved system, the provincial administration provincial commissioners, district commissioners, district officers, chiefs and sub-chiefs have become an extension of the national government	3.76	0.68
Under the devolved structure, the chain of command is simple, less complex and non-confusing contrasted to the former provincial administration	4.08	0.67
Provincial administration has been accused of being the face of repression, corruption and dictatorship	4.06	0.68
Under devolved system, provincial administration foster national unity by recognizing diversity	3.87	0.73
Under devolved system, provincial administration promotes democratic and accountable exercise of power.	3.91	0.56
Under devolved system, provincial administration foster national unity by recognising diversity	4.01	0.69
Pa under devolved system share state functions within the county as the president may from time to time assign on the basis of mutual consultations.	3.69	0.62
Under devolved system, provincial administration recognize the right of communities to manage their own affairs and to further their development	4.12	0.66

#### 4.3.1: Institutional Transformation

From the research findings majority of the respondent's agreed that the reforms had a substantial impact in transforming the institution of provincial administration ( $M = 4.18$   $SD = 0.69$ ).

This was interpreted to imply that, the National Government Administration had worked its composition and structure to align it with the National Government coordination Act 2012. This is in agreement with Bagaka, (2011) that for devolution to take root, the composition and structure of the National Government Administration had to align with the devolved system of

government according to the chapter eleven of the Constitution. These findings also concur with Mwenda (2010), arguments that the devolution system structure and composition would align all government service deliverables to the system where the National Government Administrators would similarly adhere.



**Figure 4.1: National Government Administrative Structure; Units and Composition Pre-Devolution.**

Figure 4.1: Shows the provincial administrative structure pre-devolution which was highly centralised as compared to table 4.6.

**Table 4.6: The Kenya Administrative structures as per the County Government Act, 2012**

	National Government	Administrative Unit	County Government
1	President	State	N/A
2	Regional Coordinator	Region	N/A
3	County Commissioner	County	Governor
4	Deputy County Commissioner	Sub-county	Sub-county Administrator
5	Assistant County Commissioner	Ward	Ward Administrator
6	Chief	Location	N/A
7	Assistant chief	Sub-location	N/A
8	N/A	Village	Village Administrator

Table 4.6 shows the administrative structure as per devolved structures.



The study found out that, the structure of Provincial Administration has been changed from the highly centralised structure which was cascading from the state to Province to Regions to Districts to Division to Location and Sub-Location then villages; to a more Decentralised structure cascading from the Region to County to Sub-County to Ward to location and Sub-Location. This has similarly seen the scrapping of the Provinces and divisions.

The study found out that the composition in-terms of sectors and departments had been highly changed. This was owing to the fact that the implementation of schedule four ensured that the previously National Government Functions earmarked for devolution had to be moved to the County government. According to the transitional authority it was paramount to move the functions to County governments to build the structures and empower the county service delivery mechanisms.

This study found out that among the fifteen devolved functions which are:- Agriculture, county health services, control of public pollution and nuisance, cultural activities, county transport, animal control and welfare, trade development and welfare, county planning and development, pre-primary education and vocational training, implementation of specific national government policies on natural resources and environmental conservation, county public works and services, fire fighting services and disaster management control of drugs and pornography, and ensuring and coordination of local public participation (fourth schedule of the Kenya Constitution).

Out of the fourteen (14) functions and powers of the county government, only ten (10) were operational in the Nairobi City County and majority of them have not been devolved to service

points, this scenario reflect accordingly, in others counties. Those devolved comprise of; Agriculture, health services, cultural activities, public pollution and nuisance control, and ensuring and coordination of local public participation, control of drugs and pornography, pre-primary education and vocational training animal control and welfare.

These findings concur with the study findings by De Guzman and Reforma (2013) duplication seems to be native in a majority of agencies; there exist parallel workforce of the different national departments operating together with the various county government departments.

A respondent noted that;

*“Reliance on the fourth schedule alone as the basis the boundaries of responsibility between the national and county governments in matters pertaining to the division of functions might prove futile therefore there is a need to work through cooperative government and intergovernmental relations”*

#### **4.3.2: Change of tittle**

The research established that, under devolved system, provincial administration is merely a change of titles but retention of functions (M =4.16 SD =0.77).

The study established that the Composition had not been greatly varied only the names have been changed. The formerly Provincial commissioners have been differed to pave way for Regional commissioner, the County Commissioner have come in to head the Counties, District Commissioners have been replaced by the Deputy-County Commissioners heading the Sub-counties, while the District officers have been replace with the Assistant-County Commissioner in the wards. However, the Chiefs and the Assistant-Chiefs have been retained as they were formerly heading the location and the sub-location respectively.

However, the study found out that the Assistant-County Commissioners are yet to move their operations in to Ward but still holding unto the former structure by operating at divisional level. Thereby, this negates the spirit of devolution held by provision of public goods being bestowed to the lowest level of governance and hence the structural adjustment through devolution not yet achieved as expected. A respondent noted that;

*“While there are a lot of prospects in the success of devolution, there is equal measure of threats to this success. For devolution to be successful there is need for an all-inclusive consultation and the political and public good will to embrace change and institutional reforms”*

#### **4.3.3: Administrative unit performance**

Under devolved system the office of the chief was the most improved in terms of service delivery despite that over 70% of civil disputes being arbitrated by provincial administration each year (M = 4.15 SD =0.60).

According to one responded this performance has been forced on ground due to resistance.

*“When resistance to devolution occurred, majority of the residents did not know what to do and thereby visited the chiefs’ offices for advice and direction. Resistance to devolution has been evident mainly in the devolved staff example in the health department who felt insecure working with counties and did not supporting the devolution of health services. Implementation of devolution has been slowed down by resistance through court cases and other legal suits which create confusion and hence the public consulting the former known offices; chiefs offices”.*

These offices have been noted to have close working relationships majorly for the officers at service point that is; sub-county and wards. This thereby concur with Bagaka (2011) where he argues that Kenya’s devolution is limited with national government to retain most of its roles and provide leadership as the intergovernmental agency during the transition period. This he

argues is the cooperation and relationships as envisaged in chapter eleven part five articles one hundred and ninety of the Constitutions and thereby the Provincial Administration would also offer leadership and continuity in case a county is suspended by the president.

#### **4.3.4 Community/ Public Participation**

The study established that under devolved system of government, provincial administration acknowledge the ability of communities to take charge of their own affairs and to advance their development (M = 4.12 SD =0.66).

The constitution in its Fourth Schedule appropriate the county governments the responsibility of ensuring that communities participate in public policy. (The County Governments Act, 2012 Section 3(f) Section 87)

One respondent reported that;

*“Although the law guarantees public participation, the level of citizen involvement at both levels has not been optimised. There continues to be a gap between the provisions of the law and actual practice. This is largely due to lack of understanding of the principles of public participation or entrenched self-interest.”*

The findings also revealed that public participation policies are either lacking or are shaky and ineffective in supporting meaningful public participation.

A respondent noted that

*“it’s sad to note that public participation forums by the county has been just away of fulfilling the law requirement but not to get actual interaction with the residents for its indented*

*purpose, owing to its timing and mode of communication its clear it's just that; fulfilling the requirement"*

#### **4.3.5 Chain of Command.**

The study established that under the devolved structure, the chain of command is simple, less complex and non-confusing contrasted to the former provincial administration (M = 4.08 SD =0.67). Provincial administration has been previously profiled as a hand of suppression, and corruption (M = 4.06 SD =0.68) while under devolved system, it's seen to foster national unity by recognising diversity (M = 4.01 SD =0.69). Under devolved system, provincial administration promotes democratic and accountable exercise of power. (M =3.91 SD =0.56) and that provincial administration under devolved system promotes socio-economic development and offer appropriate, simply reachable services throughout the country (M = 3.90 SD =0.59) these findings concurs with the research findings by Iavorskyi, (2013) contends that ideal organizational structure is a recipe for superior performance.

Further the findings revealed that under devolved structure there is increased coordination and efficiency in the delivery of national government services diversity (M = 3.89 SD =0.64), Under devolved system, provincial administration foster national unity by recognizing diversity (M = 3.87 SD =0.73), the national government's system of provincial administration will have to be reorganized so that its functions do not overlap with those of the county governments (M =3.84 SD =0.64), under devolved system, the provincial administration provincial commissioners, district commissioners, district officers, chiefs and sub-chiefs had become an extension of the national government (M =3.76 SD =0.68), there is no framework stating how the security structures at the lower levels should exchange information and collaborate(M =3.74 SD =0.73),

Provincial Administration under devolved system share state functions within the county as the president may from time to time assign on the basis of mutual consultations. (M = 3.69 SD =0.62) These findings are in support of the research findings by Kotter (2010); which confirm significant relationship between organizational structure and corporate performance. Further under Article 233 of the Constitution establishes the Public Service Commission to administer the public service at national level. Section 57 of the County Governments Act 2012 establishes County Public Service Boards in each county. The functions of the Commission and Boards at the respective levels are to create and manage an efficient system of public service delivery.

Further, the commission and the Boards are completely independent of each other except as provided in Article 234(i) where the Public Service Commission can hear and determine appeals in respect of county governments' public service.

A respondent is reported to have noted that;

*“There are still instances of duplication of roles between the national and county Government. Given the high degree of concurrency in the division of powers, the close fiscal ties, and the extent of national supervision over county governments, skills improvement among the two Level of government is level is critical”*

#### **4.4 Functions Clarity between National and County Administrators in Respect with Devolved government System**

On the second objective which was to examine the extent to which functions of both County and National government administrators are interlinked, participants were required to indicate whether there are conflicts witnessed between the national and county government administrators at various managerial levels.

**Table 4.7: Bureaucracy and role conflict between national and county government**

	Frequency	Percentage
Yes	264	74.8
No	89	25.2
Total	353	100.0

The larger percentage of the respondents (74.8%) held the view that there are many overriding roles between the national and county government whereas 25% were of the contrary view. This shows that there are conflicts on functions witnessed between the national and county government administrators at various managerial levels.

Respondents were required to specify their extent of agreement with the following statements that sought to establish the extent to which roles and powers of both county and National government administrators are interlinked.

**Table 4.8: Role Clarity between National and County Administrators**

Statements	Mean	Std. Deviation
Most counties are yet to define their devolved functions	3.82	0.86
No visible demarcation of the functions upon which the national and county governments should unanimously deliver on their roles.	4.05	0.77
There is no set model of determining disasters responses by the either level of government	3.87	0.72
Resource allocation has been Inequitable in the national and county governments	4.13	0.78
There is confusion in health care functions especially ambulances and maternity management	4.08	0.66
Maintenance of secondary roads presents a concern due to role overlap between the ministry Transport and the county public works	3.68	0.72
Unbundling especially in procurement process and subsequent costing was not effectively	3.82	0.77
To fight crime at the grassroots, top county security chiefs to work in harmony with the governor for the common good of the citizens	4.12	0.59
There should be links between these offices to facilitate exchange of intelligence and vital information	4.21	0.58
There are tensions between governors and the county commissioners	3.84	0.62
The functions of the county security team should be clearly described	3.78	0.70

#### **4.4.1 Links and boundaries between the two levels Governments**

From the research findings majority of the respondent's agreed that there should be links between these offices to facilitate exchange of intelligence and vital information (M = 4.21 SD = 0.58). The study however, found out that resources were being unequally allocated between the two levels of government (M = 4.13 SD =0.78). The study established that to fight crime at the grassroots, top county security chiefs to work in harmony with the governor for the common good of the citizens (M = 4.12 SD = 0.59).

A respondent reported that;

*“Formerly, the provincial administration aided in coordinating inter-ministerial duties, manage the relationship between the national and county councils governments, and monitor the implementation of national policies and utilisation of funds. But, the focus now should be on service provision, downward accountability, and advance public interest rather than self or regime interests, stay above inter- and intra-governmental conflicts, to remain relevant.”*

Another respondent however argued that;

*“County commissioners are agents of recentralizing power and recreating imperial presidency. They are creating a costly parallel system of government at the county. Only the democratically elected self-governance system with Governor exercising executive authority and sovereign will of the people is constitutionally recognized.”*

Further it was noted that;

*“Through devolution the public has also enjoyed quality security this coming from collaboration between the county and national government however the interviewees expressing*



*their concerns on how land issues, ethnicity and corruption are being addressed under devolved system.”*

Drawing from these reports given, it's evident that majority of the interviewees were of the opinion that devolution is the way to go.

#### **4.3.4 Roles interlinkages**

There is confusion in health care functions especially ambulances and maternity management (M = 4.08 SD = 0.66) These findings agree with the study findings by Ayee, (2017), Restructuring the various government units to reflect provision of the constitution in particular this envisaged restructuring of the provincial administration has been a tall order.

Interviewees reported the county governments are trying to improve most of the previously left out health facilities into institutions that are able to handle most health challenges.

A respondent reportedly noted;

*“Through partnerships with the national government, the counties have been able to install medical equipment that has made it possible for people to undergo treatment such as dialysis and chemotherapy at county referrals hospitals easing pressure from the national referrals hospitals such as Kenyatta Hospital and the Moi Teaching and Referral Hospital.”*

Another respondent reported that,

*“Some of the expensive screenings such as cancer diagnosis that could only be done at Kenyatta hospital before devolution are current being undertaken at local health care facilities like mama Lucy Hospital and Mbagathi”*

The study established that most counties were yet to define their devolved functions (M = 4.05 SD = 0.77) and that there are no set model of determining disasters responses by the either level of government (M = 3.87 SD =0.72). There are tensions between governors and the county commissioners (M = 3.84 SD =0.62),

Provincial Administration under a new constitutional order is critical in providing a management system for intergovernmental connection on matters of policy crosscutting through several counties. A respondent noted that;

*“For example, policies and interventions on such issues as national population census, crude oil pipeline, wildlife, drug trafficking or security-related issues which transcend county boundaries, and which will require coordination between several counties. As inter-ministerial liaisons, Central Government Administrators will be instrumental in persuading central government ministries to delegate and devolve direct service provision functions to county government bureaucracies for execution.”*

The study established that even though decentralization has recorded improved governance and service delivery in Kenya, it has not been without its challenges. One respondent noted;

*“For instance, some central government ministries and bureaucrats have refused to decentralize their functions and the attendant financial resources for fear of losing influence. In addition, most all ministries have maintained an active hand in service delivery as well as policy formulation and guidance instead of delegating the former. It has been observed that successful implementation of decentralization hinges on the support and commitment of central government bureaucrats. In Kenya this support appears to be lackadaisical. The experience here has shown*

*the need for central government administrators to participate in the continual building of administrative structures at the local level.”*

#### **4.4.3 Demarcation and Understanding of Devolved Functions.**

There is no visible demarcation of the functions upon which the national and county governments should unanimously deliver on their roles. (M = 3.82 SD =0.86). These findings accede to the study findings by White and Smoke (2005), who notes by the Constitution allowing national and counties to initiate devolved projects has brought about the ambiguity in the allocating of functions between the two levels.

Interviewees were required to indicate their understanding on devolution. Opinions gathered from interviewees presented varied interpretation of devolution and that of provincial administration. For instance some respondents reported that;

*“Devolution is the transfer or delegation of power and authority to a lower level public authority, adding that devolution should be founded on the ideas of accountability and legitimacy, theory of representation, understanding the social context, and increasing the national responsiveness to the specific national issues.”*

However on contrary one of the respondents reported that,

*“Devolution is categorisation; people into their immediate ethnic communities with a motive of letting them decide how best they wish to govern their own affairs “*

Meaning of provincial administration as per the respondents varied as follows; one respondent noted;

*” it’s a structure that national government uses to communicate and implement its strategies or policies at the grass root level”.*

While another respondent argued;

*“It is a system that was meant to cease from existence within the first two years after allowing devolved structure to take place, it should have gone with the transitional Authority”.*

Drawing from these results it's evident that considerable number of interviewees had satisfactory interpretation and meaning of devolution and provincial administration.

The Inter-Governmental Relation Act 2012 calls for initiation of intergovernmental sector forums on shared function by the national and county governments. However, lack of administrative procedures, enforcement mechanism and the fact that the decisions of the forums are not binding have held this provision at bay. The Act's provision for the Intergovernmental Relations Technical Committee is yet to be operationalized thereby defeating its effectiveness in discharging its mandate.

Further the findings revealed that the functions of the county security team should be clearly described ( $m = 3.78$   $SD = 0.70$ ) and Maintenance of secondary roads presents a concern due to role overlap between the ministry Transport and the county public works ( $M = 3.68$   $SD = 0.72$ ). These findings concurs with Padilla (2012), to function efficiently, administrations must be attributed by a well-defined chain of command, specialization, job description,, work ethics,, team relations, and employee selection, and promotion on merit.

The two levels of government are distinct and interdependent and should relate through consultation and cooperation. (Kenya Constitution 2010, Articles 6(2) and 189). Therefore the two levels are expected to exercise their functions without jeopardising each other. The Intergovernmental Relations Act, 2012 has spelt out the legal and institutional framework upon

which the two levels of government shall consult, cooperate and resolve disputes. The Act has provided for three bodies upon which its mandate will be fulfilled: These bodies include; the National and County Government Coordinating Summit, the Intergovernmental Relations Technical Committee and the Council of County Governors.

**Table 4.9 Intergovernmental Relations Bodies**

S/N	Intergovernmental relations body	Composition	Leader
1	National and county government coordinating summit	The president and the 47 county governors	The president chairs the summit.
2	Intergovernmental relations technical committee	The chairman who is an appointee of the summit, not more than eight members appointed by the summit and the principle secretary of state for devolution	The chairman appointed by the summit, (currently the deputy president is the chairperson.)
3	Council of county governors	The 47 county governors	Competitive elected chairperson amongst the members.
4	Joint committees	This can be initiated by either government for a special need	Appointed by the respective initiating government

Table 4.9 above show the already existing intergovernmental relations bodies. The research found out however they only handle issues of national level with the national government taking an upper arm in leadership. One respondent argued that;

*“This compromise the spirit of devolution as the joint committees’ terms of reference is not documented and their impact is needed at the lower levels which are also the service delivery points”.*

The Public Finance Management Act, 2012 has established the Intergovernmental Budget and Economic Council. This is the place for the two levels of government to interact in fiscal consultation and cooperation. A respondent noted that;

*“Cooperation and Intergovernmental relations may involve a wide array of institutional processes ranging from phone calls between civil servants to inter-ministerial meetings, from the creation of joint bodies to the creation of a variety of consultation mechanisms for purposes of deliberations on various aspects of government responsibilities and their delivery.”*

#### **4.5 Challenges faced in the implementation of Schedule Four of the constitution**

The study sought to establish whether there were any challenges encountered in the implementation of Schedule Four of the constitution.

**Table 4.10: Challenges faced in the operationalization of Schedule Four of the constitution**

	Frequency	Percentage
Yes	257	72.8
No	96	27.2
Total	353	100.0

Majority of the respondent’s (72.8%) agreed that there are challenges faced in the operationalization of schedule four of the constitution whereas 27.2% of the respondents were of the contrary opinion. This implies that are challenges faced in the operationalization of Schedule four of the constitution.

The study sought to determine the extent to which these challenges affected the operationalization of Schedule Four of the constitution.

**Table 4.11: Extent to which challenges affected the operationalization of Schedule Four of the constitution**

	Frequency	Percentage
Moderate extent	97	27.5
To a great extent	107	30.3
To a Very great extent	149	42.2
Total	353	100.0

From the findings, most of the respondent's (42.2%) indicated that challenges affected the operationalization of schedule four of the constitution greatly, 30.3% of the respondent's indicated to a great extent whereas 27.5% of the respondent's indicated to a moderate extent. This implies that challenges affected the operationalization of Schedule Four of the constitution to a very great extent.

This is in line with the findings of Solonka, (2015) which established that the new administrative structure is facing lots of challenges in adjusting to devolution law as envisaged in the Kenya Constitution 2010. The study sought to determine the extent to respondent's agreed with the following statements that seek to establish the challenges faced in the operationalization of schedule four of the constitution.

**Table 4.12: Challenges faced in the Operationalization of Schedule Four of the constitution**

	Mean	Std. Deviation
All powers provided in schedule four of the constitution should be transferred at once	3.86	0.77
Many county governments, lack the capacity to absorb all such powers within such a short term	4.01	0.80
County governments have less financial resources and authority to ensure equal distribution of power	3.85	0.77
County governments are gaining in authority, powers and legitimacy and become more prominent in driving local economic development	3.90	0.72
Administrative and bureaucratic culture complicates the devolution process	4.12	0.68
Budgetary bottlenecks have crippled many of the counties thereby affecting many of the plans they had to increase investments on security.	3.82	0.79
The presidency and administrative bureaucracy use welfare and security of the people as an excuse to revoke the rule of law and administrative justice	3.75	0.81
lack of audit reports for infrastructures, assets and liabilities inherited from former local councils	3.84	0.73
understanding of main concerns of devolution was a source of mistrust between stakeholders with some, especially the minority political party coalition, foreseeing that the national government is working to short change devolution	4.09	0.67
Kenya currently lacks trained and experienced legislative drafters, fiscal and economic planning experts for effective operationalization of schedule four of the constitution	3.89	0.64
Failure to appoint members to key institutions and commissions remains a key concern for effective operationalization of schedule four of the constitution.	3.90	0.70
The 15% of national revenue allocation to counties is not sufficient to enable counties to discharge all their duties effectively	4.25	0.60

#### 4.5.1 National Revenue Allocation

From the research findings majority of the respondent's agreed that the 15% of national revenue allocation to counties is not sufficient to enable counties to carry out all their duties effectively (M = 4.25 SD =0.60), and that county governments are gaining in authority, powers and legitimacy and become more prominent in driving local economic development (M = 3.90 SD =0.72).

The Spirit of devolution in Kenya is on cooperation and interlinkages, however, on some matters the National Government has an upper arm on county matters. It's in this regard that this study realised that the National Government financing to counties in its operations impedes the operation of county functions. A respondent had this to comment.

*“The funding formula in its self was based on the historically assumed marginalised regions in terms of infrastructural development. This formula neglects the social marginalization of the City slums and the demographic level within the city. Thereby, the public finance county funding formula was geared to favour the rural areas with vast land stretches and high poverty levels overlooking the urban slum's poverty and congested population and there by disadvantaging the City County Government.”*

A respondent noted that;

*“The fact that county governments are gaining in authority, powers and legitimacy and becoming more prominent in driving local economic development; the national government allocating counties minimum finances as per the constitution with the County's coupled with the inability of the counties to raise sufficient revenue to cushion the difference from the National treasury, is to blame for unmet work plans, industrial go-slows due to unpaid or delay in*



*salaries and allowance payments among other unpleasant trends hindering effective performance of devolved functions.”*

#### **4.5.2 Administrative and Bureaucratic Culture**

The research found out that administrative and red tape culture harden the devolution process (M = 4.12 SD =0.68), which couple by the finding that Kenya currently lacks competed legislative drafters, fiscal and economic planning experts for effective implementation of schedule four of the constitution (M = 3.89 SD =0.64) stand out as major setbacks to the implementation of the schedule four of the constitution.

Strong Administrative cultures which involve organizational capacity for the long term ability of an organization to meet its mission by effectively achieving its objectives through a blend of sound management, strong governance and persistent dedication to attaining and assessing results through an institutional Strategic plan is wanting. According to a respondent;

*“There is need of the county to move from a reactive to a proactive model of operation through establishing best practices and structuring the process through documentation and follow-ups embedded in a development strategic plan and professionalism.”*

The County has a ten years strategic plan – 2015-2025 Nairobi City County Strategic Plan- which was launched by its first Governor under devolution His Excellency Dr. Evan Kidero. The County also as per the Constitution 2010 works out a County Integrated Development plan every five years. These two constitute the blue print on strategic management for the county. However, the achieving of the set goals has always been undermined by lack of entrenched organizational capacity to fore see their implementation.

According to a respondent;

*“Key amongst the lapses in administrative culture is lack of proper institutional control systems and evaluation. Evaluation is properly done by use of well-planned and broken down control systems to enable the county to plan for future while maintaining a connected devolution strategy implementation. The office holders must be in a position to understand and adhere to accountability expectations in terms of resource management, legal obligations, efficiency in operations and eventually effectively attain the institutional goals. It is unfortunate that our county has weak control measures in place to monitor and evaluate its performance and therefore service delivery goals are wanting and mainly below per.”*

Another respondent argued that;

*“This challenge of evaluation has impeded institutional development due to lack of transparency and integrity in County resources management. Culture of mismanagement and rampant corruption is a key feature in the county administration.”*

The county seems to lack a mechanism to implement a well-structured way of developing infrastructure majorly in roads and housing in relation to devolved functions so as to accommodate the devolved offices and staff. Most of the expected office grounds mainly in the ward have no offices at all and others have not even a public space where offices can be erected hence the officers continue to operate at the Sub-County level of former divisional offices. Even with the strategic plan its prioritization is wanting and thereby implementation still unattainable. On the same note, the study established that the National Government equalization formula for infrastructure and social services in rural and marginalised areas has overlooked the need for new offices and housing establishment.

### 4.5.3 Capacity to Absorb Devolution Functions

The research found out that the counties lack the capability to contain such powers within short time (M = 4.01 SD= 0.80), was a challenge to operationalize the scheduled four of the constitution. This was a felt challenge as the research brought in the light that it was the public's wish to have all functions stipulated in schedule four be devolved at once (M = 3.86 SD =0.77). These findings agree with De Guzman and Reforma (2017) overlapping seems to be endemic in most departments adding that there are field personnel of the national government ministries operating parallel to those of counties.

A respondent argued that;

*“Devolution is becoming costly due to lack of capacity as well as piece meal functions transfer”*

The study respondents affirmed that scarcity and insufficiency in terms of both human and infrastructural resources was a major challenge in implementing devolution in the country.

A respondent argued;

*“The National government same as the devolved government lacked required resources to conform to the expected restructuring of the devolved system as per the Constitution. Cascading of resources and information to Ward level (service points), has been a challenge and a serious impediment to devolution in Nairobi County.”*

These findings are in line with Mwenda (2010), who argues devolving resources and information to the point of service delivery is very key, though it has been overlooked by most of the counties. Mulwa & Wekuyi (2010) hold a similar opinion and adds that information needed for decision making is at times lacking when needed.

This is in line with O'Brien, et al (2003), who established that Counties lack a human resource policy leading to poor labour distribution and lack of competency development. According to them, Counties have less professional staff compared to sub-staff at the ratio of 1:4. This brings about the challenge of evaluation and capacity to strategize and implement the strategic goals. Mulwa &Wekuyi (2010) concur with this and argue that the challenge of quality and properly distributed human resource make it hard to allocate and manage the service delivery process to the satisfaction of devolution expectations.

The study revealed that the County lack a human Resource policy with structured working relationships. Human Resource Policy in the County to determine the human resource engagement and skills development is necessary for productivity and success in the work place.

One respondent noted that;

*“How human resource in an establishment is managed from recruitment, maintenance, development and disengagement imparts a lot on relationships at workplace and nature of desired output produced in terms of service delivery. This is evident in several ways for instance; accommodation of devolved staff from National Government devolved departments, those of the defunct Nairobi City Council and the new employees recruited to fill in the constitutional structure of devolved system has proved a major challenge. Lack of a structured human resource transfer policy has resulted to work duplication; salary discrepancies, work ethics and related problems culminating to poor service delivery, labour go slows and wage ballooning. Staff capacity building to match staffing need being done haphazardly and not under any established human resource policy.”*

Another respondent reported that;

*“Expertise as a resource is wanting. Majority of county staff are not experts; the county is starved as far as skills and knowledge to distinguish staff for professional undertakings is concerned”* This is in line with Mulwa & Wekhuyi, (2010) whose finding was that even with resources the county’s lack of expert capacity to utilise the resources still remain a challenge to service delivery.

*“The financial shortfall and fear of escalating wage bill has hard hit the county making it not able to hire experts who would qualify in implementing devolution effectively”*, concluded a county staff amongst the responded. This is in line with the findings of Bagaka & Kobia (2013) that Kenya’s devolution was a “big bang” which didn’t factor in the implementers professional capabilities or the National Government culture change preparedness.

Interviewees reportedly argued that all functions provided in Schedule four be devolved concurrently. One respondent was noted to argue that;

*“This demand is partly driven by belief on the part of county governments that officials of the national government and local government structures being phased out remain resentful of the invasion of their previous scope of authority. The reality on the ground is contrary as many county governments, if not all, lack the capacity to absorb all such powers within such a short term. However, the general success of functions transfer largely boils down to legal and institutional design on one hand and prevailing politics on the other hand and goodwill between the actors. When these two elements are aligned, then the process of transferring functions is set on a path of success and is also technically sound, politically feasible and socially acceptable. Ideal function transfers should be viewed as a policy dialogue that may yield fruits with respect to broader devolution decisions or may serve to initiate some learning opportunities through*

*piloting (by sector or service function all in a process that builds capacity, clarity in the vision of decentralization, and confidence in the benefits to be gained”*

#### **4.5.4 Stakeholder Mistrusts**

The study established that lack of understanding of main concerns of devolution was a source of mistrust between stakeholders with some, especially the minority political party coalition, foreseeing that the national government is working to short change devolution (M = 4.09 SD =0.67).

This is in line with De Toni & Tonchia (2003), who established that proper communication channels which involve the end-users strategically facilitate the coordination of County functions and improve quality and efficiency in service delivery; however, for most of the organizations this is not the case and County governments are not an exception.

This study’s respondents were in agreement that, Nairobi City County as any other organisation has its share of stakeholders whose interest will be imparted or impart the strategies and programmes of the City. These stake holders thereby are interested in ensuring that the policies will be in a position to shape the City towards there benefiting culminating to attaining of their objectives. A respondent argued that;

*“The National Government is the leading stakeholder owing to its responsibility of resource allocation and distribution as per the constitution. The national government comes in in form of agencies, ministries and departments which impart the working of the county in different but significant manner. The National government also played and continue to play a significant role in the County’s determination of the governance strategy as all other policies must be*

*aligned to the Kenya Vision 2030. The national government also offers checks and balances for the county to ensure accountability in resource management.”*

In concurrence another respondent noted that;

*“The citizens in terms of investors, residents and those who are working in the City came in as key stakeholders. Citizens as residents of the county, tax payers, nongovernmental organization, private sector or labour organisations with an interest with the governance. The functioning of the county is geared towards improving the conditions for enhancing their livelihoods. Every development undertaken by the Nairobi County government has the objective to satisfy the citizens’ expectation and for them to be informed and made to understand devolution is paramount”*

Another respondent reported that;

*“The constitution as stipulated in article ten (National values); dictate that in all matters on policy; the public must be involved so as to be part of making decisions. The reality is however unfortunate; devolution information and understanding is scarce amongst majority of the public. Information sharing and channels of communication are not fully devolved hence hindering effective and efficiency in sharing ideas and information. There is evident poor Public participation in governance and high level of public ignorance on matters of governance, Public turn up for decision making is very low and in most cases negligible hence, most of the legislations end up being non inclusive and non-consultative legislations. This has resulted to the Public, out of ignorance expecting too much from the devolved units causing anxiety and conflict with the leaders”*

The constitution grants all citizens the right to access public information. Article 35 (3) provides for the government to publish and publicise all important information on the State. The County Government Act Section 93-96 calls for county government to initiate a mechanism and facilitate public communication and access to information in the form of media with the widest public outreach in the county. However, access to public information still persists to be a challenge and a source of mistrust.

Other key stakeholders are members of the Nairobi City County Assembly and county employees though they constitute the county. The county employees are a major resource to the county in terms of skills, experience, accrued resource and relationship.

Further the findings revealed that County governments have less financial resources and authority to ensure equal distribution of power ( $M = 3.85$   $SD = 0.77$ ), lack of audit reports for infrastructures, assets and liabilities inherited from former local councils by many county governments ( $M = 3.84$   $SD = 0.73$ ), budgetary bottlenecks have crippled many of the counties thereby affecting many of the plans they had to increase investments on security ( $M = 3.82$   $SD = 0.79$ ) and that the presidency and administrative bureaucracy use welfare and security of the people as an excuse to revoke the rule of law and administrative justice ( $M = 3.75$   $SD = 0.81$ ). These findings concur with the research findings by Ponce (1994) endorse that national agencies hold a technical responsibility in facilitating the functioning of county governments. These similarly support the research findings by Reforma (1993) that duality of government service is viewed as the performance of the similar responsibilities by the two levels of governments' field offices simultaneously.

A respondent argued that;



*“Under the 2010 Constitution, PAs will have to learn how to navigate the complex intergovernmental relations between the national and county governments. As intergovernmental and inter-ministerial liaisons adding that the future Central Government Administrators are instrumental in supervising the delegation and devolution of services from the central government bureaucracy to county governments’ bureaucracies as required by law.”*

## **CHAPTER FIVE: SUMMARY CONCLUSION AND RECOMMENDATIONS**

### **5.0 Introduction**

This chapter provides a summary for the study, the conclusions, recommendations and suggestion for further studies. The purpose of this study was to establish how devolution has shaped the structure and composition of the provincial administration in Kenya, to examine the extent to which roles and powers of both county and national government administrators are interlinked and to identify the challenges faced in the implementation of schedule four of the constitution.

### **5.1 Summary of the Findings**

#### **5.1.1 Effect of Devolution on the Structure of Provincial Administration**

The first objective was to establish how devolution had shaped the structure and composition of the Provincial Administration in Kenya. The study found out that in Nairobi County there was adoption of the new Name “National Government Administrative Officers” and the filling in of the composition of the structure at the top. However, the structure had not yet being cascaded to lower levels to conform to the devolved system of governance and the stipulations of the National Government Coordination Act 2013.

Aligning the structure will allow resources to be cascaded through the devolution administrative structure to the point of service delivery (wards). This will similarly ensure priority based allocation and efficiency utilization of the resources coupled with expenditure control and fiscal discipline.

### **5.1.2 Function Clarity between National and County Administrators**

In line with the second objective, this study revealed that it is a constitutional demand that the two levels of government though be distinct, they must operate in cooperation and consideration of each other in the performance of their functions. However, the mode of reorganisation that the National Government adopts in restructuring provincial administration will have great impact on how the two levels will relate. It may not be obvious that an administration that has operated since independence would be open to a radical change as the constitution perceives. This indeed has been a threat in reality on the implementation of devolution and the reaping of the benefits thereof. It should be noted that for decades, the performance of government authority on delivery on public goods and services had been greatly exercised at the centre. The resultant consequence is creation of pro status quo forces that are now being keen to cripple devolution whilst retaining resources with national government.

This study further established that role differentiation as per schedule four of the Constitution was not clearly visible at the service delivery point. Therefore, government administrators both in the National and county Governments should uphold their pivotal role in specifying and education the public on the functions and performance expectations of the different government offices, departments and agencies which they coordinate and supervise. There is need to forge for a strategic approach to enhance the capacity to design and execute intergovernmental issues by devising a long-term solutions for complex expectations. This will uphold good governance.

### **5.1.3 Challenges Faced in the implementation of Schedule Four of the Constitution**

On its third objective, the study identified several challenges hindering proper working and implementation of the devolved system. This include; lack of human resource management

policy, low funding and revenue allocation, lack of infrastructure development, political interferences and intergovernmental mistrust, poor information sharing and public participation, top management reluctant to embrace devolution among others.

Thereby, envisaged the need for Human resource management policy with measures to ensure accountability through legislation and holding agents to account for meeting or not meeting standards and expectations. This will increase trust in the system, better working standards, service delivery and innovation, and curb loop holes for corruption and mismanagement. The Human resource policy must identify strengths and competencies and build capacity of the staff majorly on the functions of County government and inter-linkages with the National Government.

There is similarly need for the principle of public participation to be fully embraced to ensure the utility of the end users and other legitimate stakeholders. The government should increase the public sense of responsibility and ownership by enhancing self-imposed management and sustainability. Information management would assist in changing the public attitude in response to governance. The volume and quality of information about disseminated should be effective to curb misinformation and allow for proper public participation and consumer response.

## **5.2 Conclusion**

The retaining of the Provincial Administration in the Kenya Constitution and its former existence experience prove that government is a single enterprise unified and revolving through common purpose, behaviour, and reputation. Therefore, it must be restructured on this basis to ensure all government components and parts are unified along the Devolution structure with similar behaviour, reputation and purpose. It's in this understanding that the outlined structure in the

National Government Coordination Act 2013 (table 4.7), intends to extent the National Government Arm to establish the administrative field units is the point of action as far as the National Government functions are concerned. Therefore, there is need to recognise a potential for cooperation of all functions at lower levels to the new structure in tandem with the Constitution through policy implementation in line with government procedures and general guidelines as laid down in this Act. It's important to note that the cascading of the National Functions to lower levels of service delivery will minimise red tape and dominance by the bureaucracy which was one of the many reasons for Kenyans' overwhelming voted for devolution.

This study concludes structural complexities do arise from the fact that the national government is in a want to maintain the same authority that has been devolved to the lower level government thus subverting devolution. Under devolved structure, the chain of command is simple, less complex and non-confusing contrasted to the former provincial administration which had been accused of being the face of suppression, corruption and authoritarianism. Under devolved system, provincial administration advance national unity by acknowledging diversity and that it promotes participatory and transparent exercise of power.

On role clarity this study concludes that there is overlapping of functions between the national and county governments. Notwithstanding preceding, and identification of the fact that roles should be properly devolved through an institutionalised framework for effectiveness in implementation, there nevertheless exist occasions of duplication between the two levels of Governments. It is regrettable that there are cases, where some national government departments continue unperturbed to carry out constitutionally devolved county functions.

Intergovernmental Relations Act, 2012 stipulates the framework where the two levels of government shall consult, cooperate and resolve disputes in the process of transferring or performing their functions. It's on this basis that the study conclude that some functions that are devolved to the county governments may still to some extent accountable to the national level of organization of government in the sense that the national government can set standards and norms for these functions based on consideration like economic unity.

### **5.3 Recommendations**

This research recommends the need for concerted efforts in creation of awareness on matters devolution through a structured civic education program. This will enlighten members of public on their expectations, roles, operations of devolution and how to be involved in governance decision making. There is need for well-structured channels of government information dissemination and sharing to ensure all are in tandem with the current occurrences able to hold the government to account. A consideration for both internal and external environment when making operational decisions and availing needed information is key to attaining the envisaged devolution.

There is a need to keep the devolution process clear of political interference, corruption and other vices as per the public Ethics Act. Curbing mismanagement will ensure that resources to achieve devolution goals through effective facilitation of equitable allocation for various purposes are well utilized and accounted for with transparency.

The County government should draw a Human Resource Development policy to handle all staff related matters. This should carter for; Skills and competency trainings for all government staff

on good governance, culture change and other relevant technical skills, planning for human resource equipment and materials on need and priority based.

The commission on Revenue allocation to focus on wards as the point of reference in budgeting from Sub-County level as the wards are the points of service delivery. There is need to similarly put control measures in resource utilization to monitor and evaluate equitable allocation, policy and standard compliance and proper oversight roles. The government should strategically link the goals of all sectors to the strategic goal and provide for interlinkages for cooperation and synchronized working relationships towards vision 2030. Proper periodical reviews need be done to identify gaps and seal them.

It is necessary for the two levels of government within the intergovernmental arrangement to first agree on the overall structure of the service delivery mechanism and the general assignment of authority and responsibility over the key inputs that combine to form service provision regarding such sectors. That way, it is easy to discern how specific parts of service delivery should be operationalized and with whom lays such responsibility based on the sector under scrutiny.

Given the high degree of concurrency in the division of powers, the close fiscal ties, and the extent of national supervision over county governments, cooperation among the two Level of government is level is critical. Cooperation and Intergovernmental relations may involve a wide array of institutional processes ranging from phone calls between civil servants to inter-ministerial meetings, from the creation of joint bodies to the creation of a variety of consultation mechanisms for purposes of deliberations on various aspects of government responsibilities and their delivery.

Reliance on the fourth schedule solely as the basis for determining the boundaries of responsibility as between the national and county governments in matters pertaining to the division of functions might back fire therefore there is need to, through cooperative government and intergovernmental relations, enact a national legislation on functions and powers to specify the constitutional assignment of functions and powers to the two levels of government, Fostering of effective intergovernmental relationships that will reduce institutional turfs wars and roles duplication.

There is need to invest in capacity building initiatives that enhance the abilities of both levels of Government to deliver on their policy, legal and functional mandates provided for under the 2010 constitution. Deliberate strategies must be employed for purposes of identifying capacity gaps as well as designing activities that improve capacity performance especially on the part of the county governments.

## **5.5 Areas for Further Research**

Devolution is a topic that scholar need to consider for various research studies due to its wide scope. The study could not be comprehensive on this topic due to time and cost limitations. The study only focused on the selected objectives within the site of study. Therefore there is need to widen the study by including a bigger samples size, widening its scope and other variables not having covered by this study.



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**APPENDICES**

**Appendix I: Introduction Letter**

CYNTHIA M. MUTINDA

P.O BOX 251 – 05500,

NAIROBI

3<sup>RD</sup> March 2019.

Dear Respondent,

Name ..... (Optional)

**RE: INFORMATION FOR ACADEMIC RESEARCH**

The above refers. I am a student of Masters of Public Policy and Administration at Kenyatta University and currently conducting a field research on the Effects of Devolution in the Restructuring of the Provincial Administration in Kenya: Case of Nairobi County. The information will be used strictly only for this study.

Thank you in advance.

Yours faithfully,

**CYNTHIA M. MUTINDA (BA)**

## Appendix II: Research Questionnaire

### Section A: Background Information

1. Indicate your Gender category
  - Male ( )
  - Female ( )
2. Indicate your period of service
  - Less than 3 years ( )
  - 4 to 7 years ( )
  - 8 to 10 years ( )
  - More than 10 years ( )
3. Indicate your highest educational qualifications
  - 8-4-4 ( )
  - Collage/ cert/ diploma ( )
  - Masters ( )
  - PHD ( )

### Section B: Effect of Devolution on Provincial Administration in Kenya Structure

4. Indicate your level of agreement with the following statements that seek to establish how devolution has shaped the structure and composition of the Provincial Administration in Kenya. (Use the following scale 1= Strongly Disagree, 2 =Disagree, 3 = Moderate 4 = Agree 5 Strongly Agree)

Statement	1	2	3	4	5
The reforms had a substantial impact in transforming the institution of Provincial Administration					
Under devolved system the office of the chief was the most improved in terms of service delivery despite that over 70% of civil disputes are arbitrated by Provincial Administration each year					
Under devolved structure there is increased coordination and efficiency in the delivery of national government services					
The national government's system of Provincial Administration will have to be reorganized so that its functions do not overlap with those of the county governments.					
there is no framework stating how the security structures at the lower levels should exchange information and collaborate					
PA Under devolved system promotes social and economic development and the provision of appropriate, easily accessible services throughout Kenya.					
Under devolved system, provincial Administration is merely a change of titles but retention of functions					
Under devolved system, the provincial administration provincial commissioners, district commissioners, district officers, chiefs and sub-chiefs had become an extension of the National Government					
Is the chain of command in the RPA in respect to the national government simple, complex or confusing as contrasted to the former Provincial Administration?					
PA has rightly been accused of being the face of repression, corruption and dictatorship					
To promote democratic and accountable exercise of power.					

Under devolved system, provincial administration foster national unity by recognizing diversity					
Under devolved system, provincial administration promotes democratic and accountable exercise of power.					
Under devolved system, provincial administration foster national unity by recognizing diversity					
PA Under devolved system share State functions within the county as the President may from time to time assign on the basis of mutual consultations.					
Under devolved system, provincial administration recognize the right of communities to manage their own affairs and to further their development					

5. How else does have devolution shaped the structure and composition of the Provincial Administration in Kenya.

.....  
 .....

**Section C: Role Clarity between National and County Administrators in Respect with Devolved government System**

In your opinion are conflicts witnessed between the national and county government administrators at various managerial levels?

Yes ( )  
 No ( )

If yes, elaborate on some of the role conflicts witnessed between the national and county government administrators at various managerial levels

.....  
 .....

6. Indicate your level of agreement with the following statements that seek to establish the extent to which roles and powers of both county and National government administrators are interlinked. (Use the following scale 1= Strongly Disagree, 2 =Disagree, 3 = Moderate 4 = Agree 5 Strongly Agree)

Statement	1	2	3	4	5
Most counties are yet to define their devolved functions					
No visible demarcation of the functions upon which the national and county governments should unanimously deliver on their roles.					
There is no set model of determining disasters responses by the either level of government					
Resource allocation has been Inequitable in the national and county governments					
There is confusion in health care functions especially ambulances and maternity management					
Maintenance of secondary roads presents a concern due to role overlap between the ministry Transport and the county public works					



Unbundling especially in procurement process and subsequent costing was not effectively					
To fight crime at the grassroots, top county security chiefs to work in harmony with the governor for the common good of the citizens					
There should be links between these offices to facilitate exchange of intelligence and vital information					
There are tensions between governors and the county commissioners					
The functions of the county security team should be clearly described					

7. In your opinion, which other roles and powers of both county and National government administrators are interlinked

.....  
 .....

**Section D: Challenges faced in the operationalization of Schedule Four of the constitution**

In your opinion are there any Challenges faced in the operationalization of Schedule Four of the constitution?

Yes ( )

No ( )

If yes to what extent do these challenges affect the operationalization of Schedule Four of the constitution?

- To a Little extent ( )
- To a Low extent ( )
- To a Moderate extent ( )
- To a great extent ( )
- To a Very great extent ( )

8. Indicate your level of agreement with the following statements that seek to establish the Challenges faced in the operationalization of Schedule Four of the constitution. (Use the following scale 1= Strongly Disagree, 2 =Disagree, 3 = Moderate 4 = Agree 5 Strongly Agree)

Statement	1	2	3	4	5
All powers provided in Schedule Four of the Constitution should be transferred at once					
Many county governments, lack the capacity to absorb all such powers within such a short term					
County governments have less financial resources and authority to ensure equal distribution of power					
County governments are gaining in authority, powers and legitimacy and become more prominent in driving local economic development					
administrative and bureaucratic culture complicates the devolution process					
Budgetary challenges have hobbled many of the counties and consequently affected any of the plans they may have had to better invest in security.					
the presidency and administrative bureaucracy use welfare and					

security of the people as an excuse to abrogate the rule of law and administrative justice					
lack of audit reports for structures, assets and liabilities inherited from former local government institutions					
lack of understanding of key issues around devolution is generating a great deal of mistrust between stakeholders with some, especially the minority coalition in both houses of parliament, believing that the national government is seeking to frustrate devolution					
Kenya currently lacks trained and experienced legislative drafters, fiscal and economic planning experts for effective operationalization of Schedule Four of the constitution					
Failure to appoint members to key institutions and Commissions remains a key concern for effective operationalization of Schedule Four of the constitution					
The 15% of National revenue allocated to counties is not be enough to enable counties to discharge all their duties effectively					

9. Indicate some of the challenges faced in the operationalization of Schedule Four of the constitution that are not mentioned above

.....  
.....

**Thank you for your time**

### Appendix III: Interview Guide

1. What's your understanding of devolution  
.....  
.....
2. In your opinion what has been achieved pertaining devolution in Kenya.  
3. ....  
.....
4. What's your understanding of Provincial Administration  
.....  
.....
5. What are the powers and roles of National government and how do they differ with those of the County Government.  
.....  
.....
6. Has the implementation of the county government Act 2012 and the National  
.....  
.....
7. Government Coordination Act 2013 brought about cooperation and distinction in the public service delivery by both levels of government?  
.....  
.....
8. How is the implementation of the schedule four of the constitution influencing the restructuring of the Provincial Administration?  
.....  
.....
9. To what extent are roles and powers of Provincial Administrators interlinked with those of county government administrators?  
.....  
.....
10. What change has been experienced in public service delivery due to devolution?  
.....  
.....
11. What are the challenges faced in implementing devolution in Kenya and how are they influencing the restructuring of the Provincial Administration?  
.....  
.....
12. In your own opinion what is your take as far as the Provincial Administration is concerned the role played by devolution in its restructuring?  
.....  
.....

## **APPENDIX VI: RESEARCH AUTHORITY**

## **APPENDIX V: MAP OF NAIROBI CITY COUNTY**