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PROPOSALS FOR LOCAL GOVERNMENT REFORM IN KENYA

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Introduction

This Discussion Paper originated as a memorandum submitted to the Commission of Inquiry into Local Government. It resulted from several discussions among political scientists and other academics, mostly from the University of East Africa. The authors were helped in their discussions by Robert Chambers, formerly of the East African Staff College; Everett Chard and David Koff, graduate students from the University of California, Berkeley; Eleanor Hummer, Research Student, London School of Economics, and Rev. Andrew Nake, Christian Council of Kenya. We are also indebted to Miss Krishna Sondhi of the Ministry of Local Government and Mr. A.J. Hughes, Ministry of Information, who have helped to keep our feet on the ground at various stages of our discussions, and to Mr. Brack Brown until recently of the Kenya Institute of Administration.

We thought it would be worthwhile to present to the Commission some fairly radical suggestions, based on assumptions about the function of local government which we believed were crucial. We hoped at least to stimulate discussion of some of the fundamental questions raised by the opportunity for local government reform.

Basic Principles

The views expressed in this paper assume certain basic principles which we believe should inform any rethinking of the structure of Local Government:-

- i) Local participation in government is both necessary and desirable, for two reasons:
 - a) efficient government demands some decentralization in the administration of services, in the implementation of development projects, and in the details of planning decisions;

- b) such participation is more likely to stimulate cooperation and understanding in Government development plans.
- ii) The most important function of government at every level is development; the crucial aspect of the dialogue between Central and Local institutions of government will thus concern development.
- iii) The ultimate responsibility for all major decisions, especially the level of services, must remain with the central government. But this should not preclude consultation with local communities.
- iv) Where skilled manpower is in short supply, the choice of governmental structure must be influenced by the need to make the most efficient use of the existing talent.
- v) The benefits of development should be spread fairly throughout the country. But any service financed wholly from local resources must inevitably be unequally distributed between different parts of the country.

The Function of Local Authorities

At present local authorities perform two types of function: they make decisions, and they employ and control staff to implement these decisions and administer services. In the past, local authorities have had the power to make decisions over a wide range of local governmental activities. Given the need for central government in the interest of coherent development planning, to exercise ultimate control over virtually all government activities, the functions of local authorities will have to be radically revised. Although they may continue to administer services, decisions about the distribution and expansion of services will have to be made at the centre since directly or indirectly, the resources of central government will be called upon. Decisions at local level will thus be confined to matters of detail only.

Under present arrangements there are two types of institutions at local level, the representatives of central government departments and the elected local authorities. There are a number of structures connecting the local institutions of government with the centre. Planning demands that these be brought much more closely together. Since it is essential for planning reasons that the central government has the controlling hand in all decision making, one logical possibility would be to abolish the elected authorities altogether. On the other hand to do so would be to abandon the principle of local participation. If the principles of central control and local participation are both to be fulfilled, some compromise is necessary.

Since the needs and circumstances of urban and rural areas are so different, we suggest that each should be the responsibility of a separate Ministry. These ministries would then co-ordinate the activities of local government with the other ministries of central government.

Urban Government

Following the principles set out in our introduction, city government should be at once democratic, efficiently and professionally administered, and closely coordinated with the development plans of central government. At present, local government in Kenya is modelled on the British town clerk system, where an elected council holds legislative and administrative responsibility and the town clerk coordinates the work of the Council and its committees, without statutory authority to ensure that his advice is taken.

While the system is constitutionally democratic, we suggest that it has several drawbacks:

- a) The councillors can over-ride their professional staff, even in day to day decisions where technical knowledge is likely to be more relevant than general issues of policy.
- b) The town clerk has no power to insist upon the coordination of the decisions of the Council's committees.

- c) Where Councillors vary in their command of the language of the Council's debates, their grasp of procedure, and knowledge of technical questions, a minority of the Council may have disproportionate influence.
- d) The involvement of councillors in day-to-day administration leaves them little time to keep in touch with their constituents, and the Council may become isolated from public opinion.

We wonder, then whether the present system will always ensure that the Council's decisions reflect the majority interests, or that professional informed advice will be given enough weight.

We believe the alternative of a city manager system deserves very serious consideration. The Council would then be responsible for general policy, bye-laws, the adoption of the budget, and the appointment and dismissal of the City Manager. The Manager, responsible to the Council for his actions and those of his officers, would have authority to appoint, dismiss and discipline all officers of the city government, and organize the administrative structure. He would prepare the budget for the Council's approval, and be solely responsible for relationships between the Council and the departments so avoiding confusion and interference by individual Councillors.*

A more professional administrative structure will not in itself meet the need for urban development planning integrated with national targets. The social, economic and physical planning of a city like Nairobi cannot be undertaken apart from the development of its metropolitan area, and indeed the growth in population and economic opportunities of the nation as a whole. The City Council itself does not have the resources, nor the breadth of jurisdiction, to take on single-handed the development of the nation's capital. Nor, since the future of Nairobi is of concern to all Kenyans, can it be fairly controlled only by the City's

* The City Manager system has been recommended by a United Nations working group as particularly adaptable to the needs of developing countries.

residents. We suggest then, that a development authority for the Nairobi metropolitan area be separately constituted, under an executive director responsible to an independent board under the Mayor's chairmanship, on which local and central government officials and elected members, commercial interests, trade unions, University College, churches, schools, tenants' associations would all be represented. This Authority would work out and execute a comprehensive development for the Nairobi region, deriving the greater part of its funds from central government. We believe that a good deal of responsibility should be delegated to the authority's professional executive director and his staff, since long-term planning must be isolated from immediate political pressures. At the same time, the central government's command of the funds, and the Mayor's position on the authority's board, should ensure that the executive director is ultimately subject to democratic control. The board might be linked with the legislature as the present Senate Committee is.

Such an independently constituted authority is, we suggest, urgently needed if Nairobi is not to be caught unprepared by the physical and social consequences for its own future of national growth. In Mombasa, Nakuru and other major towns the same need of integrated planning could be met, at least for the time being, by the creation of a municipal planning board within the structure of urban government. The board would be constituted from Councillors, senior municipal staff, and representatives of departments of central government, and policies would be guided and executed by a municipal director of planning. Central government should be prepared to meet some of the costs of plans developed by the board which meets its approval, and should be empowered to veto proposals which conflict with national plans.

Smaller urban areas will not need, or have the resources, to create their own planning organization and staff. But we think they should be brought under the supervision of the Ministry of Urban Government and Housing, proposed elsewhere in this memorandum, and be helped by Central Government to prepare development plans, especially in the provision of industrial areas and housing.

In all these suggestions we have been guided by three principles: to ensure that professional knowledge is fully and creatively used, to safeguard democratic control without encumbering efficient administration, and to emphasise integrated development planning. If agencies of executive planning are created now, Kenya may escape the accumulated muddle and congestion which handicap town planning in more urbanized societies. But unless action is taken the problems will become overwhelming and the chance will be lost.

Rural Authorities

Participation in decision-making is especially important in rural areas, if only because the local community must take an active part in carrying out development plans. Apart from agricultural policy, education, transport and health services will also rely in part on self-help and the payment of taxes and fees. Coordinated administration and development of services, and the most efficient and economic use of scarce manpower, are essential if the community's contribution is to be used efficiently.

Coordinated planning means both the horizontal integration of all activities at the local level (i.e. those at present administered by local government and local representatives of central government) and vertical integration of local and national plans. At present there are five sets of structures which plan and administer services at the District level, and provide contact with the centre: the local government system, the administration, specialised departments and their committees, the development planning machinery, and the community development/self-help bodies. These are set out in Figure 1, at the end of this paper.

We feel that the horizontal and vertical coordination of decisions is handicapped by this proliferation of local bodies making decisions and giving advice, and the many chains of command carrying policies and suggestions down from the central government.

The most radical and perhaps the most rational reform would be to replace the existing network of local authorities and advisory bodies by a single, multi-purpose 'planning council' at the District Level, which would confer with the centre in making plans, coordinate and implement them, and run some services locally. It would be connected with central government through the proposed Department of Rural Development alone, with other Government Ministries maintaining advisory contact. Under this arrangement the present administrative officers would become executive officers of the new body, and Provincial Commissioners and their staffs would provide a connecting link to the Centre and be responsible for control, accounting and advice. This structure would replace the present pattern of district administration and local government in Kenya as outlined in Figure 2A.

However, it might be politically more practicable to move gradually towards this kind of system, and maintain for the time being a separate Provincial Administration as well as the comprehensive local government body we propose. This alternative is illustrated, in Figure 2B. But either way, we feel the following considerations should apply:

- i) Whether a separate 'Administration' is retained or not, we would expect that district level officers would progressively become agents of development rather than 'rulers', as the colonial past recedes and development planning is recognized as their crucial concern. This has implications for training of staff. The present training of local government and administrative staff should give way to a school of development administration.
- ii) There should be a single local body - the District Development Council - through which to discuss plans with Central Government. This body would prepare and coordinate plans. And its specialist Committees, would be responsible for implementing these plans, by directly administering some, and by advising technical staff.

Those services whose administration should be directly in the hands of these councils would be most fittingly those closest to the people - i.e. primary education, community development, and some aspects of health and agriculture. Both the finances and staff for these enterprises would be allocated by the Central Government.

- iii) The District Council would combine representatives of the local community with technical full-time staff. With perhaps an elected majority, all district level officials - administrative, educational, agricultural, community development - should be members. Members of Parliament and representatives of key voluntary associations, and political parties, missions and co-operatives should also be represented. It might be argued that this is diluting the democratic principle, but in fact there would be some participation by the elected representatives in all matters effecting the area, instead of in a limited number of local services as at present.

Self-help and community development call for active participation by the community at a level much lower than the District but they must also be subject to planning. It seems desirable to create a subsidiary structure (single and coordinating) which would be linked with the district development council, to deal with self-help and community development, the detailed application of agricultural policy in the area, and to put in requests and advice on all matters through the district authority. The area of responsibility of this substructure should be that which is most meaningful in terms of people's commitments. Practice in Kenya has shown that this might be the location in some areas, while in others it may be the division.

The present provincial bodies such as the technical committees, and self-help and development committees and the Provincial Assemblies seem to us unnecessary. Not only is the 'majimbo' constitution a thing of the past,

but few of the Provinces of Kenya make natural planning units. Those areas which form economic zones might have development authorities like those we propose for the main municipal areas. Agriculture too is seldom uniform within a province, while self-help is such a local matter it is pointless to consider it on a provincial basis. But we recognize that for administrative reasons, districts may have to be grouped together to provide enough of some categories of staff to go round.

Central Government

These proposals have implications for the structure of Central Government. Ministerial responsibility for urban local government would be located in a new Ministry of Urban Government and Housing that would include a special Department of Urban Government. Ministerial responsibility for rural local government would be located in a new Ministry of Rural Development and Rural Local Government. A new sub-committee of the Economic Planning Committee of the Cabinet, the Rural Development Committee, would be established. Its Members might be The Ministers for Rural Development, Agriculture, Settlement, Health, Education, Commerce and Industry, Economic Planning and Development, and a Minister of State from the President's Office. Its secretariat might be provided by the Department of Rural Government in the Ministry of Rural Development. The proposed Ministry of Rural Development might be wholly responsible for control of locally administered services, and for liaison with the District (combining the present local Government and Community Development Department). It would control and supervise the running of services retained by local authorities including the release of all funds to them and the control of their spending. It would also be responsible for staffing. The Ministry of Economic Planning and Development would be responsible for coordinating local and national plans. Under these proposals the Planning Ministry could, as at present, have a consultative role vis-a-vis the technical ministries. However, the needs of comprehensive planning suggests an alternative relation between the planning machinery and other departments of government. They have essentially different functions. Departments

are concerned with limited fields, while planning is of its nature concerned with all areas of economic and social activity.

A Planning Commission (perhaps in the President's office or with a Secretariat responsible direct to this Commission) might have a special position as the coordinator and overall controller of specialised departments. The Planning Secretariat would then have a department of rural development. These two alternatives are illustrated in the higher levels of the two diagrams, although they can be combined with the proposals for lower level organization in different ways.

Summary of Recommendations

The basic problem with which we have been concerned is the need to reconcile the needs of integrated development planning with local participation in government. We suggest the following proposals:

- i) There should be two separate Government Departments to deal with Rural and Urban local Government, which would allocate funds for approved plans and would train and provide a unified service. These should have a clearly defined relation to the overall national planning machinery, either through close liaison with a Ministry of Economic Planning and Development, or through a special department of a super-Ministerial Planning Commission.
- ii) For urban areas we suggest:
 - a) The adoption of a city manager system, giving greater administrative authority to the professional executive.
 - b) The creation of an independently constituted development authority for Nairobi, with an integrated physical, social and economic plan of development for the national capital and its surrounding areas.
 - c) The creation of municipal planning boards in Nombasa, Nakuru, and Kisumu within the structure of urban government.

- c) The bringing of smaller townships also under the supervision of a Ministry of Housing and Urban Government, which Ministry would provide professional assistance and resources for the preparation of plans for housing and industrial development.

iii) For rural areas we propose:

- a) A single, multi-purpose District Development Council responsible for the submission of plans to Central Government, and their implementation through the direct administration of certain services and the coordination of others. This might be combined with the present Administration, in which case the D.C. should be chairman. Otherwise administrative officers would become executives of the Council.
- b) Instead of the many existing vertical links, the Ministry of Rural Development could provide a single, strong channel from the centre out to the Districts of Kenya.
- c) Downwards the District Development Council would be linked with smaller local bodies which would concern themselves with self-help and the other ways in which services impinge directly on the community.
- d) These District Councils should set up specialised committees, and should draw in representatives both of the Government and the local community, as well as technical staff. Its composition would be:

Elected councillors

Administrative Officers

Senior technical officers (i.e. community development, agriculture, health, education, etc.)

Member of Parliament

Special representatives (e.g. co-operatives, parties, mission, etc.).

Location Division District Provincial National

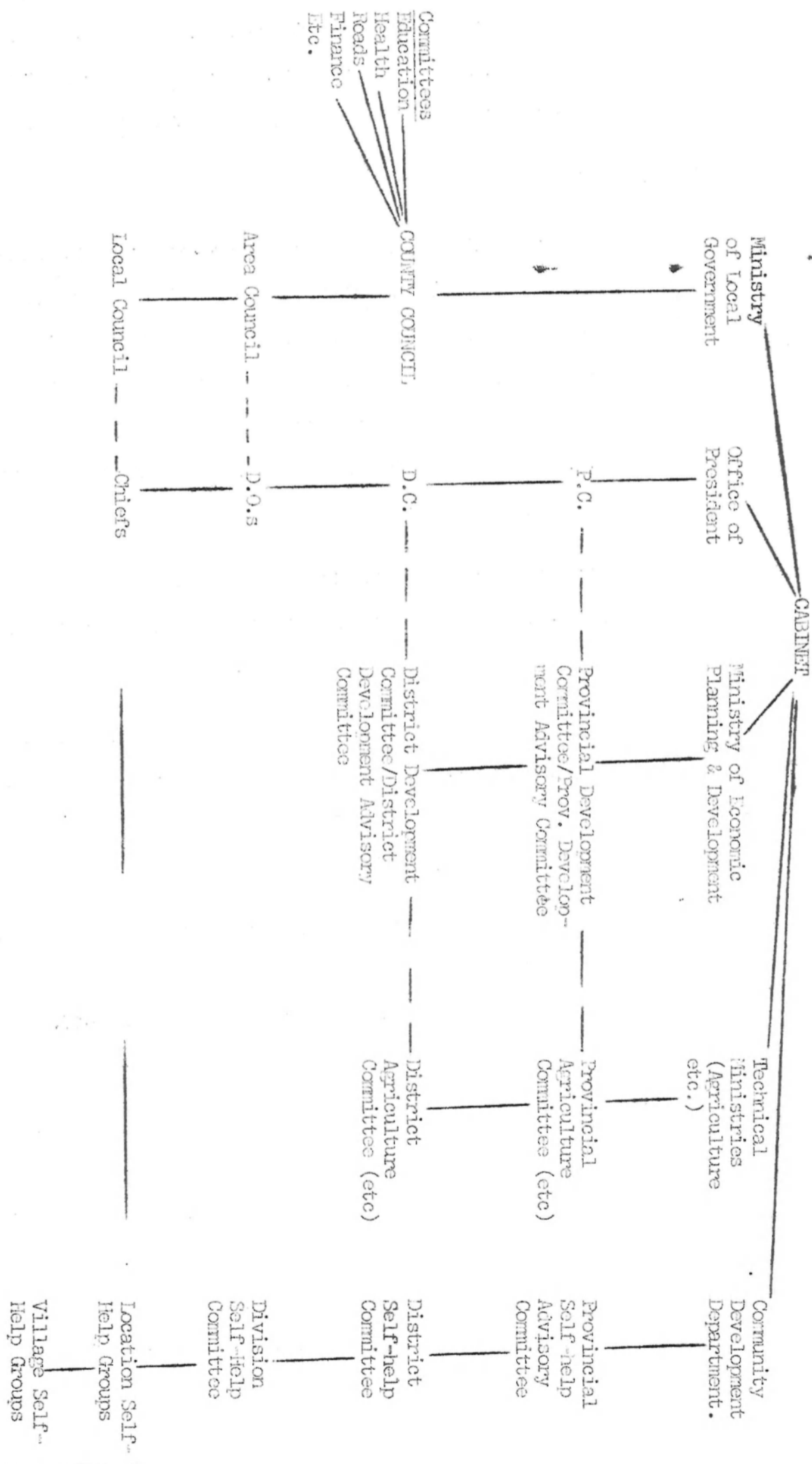


FIGURE 1. THE PRESENT STRUCTURE OF LOCAL GOVERNMENT IN KENYA

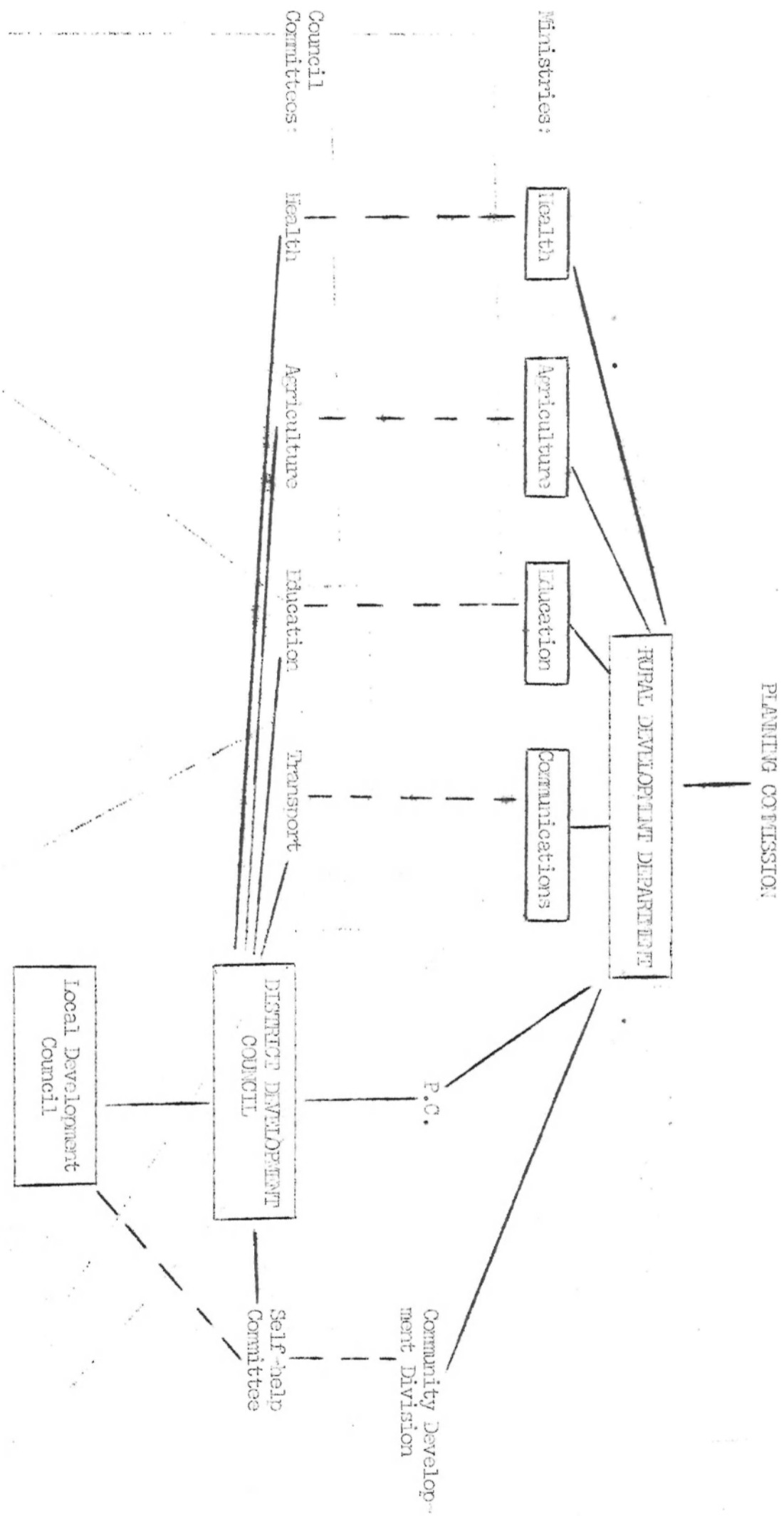


FIGURE 2A. PROPOSED STRUCTURES (ALTERNATIVE A - Planning Commission, with a single channel of control from District to Central Government.)

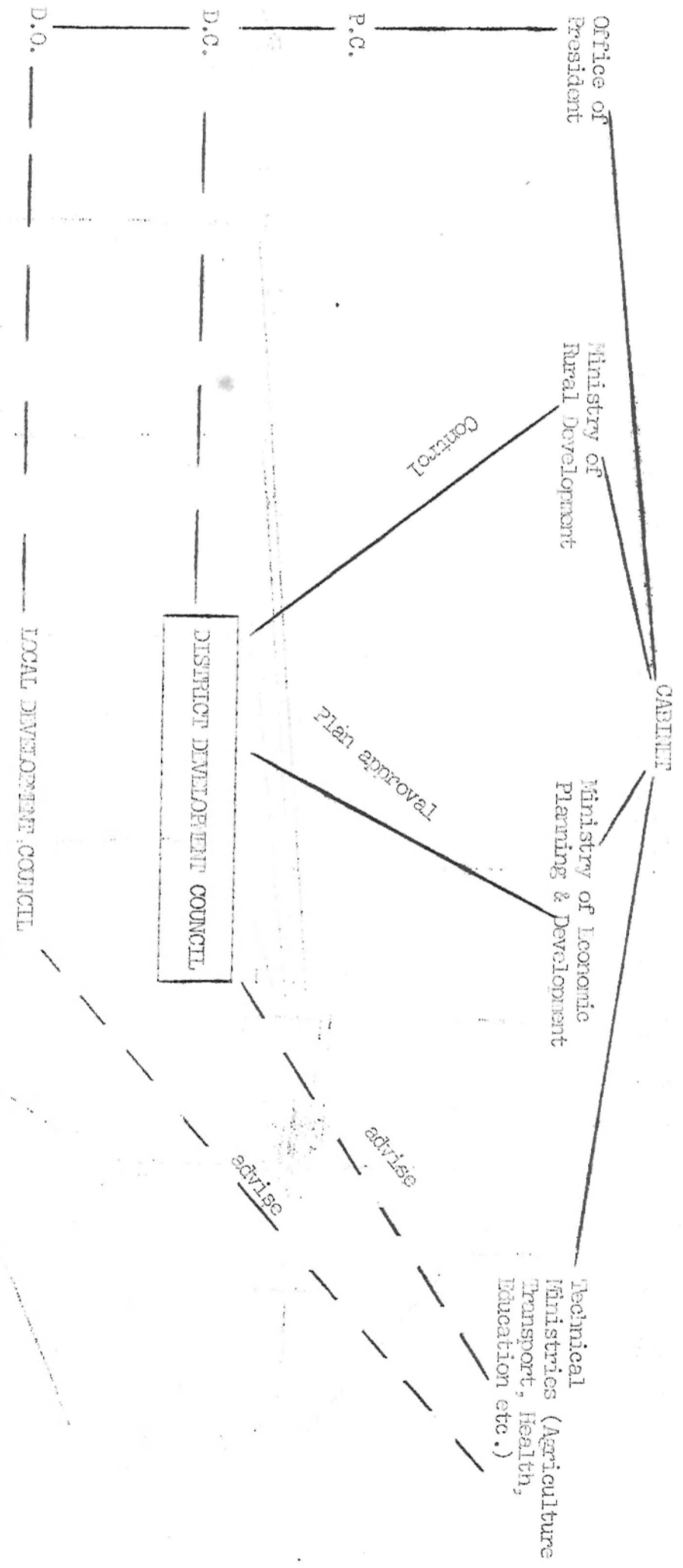


FIGURE 2B. PROPOSED STRUCTURES (ALTERNATIVE B - No Planning Commission, retaining Provincial Administration).