

## Unpopular demands threaten devolution

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I have in the recent one month had to twice answer the question whether I think devolution in Kenya will succeed. The question has been posed from a land governance context. It is quite revealing and should get us thinking. I must admit that Kenya would make great social and economic gains if land governance was successfully devolved. Kenyans who have had to visit Nairobi's Ardhi House from Mombasa, Garissa, Nyeri, Kisumu and other places around the country know how hard the experience. The costs are high; the frustrations trying. Devolution would make it possible for land owners and users to transact at county level and protect their common public and communal land much more effectively. Failure is therefore a very bad option. But the devolution of land governance faces a great challenge from technical capacity and awareness gaps at county level. One also hopes that the emerging county level land institutions will build effective linkages for efficiency and synergy in service delivery.

### Duplication of roles

High level indicators are worrying too. The devolution of land governance has come with an escalation of the sector wage bill. The former offices of the Ministry of Lands at national and county level are intact. Yet the new land commission has been recruiting extra officers at national and county level. Clearly, something begs here. This isn't what was intended by the proponents of devolution. If it's not quickly arrested, conflict of mandate and redundant staff will overbear and undermine the concept. I am told that other Ministries could be as or even more guilty on this account. Counties are busy recruiting more staff while those from the previous local authorities and central government remain put and available. This is a skewed and unsustainable institutional model.

### Taxation demands

There are concerns about taxation too. A lot of counties have focused on escalating taxation in a variety of areas...trade, livestock keeping, market produce, births/deaths and land rates. The target client is the Kenyan at county level. This is new and negative experience. In the absence of commensurate improvement of opportunities and fortunes, they feel that these demands make them poorer. Land rates are seemingly an easy option for most counties but its here that they need to be most worried. If not well justified, increments encourage default and undermine new investments. Moreover, levying land taxes to poor rural neighbourhoods home to land parcels of sub-optimal production is counter-productive and politically ill-advised. County governments will be better off first promoting business and farm returns before embarking on motions to introduce or review of land rates. This is the harder but best option.

### **Funds going to non-priority areas**

But the greater threat to devolution lies elsewhere. Pose the question to Kenyans at county level and the answers aren't good. They think devolution is not changing their lives and that it is only about the interests of Governors and Members of County Assemblies (MCAs). They cite governors who wish to live in opulence guarded by large security details at their expense. They feel short-changed. They cite purchases of fleets of new luxury vehicles. It is against this background that they view the demands for higher salaries by members and speakers of county assemblies. Some of these are their former councilors and they are unconvinced the about the quest for higher perks, given they don't see the value-add to their lives. This negative perception poses a serious threat to devolution and should get all county-level actors thinking. If a referendum question on devolution was posed today, the answer would be bad. Opponents of devolution must be carefully watching.

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