

Systems Thinking Approach in Successful Operationalization of Devolution in Kenya

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Date of Submission: 09-10-2017

Date of acceptance: 31-10-2017

I. INTRODUCTION

Kenya is the economic, financial and transport hub of East Africa. She is located in East Africa, bordering the Indian Ocean with Ethiopia and Somalia situated to her North, Uganda to the West and Tanzania to the South. She covers a total land area of 580,367 square Kilometers. As per the CIA publication, Kenya's population stands at 47,615,739 as at July 2017. Population growth is at 1.7% p.a. and this is ranked at 61 out of the 196 countries of the world. Her real GDP has averaged over 5% for the last eight years.

Her new constitution was enacted on 27th August 2010 replacing the old one that had been in place since Kenya's independence in 1963. It is the embodiment of the collective aspirations of Kenyans which they fought for, with resilience, over two decades; and at great cost in terms of human lives, financial resources, destruction of property and missed opportunities for real human and economic development. This Constitution 2010, is a unique covenant which Kenyans have given to themselves from below. The promulgation of the new constitution marked the end of a two-decade struggle for reforms. Over 67% of Kenyans voters approved it in a referendum that paved way for a historic and spectacular moment in Kenya's democracy.

II. DEVOLUTION

Chapter eleven of this constitution establishes the objects and principles of devolved government. Devolution is the transfer or delegation of power to a lower level, especially by central government to local or regional administration. The objectives of devolution as envisaged in the constitution include promoting democratic and accountable exercise of power, fostering national unity by recognizing diversity, recognizing the right of communities to manage their own affairs and furthering their development, protecting and promoting the interests and rights of minorities and marginalized communities, promoting social and economic development and providing proximate, easily accessible services throughout Kenya, ensuring equitable sharing of national and local resources throughout Kenya and facilitating the decentralization of State organs, their functions and services, from the capital of Kenya and enhancing checks and balances and the separation of powers. The Kenya Constitution 2010 establishes 47 counties each with its own government. County governments consist of a county assembly and county executive. The county assembly is made up of members elected from different wards in the county. The county governor is the head of the county executive. Voters in each county elect their governor and deputy governor directly. The governor then appoints other members of the county executive committee with the approval of the county assembly. County governments are in charge of agriculture, health services, public amenities, county trade development and regulations, county planning and development among other services they are mandated to provide to the residents of that county. Some of the provisions of the new constitution of Kenya are still in the process of being effected after Kenya conducted its first general elections in March 2013 under the new 2010 Constitution. Parliament has the duty of enacting legislation within five years to support its full implementation.

III. SYSTEM THINKING

This is a way of seeing and talking about reality that helps us better understand and work with systems to influence the quality of our lives- hence it is a perspective. Whether we are aware of it or not, each one of us is a member of many systems e.g. a family, a community, a Church or a company. We are a complex biological system comprising many smaller systems. According to Kim, D.H. 1999, a system is any group of interacting, interrelated or interdependent parts that form a complex and unified whole that has a specific purpose. It's important to understand that all the parts are inter-related and interdependent in some way. He avers that without such interdependencies, there is just a collection of parts and not a system for example a bowl of fruit make up a system. However, a fruitologist would state that these fruit interact at the molecular level so that putting certain

fruits together in a bowl would cause them to rot faster. A kitchen on the other hand is a collection of parts but once a person enters, it automatically becomes a system.

The broader perspectives of systems thinking creates the understanding necessary for better long-term solutions. Many important problems that plague us today are complex. They involve multiple actors and at least partly are the result of past actions that were taken to alleviate them avers Aronson, D., 1996. As per Kim, D.H. 1999. Systems thinking compels the use of a feedback loop perspective i.e. seeing the world as an interconnected set of circular relationships, where something affects something else and is in turn affected by it i.e. A causes B causes C causes A etc. Diagrammatically this relationship presents feedback loops contrary to the unidirectional cause and effect relationship i.e. $A \rightarrow B \rightarrow C \rightarrow D \rightarrow$.

Characteristics of a system

A system is a set of connected things or parts forming a complex whole, in particular and it has the following characteristics.

Systems have a purpose: Every system has some purpose that defines it as a discrete entity that provides a kind of integrity that holds it together e.g. the purpose of an automobile is to provide a means to take people and things from one place to another. Devolution is a concept of governance in Kenya. Devolved units i.e. counties, each a discrete entity, a sub-system providing a means to improved public services to all the people in Kenya. Systems maintain stability through feedback. Feedback is critical to a system in that it provides information to the system that lets it know how it is doing relative to some desired state.

All parts must be present: for a system to carry out its purpose optimally as per Kim, D.H., 1999, all parts must be present. If you can take pieces from something without affecting its functioning, then you have a collection of parts, not a system and of course the reverse is true. The order in which the parts are arranged affects the performance of a system. If the components of a collection can be combined in any random order, then they do not make up a system. Systems attempt to maintain stability through feedback. Feedback is critical to a system since it provides information to the system that lets it know how it is doing relative to some desired state.

Systems in the context of devolution

Systemic structures operate events and patterns. Events are day-to-day occurrences e.g. a public participation session in Kanyakine, Meru County. These day to day activities unfortunately inform decision making. Patterns on the other hand are the accumulated memories of events. A scrutiny of events reveals recurring trends. In reality the events are the results of deeper patterns and systemic structures. Systemic structures are the ways in which the parts of a system are organized. These structures generate the patterns and events we observe.

Operationalization of devolution in Kenya

The following institutions have been established to operationalize this new system of governance: i. The National Parliament and County Assemblies; ii. The National Executive and County Executive; iii. The Judiciary and Independent Tribunals; iv. Constitutional Commissions and Independent Offices. The constitution allocates responsibilities and powers to each of these institutions. In the case of arms of governments, the constitution provides for separation of powers and a system of checks and balances.

The constitution provides for the separation of powers as well as systems that provide checks and balances in the exercise of these powers. There are varied interpretations of the principle of separation of powers viewed against the system of checks and balances, which has resulted in friction between institutions. For example: i. Parliament and the Judiciary; ii. National Assembly and the Senate; iii. The National Government and the County Governments; iv. County Assemblies and the County Executives; v. County Assemblies and the Senate. Both the Constitution and the County Governments Act are silent on the transition, processes and procedures for the assumption of office for County Governors. Specifically, the laws are not clear on when the term of governors comes to an end; does the incumbent vacate immediately upon the announcement of the election results or remain in office until the swearing in of the governor elect? This question was answered in the just concluded second election by the new constitution. The Governors who were unsuccessful vacated office as soon as the winners were announced. Systems thinking requires that the process of transition for all the affected counties is documented and analyzed to come up with a cogent policy to address future transitions.

Onyango, P.O. (2014), cites threats to devolution as being among others threats 'manifest in the dualistic, double-speak and diametrically opposed rhetorical public statements by the political elite on their commitment to full implementation of the devolved system on the one hand and the actual policy, executive administrative and political choices being made on the other'. The reason for these threats he says is a culture of impunity among the political class, who up to now demonstrate little regard for constitutional and statutory provisions. He echoes an observation by a leading constitutional scholar being Africa's main governance

problem is less about existence of a good constitutional structure but more the absence of the culture of constitutionalism – the habit to respect and observe rules. The adoption of systems thinking will solve this culture of corruption and when all stakeholders are facilitated to play their parts effectively, a conducive environment for this adoption will prevail.

IV. CONCLUSION

Senge, P. avers that abundant evidence prevails in advance that a firm is in trouble and will fail. This evidence goes unheeded even when individual managers are aware of it. The organization as a whole cannot recognize impending threats, understand the implications of those threats, or come up with alternatives. For the state of devolution in Kenya, there are issues that need to be addressed immediately; failure of which the vision for the country pertaining to devolution as addressed in the constitution 2010 will come to nought. Systems thinking is the technique to use in Kenya's public administration to ensure success of devolved systems/ units.

Senge, P., avers that there is in each of us a propensity to find someone or something outside ourselves to blame when things go wrong. Some organizations elevate this propensity to a commandment: "Thou shall always find an external agent to blame." Marketing blames manufacturing: "The reason we keep missing sales targets is that our quality is not competitive." Manufacturing blames engineering. Engineering blames marketing: "If they'd only quit screwing up our designs and let us design the products we are capable of, we'd be an industry leader." The "enemy is out there" syndrome is actually a by-product of "I am my position," and the nonsystemic ways of looking at the world that it fosters. The systems thinking disabuses all cadres of staff with the defeatist "I am my position" mentality.

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Irene Riungu. "Systems Thinking Approach in Successful Operationalization of Devolution in Kenya." *IOSR Journal Of Humanities And Social Science (IOSR-JHSS)* , vol. 22, no. 10, 2017, pp. 80–82.