# FROM PROMISE TO PLUNDER: THE ANTI-CLIMAX OF DEVOLUTION ON HUMAN RIGHTS IN KENYA

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Hussein Khalid

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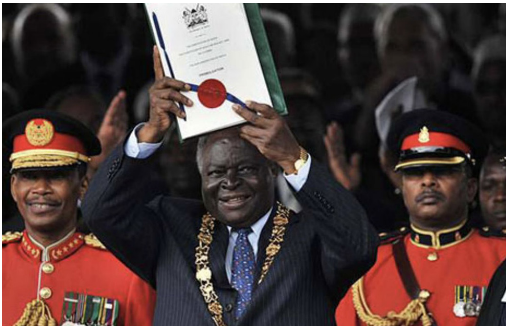
# List of Abbreviations

| | |
|---|---|
| **ICT** | **Information and Communication Technology** |
| **KEMSA** | **Kenya Medical Supplies Authority** |
| **MCA** | **Member of County Assembly** |

# 1. INTRODUCTION

When Kenyans overwhelmingly voted for the 2010 Constitution, one of the brightest hopes embedded in its pages was the promise of devolution. It was hailed as the silver bullet to decades of centralized governance that had left vast swathes of the country marginalized, underdeveloped and politically voiceless. Devolution, we were told, would take resources and decision making closer to the people. It would foster equity, accountability and grassroots participation in governance.



When Kenyans ushered in devolution in 2013, it was not merely a bureaucratic shift. It was a bold covenant with its citizens to ensure human rights, equity and accountability at every level. The Constitution of Kenya 2010 enshrined rights to health, water, education, housing and above all, dignity. Devolution was meant to bring these rights closer through local decision-making, responsive governance and accessible services.

Twelve years later, that vision stands betrayed. Instead of delivering justice and dignity, many counties have become engines of extraction. Corruption, nepotism and mismanagement are not just governance flaws, they're systematic violations of human rights. The data from the Auditor-General underscores this unfortunate stark reality.

More than a decade later, the optimism has largely fizzled out. The dream of counties as engines of development has mutated into a nightmare of waste, corruption, nepotism and gross mismanagement. While a few counties have registered some progress, the general verdict from ordinary Kenyans is one of deep disappointment. What was meant to dismantle the concentration of power in Nairobi has instead created 47 new centers of corruption - mini kingdoms where political elites rule with impunity.

*Kenya's 47 administrative counties.*

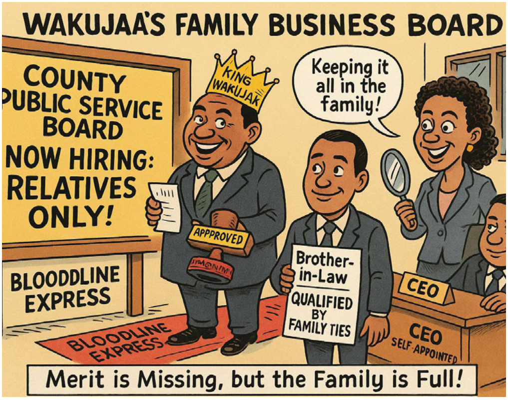
# 2. Corruption and Impunity at the County Level

From the onset of devolution in 2013, billions of shillings have been allocated to counties each financial year. Yet, the Auditor General's reports consistently reveal a worrying pattern of unaccounted-for funds, ghost projects, inflated procurement costs and outright theft. Governors who are entrusted to be the custodians of public resources have in many cases acted as if county coffers are personal bank accounts.


Since the inception of devolution, several governors have been impeached over corruption, abuse of office and gross misconduct. from Ferdinand Waititu of Kiambu, Mike Sonko of Nairobi, to more recent cases in other counties including Kawira Mwangaza of Meru. These impeachments, while showing some level of accountability, also underscore a chronic governance disease that county leadership is often more interested in self-enrichment than public service.

Even when impeachments occur, the merry-go-round of impunity continues. Some of these disgraced leaders resurface in other public offices, get elected to Parliament or simply maneuver their way back into politics. The political cost of corruption is negligible, while the public cost is staggering.

# 3. Nepotism and Cronyism: Counties as Private Fiefdoms




One of the most corrosive elements eating away at devolution is nepotism. Many governors have turned their counties into family businesses, appointing relatives and close allies to key positions regardless of competence. Contracts are awarded to friends, clan members or political financiers, locking out deserving citizens and inflating project costs.

This practice is not just about unfair hiring. It erodes trust, kills meritocracy and entrenches inequality. Instead of creating inclusive spaces for diverse talents, counties have become breeding grounds for patronage networks. Loyalty to the governor, not skill or dedication, has become the primary qualification for jobs and tenders.

In some counties, the ruling elite treat public offices as hereditary titles. We have seen spouses, children and siblings of governors and MCAs benefiting disproportionately from public contracts. This has birthed the very political dynasties and feudal tendencies that devolution was supposed to dismantle.

Appointing family and allies into county roles erodes the right to fair opportunity and non-discrimination enshrined in Article 27 of the Constitution of Kenya. It sidelines deserving professionals - teachers, doctors, technicians - especially from marginalized groups. Devolution, instead of breaking elite capture, has entrenched it.

# 4. Poor Service Delivery: Counties in Crisis

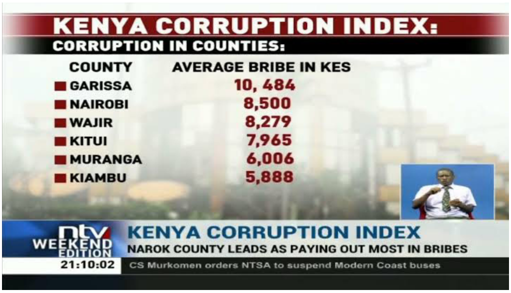
Our Constitution mandates every Kenyan the right to health, water, housing and clean environments. However, billions meant to uphold these are siphoned away. Clinics are empty, schools closed, boreholes dry. Not because budgets are low, but because systems are broken. These are not administrative failures. They are human rights failures.

If counties were judged solely by the quality of services they deliver, many would receive failing grades. Roads remain impassable, health facilities lack basic medicine, garbage piles up in urban centers and water shortages are routine. The sad reality is that while allocations have increased over the years, visible improvements in service delivery remain minimal in many areas.

Take Kisumu County, for instance. Despite its strategic location and vast potential in trade, tourism and agriculture, the county continues to grapple with frequent flooding due to poor drainage, erratic garbage collection and dilapidated roads in many wards.

Residents often complain of unfulfilled promises on clean water provision and the modernization of markets.
Another glaring example is Turkana County. Despite receiving billions of shillings annually, large sections of the population still depend on relief food. Basic infrastructure like schools, hospitals and roads remain inadequate. In some areas, boreholes drilled at exorbitant costs break down within months due to poor workmanship or lack of maintenance. The paradox of plenty, billions in allocations but poverty on the ground, is stark and shameful.

Other counties that also display worrying patterns of poor service delivery include:




- **Nairobi County:** Chronic water shortages persist in many neighborhoods despite repeated budgetary allocations for improved water supply.
- **Wajir County:** Public hospitals frequently face acute shortages of essential medicines and staff, leaving residents to seek treatment in far-off counties.
- **Mombasa County:** Uncollected garbage and clogged drainage systems have led to perennial flooding in several estates.

The common thread across these counties is the prioritization of politically visible but economically shallow projects over long-term development investments. Governors are keen on launching flashy projects that make for good campaign material but do little to sustainably improve livelihoods.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# 5. The Betrayed Promise

Devolution was supposed to enhance transparency by bringing government closer to the people. It was supposed to make leaders more accountable, as citizens could now directly confront their local leaders about failures. Instead, a worrying trend has emerged. County governments have become adept at replicating the worst excesses of the national government - corruption, waste and disregard for the law. However, their excesses are worryingly without the same level of scrutiny.


In rural wards, citizens rarely see their MCAs except during campaign season. County assemblies, which should be robust oversight bodies, are often compromised through political patronage.


Many MCAs are more interested in allowances and foreign trips than interrogating the misuse of public funds. The bitter truth is that the structure of devolution, as currently implemented, has made it easier for a small elite to loot resources while insulating themselves from meaningful accountability.

# 6. How We Can Rescue Devolution

We cannot give up on devolution entirely. The principle remains sound. Decentralizing power and resources is essential in a diverse country like Kenya. However, we must admit that the current 47 county model is financially unsustainable, governance-wise unwieldy and prone to abuse. Over a decade of experience has confirmed this.

One radical yet practical reform is to reduce the number of counties from 47 to just eight regional governments. These could be aligned with Kenya's former provinces: Coast, North Eastern, Eastern, Central, Rift Valley, Nyanza, Western and Nairobi. Such a structure would:

- **Cut Administrative Costs:** The duplication of roles across 47 counties has created bloated bureaucracies. Eight well-structured regional governments would significantly reduce the wage bill, freeing more funds for development rather than salaries.

- **Strengthen Oversight:** With fewer regions, it would be easier for independent institutions, civil society and the media to monitor and audit public spending. Oversight bodies could focus resources and attention more effectively.

- **Enhance Service Delivery:** Larger, well-resourced regions could pool expertise and resources to implement bigger, more impactful projects. For example, healthcare could be centralized into well-equipped referral facilities rather than scattered, under-resourced dispensaries.

- **Attract Better Talent:** A leaner system could offer competitive salaries and attract skilled managers and professionals, reducing reliance on politically appointed cronies.

- **Curb Nepotism:** With broader jurisdictions, governors would find it harder to monopolize opportunities for just their clans or political circles. Broader representation would dilute the power of narrow patronage networks.

Other recommendations that should be considered include:

- **Institutionalize Independent Social Audit Hubs:** Quarterly audits focused on service delivery (e.g., health, water, education), not just finances.

- **Link Fund Release to Rights Performance:** Conditional transfers tied to measurable outcomes like reducing child mortality, improving water access, electrifying health facilities.

- **Public Rights Scorecards:** Counties required to publish dashboards tracking key rights indicators including health facility readiness, school attendance, water coverage, etc

- **Sanctions for Rights Violations:** Officials who repeatedly fail to deliver core rights (per audit findings) should face removal and disqualification per article 73 of the Constitution.

# 7. Conclusion: A Call for Bold Action

Devolution, in principle, was one of the boldest commitments to human rights Kenya has made. But when counties devolve corruption, they take with them the hopes of the people. To restore that promise, we must restructure, reinforce oversight and anchor governance in tangible rights outcomes. Only then can our Constitution's guarantees become realities in every ward, every clinic, every school and every homestead.

Devolution still remains one of the most transformative ideas in Kenya's modern history. However, we must be honest with ourselves and admit that it is failing in its current form. Corruption, nepotism and inefficiency are strangling its promise. Counties, meant to be vehicles of development, have in too many cases become engines of plunder.

The choice before us is stark. Either continue pouring billions into a system that benefits a few at the expense of many or have the courage to reform it. Reducing the number of counties to eight is not about reversing devolution; it is about saving it. It is about ensuring that every shilling counts, that services actually reach the people and that leaders are held to account.

The spirit of devolution to promise fairness, inclusion and empowerment is worth fighting for. It will require bold reforms, political will and an informed citizenry ready to demand better. Kenyans deserve nothing less.

# ANNEX

## County Breakdown: Audited Failures as Rights Violations

What does the Auditor General's report tell us? Below are examples of failures that led to gross human rights violations in mentioned counties:

### Kisumu County

- **Misclassified "Travel" Expenditures:** Of KShs 177.8M labeled as domestic travel, KShs 66.9M were clearly not travel (e.g. allowances, tax, retention)

  **Human rights effect:** these misdirected funds could have supported healthcare or drainage infrastructure.

- **Assets Unaccounted For:** Agricultural inputs worth KShs 113.4M and ICT assets worth KShs 9.3M lacked proper records

  **Human rights effect:** this results in idle assets that could've supported schools and clinics.

- **Stale Imprests & Unpaid Judgments:** KShs 47.8M in old imprests remained unsettled; KShs 32.2M in court awards went unpaid

  **Human rights effect:** these resources could have financed essential housing repairs or health outreach programs.

**Overall Rights Impact:** Mismanaged resources translate into collapsing health services and unsafe living conditions, denying the right to health and housing.

### Turkana County

- **Payroll Discrepancies:** Employee compensation reported at KShs 4.176B vs actual payroll KShs 3.708B, creating an unexplained variance of KShs 467.9M

  **Human rights effect:** resources diverted from essential services needed by the people including hospitals and schools.

- **Pending, Unsupported Bills:** KShs 403M owed, of which KShs 18.2M had no supporting documentation

  **Human rights effect:** denying contractors and indirectly, communities their rights to service delivery.

- **Underfunded Conditional Grants:** Only 53% of allocated funds (KShs 303M of KShs 570M) were received; KShs 382.6M remained unspent.

  **Human rights effect:** stalling

projects in water, education, and health.

**Overall Rights Impact:** Projects for clinics, schools and water facilities stall thus breaching the rights to education, health, and water.

## Nairobi County

- **Massive IFMIS Variance:** KShs 133.1B difference between IFMIS and financial statements.

  **Human rights effect:** a staggering indicator of fiscal opacity which denies the people the truth and openness
- **Unsupported Supplier Payments:** KShs 60.9M paid without justification; KShs 226M in unexplained salary payments.

  **Human rights effect:** resources could have been used to serve the informal settlements, health and infrastructure

**Overall Rights Impact:** Fiscal chaos exacerbates urban deprivation. Slum areas remain without water, waste remains uncollected. The right to health, sanitation, and water is systematically denied.

## Mombasa County

- **Compensation & Payment Variances:** KShs 476.9M mismatches in compensation; KShs 653.4M in other payments

  **Human rights effect:** resources unaccounted for which could have been used for gabbage collection and improving sewerage infrastructure
- **Unverified Scholarships and Unreconciled Balances:** KShs 72.2M in scholarships/disbursements unsupported; bank balances not properly reconciled.

  **Human rights effect:** funds could have been used to support education and health services

**Overall Rights Impact:** Students lose access to funds for education; drainage remains broken, causing flooding - rights to education and a safe environment are compromised.

## Wajir County

- **Medicine Mismanagement:** KShs 121.9M paid to KEMSA with no inventory records, drugs going missing.

  **Human rights effect:** misuse of resources leading to health care rights violation en masse
- **Unapproved Casual Wages:** KShs 60M disbursed without muster rolls.

  **Human rights effect:** resources spent without approvals could have been used to dig wells and provide water to residents

- **Water Company Discrepancy:** KShs 495.9M transferred; KShs 36.3M unexplained.

  **Human rights effect:** Resources could have been used to improve infrastructure

**Overall Rights Impact:** Dispensaries are not stocked with drugs and residents lack clean water. These are direct violations of the rights to health and water.

## CONTACT US

+254 758 555 444

www.vocalafrica.org

736 Tebere Cresent, Off Othaya Road, Kileleshwa, Nairobi- Kenya