

An Institutionalized View on the Creation of the Constituency Development Fund in Kenya

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Abstract

The Kibaki regime has been favorably credited for its ingenuity and innovativeness in creating the Constituency Development Fund (CDF), a program that has aided parliamentary jurisdictions access central government funds to start local level development projects. A closer inspection of the genesis of the CDF traces its roots to the executive/legislative struggles whose origins go back to pre-independence era. Taking an institutionalist perspective, this paper contextualizes the origin of the CDF program by examining two institutions that were erected by the executive to tame the legislature and ultimately laid the ground for the creation of the CDF. The conclusion of this paper suggests that the creation of the CDF in 2003 marked a critical juncture in this struggle in favor of the legislature in an effort to level the political playground.

Key words: Constituency Development Fund (CDF), Mwai Kibaki, Institutional Perspective, Harambee, Development

Introduction – The Constituency Development Fund

The Constituency Development Fund (CDF) was established in 2003 through an Act of Parliament with the aim of ironing out regional resource imbalances brought about by patronage politics of the Kenya African National Union (KANU) era. The CDF comprises an annual budgetary allocation equivalent to 2.5 percent of the total national revenue, although there have been calls for this fund to be increased to 7.5 percent of the total national revenue. Allocations to the 210 parliamentary jurisdictions are clearly spelled in the CDF Act, where 75 percent of the fund is allocated equally amongst all 210 constituencies. The remaining 25 percent is allocated based on constituency poverty levels and population size.

The program is designed to fight poverty through the implementation of development projects at the local level and particularly those that provide basic needs such as education, healthcare, water, agricultural services, security and electricity. The CDF's operational structure and the mosaic expenditure decisions at the parliamentary jurisdictions have been characterized as innovative and ingenious (Kimenyi, 2005). Saliently, these characteristics have been associated with President Kibaki's leadership.

A temporal analysis of the genesis of CDF however, casts these characterizations as a snapshot of a moving picture whose origins go back to the pre-colonial period. Additionally, a look at the type of projects being implemented and the organizational structure of the CDF closely mirror prior initiatives such as the District Focus for Rural Development (DFRD) among others. What distinguishes the CDF program from previous initiatives however, are the power players in local policy and decision making.

Prior to the creation of the CDF, the executive branch had an upper hand over the legislature (Members Parliament [MP]) on local policies and decision making. The executive's leverage was exacerbated by two institutions; the Provincial Administration (PA) and the Harambee Movement. These institutions created asymmetrical power relations between the executive and the legislature and were precariously used to tame and control the activities of

MPs especially those opposed to the executive's policies. The arbitrary use of these institutions is a good pointer to the nature of the power struggle between the executive and the legislature. It is from this background that this paper seeks to address the question; "To what extent was the creation of the CDF an outcome of a power struggle between the executive and legislature in Kenya?"

From a public policy perspective, contextualizing the origin of the CDF is particularly important because neighboring countries such as Uganda and Tanzania have shown great interests in creating similar programs modeled along the Kenyan design. From an academic perspective, answering this question contributes to the growing literature on institutionalism that recognizes that political institutions do not just emerge out of the benevolence of their creators but rather are created to address some underlying social problems. This contribution is crucial in the sense that it compels scholars to dig deeper to unearth the underlying problems that necessitate and lead to the creation of social program as a response to social problems.

In the sections that follow, this paper examines the theoretical strands of institutionalism followed by a temporal view of the executive/legislative power struggles with a focus on the two institutions. The paper ends with a woven perspective that brings together the theoretical and temporal analysis of the executive/legislative power struggle in Kenya and the eventual creation of the CDF.

Theoretical Review on Institutionalism

Political institutions are generally defined as a set of rules, norms or standard operating procedures that are widely accepted and recognized, that structure and constrain individuals' actions in a particular political arena (Orvis, 2006: 98). This view is supported by Pierson (2000a; 2004) who sees institutions, as codified rules of political contestation that determine humanly devised constraints that shape human interactions (2004: 104). Political institutions therefore, regulate, structure, and mobilize political power in an inherently conflict and tension filled political space (Skocpol, 1995). Because institutions control human and material resources, they are frequently subjects of public policy (Orren & Skowronek, 2004).

Based on these definitions of institutions, the constitution of Kenya, legislative Acts such as the Public Order Act, Public Collections Act and the Chief's Authority Act constitute political institutions. From a human and material perspective, the Harambee Movement constitutes a political institution. Given that public policymaking is a learning process, the interests and ideals that policymakers pursue at any given moment in time are shaped by policy legacies or "meaningful reactions to previous policies" (Hall, 1993: 277). As a learning process, policymakers deliberately attempt to adjust the goals or techniques of policy in response to past experiences and new information (Hall, 1993: 278).

Often, institutional actions produce zero-sum outcomes because they dislocate authority from one location to another and this dislocation naturally leads to resistance from other entrenched actors and those that seek to gain control over those institutions (Orren & Skowronek, 2004). As such, institutions are never neutral coordinating mechanisms but rather have a tendency to reproduce asymmetric power relations in which some actors openly impose their preferences on others (Pierson, 2000b; Skowronek, 1995). Asymmetric power relations enable certain actors to use their political authority to generate changes in the rules of the game in both formal institutions and various public policies to enhance their power at the detriment of their political rivals (Pierson, 2004).

Power disparities, however, do not consign losers into political oblivion. Instead, those disadvantaged by prevailing institutions, adapt and lay low, bidding for their time until conditions shift to their advantage. Alternatively, disadvantaged actors may opt to work within an existing framework in pursuit of different or “subversive goals to those of the institution’s designers” (Thelen, 1999: 384-385).

In Kenya, the political rivalry between President Kenyatta and Oginga Odinga, the rivalry between President Moi and Mwai Kibaki, Raila Odinga and other former KANU diehards is well documented (Throup, 1993; Oyugi, 1994; Ndegwa, 2003; Adar & Munyae, 2001). The arbitrary use of the executive and other legislative machinery by both President Jomo Kenyatta and Moi to tame their opponents did not consign them to political oblivion. Raila for instance, having failed to defeat KANU while he was in the opposition, decided to join KANU in 1998 and fought from within and mobilized other political actors to dislodge KANU from power in 2002 (Ndegwa, 2003). The section that follows, traces this history of the power struggle between the executive and the legislature.

A Temporal View of the Executive/Legislative Power Relations

Kenya gained independence in 1963 under a fragmented federal constitution with a parliamentary system based on the Westminster model, in which the government of the day is formed by the party that commands the majority following in the House (Oyugi, 1994). The inherited legislative powers with two Houses were a major concern for the ruling party - Kenya African National Union (KANU) which opposed a federal structure because it gave more powers to elected members of parliament to check the executive branch. The opposition party -the Kenya African Democratic Union (KADU) however, favored this federal structure of government. In the early 1960’s, the governance process in Kenya was characterized by a power struggle between MPs aligned to KANU on the one side and those aligned to KADU on the other side over whether Kenya was to maintain the federal structure or become a unitary state (Throup, 1993).

Prior to independence KADU cooperated with the outgoing colonial administration to frustrate KANU in its bid to create a unitary government. Acting on behalf of KADU, the colonial administration routinely denied KANU MPs licenses to address rallies in KADU zones under the pretext of ‘security concerns,’ a strategy that was even extended to KANU zones (Oyugi, 1994).

Having won the 1963 elections despite these obstacles, by 1964 KANU had managed to weaken the federal structure through constitutional changes while at the same time frustrating its advocates and dissident MPs. The KANU regime under President Kenyatta employed three strategies to tame MPs opposed to its policies. First, the executive increased the powers of the provincial administration (PA) as the overall coordinator of government policy (Ndegwa, 1998). Under the 1963 Constitution, local authorities were supposed to provide education, health and road services but by 1965 these functions had been taken over by the PA (Tordoff, 1994). Second, the regime starved regional governments of resources and instead popularized the *Harambee Movement* (self-help movement) as a slogan for resource mobilization for local development projects. Lastly, KANU invoked both the Public Order Act and Public Collections Act selectively to deny or approve local MPs’ permits to either hold public meetings or conduct *Harambees* in their own constituencies (Throup, 1993). These same strategies were later perfected by President Moi’s regime from 1978 – 2002 after taking over from President Kenyatta

(Adar & Munyae, 2001). Below, I describe how the PA enforced the Public Order and Public Collections Acts and how the Harambees were capriciously used to mobilize resources for local level development projects.

The Provincial Administration

The PA was established by the colonial authorities as an instrument of the state whose activities included general representation of the authority of the executive at the local level, coordination of government activities in the field, and chairing a number of committees at the local level. During the colonial period, the PA was used to suppress any form of political opposition and thus maintenance of law and order became its major preoccupation (Oyugi, 1994: 180). After independence, Kenyatta strengthened the provincial administration as a coercive institution, having killed the federal structure in order to gain firm control over any political threat to his government (Orvis 2006). The PA was and still is a department within the Office of the President and forms part of the civil service/bureaucracy. The PA system divides Kenya into eight administrative provinces: Nairobi, Central, Nyanza, Western, Rift Valley, Eastern, North Eastern and Coast. Each province is divided into districts, districts into divisions, and divisions into locations and sub-locations. Provincial and district commissioners head provinces and districts respectively and are all presidential appointees (GOK: Constitution, 2001).

As a department within the Office of the President, the PA was on many occasions used to enforce executive decisions. As early as 1965 for instance, and in the pretext of public safety and in accordance with the Public Order Act, President Kenyatta issued a presidential directive to the PA to require all MPs to obtain permits before addressing any meetings including in their own constituencies. This directive put the PA in conflict with MPs who interpreted it as a move by the executive to control their political activities (Oyugi, 1994).

The Public Order Act, a colonial inheritance, required that all public meetings be licensed by a district commissioner (Ndegwa, 1998). At the local level, application of this law was capricious and political. For instance, MPs that opposed the KANU government's policies had difficulties obtaining licenses. On many occasions, the PA issued licenses to vocal MPs only to embarrass them by holding parallel meetings – *barazas*- in the MPs location as a ploy to denounce their development agenda (Throup, 1993). Given the full force of law that existed for such *barazas* under the Chiefs Authority Act i.e. attendance was required by law, most local residents attended the latter, thus denying local MPs audience of their constituents.¹

Through other legislative measures, the PA was also empowered to organize and supervise electoral processes. These powers allowed the PA to restrict voter registration in some areas and also restricted political activities of dissident MPs (Orvis, 2006; Throup, 1993). Until late 1990's the PA continued to demand MPs obtain licenses before holding any political rally. In the early 1970's for instance, Nellis (1971) argues that licenses to hold public meetings were not only hard to obtain, but at times, licensed meetings were cancelled by district commissioners (DCs) without prior notice (p.390). Ndegwa (1998: 4) also notes that in the days leading to the 1992 elections, "of the twenty one meetings cancelled or denied, all but one were opposition party meetings." The PA therefore, steadily accumulated resources with a corresponding erosion of powers and responsibilities for the MPs.

¹ *Baraza* is a Swahili word for village meeting called by the local leaders. Under the Chief's Act, it was mandatory for the local people in a community to attend such *barazas* whenever the local chief announced or called them.

From the 1960's through the late 1990's, the PA amassed excessive powers and was widely believed to be more powerful and even overshadowed local MPs. The increasing assertiveness of the PA therefore left the MPs with only one venue to vent – Parliament, and their frustrations were expressed as early as 1966 through the Local Government Review Committee that made a passionate plea for its abolition. A majority of MPs considered it as “antiquated and colonial and contrary to the spirit of self government” (Quoted in Oyugi, 1994: 182). With the demise of President Kenyatta, President Moi inherited and even strengthened the PA's institutional structure.

Harambees

Having constrained local political activities, the KANU regime recognized that coercive means alone would not legitimize its policies. Instead, it re-engineered the Harambee spirit as a means of mobilizing resources at the local level. Waiguru (2002) defines Harambee as a self-help movement that entails voluntary contributions in either cash or labor towards a common good. As a bottom-up development strategy, it enables people at the community and grassroots level to participate in the planning and implementation of local development projects.

Harambee activities helped provide social services such as primary schools, secondary schools, health facilities, water projects, cattle dips, and churches which were later “taken over by the government for operation and maintenance and as a means of providing basic needs to large segments of the rural population” (Chieni, 2008: 4). Politically, the Harambee Movement served two goals. First, the Kenyatta regime popularized it as a development slogan through which local MPs provided resources to their constituents from their own pockets and contributions from rich patrons within the system (Orvis, 2006).

Secondly, Harambees were used to check and constrain independent political activities and the influence of the regional power brokers from mobilizing resources and political support against the regime. It is in this respect that the Public Collections Act was also selectively invoked to regulate Harambee activities and to check dissident MPs' from creating independent sources of power against the regime's policies. The provisions of the Act required a license be issued by the provincial administration (PA) before Harambees could be conducted or before any funds could be collected from the public. The PA arbitrarily and politically issued such permits. For instance, MPs opposed to the KANU government's policies were frequently denied permits to raise funds for development projects in their constituencies. Instead, the government often supported and groomed political rivals against elected MPs perceived as vocal by initiating and conducting Harambee drives in recalcitrant MPs' constituencies (Ndegwa, 1998; 2003).

Despite selective application of the Public Collections Act, in the general public's mind Harambees served as benchmarks for measuring the MP's performance at the constituency level. As constituency representatives, MPs were and have always been seen as better placed to bring the “bacon home” in the form of securing funding for development projects such as health clinics, water projects or building schools (Transparency International [TI] – Kenya, 2003). To be re-elected, poor MPs had to unquestioningly approve KANU's policies to avoid denials or cancellations of Harambee permits, and hoped to attract contributions from rich barons within the system (Throup, 1993). Poor MPs and those perceived as anti-establishment often failed to be re-elected. Even rich MPs were vulnerable given the government's leverage over permits for holding public meetings.

While the Harambee Movement is credited for building schools, health facilities, cattle dips, boreholes, etc it soon became corrupted. For instance, after the introduction of multiparty politics in 1992, Harambee contributions were used as a vehicle for bribing voters. Mwangi (2008: 272-3) documents that in 1980's election years, Harambees accounted for only 7 percent of the decade's total funding for local projects, whereas in the multiparty era of 1990's, the two election years accounted for over 60 percent of the total funding for local development projects. And the period between October and December of 2002 before the December 2002 general election, a total of 140 Harambees were held, led by President Moi as the highest contributor. Other personalities in the top 50 list included MPs closely aligned to the head of state and a number of provincial and district commissioners – the PA officials (TI – Kenya, 2003).

The other malady of the Harambee Movement was that areas with influential politicians and leaders were able to conduct grand Harambees and raise more resources to put up many local development projects. This led to a skewed way of resource mobilization and allocation because areas with more resources including organizational resources, and more economic and political elites, became more successful than areas less endowed with these resource advantages (Makhanu, 2008).

It is evident from the above description that the role of the PA in enforcing the executive's preferences greatly reduced the MPs' influence on policy decisions and resources distribution at the local levels. This executive dominance was punctuated in 2002 with the triumph of the opposition party National Rainbow Coalition (NARC) against KANU in the December, 2002 general election. This triumph was aided by the defection of KANU's powerful ministers after they disagreed with the retiring president over his choice of Uhuru Kenyatta (son of first president) as KANU's flag bearer in the 2002 general election. Now in power, the former dissident MPs (including current president Kibaki, Raila Odinga among others) moved quickly to create the Constituency Development Fund (CDF), a program whose operational structure allocated more local policymaking powers to the local MP, while minimizing the role of the PA. To address the un-balanced resource allocations, the MPs created the CDF whose resources are shared equally using a per capita resource allocation formula to all the 210 constituencies unlike the Harambee Movement that arbitrarily allocated resources to the regime's sympathizers.

CDF's Operational Structure

In the last five years of its operation, CDF funds have largely been used to fund projects in four key sectors; education [37 percent], water [14 percent], health [9 percent] and roads [8 percent] (GOK: CDF Allocation Summary, 2007). Initiation of these types of projects is clearly stipulated under the CDF Act. For instance, Part IV Section 21 (1) of the Act states that, "projects shall be community based in order to ensure that the prospective benefits are available to a wide cross-section of the inhabitants of a particular area" (Government of Kenya – Constituency Development Fund Act [GOK - CDF], 2003).

Although the CDF allocations have been increasing over the years, the increase can largely be attributed to the growth of the Kenyan economy and the government's stringent enforcement of tax collection provisions. Adjusted for inflation, since its inception the CDF kitty has grown from Ksh137.67 million (U.S\$1.9 million) for 2003/04 fiscal year to over Ksh10.7 billion (U.S. \$152.9 million) for 2007/08 fiscal year. At the same time the total revenue for the central government in the same period for fiscal year 2003/04 was Kshs296 billion (U.S\$4.2 billion) and by 2007/08 fiscal year the total revenue had increased to Ksh468.5 billion

(U.S. \$6.69 billion). The big jump between FY03 and FY04 was because the program was created in the middle of FY03 and thus all the constituencies received an equal amount of Ksh6 million (US\$87,714) each. For FY04 and subsequent fiscal years a per-capita formula was used to determine allocations. Figure 1 shows the trend of yearly allocations for the CDF program for fiscal years 2003/2004 – 2007/2008 (GOK- Ministry of Finance [MOF], 2003 - 2008).

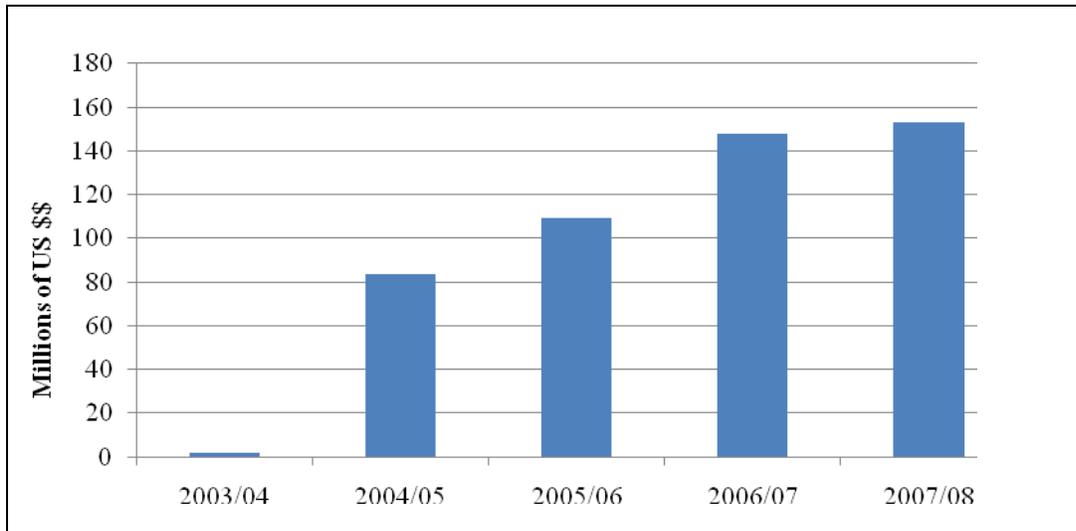


Figure 1: CDF Allocations (Inflation-Adjusted) for Fiscal Years 2003/04-2007/08

While these yearly CDF allocations may not appear to be a lot, the impact both physically and socially at the community level has been phenomenal. For instance, many schools have been built and equipped through the CDF funds. This has aided the government’s policy of providing free primary school education. In the health sector, many hospitals, dispensaries, maternity wings within existing health facilities, and clinics have been built in record time. This has helped decongest larger district level hospitals (GOK – Ministry of Health [MOH], 2007; Bagaka, 2009). In terms of infrastructure, many roads that were previously neglected and impassable have been upgraded. This has reduced transportation costs to the market for locally produced goods. Socially, the traditional role of women of fetching water from river streams has been transformed with the many water boreholes that have been sunk and are now up and running. Availability of water in rural areas has reduced the distance walked by women to collect water.

Additionally, the CDF has helped crime-prone areas to construct police posts which the central government has been quick to bring into operation to reaffirm its commitment to public safety. The operational structure of the CDF allows local people to make their own expenditure decisions that reflect their tastes and preferences to maximize their welfare. Given the mosaic of expenditure decisions on a myriad of local projects, and because of the relaxed rules on how and where expenditures are to be incurred, the program can be construed as a delegated form of fiscal decentralization. Theoretically, the process of resource allocation and policy implementation of the CDF flows as shown in figure 2 (Constituency Development Fund [CDF] Act 2003). The seven numeric stages show the flow of project proposals’ policy decisions while steps A – D show the flow of financial resources.

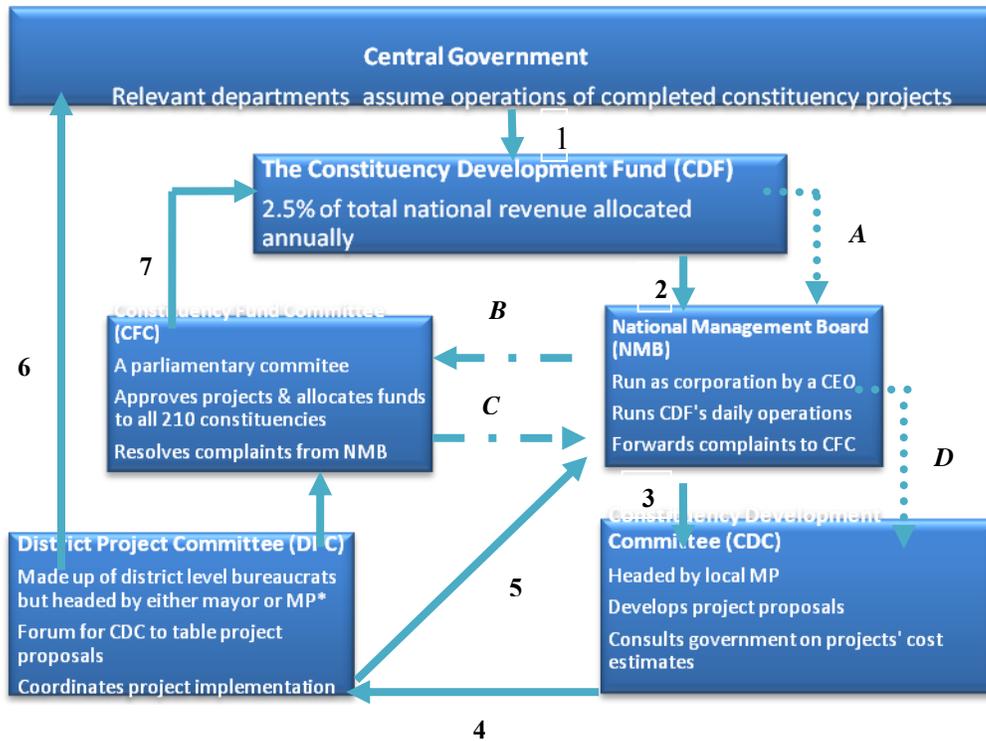


Figure 2: The CDF's Operational Flowchart

Money flows in four steps. Step A begins early June of every year after the Ministry of Finance (MOF) presents the central government's annual budget, an equivalent amount of 2.5 percent of the total national revenue is deposited in the National Management Board's (NMB) account to be distributed to all 210 constituencies throughout the country. The NMB in collaboration with the Constituency Fund Committees (CFC) determines how much each constituency is entitled based on population and poverty levels (steps B and C, Figure 2) (CDF Act, 2003). Upon determining the amount required by each constituency, the NMB makes the funds available to all constituencies, which by law are required to have a bank account to which the funds are channeled (step D, Figure 2) (CDF Act 2003) committees (CDC) at stage three. The NMB is also charged with the running of the daily operations of the program. Before resources are sent to the CDCs, the CDCs must propose and rank development projects for which resources are to be spent.

The decision making process occurs in seven parallel stages. Stage one commences after the central government through the MOF earmarks and deposits an equivalent of 2.5 percent of the total government revenues to the CDF account. At the beginning of a new parliamentary term, stage one kicks in motion parliamentary action to create the CFC as its liaison body in the CDF operational structure. In stage 2 and in collaboration with the Ministry of Planning, CDF resources are channeled directly to the NMB.² The NMB under the guidance of the parliamentary committee – Constituency Fund Committee (CFC) - distributes the CDF resources

² Although independent, the CDF is a parastatal within the Ministry of Planning. The Minister of Planning is empowered by the CDF Act to appoint the CEO in charge of the daily operations of the program.

directly to the local project committees constituted by the constituency development committees (CDC) at stage three.

Given the mosaic of local project proposals, at stage four, the district project committee (DPC) scrutinizes project proposals to eliminate project duplication with other central government development projects and ensure that similar projects within a locality are not funded more than once. The DPC also serves as a forum for local area MPs to present their constituencies' project proposals. Upon scrutinizing project proposals, at stage five the DPC develops and forwards a list of other government allocations in the local area to help the NMB's decision making process in approving local project proposals. For proposals not approved by the NMB, the local MP through the forum provided by the DPC can appeal directly to the CFC for consideration.

At stage six, the DPC coordinates with relevant government ministries to assume operational responsibilities for the completed projects, to ensure sustainability of the projects, and also to ensure the provision of services to the community. Being a policy-oriented committee, at stage seven the CFC ensures that the CDF Act is implemented as stipulated by parliament. The CFC also reviews the operation of the program, recommends amendments to the CDF Act where necessary, and also resolves and gives direction on issues not clearly addressed by the CDF Act.

Discussion and Conclusion

Three important issues emerge from the above power executive/legislative power struggle. First, is power to control local development policy and decisions, second, is the acquisition and use of resources at the local level and third the type of local development projects initiated at the local level. Prior to 2003, the executive branch through its PA controlled all the three. The creation of the CDF however, altered this arrangement and MPs (the legislature) gained an upper hand over the three issues. Instead of the Harambee Movement's arbitrary resource allocation mechanism, the MPs developed an allocation formula in which resources are shared equally among all the 210 parliamentary jurisdictions through the CDF. Instead of members of the PA chairing all matters related to local development policies, MPs under the CDF's operational structure chair local development committees with members from the PA serving only as coordinating agents.

One striking similarity between CDF and the Harambee movement is the types of projects initiated at the local level. In both arrangements, resources have been used to support local development issues such as building of schools, hospitals, water boreholes, cattle dips, feeder roads among others. This similarity is particularly informative in understanding Kenya's executive/legislative power struggle from independence where local development issues were not contested as such but rather how and who was to be in-charge of local policy issues was the bone contestation.

From an institutionalist perspective, the PA's coordinating role under the KANU regime until 2002, produced zero-sum outcomes that dislocated local decision making authority in favor of the executive and this led to resistance from local MPs. Additionally, the PA's role in selectively enforcing both the Public Order and Public Collection Acts reveals that it was never a neutral actor. If anything, the PA produced and exacerbated asymmetrical power relations in favor of the executive. Partisan application of these laws, however, led to calls for a more rational way of mobilizing and distributing resources at the local level. Since independence a

number of public policy measures aimed at sharing resources have been attempted with little success (Khadiagala & Mitullah, 2004). This ideally was the genesis of the CDF.

Although Kenyan MPs finally managed to regain control of local policy decisions in 2003, their quest to have a say on local issues goes back to the 1960s, notwithstanding the repression tactics by both the Kenyatta and Moi regimes. While some MPs adapted by working with the executive branch through its institutions, others laid low until 2003 when the opposition took over power from the ruling party and created the Constituency Development Fund (CDF).

From an institutionalist perspective, it is vital to note that CDF designers did not begin from a blank slate in creating the program, but rather were informed by meaningful reactions to previous policy legacies of the PA and the Harambee spirit. Its organization through a committee structure (see appendix 1) attempts to neutralize the influence of the provincial administrators whose previous powers sidelined MPs thus undermining the legitimacy of parliamentary representation. The operational structure does this by having elected representatives to chair all local development committees. To avoid the perils of bureaucratic capture, only elected officials are to convene and head the CDF committees. This requirement tilts previous asymmetrical power relations away from the provincial administration (PA) to elected officials.

As a policy outcome, the CDF design also recognizes the powers of centrifugal forces capacity to destabilize the central government as epitomized by KANU/KADU politics soon after independence. As such, the CDF's operational structure accommodates participation of members of the PA and other central government bureaucrats. The accommodation of central government bureaucrats helps in the coordination and implementation of finished CDF projects with relevant central government departments. Importantly, the inclusion of both national and district level bureaucrats in various committees also mitigates any executive's fear that MPs, as chairmen of various committees, would exploit their positions to create "mini-governments" at the local level to the detriment of national unity.

Lastly, this analysis suggests that the creation of the CDF was never an ingenious or innovative per se as its enthusiasts would have us believe. As Pierson (2000b; 2004) would argue, the year 2002 marked a critical juncture in Kenya's executive/legislative struggle after the KANU regime was toppled from power thus paving the way for change. The coming to power of the NARC under President Kibaki presented an opportunity for former dissident MPs to change the asymmetrical power relations in their favor by starting the CDF program as a way of smoothing out resource allocation in their parliamentary jurisdictions. Thus, it was the underlying socio-political problems created by the KANU regime that ideally presented the opportunities that led to the creation of the CDF and not the far-sightedness of its creators. The policy legacies of the KANU regime greatly informed the design and form of the CDF program in Kenya.

References

- Adar, G. K. & Munyae, K. G. 2001. 'Human rights abuse in Kenya under Daniel Arap Moi 1978-2001', *African Studies Quarterly*, 5, 1: 1
- Bagaka, O. 2009. 'Fiscal decentralization in Kenya and the growth of government: The Constituency development fund', Doctorial dissertation, Northern Illinois University, De-Kalb – Illinois.
- Chieni, S. N. 2008. 'The Harambee Movement in Kenya. The role played by Kenyans and the government in the provision of education and other social services'. Retrieved November 15, 2008, from <http://boleswa97.tripod.com/chieni.htm>
- Government of Kenya. 2003. "Constituency development fund act", Nairobi: Government of Kenya.
- Government of Kenya. 2003/2007. 'CDF allocations', retrieved from the constituency development fund website, www.cdf.go.ke on April 03, 2008.
- GOK. 2004. 'Constituency development fund regulations', Nairobi: Government of Kenya.
- GOK. 2007 'Health sector report: Mid-term expenditure framework 2007/08 - 2009/10', Nairobi: Ministry of Health.
- Hall, P. 1993. 'Policy paradigms, social learning and the state: The case of economic policymaking in Britain', *Comparative Politics*, 25, 3: 275-296.
- Khadiagala, M. G. and Mitullah, V. W. 2004. 'Kenya's decentralization through devolution of power advances and limits', in P. Oxhorn, S. J. Tulchin & D. A. Selee, eds. *Decentralization, democratic governance and civil society in comparative perspective: Africa*. Baltimore and London: John Hopkins University Press and Woodrow Wilson Center.
- Kimenyi, S. M. 2005. "Efficiency and efficacy of Kenya's constituency development fund: Theory and Evidence," University of Connecticut working paper 2005-42.
- Makhanu, S. K. 2008. "Resource mobilization for reconstruction and development projects in developing Countries," retrieved from <http://www.wust.ac.ke> November 7th 2008
- Mwangi, O. G. 2008. 'Political corruption, party financing and democracy', *Journal of Modern African Studies*, 46, 2: 267-285.
- Ndegwa, S. N. 1998. 'The incomplete transtion: The constitutional and electoral context in Kenya', *Africa Today*, 45, 2: 193-211
- Ndegwa, S. N. 2003. 'Third time lucky? *Journal of Democracy*', 14, 3: 145-158.
- Nellis, J. 1971. 'Is the Kenya bureaucracy developmental? Political considerations in

- development Administration', *African Studies Review*, 63, 3: 389-401.
- Orvis, S. 2006. 'Bringing institutions back into the study of Kenya and Africa', *Africa Today*, 53, 2. 95-110
- Oyugi, W. O. 1994. 'The unease alliance: Party state relations in Kenya', in W. O. Oyugi, eds. *Politics and administration in East Africa*. Nairobi: East African Educational Publishers.
- Pierson, P. 2000a. 'Increasing returns, path dependence, and the study of politics', *The American Political Science Review*, 94, 2: 251-267.
- Pierson, P. 2000b. 'The limits of design: explaining institutional origin and change', *Governance: An International Journal of Policy and Administration*, 13, 4: 475-499.
- Pierson, P. 2004. *Politics in time: History, institution and social analysis*, Princeton: Princeton University Press.
- Skocpol, T. 1995. 'Why I am an historical institutionalist' *Polity*, 28, 1: 103 - 106.
- Skowronek, S. & Karen. O. 2004. *The search for American political development*, New York: Cambridge University Press.
- Skowronek, S. 1995. 'Order and change', *Polity*, 28, 1: 91-96.
- Thelen, K. 1999. 'Historical institutionalism', *Comparative Politics*, 2, 1: 369-404.
- Throup, D. 1993. 'Elections and political legitimacy in Kenya', *Africa: Journal of the International African Institute*, 14, 3: 371-396.
- Tordoff, W. 1994. "Decentralization: Comparative experiences in commonwealth Africa," *Journal of Modern African Studies*, 32, 4: 555-580.
- Transparency, I-Kenya. 2003. *Harambee: patronage, politics and disregard of law*, December, Issue 50. Nairobi - Kenya.
- Waiguru, A. October, 2002. 'Corruption and patronage politics: the case of Harambee in Kenya', *Measuring Corruption Workshop*. Brisbane, Australia: Center For Ethics, Law, Justice and Governance and Transparency International.

Appendix 1

A Hierarchical Summary of the Operational Structure of the Constituency Development Fund (CDF)

Committee	Membership	Functions
Constituency Fund Committee (CFC)	--A parliamentary level committee of no more than 10 members -- Constituted proportionately by all political parties	-- Determines allocation amount to all 210 constituencies -- Approves fund allocation to constituency projects -- Monitors the program and updates parliament on programs progress
National Management Board (NMB)	-- Run as corporate by a Chief Executive Officer -- Composed of national level bureaucrats - permanent secretaries in the ministries: finance (chair), agriculture, and economic planning. -- 8 appointees – appointed by Planning Minister	-- Oversees daily program operations -- Ensures timely & efficient fund disbursement to all constituencies -- Receives and addresses complaints -- Ensures compilation of proper return records for all constituencies -- Forwards approved & disapproved project lists to CFC for action
District Projects Committee (DPC)	-- Chaired by an elected MP or mayor within the district Composed of all MPs and all chairmen and mayors of local authorities within a district, district level bureaucrats –i.e., district commissioner, district officer, district development officer - (secretary) and district accountant	-- Forum for MPs to table constituency proposals -- Ensures no duplication of projects and where applicable combines projects to promote economies of scale -- Coordinates project implementation with relevant government departments -- Prepares list of other government allocations to identical project proposals to avoid duplication
Constituency Development Committee (CDC)	Chaired & convened by local MP -- Composed of district officer (secretary), divisional development officers, heads of relevant government departments in the district, 2 elected councilors, 2 persons from religious organizations, 2 women, one person from non-governmental organizations, and one person for the youth	-- Develops, ranks & orders constituency project proposals -- Consults with government departments on project estimates -- Submits project proposal to DPC -- Monitors project implementation at the local level

Source: CDF Acts, 2003; 2007.