

REFORMULATION OF THE AMATEUR GOVERNMENT CONCEPT: COUNTY GOVERNORS IN KENYA

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Abstract

A central role of governors elected in 2013 was to lay the framework for county governance. Governors are expected to be constitutionally competent leaders and managers of devolved government units, accountable to the people. This study is a systematic analysis of governor preparedness and performance during their first term in office. The research utilizes data from documentary resources. A determination is made that although most of the county managers were qualified in terms of academic preparation, the behaviors of almost a majority were found to exemplify amateur government characteristics and traits associated with maladministration and incompetence. This finding implies that the first cohort of governors was more absorbed in less critical operational tasks and that the next cohort of governors should learn from the reported failures. The implication is that leadership training for governors needs to target those who intend to run for these offices.

Key Words: Governors; Constitutional Competence; Impeachments; Amateur Government; Kenya

Introduction

An unintended consequence of the August 2010 Constitution was the rise of the Governors class. Thanks to devolution, a great deal of resources now flows through the hands of the governors.

There has also been a commensurate growth of administrative power at the county level. Without doubt, the country has embraced devolution as a strategy for solving societal problems.

It is an acknowledgement that the old centralization of administrative power had stifled local innovativeness and economic creativity. Thanks to devolution, Kenya is witnessing the idea of experimentation and governance laboratories. The devolution architecture promotes diversity in executive and political leadership structures. By characterizing the roles of counties as important layers of government, the constitution implies central –government will hence forth not have a monopoly in the formulation and implementation of public policies. This characterization implies spatial variations in tax and revenue collection, and the ensuing methods of delivery of public services. From observations, the resulting variation in many county units appears to be a function of the quality and type of leadership style adopted by county governors.

Commentaries on Kenya’s county government performance are increasing but not much attention has been given to the theoretical underpinning of county governance. Yes, newspaper articles, preliminary stakeholder reports on the state of affairs in county government exist. But these are, for the most part, not providing the theoretical lenses from which to assess the reported problems. A large volume of preliminary performance evaluations of county leadership shows that it is reasonable to award a failing grade to a majority of county administrative units. This means scholars of government ought to offer constructive criticism and develop literature to enable organizational learning to occur. Hopefully, theory–based analyses will make the devolution experiment a worthwhile endeavor, in public interest.

From a behavioral standpoint, the performance of most of the first cohort of the governing class have performed poorly, if we employ criteria developed in the field of public management and public affairs. This paper examines and attempts to explain the administrative behaviors of the forty-seven governors against theoretical expectations that might capture and explain the unfolding weak performances observed during the first five years of the devolution experiment. The goal is to offer thought provoking arguments about the possibility of triangulating the various lenses and reformulating the idea of amateur government in an African context.

The Problem in Perspective: An Example of a False Start in Devolved Government

To illustrate the magnitude of the problem, several governors were on a list of shame from the Ethics and Anti-Corruption Commission (EACC) presented to the Speaker of the National Assembly and the President of the republic (Daily Nation, 2015). Among the governors on this list were Evans Kidero (Nairobi), Samuel Tunai (Narok), Cyprian Awiti (Homa Bay), Amason Kingi (Kilifi), Godana Doyo (Isiolo), Okoth Obado (Migori), Isaack Ruto (Bomet), Ukur Yatani (Marsabit) and Peter Munya (Meru). These governors were alleged to have been involved in irregular procurements, embezzlement, and abuse of office among other forms of corruption. Since many of the cases have not been adjudicated in the country's legal system, the purpose here is to lay out the parameters of the thesis of a false start in Kenya's road to devolution.

Further, the blogosphere and social media is full of all manner of accusations against county governors. There are accusations of governors spending taxpayers' money on their wives and hiring relatives (nepotism). For instance, Kisumu governor was reported to have spent

millions of shillings living in a high-end hotel. His county was also criticized for holding a meeting at one of Kenya's most high-end hotels, the Villa Rosa Kempinski, where visiting dignitaries like President Barack Obama stayed. The Nairobi Wire reported Nyeri Governor Nderitu Gachagua's motorcade "shamelessly drove on the wrong side of the road and not even police could touch him" (Nairobi Wire, 2014).

Reports of embezzlement and unaccounted for public funds in several counties are common knowledge. There are several cases of contract inflation, in one instance a governor is accused of pro-base roads costing higher than normal, and also school buildings constructed at costs way out of the normal. One of the most bizarre cases of inflated costs was in Bungoma county where "a set of 10 wheelbarrows cost a whopping 1.09 million shillings, or about \$10,300 in tax payer money" (Kuo, 2015). The Bungoma case was reported internationally as exemplification of corruption in Kenya's public service. Allocation of funds for entertainment is also fairly common in several of the counties, including in Bungoma where the public forced the governor to discard the idea of allocating money for "pornography awareness campaign" (Kuo, 2015).

Perhaps, a greater illustration of the level of incompetence at the county level is the failure of the devolved system to translate into real development. In terms of symbolism, devolution has provided avenues for party elites to "move closer to their people." But in substantive form, the devolved government is proving to be expensive and misallocating resources. Evidence of counties spending more money on salaries, furnishing offices and travel than on channeling resources into developmental activities has been documented.

Wahome (2015) citing data from a World Bank study reported that in 2014, only 10 counties had at least 30 per cent of allocated funds on development projects. The law, especially, the Public Finance Management Act (2012) requires development spending to be at 30 per cent of the total expenditure. The counties that performed at the level required and allocated funds on development were Wajir, Turkana, Bomet, Machakos, Muranga, Homa Bay, West Pokot, Trans Nzoia, Kisii and Nyamira respectively, in that order. The remaining 37 counties spent revenues allocated on unproductive administrative issues. The World Bank report noted “on average counties spent 21 percent on development, 30 percent on administration and 46 per cent on salaries” (Wahome, 2015).

Furthermore, 12 governors faced impeachments during their first term in office.

Although the Standard editorialized against “obsession with impeaching governors” (Standard, 2016), the large number of cases was associated with poor understanding of the roles of Members of County Assemblies (MCAs) and their distrust for their governors. While some of the governors’ behaviors created conditions that made it possible for county legislators to call for sanctions against the leadership, certain cases do not persuade us to lay the faults squarely on the governors. Some of the accusations, as evidenced in public records are manifestations of accountability and power battles.

Theories in Understanding and Improving Quality of County Governance

In preparation and socialization of political chief executives such as county governors, Mosher (1968) acknowledges the importance of quality training and education for public servants and administrators. In Mosher (1968) view, the quality of administration as a function of education,

training and professionalization of those who hold public management jobs. While all governors earned bachelor's degrees and at least seven have doctorates, their academic preparation does not translate into stellar performance. In fact, those with legal backgrounds have been manifestly approached their work in adversarial terms. And those socialized in old provincial administrative practices, continued to employ authoritative values in their communication styles.

A second lens through which we can understand the observed weak performances on the part of the governors' class is the characteristic, which Rosenbloom, Carroll, and Carroll (2004) described as a necessary requirement for holding public office—constitutional competence or constitutional literacy. The 2010 Constitution, Chapter 6 calls upon public officials to serve diligently and ethically. Again, evidence suggests constitutional competence is required in all public management operations at both county and national levels. The rule of law is under threat when some governors make declarations banning peaceful protests. At the same time, some governors were subjected to teargas for participating in demonstrations in support for election reforms. Another example is the reported petition by three governors to be given direct party tickets and virtually be unopposed in the 2017 election cycle contrary to laws on political recruitment and representative governance. Governors schooled in provincial administrations have continued to see their role as primarily that of regime consolidation and maintenance and show tendencies of pseudo-conservative approaches to governance (Leonard, 1991; Otenyo, 2001). Still others behave as if they are mini-presidents or in some instances assume Kenya is a federal state. In fact, President of the republic of Kenya, Uhuru Kenyatta had to remind governors that Kenya was indivisible (Barasa, 2016).

The third lens that may provide an analytical framework for understanding the stories widely reported in newspapers about failing governors is attributed to the important work done

on bureau pathology and maladministration. Traced to Caiden's (1991) work, there is the expectation that dysfunctional administrative practices and pathologies can be identified and dealt with. Caiden (1991) identified counter-productive self-destructive organizational behaviors. Many of the behaviors are observable in everyday administrative practices in large governments. Observable behaviors include and not limited to; waste of time, secrecy, bias, incompetence, waste of money and resources, theft of public funds, conflicts of interest (and other forms of corruption), poor management, useless activities, technical inefficiency, and favoritism.

The fourth lens is perhaps the most appropriate in the sense that we can fit the first cohort of governors into a conceptual box, which I associate, with "amateur government." The idea of amateur government is an old one, if we recognize Gulick's (1928) keen observation that before the post-World War II reform era, the amateur was still in charge of government departments. Then, there was a lack of direct training for the emerging profession and practice of public administration. At that time, there was strong inclination to underscore the dominance of the politics-administration dichotomy. Later, Bernstein (1958) observed that political appointees, who served in the job of the federal executive was characteristically transient in form. Political heads of bureaucracies were not expected to serve beyond their term limits.

Notice, amateur government is not necessarily an exact opposite of "professional government" but it is close. Borrowed from Cohen's (1998) work, the concept pronounces a crisis of some sorts in administrative practice. Originally published in 1996 as a Brookings Institution Working paper, Cohen's provocative and thoughtful work focused on political appointees managing the American federal government. He warned that society pays a huge price when "Non-managers manage." Importantly, non-managers do not do a good job at

upholding ethical decision-making and are seen to compromise standards in service delivery.

According to Cohen (1998);

Many of the appointed political figures do not really understand their roles. Many are captivated by the glamour of their positions and ignore the fundamentals. They lavish their attention on travel opportunities, public appearances and speeches, press interviews, top-level policy meetings...but have little patience for the critical spade work that makes programs and organizations function effectively. p. 475)

Importantly, the non-manager types compromise quality of service delivery not so much because they are political figureheads or lack certain credentials. In fact, Cohen acknowledged that non-manager managers have great certifications and credentials. However, the majority have little or no interest in proper management and, is not necessarily committed to building their managerial capacities to acquire requisite skills even when they have sufficient academic and organizational talents. In reality, the non-manager managers abandon their sense of professionalism and lack public service motivation (PSM).

Conclusion

In this paper I suggest that the different theoretical streams be merged to reformulate and amplify the idea of amateur government. By doing so, we have a robust lens through which we can begin to find solutions to problems identified in management of county government. The premise is that theory-based administrative reforms will go a long way to improve on county governance.

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