



NAVARRA CENTER
FOR **INTERNATIONAL**
DEVELOPMENT

**AN EXPERI-
MENT IN
DEVOLUTION:
NATIONAL
UNITY AND
THE DECONS-
TRUCTION OF
THE KENYAN
STATE**

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BOOK REVIEW
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Is it possible to construct unity in a prefabricated state? What is the best way to bring together people of different cultures under one flag? In 2010, Kenya decided to take a 180-degree turn in its path to achieve unity. Until then, it had focused on a centralized state with all the powers, aiming to eliminate differences and forge unity from the capital, Nairobi. But the 2007 post-electoral violence showed the reality of a washed-up state incapable of bringing together its differences.

An Experiment in Devolution: National Unity and the Deconstruction of the Kenyan State is a review of the new path Kenya has taken for the last ten years. Back then, Kenya decided to adopt a new Constitution that involved, for the first time, decentralization of powers. In 2013, the 47 new county governments were effectively set in place after the first local elections. The book reviews Kenya's progress on the nine objectives of devolution set in Article 174 of the Constitution.

Kenyan history makes it a difficult puzzle of ethnicities and territories brought together after the Berlin Conference at the end of the XIX Century. It was created by the will of European colonies and further administered by the British. A decisive point to understand Kenya's differences is that its current counties are older than the country itself. Without enough settlers or adequate power to control the entire territory, the British pursued a divide-and-rule policy. They organized the state into native reserves, which were then used to create 47 districts, each with a major ethnic group. The colonial leaders reached agreements with local chiefs who would rule under their territory.

But in 1963, it was Kenyans turn to decide, and two differing views on how to establish the new state were born. On one side, some wanted a country united in its differences. On the other, some people aimed to break down tribal, linguistic, racial, and cultural differences to form one national identity. It was majimboism —Kiswahili word for regionalism— versus centralism. In other words, a regionalist state with decentralized powers to local institutions as the most effective way of ensuring representation for all versus a centralized state as the only way of pursuing a unifying agenda that would bring stability and progress. This division took the form of two political parties: the Kenya African Democratic Union (KADU) and the Kenya African National Union (KANU).

The debate ended when the latter easily won the first post-independence elections, and Jomo Kenyatta came

into power. The new president portrayed KADU as anti-patriotic, tribalist, and reactionary. Majimboism was buried. KANU discredited any further attempt at decentralization as a tool of evil secessionist forces. The administration said regionalists aimed to convert Kenya into an ethno-federal state similar to Ethiopia, where local governments could displace out of their territory those from minority groups. Since then, the word Majimboism has been demonized. Any other attempt for decentralization has used different wording to avoid negative connotations. For example, devolution is commonly called ugotuuzi in Kiswahili.

Time has proven that a centralist state has not acted inclusively for all Kenyans. It has instead worked in favor of the ethnic group whose leader was in power —mainly the Kikuyu, but also the Kalenjin during the Daniel arap Moi presidency— and those living closer to the capital. As the author points out, politicians tend to prioritize develop-

TIME HAS PROVEN THAT A CENTRALIST STATE HASN'T WORKED FOR KENYANS

ment in their city, as they want to benefit and live in the best possible conditions. The centralization of the state skewed most public investments and social policies towards Nairobi, the administrative capital. Unsurprisingly, the national government was out of touch with the issues faced by other counties. After the 2007 post-election violence and the further power-sharing agreement, politicians noted that a change was needed. Despite all the fear created by the elites about majimboism and the creation of ethnic-states, politicians agreed to adopt the preexisting 47 districts as the new counties.

A SOCIAL EXPERIMENT

Of the nine goals established in the 2010 Constitution, the author focuses on the second. Burbidge is particularly interested in how Kenya will try “to foster national unity by recognizing diversity.” In his 2015 book *The Shadow of Kenyan Democracy: Widespread Expectations of Widespread Corruption*, the author had drawn interest into one question: Why has democracy failed to reduce corruption in Kenya?

Following his first book and because of his position as Visiting Faculty at Strathmore Law School in Nairobi, Burbidge dived into devolution thanks to a Ford Foundation grant. Burbidge focused on the definition of a state and its



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Dominic Burbidge

politics. In this book, he dedicates the second chapter to reflect upon this. There, he shows his animosity towards Max Weber's definition of the state as a community that has the "monopoly of the legitimate use of physical force within a territory." Burbidge believes this definition sidelines those who elect officials and puts the focus only on the institutions' capability to rule.

Rather than focusing on the state, Burbidge has an interest in how law can be used to unite people inside a country. He considers the strength of an institution only in its ability to deliver and serve its people. Instead of questioning if devolution is serving Kenya, he asks if it is serving Kenyans.

In this context, devolution serves as the perfect social experiment. How can a constitution help unite the citizens of a country with no historical ties? That brings to the main question that the author asks in the book: can the deconstruction of a state construct a nation?

Burbidge thinks the answer is yes. He concludes that devolution has not only improved Kenyan lives through service delivery but has brought back politics to the people and is uniting the country.

To answer his question, he uses a method where he uses a qualitative analysis combining both primary and secondary sources. First, he conducts a legal and historical analysis of the changes brought by devolution. The book dives into the historical background of Kenya and the reasons that led the country to adopt the current 47 counties, with the ethnopolitical division it brought and the consequences this had.

The author then explores the division of powers between national and county governments and the disputes it caused, as well as how devolution has brought to Kenya new realities that did not exist before 2010. Some of these include: the importance of local politics in the national arena, border disputes between counties due to increased economic benefits, and the rise of independents who are detached from any political party.

To support his arguments, Burbidge uses an extensive network of local and international researchers whom he cites and which he consulted during his research.

However, the backbone that sustains his thesis is the distinctive empirical data he offers. Burbidge gathers a wide variety of data and presents it in the book with clear graphs and tables. He presents evidence on the ethnic composition of county governments, the annual county GDP growth percentage, and the voting results for local elections, among other indicators.

Furthermore, the main strength of the book comes with the unique opinion polls on national surveys ordered by him and conducted by IPSOS Kenya, which directly address his research.

One clear example is the last question he poses in the book: "Since devolution, thinking of all Kenyans wherever they are, would you say people are more united, less united or there is no difference at the national level?" The answers are disaggregated by eight regions and show that all Kenyans feel people are more united since devolution, except for those in Western province.

UNITING POLITICS TO PEOPLE

As the Oxford Dictionary mentions, democracy is the “fair and equal treatment of everyone in an organization and their right to take part in making decisions”. Trying to achieve unity through a centralized state, Kenya ended up separating a country into different realities. Together with centralization, the winner-take-all electoral system added towards the lack of representation of the diverse communities that inhabit Kenya. Furthermore, the promotion of ethnic politics by the country’s elite has also denigrated entire sections of the population. Many of such grievances trace back to the colonial era when certain communities were stripped of their land and forcibly displaced to other areas of the country. For instance, the Maasai tribes, which were forced out of their land—in what today is Laikipia county—and pushed south, settling in what today is Narok county.

Devolution has aimed to bring back politics to the ground, to promote a democracy which unites rather than disunites. As Burbidge argues, this is compelling to the masses as they have their voice heard, but also towards development, as local politicians know better the needs of their citizens.

In terms of progress, some counties have been praised as examples of proper development, such as Makueni county. But in general terms, devolution has garnered support throughout the whole country, even in the Central Province, which was already the most developed region and the one with the most political influence. For these reasons, it was originally considered the most prone to be against devolution. However, it is not the case.

Burbidge points out that those people who oppose a new idea or law end up involving themselves seriously in its formation to benefit from it. In this sense, politicians and citizens of Central Kenya ended up working hard to benefit from new taxes created and other positive developments devolution could bring to their region, as well as the increased political independence it brought to regions. For example, the Kikuyus are proud of being able to develop themselves without the dependence of others, a concept they refer to as *wiyathi*. Devolution has enhanced this pride.

Not having to go to Nairobi to beg for investments has brought a much needed economic and political sovereignty to many regions that are advantageous to all Kenyans. However, devolution can also have the contrary effect if implemented inadequately. Although it intends to unite

its citizens, it can further marginalize minorities within counties while, at the same time, widening the economic and political power between counties and aggravating differences. In the Kenyan historical context, riddled with claims of secession in some areas of the country, devolution could place a further burden on unity.

THE BOOMERANG EFFECT

Sometimes when you intend to do something positively, it turns against you like a boomerang and hits back harder. The first issue brought by devolution is that it has decentralized the marginalization of ethnic minorities. Although the 2010 Constitution requires counties to be ethnically diverse, most counties are dominated by a majority. Citizens from minority groups are marginalized from essential decisions at the county level.

DEVOLUTION HAS BROUGHT DEMOCRACY AND POLITICS BACK TO ALL THE PEOPLE

While Burbidge does mention that the ethnic composition of counties makes it challenging to have a county government that represents all communities, he lacks an in-depth analysis of how it negatively affects the political participation of ethnic minorities. These face now a double marginalization by both the national and county governments. This is the case of the Teso and Mbeere minority ethnic groups. On one side, they are not relevant to national politics as they’re not part of the big five: Kikuyu, Luhya, Luo, Kalenjin, and Kamba. On the other, the new county borders aggravate their situation. Their population is now spread over different counties, not allowing them to garner enough support to be the most represented group in one single county. The most worrisome of this new situation is what Burbidge describes in chapter five. In essence, there have been cases where public figures have publicly spoken against someone from a minority community governing a county.

On a second level, there are records of county border disputes and new trade barriers between counties. These problems did not exist before. The author claims this is a positive development as bringing up these animosities will help to address them. However, he doesn’t consider that these tensions between counties actually can reopen wounds between ethnic communities, threatening the national unity aimed by the 2010 Constitution.

Moreover, the third problem is that devolution can also push forward secessionist agendas that have remained buried for many years. Giving power to regions can serve as the necessary tool for some local leaders to argue in favor of increased management capacity and make their point that being part of Kenya slows their development.

The Northeast Somali region has traditionally been a hot area for the central government. Secessionist claims from the Somalis date even before Kenyan independence was achieved. Burbidge explains this case in detail, but he fails to acknowledge that devolution can also produce the contrary effect: foster further secessionist claims. While it is true that a centralist state approach hasn't brought anything positive to resolve these conflicts, a decentralized state may not be the solution either.

The author doesn't consider the fact that devolving power can promote secessionist movements by enabling different communities to experiment on self-rule. If devolution works in these regions, it can prove the argument that they'd be better off by themselves. In turn, they would ask for greater independence from the central state, which, if rejected, could prompt a renewed secessionist threat.

CHANGE IN THE POLITICAL SYSTEM?

Devolution has undoubtedly changed the political system and how things work. It has created an entity, county governments, and a political figure, governors, which have gained strength and importance not only at the local level but also at a national level. The combined power of all regional leaders on the Council of Governors demonstrates that local politics can influence national politics, something that seemed unthinkable before 2010, as Burbidge notes.

Still, the nature of politics has not changed. Party interests still rule Kenyan politics. These are still based on ethnic grounds, with community allegiances being key to obtain power both at a national and regional level. There are even accounts of parties blocking proposals made by governors at the County Assembly, no matter what they are, to go against rival parties. While it is true that the rise of independent candidates — especially in the 2013 local elections— is a new phenomenon in Kenyan politics, allegiance to political parties still is the easiest way of being elected.

Moreover, it seems that devolution has spread corruption and nepotist practices to counties rather than putting a

stop to them. A few elites still govern politics. These then steer it on ethnic terms. Politicians spread the fear that one has to vote for one of the same community if they don't want to be marginalized by those in power. Devolution has only given a share of power to some communities which had been neglected before. It hasn't solved or eliminated the problems that led to the 2007 elections.

The 'big five' ethnic groups still control national politics and remain as the most crucial source of power as they decide the disbursement of funds towards counties. The fact that land policy remains in the hands of the central government shows a lack of real commitment to solving the historical grievances at the core of Kenya's foundation as a country.

But all in all, devolution has brought politics closer to people, who now feel local power as the most important sour-

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ce for their lives. Empirical data shows that having a say in policymaking at the local level has fostered national unity.

However, it has also increased ethnic feelings. Despite being seemingly contradictory, this proves that feeling Kenyan is not disputed with feeling part of your community and that both are compatible in a united Kenya. That's what devolution is trying to demonstrate.

FOR FUTURE READERS

An Experiment in Devolution: National Unity and the Deconstruction of the Kenyan State is a book for people that are interested in Kenya, its history, and its politics. This review is of interest for political science researchers interested in the African continent, particularly the East African region and Kenya. It is a useful book for people familiar with devolution in Kenya that crave for an empirical approach to the topic. However, it is also interesting for those studying different systems of state and federalism. Finally, as it is the first time Kenya implements devolution, its experience can offer valuable input to policymakers at other countries that aim to decentralize its political system. All in all, it is a useful book for political science researchers and policymakers. But also for those who support decentralization and promote it as the best possible way to govern and unite a country that is rich in diversity.

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*Information collected from the University of Oxford's Law Faculty website●