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Decentralized service delivery in Nairobi and Mombasa: Policies, politics and inter-governmental relations

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Working Paper No. 2012/92

Decentralized Service Delivery in Nairobi and Mombasa

Policies, politics and inter-governmental
relations

Winnie V. Mitullah*

November 2012

Abstract

In many African countries, decentralization has long been viewed as a means for improving local service delivery. Yet, despite various decentralization initiatives, poor service delivery continues to be problematic in two of Kenya's largest cities, Nairobi and Mombasa. Despite various governance reforms to enhance Kenya's decentralization process, backed up by constitutional provisions and legislation, this study highlights that a proliferation of actors with overlapping mandates, opaque development frameworks, and intra- and inter-party politics remain major obstacles to providing critical services in these two cities. It is concluded that the effective decentralization of service delivery in cities cannot occur without key accompanying policies, including the devolution of resources and amicable inter-governmental relations.

Keywords: decentralization, development aid, inter-governmental relations, politics, service delivery

JEL classification: D72, H70, N47, O18

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1 Introduction

Since the 1990s, African cities have been embracing disparate forms of management for effective service delivery. Decentralizing service delivery has been a popular approach since 2002 when UN-Habitat launched the Global Campaign on Urban Governance. Although decentralization has attracted a lot of debate about its strengths and weaknesses, scholars and practitioners appreciate its comparative advantage to bring services closer to the people.

The role of decentralization for improving service delivery is highly relevant to the Kenyan context. Due to rapid urbanization, Kenya's major agglomerations have been growing quickly but have lacked a concurrent expansion in service provision. For decades, Kenya has attempted to decentralize service delivery through deconcentration and delegation rather than a genuine devolution of power.¹ These policies have often become embroiled in party politics, with less emphasis on efficient service delivery. In those isolated cases where services have been decentralized, there has been inadequate policy direction and limited resource transfers to the lower levels of governance. Consequently, decentralized service delivery has not been forthcoming. While much hope lies in the implementation of the new constitution of Kenya that was adopted in 2010 and which provides for a greater devolution of resources, the effectiveness of the constitution's provisions will continue to be hampered until appropriate governance structures are implemented.

This study focuses on Kenya's two largest cities, Nairobi and Mombasa, in order to illustrate the challenges related to decentralized service delivery. There are a number of reasons why a comparison between the two cities is valuable. As Kenya's seat of political and economic power, Nairobi has a population of over three million people and therefore houses more than half of the country's entire urban population. Mombasa, by contrast, contains just less than one million people, and its economy is mainly driven by tourism. Each city has also had its own unique experience with decentralization. While Nairobi began implementing a decentralization programme in 1995, Mombasa has yet to do the same. Both cities, however, have been at the center of contested intra-and inter-party conflicts in recent years.

By comparing these two cities, this paper highlights how decentralization policies intersect with party politics and inter-governmental relations to impact service delivery within urban areas. I argue that the effective decentralization of service delivery in cities and urban areas cannot occur without appropriate policies and frameworks for the devolution of resources and inter-governmental relations. I show how a multiplicity of actors at the local level, opaque development frameworks, partisan politics and compromised inter-governmental relations undermine policy-making, resource mobilization and strategies for effective service delivery.

¹ Deconcentration entails the central government assigning its officers to provinces and districts to carry out regular functions under authority of the central government. In delegation, the central government hands over certain functions and decision-making powers to semi autonomous administrative agencies such as local authorities, without necessarily giving them statutory powers. In both cases, there is no relinquishing authority and power (devolution) to lower level agencies.

To elucidate these points in greater detail, the following section examines existing theories on decentralization, party politics and intergovernmental relations. This is followed by a brief overview of decentralization in Kenya. I subsequently discuss the status of decentralization and service delivery in Nairobi and Mombasa, with a particular focus on solid waste management, water and sanitation. The fifth section concentrates on the role of party politics. The paper then concludes by noting the disconnect between the theory of decentralization and its practice, particularly in light of the reluctance of Kenya's central government to actually devolve power to urban authorities.

2 Decentralization, party politics, and inter-governmental relations

In both Africa and beyond, decentralization has been embraced as an effective approach for service delivery.² Decentralization refers to the distribution of functions and resources, including power, to different levels of government as specified by either a constitution or a higher level of government. Irrespective of what form it takes, decentralization can theoretically address key governance challenges, particularly those related to local governance (Rondinelli et al. 1983; Rondinelli 1992). Proponents of decentralization highlight a number of benefits associated with the practice, including: promoting geographical equity, increasing capacity to ensure responsibility and accountability; enabling easy access to decision points; improving the delivery of services by allowing for careful consideration of local needs; encouraging invention and innovation; and providing an accurate description of problems by being close to the information source (Sady 1967). Other benefits include increasing popular participation in planning and development, facilitating co-ordinated and integrated planning, increasing the speed and flexibility of decision-making, generating additional resources and encouraging more efficient utilization of existing resources (Conyers 1990).

As a result of these supposed benefits, decentralization has been a major feature of development programmes since the mid-1980s. The international donor community in particular has played a key role in advancing the decentralization agenda, especially in the 1990s under the aegis of promoting 'good governance' and greater citizen participation in policy-making. Yet, this external pressure from donors partially explains the failure of certain African governments to sustain decentralization programmes over time.

Both development partners and decentralization theories often assume that the problem of governance and service delivery is simply a technical matter related to centralization. In doing so, they ignore that its impact on development depends on country- and even city-specific circumstances, including the capacity of local government to implement services (Bird and Vaillancourt 1998; JICA 2007). Furthermore, the political dimensions of decentralization are rarely taken into account.

² Rondinelli (1992) identifies four forms of decentralization: deconcentration, delegation, devolution and privatization. While privatization, as a form of decentralization, remains contested, scholars have largely accepted the other three forms with various countries embracing different forms. Deconcentration, delegation and devolution reflect the varying levels of authority assigned to the sub-national levels of government. Oxhorn et al. (2004) provide a good summary of the three elements of decentralization.

However, party politics are crucial for understanding decentralization and service delivery in African cities. Many political parties in Africa are institutionally weak, with the majority revolving around wealthy individuals, ethnic coalitions or singular ethnic groups as a bases of support (see Manning 2005; Randall and Svåsand 2002). These features often limit the ability of parties to implement effective programmes for achieving long-term development objectives, leaving them as mere platforms for recruiting of politicians.

As Henry et al. (2006) observes, the introduction of political pluralism brought about power struggles at the national level that are often replicated at the local government level. In fact, within a number of local councils across Africa, there have been inter- and intra-party conflicts with implications of service delivery. Southall and Wood (1996) note that local councillors in Africa are so caught up in political competition for minimal resources that they have proved unable to perform the quite complex tasks allocated to them. Furthermore, councillors are too prone to 'import politics' into local matters that should remain apolitical (Southall and Wood 1996). Consequently, they have minimal interest in service delivery except when their interests are either affected or threatened. These patterns are also present in a young democracy, such as Kenya, where the challenge of service delivery is intensified by partisan politics (see Harris 2007).

As an indication of partial political decentralization, authorities on a local council in Kenya are elected through a first-past-the-post (FPTP) system while additional representatives are nominated. As discussed later in this paper, these nominations are aimed at enhancing the skill set of local authorities. In reality, however, these nominations lead to struggles by political parties to reward supporters, who can assist in mobilizing votes, rather than prioritizing service delivery.

Moreover, local government leaders in Kenya often represent mere appendages of the central government through their ties with the members of parliament (MPs) whose constituencies cover the areas they represent. Furthermore, politicians from central government are able to block the flow of resources to local governments, depending on how such resources affect their personal and party interests. Crook (2003) also observes that councillors, including mayors, are still predominantly linked to the ruling party in Kenya and are elected or endorsed by the local government ministry. He argues that this has led to conservative local reforms that are elite based. Furthermore, the elections and nominations of councillors to local authorities materialize through membership and allegiance to a political party, meaning that independent candidates cannot run for local office.

Another challenge is the lack of autonomy given to elected local officials. For instance, Crook's (2003) analysis of Kenya also revealed that although there were elected representatives at the local level, absolute decision-making powers were held by regime officials in the central ministries. Crook's investigations further highlighted how local MPs, in conjunction with district commissioners, made decisions on local development and service delivery. Menon et al. (2008) further argue that of the main factors contributing to the failure of large Kenyan cities, such as Nairobi and Mombasa, a key factor has been the marginalization of Kenya's local governments over the last four decades. Indeed, many cities have received only minimal transfers of resources from the centre, with little importance accorded to issues affecting urban citizens.

3 The trajectory of decentralization in Kenya

Administratively, Kenya has eight provinces, including the city of Nairobi. These are further divided into districts, divisions, locations and villages. Each province contains decentralized local government units called local authorities (LAs), which currently total 175. These are stratified into county, town, municipal and city councils. For electoral purposes, Kenya has 210 constituencies used to elect members of parliament. These are further divided into 3,120 wards for electing councillors to the LAs. The provinces and LAs overlap with constituencies and wards embedded within the two. However, both provinces and LAs will cease to exist after the 2013 elections, which will be administered under new rules laid out in the 2010 Kenyan constitution. At that point, the system will be replaced by two levels of devolved government, national and county, which is a system that many Kenyans have advocated since 1963.

Despite this complicated administrative structure, the Kenyan government has promoted decentralization limited to de-concentration, rather than full devolution, since 1963. The Sessional Paper No. 1 of 1965 supported devolved governments, but the ruling Kenya African National Union (KANU) party did not wholly implement the devolution aspects of the policy. The Paper delineated the creation of provinces, districts and municipalities. Several subsequent initiatives further promoted this decision, including the Local Authorities Act in 1967, the establishment of regional authorities during the mid 1970s, the initiation of the District Focus for Rural Development Strategy in 1983, and local government reform programmes, which began in 1999. Apart from these national programmes, there have also been regional development programmes, civil society organization projects, and projects and programmes supported by development partners.

3.1 Political origins of incomplete decentralization policies

The partial nature of Kenya's decentralization policies can be largely attributed to party politics, dating back to Kenya's early post independence period when the two dominant parties, KANU and Kenya African Democratic Union (KADU), differed on the form of decentralization to be embraced. While KANU preferred a deconcentrated form, KADU preferred a devolved system with regional governments. Devolved governments were briefly enshrined in law, but the ruling KANU government was reluctant to devolve power and two years after independence, KADU disbanded with many members joining KANU.

Soon thereafter, Kenya became a one-party state controlled by KANU. Power was increasingly centralized around President Jomo Kenyatta and his coterie of elites. In turn, KANU began to curtail the autonomy of local government councils. For instance, the responsibility for the provision of three major services, primary education, healthcare, and roads, was transferred from the county councils to the central government in 1969. County councils retained the responsibility for the provision of minor services such as feeder roads, markets and slaughter houses. This diminished their importance to the local population and simultaneously increased their dependence on the central government for the provision of basic social services (Mitullah 2005). In general, elected local government leaders began viewing themselves as appendages of the central government who had no agenda distinct from that of the central government.

The central government exercised new supervisory powers over the operations of local governments and undermined their financial base. The central government took over local sources of revenue and abolished the graduated personal tax (GPT) that local authorities previously levied on the local population. Although a service charge intended to benefit local governments was subsequently introduced in 1988, the central government designated itself as the collecting agency and hardly remitted the collected revenues to local government councils. These policy interventions thus reveal that the central government has been determined to impoverish local governments and enhance its own credibility, even during a period of one-party rule. These intergovernmental fiscal policies were found to be the cause of many of the challenges facing local governments.

Kenya transitioned to multi-party democracy in 1992 and witnessed a turnover of power from KANU to the National Rainbow Coalition (NARC) of Mwai Kibaki in 2003.

In 2007, Kibaki was re-elected president under the banner of the Party for National Unity (PNU). But, due to the controversy surrounding those elections, he had to enter into a power-sharing agreement with his political opponent, Raila Odinga, of the Orange Democratic Movement (ODM). As shown later in this paper, disputes between these two parties have continued to influence the dynamics of local service provision in the country's major cities.

3.2 Involvement of international donors

Development partners have long navigated this difficult political terrain. During the 1980s and 1990s, the World Bank's and USAID's site and services and housing upgrading programmes aimed to bridge gaps in urban service delivery.³ In the 1990s, the World Bank, the United Kingdom's Department for International Development (DfID), and the European Commission initiated the local government reform programme (KLGRP), which is an ongoing mega-reform programme that aims to improve efficiency, accountability and good governance in the operations of local authorities (Odhiambo et al. 2005). The technical assistance was scheduled to end in December 2009 but has since been extended. The World Bank is also supporting the Kenya Municipal Programme (KMP) with US\$10.1 million which aims to improve the effectiveness and efficiency of urban local authorities by focusing especially on institution building.⁴ The five year programme covers fifteen urban areas, including Nairobi and Mombasa.

Besides the KLGRP and KMP programme, there are a number of other urban programmes that bilateral donors are supporting. For example, the Swedish Government is supporting the Ministry of Local Government in developing an urban development policy (World Bank/IDA 2009). This is a significant initiative, which is expected to

³ Although these programmes were not cushioned from politics discussed in this paper, and to a large extent failed to meet their target of housing the urban poor, they added to the stock of housing in the two cities. Estates such as the Dandora site and service scheme and the Umoja Condominiums in Nairobi and Mikindani estate in Mombasa are the products of these efforts.

⁴ The Kenya municipal Programme covers 15 urban authorities and has four components: institutional restructuring and empowering local governments; participatory strategic planning for urban development; investments in infrastructure and service delivery; and programme management, monitoring and evaluation.

guide state organs in rethinking and restructuring the role of urban authorities, to improve the efficiency of service delivery. DfID also previously funded the Kenya Urban Poverty Programme.

3.3 Fiscal decentralization

One of the key challenges for the proper implementation of decentralization policies is the lack of fiscal resources for local government (Bagaka 2008). The level of resources transferred from central government often has not been commensurate with the level of responsibilities assigned to lower levels of government in Africa. This results in low performance levels and disillusionment with decentralization programmes. The situation is no different in Kenya where, despite administrative decentralization, local authorities still lack full autonomy. The local government ministry maintains decision-making, planning and financial power.

However, major policy shifts did occur between 1999 and 2003 in order to improve fiscal decentralization. Specifically, the Kenyan government introduced two important devolved funds in the form of the Local Authority Transfer Fund (LATF) in 1999 and the Constituency Development Fund (CDF) in 2003. Both funds were introduced through Acts of Parliament, under the auspices of fiscal decentralization policies that the government was implementing under broader governance reforms. The LATF is an unconditional ‘block grant’ that provides local authorities with supplementary funds that are combined with own-source revenues (LATF Annual Review Report FY 2007-08). Each local authority receives a basic minimum lump sum of Ksh 1.5 million. It is an important fiscal resource for local authorities and is made operational by participatory planning through the development of Local Authority Service Development Action Plans (LASDAPs).⁵ These plans involve participation from local communities in order to meet the needs of residents, and they are then the blueprints for assisting local authorities in accessing the LATF. The CDF is comprised of 2.5 per cent of the total annual revenue collected by the government and is aimed at financing development projects in the country’s 210 parliamentary constituencies.

In addition, the local government ministry launched a Strategic Plan (2000-08) that aimed at enhancing proper utilization of resources based on identified core functions and providing a basis for regular monitoring of performance and management of staff of local authorities. The plan was to ensure excellence in service delivery and good governance, with strategies for local authorities, such as Nairobi and Mombasa to maximize local resources as well as to mobilize and expand the scope of fiscal decentralization based on LATF experiences. In line with the Paris Declaration, the management of these resources were further expected to engage development partners, the private sector, and civil society organizations in support of local service delivery and governance through LASDAP consultative processes (GOK 2005).

⁵ ASDAPs are the policy instruments for ensuring citizen engagement in development planning and management. It is a participatory process that develops a three-year rolling programme in line with the Medium-Term Expenditure Framework (MTEF) of Kenya and feeds into the local authority budget. Submission of a LASDAP is a requirement for accessing the LATF. It became a condition during the 2001/2002 financial year through a ministerial circular issued in July 2001.

The second Strategic Plan (2008-2013) of the local government ministry states that ‘in order for Las [local authorities] to confront challenges, the implementation of the ongoing public sector reforms, particularly Results Based Management and Performance Contracting will be deepened both at the Ministry of Local Government and in LAs’ (GOK 2008a). The plan further states that, human resource management capacities in the local government sector have been detrimental to the operations of local governments.

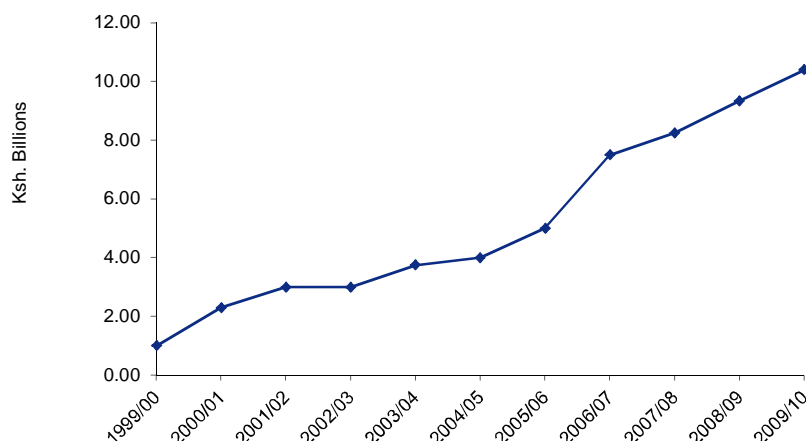
Unlike the CDF, which was established to channel funds directly to parliamentary constituencies, LATF is channelled directly to local authorities. Administratively, local authorities and constituencies overlap in Kenya. While the local authorities are administrative local level units, the constituencies are political entities which serve an electoral purpose. However, by establishing the CDF, the government effectively made the constituencies into resource allocation units and charged MPs with the role of overseeing the management of projects funded by the CDF. The co-existence of these two and other funds channelled by different partners through other sectors, without effective planning and co-ordination, has led to duplication of funds and projects, often causing conflict between political leaders and administrators.

Apart from inter-governmental transfers such as the LATF and the Road Maintenance Levy Fund (RMLF), local authorities generate ‘own-source revenues’. These include: market fees, single business permits, contribution in lieu of rates (CILOR), land/plot rates, house rents, vehicle parking, water and sewerage fees, game park fees and cess receipts, among other sources. Own-source revenues tend to be higher in amounts than the inter-governmental transfers. However, local governments are very poor at collecting revenue.

Consequently, the LATF remains extremely important. It has been increasing steadily since 1999, contributing to the improvement of services in local authorities, but the demand is still far from being met. Figure 1 highlights the trend and amount of LATF disbursement from the financial years 1999-2010.

To address the issue of revenue generation and some of the shortcomings of the LATF, and to improve the effectiveness of fiscal resources for local authorities, the LATF committee came up with the LATF Strategic Plan (2008-12). The plan aims at reconfiguring how LATF is utilized and administered to address several criticisms related to the management of the fund, and in particular, the implementation of LASDAPs. The Strategic Plan is expected to improve current LATF resources, administration procedures and public and institutional awareness on LATF and LASDAP (GOK 2008a).

Figure 1: Total LATF allocations to local authorities



Source: Author's diagram based on data from GOK (2008b).

The LATF reforms sought to improve financial management and accountability as well as provide a harmonized framework for the funding of devolved service delivery. The plan acknowledges a disconnect between the Office of the Deputy Prime Minister and Ministry of Local Government, and the LATF, as highlighted by the lack of mention of LATF in the ministry's Strategic Plan of 2000-08.⁶ Yet, while the LATF is important for service delivery in the local authorities, its effectiveness depends on the presence of politicians who are able to put aside party politics, develop a clear vision, and possess the ability to mobilize resources and stakeholders.

The existing evidence thus far is not very positive. The intrigues by some councillors during the allocation of LATF across wards demonstrate their inability to conceptualize development programmes as a common good for their respective councils. Although all wards are entitled to the fund, the onus is on individual councillors to conduct needs assessments and prioritize projects to be funded across the wards. However, in a number of local authorities, the councillors are more concerned about the equal allocation of funds even if it means minimal funds. Inadequacy in planning and prioritization of projects or abuse of resources has led to a number of incomplete projects littered across wards. Although LATF has begun turning around the local authorities in Kenya, the councillors are only keen on the funds during allocation. Once the allocation process is completed, the councillors have not been able to efficiently oversee the implementation of related projects, with some councillors failing to use all the funds allocated.

4 Decentralization in Nairobi and Mombasa

Until 1999, when Kenya launched the LATF, decentralization in urban areas was no different than from other regions of the country. The operation of the fund was enhanced in 2003 when the KANU regime that ruled Kenya from independence was replaced by NARC. The coalition developed the 2003 Economic Recovery Strategy Paper, with strategies for revamping the economic development of Kenya. This initiated

⁶ This omission was later rectified.

new ways of governance, including an attempt to decentralize urban services closer to residents in the wards.

Nairobi is leading in the attempts to further decentralize service delivery to the wards. Decentralization in Nairobi dates back to 2003 when the city embarked on decentralizing some services to eight administrative divisions incorporating 55 wards. Although the programme has been running for over six years, only a few of the services have been decentralized to wards. In January 2004, the city of Nairobi rolled out its decentralization programme by transferring 5,500 staff to the wards. Although the transferred staff was drawn from all departments, they were largely junior staff, with a few middle level staff assigned the responsibility of managing the wards and divisions. During the initial transfer, there were no offices at the local level, but gradually the city authority set up divisional offices in all the wards with divisional managers (Mitullah 2004). This move has begun changing the governance of the city with councillors minding their wards as opposed to interfering with the operations of town hall.

Each of the eight Nairobi divisions has several wards which the city has made service points. The rolling out of this exercise was generally weak and most divisions operated without technical staff and equipment, including furniture. However, minimal improvements in service delivery are beginning to be realized. The nature of the roll out revealed that little premium is placed on decentralization at the city hall level. This fact was best summarized by one senior city official who noted that ‘decentralization is hot air’ because the lower units have not been provided with relevant resources.⁷

Decentralized services are limited to environmental management, including solid waste management; water and sanitation, road maintenance and planning (see Table 1). The latter is limited to technical officers located in the divisions charged with monitoring compliance to building regulations. While most of the decentralized services operate in all the eight divisions of the city, road maintenance is only relevant to four divisions. Overall, most of the wards are struggling to provide services, with a majority concentrating on basic cleaning services such as cutting grass and refuse removal. Serious issues such as road repairs, broken pipe lines and serving residents’ needs are weakly addressed at the local level.

Table 1: Comparing decentralization in Nairobi and Mombasa

Characteristics	Nairobi	Mombasa
Population	3,133,518	938,131
Divisions	8	5
Wards	55	32
Responsibilities	Solid waste management, water and sanitation, road maintenance and planning	Inspection and enforcement, social service, and the environment

Source: Table compiled by the author. Population figures from GOK (2009).

⁷ Interview with anonymous City Council officer, 3/7/2011.

Unlike the city of Nairobi, Mombasa has yet to establish a fully-fledged framework for decentralization. Discussion with chief officers of the council revealed that only a few services have been partially decentralized.⁸ These include inspection of buildings, enforcement of by-laws, social services, and the environment, which have only been decentralized in Likoni division. Further discussions revealed that the city intends to have divisional units with ‘commanders.’⁹ The concept of commanders implies that inspection and enforcement are key foci of the decentralization process. In Nairobi, the inspectors cater for the enforcement of city by-laws, including building plans. Although the building inspectors have not been decentralized, the enforcement officers from the decentralized enforcement department act on their behalf. The Department of Environment, which has been extensively decentralized in Nairobi, has yet to be decentralized in the city of Mombasa. This is unfortunate since cleaning services is one service that requires decentralization at the lowest level of an urban council.

Table 2: Nairobi own source revenue and central government transfers (Ksh)^a

	FY 2008-09			FY 2009-10	
	Estimates (A)	Reported actual (B)	Efficiency (%) (B/A)	Estimates	% Estimate to actual
Revenues					
Central Government Transfers					
Local Authority Transfer Fund (LATF)	1,729,445,664	1,708,692,316	98.8	1,956,739,527	114.5
Road Maintenance Levy Fund (RMLF)	1,178,919,454	1,141,715,084	96.8	883,800,839	77.4
Sub-Total	2,908,365,119	2,850,407,400	98.0	2,840,540,366	99.7
Local Revenues					
CILOR	98,270,514	40,000,000	40.7	103,317,701	258.3
Property Rates	1,759,077,340	1,773,629,923	100.8	1,849,949,922	104.3
Single Business Permit	532,917,846	832,202,732	156.2	860,000,000	103.3
Market Fees	229,820,821	167,110,250	72.7	97,310,000	58.2
Others	2,149,593,796	3,908,571,334	136.3	2,866,841,078	73.3
Sub-Total	4,769,680,317	6,721,514,239	140.9	5,777,418,701	86.0
Total Revenues	7,678,045,436	9,571,921,639	124.7	8,617,959,067	90.0

Notes:

^a1 USD = Ksh. 80

^bContribution in Lieu of Rates (CILOR) is own-source revenue that is not directly collected by the local authority but by the central government and is later remitted to the local authority. As reflected in the case of Nairobi, CILOR's efficiency is very low, indicating the poor collection of rates.

Source: Compiled by author from GOK (2008b: 35, 139).

In terms of financing, both Nairobi and Mombasa receive a larger share of the LATF than other local authorities. Yet, Tables 2 and 3 show that they still tend to rely more on local revenue than on these transfers. It was anticipated that the complementary central government transfer would remarkably improve service delivery. However, service delivery has only improved very minimally.

⁸ Round Table discussions with chief officers of Mombasa Municipal Council, 21/9/2011.

⁹ Interview with Mohamed Bilafif, Director of Environment, Mombasa City Council, 22/9/2011.

Table 3: Mombasa own source revenue and central government transfers (Ksh) *

	FY 2008-09			FY 2009-10	
	Estimates (A)	Reported actual (B)	Efficiency (%) (B/A)	Estimates	% Estimate to actual
Revenues					
Central Government Transfers					
Local Authority Transfer Fund (LATF)	537,654,357	537,654,357	100.0	608,180,068	113.1
Road Maintenance Levy Fund (RMLF)	319,524,177	309,807,076	97.0	139,675,360	45.1
Sub-Total	857,178,534	847,461,433	98.9	747,855,428	88.2
Local Revenues					
CILOR	31,676,778	40,000,000	126.3	33,303,702	83.3
Property Rates	600,022,000	457,182,230	76.2	497,888,940	108.9
Single Business Permit	193,647,998	263,133,595	135.9	198,733,660	75.5
Market Fees	99,740,255	99,574,440	99.8	101,399,585	101.8
Others	244,636,550	363,571,519	129.5	280,643,640	77.2
Sub-Total	1,169,723,581	1,223,461,784	104.6	1,111,969,526	90.9
Total Revenues	2,026,902,115	2,070,923,217	102.2	1,859,824,954	89.8

Notes: *1 USD = Ksh. 80.

Source: Compiled by author from GOK (2008b: 35, 139).

5 Service delivery in Nairobi and Mombasa

Despite this availability of both local revenue and inter-governmental transfers, the local authorities in Nairobi and Mombasa struggle to provide adequate services to their populations. One key reason for this is that the provision of services by city authorities competes with other parallel service delivery mechanisms without adequate co-ordination (JICA 2007). According to a World Bank (2002) report on Kenya, there are no clear governing principles that guide the functions of local authorities and service delivery systems. Likewise, Rakodi et al. (2000) note that the concurrent existence of the Municipal Council of Mombasa, the district, provincial offices of central government and a plethora of parastatals collectively create a complex context that often blurs the operations of the service delivery system.

Compounding this problem of overlapping delivery systems is the existence of a weak legislative framework that creates confusion and negatively affects service delivery initiatives at both the structural and operational levels. This is intensified by the fact that the central government, through the local government ministry, supervises the cities and full decision making and revenue raising capacity has not fully been devolved to the councils. Inefficient service provision is further exacerbated by not only inter- and intra-party politics but also the lack of vision by local political leaders for the effective planning and delivery of services (Mitullah 2010). The following discussion therefore highlights these challenges with respect to solid waste management as well as water and sanitation. Even though these services have been further decentralized in Nairobi than in

Mombasa, thereby creating an extra layer of administration in the former, both cities have performed relatively poorly in these sectors.

5.1 Solid waste management

A significant share of Nairobi's and Mombasa's residents live in 'unplanned housing' within informal settlements, and are exposed to environmental pollution due to the lack of an effective municipal solid waste management system. Apart from domestic waste, both cities host numerous industrial facilities and companies that produce large amounts of waste. The department of environment in the two cities has the responsibility of managing solid waste and is backed by the urban development department at the local government ministry, which is a technical arm of the ministry charged with providing guidance, supervision, and monitoring infrastructure development and service delivery including solid waste management.

Under the direction of the urban development department, cities such as Nairobi and Mombasa are expected to invest part of their revenues into environmental management, which includes ensuring the cleanliness of towns and managing solid waste. Although the oversight provided by the department precludes the full autonomy of local authorities, only a few local authorities, including Nairobi, have taken the initiative to drive the solid waste management sector. Mombasa has yet to come up with a policy on solid waste management. However, at the time of writing, the French Development Agency (Afd) was on the verge of providing a grant to the council for two landfills and a transfer station where sorting and processing will be done. The Director of Environment noted that, if completed, the project would result in Kenya's first landfill.¹⁰

As of 2005, Bahri (2005) estimates that 70 per cent of municipal solid waste in Nairobi was not collected. He further notes that the Nairobi City Council only serviced the affluent areas of the city and ignored informal settlements where the amount of solid waste generated is very high. The decentralization of solid waste management in the city has attracted many actors in the collection of garbage. The high income suburbs are well served by private firms and city authorities while the low income areas remain poorly served by a plethora of other actors, including small private firms, youth groups collecting garbage, community based organizations, self help groups, and individual providers.

The ineffective co-ordination of these actors has been problematic with some firms and groups piling garbage at collection points on the wrong days, causing a mess and leaving council officials helpless. This is partially a result of the relations that the groups have with elected leaders. Some of the groups, especially youth groups have protection from ward councillors and do not adhere to council regulations nor respect the technical officers of the council. Apart from ineffective co-ordination, privatization has augmented the power of politicians who can decide to whom contracts can be allocated.

An environmental audit found that failure to manage the city's solid waste was due to the lack of a strategic framework, which had pushed the city to instead rely on

¹⁰ Interview with Mohamed Bilafif, Director of Environment, Mombasa City Council, 22/9/2011.

spontaneous ad-hoc approaches (GOK 2011a) influenced by political affiliations and alliances. Individual politicians often compete to influence the allocation of contracts related to solid waste management. This is further complicated by the chain of command and working structures, which include long bureaucratic procedures of approval that cause serious delays in service delivery and result in uncollected waste (Henry et al. 2006). The tension among councillors with regards to the recruitment of private service providers has also been a problem. In addition, youth groups associated with councillors also compete to collect garbage as many firms and groups join the business. The youth find the activity an employment and income generator, which they have to protect. The changing urban landscape and financial difficulties of local authorities also affect their ability to effectively deliver services. Most of the finances allocated for solid waste management end up being redirected to staff expenses, which have been generally high (Merinio 2006).

Mombasa presents a unique geographical challenge because it is a port city served by a large water body, and it is also exposed to the challenges of climate change. The city generates 750 tonnes of waste daily but only a small portion is collected for safe disposal at the Mwakirunge dumpsite while the rest winds up in illegal dumpsites.¹¹ Most of the waste flows into the ocean and other illegal dumping sites, despite prohibitions against such modes of disposal that are aimed at safeguarding the environment and sustaining the tourism industry (Henry et al. 2006). Mombasa's economy, to a large extent, depends on tourism and therefore, it is imperative that solid waste disposal is efficiently managed and that beautification of the city is undertaken.

The city of Mombasa, in comparison to the city of Nairobi, has barely decentralized services to the wards. Instead, waste management is largely undertaken centrally by the city council. In exceptional cases, the council hires private companies but, this is done on an ad hoc basis, with loop holes that are subject to abuse. Apparently, the council only resorts to this option when it cannot manage the services, but the practice is almost becoming the norm.

Besides the ad hoc hiring of private firms, community based waste enterprises also exist in Mombasa in the same way as they do in Nairobi, with several youth and women's community based organizations involved in converting garbage ventures into commercial enterprises.

5.2 Water and sanitation

The urban water and sanitation sector also interacts with political, economic and demographic processes (Nilsson and Nyanchaga 2009). Both cities operate their services under the Water Act, with the Water Resources Management Authority overseeing the usage of water resources in the country. The city of Nairobi is served by the Nairobi Water Company Ltd, a parastatal whose mandate is to ensure adequate provision of water and sewerage facilities to the city inhabitants. The parastatal operates under the Water Act, a legal framework in Kenya, which guides the functions and operations of the National Water Conservation and Pipeline Corporation (NWCP). While water services in Mombasa are under the same legal framework, they are managed by the Coastal Regions Operations Office.

¹¹ See http://www.entrepreneurstoolkit.org/index.php?title=Kenya;_Solid_waste_Management.

The management systems in the two cities are the result of sectoral reforms that began in 2003. The reforms have included commercialization of the service, which allows the cities to have a major share in, and control of, water and sanitation management. There are also a number of NGOs working with communities to ensure provision of water and sanitation. Some of these organizations collaborate with water companies to supply water. This is more prevalent in informal settlements where the formal service delivery is limited either due to lack of supply or affordability by residents.

In spite of the institutional reforms in both cities, the challenges of water and sanitation service delivery still remain. In respect to functional assignments and sector delivery reforms, there was no unitary and harmonized service delivery system, especially within local authorities in Kenya (World Bank 2002). A number of other service providers still operate with minimal co-ordination. Other challenges include inadequate water supply, lack of proper infrastructure and drainage systems, and inequity in the quality of service due to consumers' differential abilities to pay, service cut-off, weak regulatory oversight and lack of accountability to local consumer needs (Nyangena 2008). Guylani et al. (2005) found that a third of the meters in Mombasa do not work, despite the Coastal Region's integrated water supply system having a combined source capacity of about 160,000 cubic meters. The failure is largely attributed to inadequate institutional arrangements. A Citizen's Report Card on urban water, sanitation and solid waste services in Kenya conducted by a consortium of stakeholders also corroborated this fact.

These inefficiencies have contributed to an influx of private sector providers who operate on market principles and only provide services for city residents who can afford the services, with the ultimate goal of making profits. Most of these agencies interact with those councillors who represent the respective areas they work in, with some councillors owning service delivery businesses. This often compromises the delivery of public goods at the expense of personal interest. In isolated cases, the urban authorities working with civil society organizations partially cushion the needs of the poor through subsidized provision and communal taps, but the demands surpass their capacity.

6 Interplay of politics and service delivery

In addition to the lack of clear frameworks and the multiplicity of actors involved in providing services, local authorities in Nairobi and Mombasa also allow party politics to impede their ability to deliver services. For instance, councillors have a personal interest in contracts, which they are expected to oversee, and this often derails debates and the delivery of services. For example, most private agencies providing services to councils go through councillors. An extra-ordinary inspection of the City Council of Nairobi noted that 'councillors have cunning and mischievous habits of how to defraud their councils... brokerage for pushing payment vouchers and cheques where the suppliers pay them' (GOK 2004: 426). The report further noted that although not all Nairobi councillors have companies through which they trade with the council, most wait for successful tenderers and then become the latter's agents in running the businesses and to push their payments (GOK 2004).

Resnick (2011) argues that because cities represent the seat of economic power where opposition parties usually dominate in Africa, oversight and administration is vulnerable to political machinations. Kenya is no different, causing development to become

shrouded in party politics. Political parties often scramble to capture the main cities, including Nairobi and Mombasa, with most local politicians using the cities as springboards for national politics. Most of the competition is informed by retrogressive ethnic and party ideology which does not adequately inform policy and address challenges related to city governance and service delivery. According to one senior official of the ministry of local government, service delivery is not on the agenda for local politicians.¹² This viewpoint is also supported by the fact that technical officers, rather than politicians, drive the various reform programmes supported by development partners.

In Mombasa, intra-party politics have been especially intense. One example was the removal of Mombasa's mayor, Najib Balala, in the late 1990s because his party at the time, KANU, saw him as being *too* effective at his job. This removal was done amidst protest from the citizens, many of whom appreciated his attempts to reduce corruption, improve waste collection, and bolster the city's image. Balala subsequently joined the ODM, was elected as an MP, and was appointed minister of tourism. Yet, in 2009, Balala then attacked the current Mombasa mayor, Ahmed Mohdhar, for hindering local development projects within the region (*Daily Nation* 2009). The deeper source of these accusations was intra-ODM tensions related to Balala's support of Mohdhar's opponent in the last mayoral elections.

In April 2012, Balala lost his cabinet position and this event has triggered further political wars that are likely to affect service delivery within the city. For instance, Mohdhar has joined forces with other notable politicians in order to unseat Balala from his parliamentary seat in the 2013 national elections. By extension, these power struggles have caused city councillors to align themselves to rival camps, precluding objective council debates and resolutions. Indeed, according to the Town Clerk of Mombasa, Mr Tubman Otieno, such political dynamics often slow down planned service delivery activities.¹³

In Nairobi, many of the tensions have been related to inter-party politics, with attendant implications for inter-governmental relations. In fact, the central/local tension in Nairobi is a long standing issue, which at one point resulted in the central government appointing commissioners for the city. Between 1983 and 1992, there was no local representation and the commissioners worked under the instructions of central government. Since the country's 1992 multi-party elections, Nairobi has been predominantly controlled by opposition political parties. The central government ignored the operations of the city and used all forms of manipulation to have a direct influence over city affairs, including the ouster in 1994 of an elected and popular opposition mayor, Steve 'Magic' Mwangi. The many challenges which faced Nairobi city council during this period were viewed as an attempt by the ruling party to destabilize the council.

The new public management approaches and related programmes introduced when Kibaki took office have not eliminated political allegiances, patronage, and intrigues in city governance. The configuration of political allegiances became even more complex

¹² Interview with Mr Patrick Adolwa, Urban Planner, Office of the Deputy Prime Minister and Ministry of Local of Local Government, 25/7/2011.

¹³ Interview with Tubman Otieno, Town Clerk, Mombasa Municipal Council, Mombasa Town Hall, 7/7/2011.

during the 2011 mayoral elections when a number of PNU party members actually supported an ODM candidate, George Aladwa, which ultimately resulted in the defeat of the PNU candidate, James Gakuya, who the central government supported. Deliberate attempts by the central government to undermine local government continue as personal interests and a desire to outdo various political camps take toll at the expense of service delivery. In a contentious case involving the late transfer of the LATF for the year 2011/12, mayor Aladwa accused the national treasury of blocking the transfer of LATF to the city due to rivalries between the PNU and the ODM.

When these dynamics are brought into council politics, cohesion and shared views on service delivery disappear, as each political camp struggles to oppose each other irrespective of the interests of city residents. Indeed, the 2004 Extra-Ordinary Inspection Report of Nairobi's city council issued a damning report that illustrated how councillors lack an interest for service delivery and spend most of the time looking for loop holes in order to obtain resources from the council (GOK 2004).

Party competition has been exacerbated by certain institutional measures, including the Inter-Parties Parliamentary Group (IPPG) reforms of 1997. These reforms give political parties the right to nominate additional municipal councillors in proportion to a party's strength in Parliament.¹⁴ The espoused aim of nomination in local representation is to incorporate those with interests and skills that could supplement those of elected councillors. But, instead, nominees typically are supporters of political parties who use the nominations to protect their interests at the local level. This process only further promotes centralized governance, negates a decentralized approach to service delivery, and prevents amicable intergovernmental relations. This reform will, however, be rendered irrelevant once the Devolved Government Act under Kenya's new constitution is functional.

These political dynamics pose unique challenges for the international donor community. In some cases, donors continue with business as usual and establish frameworks to ensure that their investment is not negatively affected. In still other instances, donors directly work with NGOs and CBOs who are divorced from partisan politics.¹⁵ However, such arrangements often undermine the principles underlying local governance. Ideally then, development partners should support programmes designed by local leaders rather than designing their own parallel programmes.

7 Conclusions

This study has shown the gap between the theory and practice of decentralization, with attendant implications for urban service delivery. Service delivery arrangements are disconnected from the councillors, and are largely driven by technical officers, national government, and development partners. Councillors compete intensely to attract allocated resources in order to garner support from their wards. However, the enthusiasm witnessed during the resource allocation process rarely is reflected in the planning and implementation of service delivery projects.

¹⁴ Previously, the Minister of Local Government appointed additional councillors.

¹⁵ One example of this arrangement is the Ecosanitation project in Nairobi.

The various decentralization and governance frameworks that Kenya has adopted have not ensured efficient re-distribution and functioning of local governments, including cities. This is in line with Crook's (2003) work, which found that Kenya has used decentralization policies to ensure that ruling party influence is captured and maintained at the local level. The management and leadership of local governments, including cities and urban areas is often politicized along party and ethnic lines, thereby shifting the focus from service delivery to struggles over political power and influence.

Could Kenya's new constitution address some of the barriers discussed above to urban service delivery? As noted earlier, Kenya's constitution 2010 will be implemented after the country's 2013 national elections. The constitution provides for service delivery noting that a national state organ shall ensure reasonable access to its services in all parts of the republic. It also gives powers of self-governance providing for participation in all affairs of councils, including development and monitoring of plans and decision making. Moreover, the constitution provides for 47 devolved county governments and a new framework for governing cities and urban areas. The management of cities and urban areas will be vested in county governments and administered on their behalf by body corporate management boards (GOK 2011b).

A by-product of the constitution is the County Government Act, which aims to enhance intergovernmental relations. Specifically, it includes mechanisms for vertical consultation and co-operation between national and local authorities/county governments, consultation and co-operation between county governments and other state organs and offices; horizontal co-operation between county governments, conflict resolution and horizontal relations between the county governments and cities, municipalities and urban areas. These measures are expected to mitigate some of the challenges of inter-governmental relations, including fiscal relations. However, as already noted, political machinations have no boundaries and the mechanisms highlighted in the Act have yet to be operationalized.

More broadly, this paper has illustrated that the reluctance of Kenya's central government to devolve power to local governments has exposed urban authorities to manipulation by politicians and their supporters. This has prevented urban authorities from effectively delivering services to urban residents, who have in turn lost confidence in local governance. Although the on-going governance reforms and the Kenya constitution 2010 provides a mechanism for addressing some of these challenges, genuine devolution and the provision of services free of political manipulation will continue to be a daunting uphill task. In Kenya and elsewhere, effective decentralization of service delivery in cities cannot occur without committed leadership both at the central and local government levels. The leadership must have the ability to co-operate, consult and formulate effective policies, strategies, including the devolution of resources and fostering amicable inter-governmental relations.

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