Accountability in Kenya's County Governments: Role of Vote and Voice in Improving Service Delivery

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Abstract   This paper reviews the use of voice and vote in the County Governments of Kenya. The paper reviewed online sources using key word searches. The study finds that the use of vote as a blunt tool has been applied in the counties as 46% of the incumbent governors lost at the party primaries and the 2017 General Elections. The study also found that voice is exercised through several mechanisms including posting of Facebook and Twitter. The study further found that work boycott were a key feature of voice mechanism as used by county workers. The study found that vote and voice mechanisms as practiced in the Kenyan County Governments tended to disrupt service delivery. The study recommends that the county leadership find better ways of responding to the vote and voice mechanisms to ensure there is little disruption of services but rather harness these mechanisms for improved services.

Keywords   Accountability, Service Delivery, Vote, Voice, Boycott, Kenyan Counties

1. Introduction

Kenya continues to register remarkable milestones as a nation in the recent past. Its ability to rise from the post-election violence witnessed in 2007/2008 has been deemed as miraculously. One of the fruits borne by the healing process from the 2007/2008 post election violence was the County Governments which became operational after 2013 General Elections. The operationalisation and funding of the counties has been hailed as crucial step towards addressing distribution and access equity which are essential for better service delivery as advised by (Scott, 2017).

Gaitho (2017) conceptualises that accountability as indicated by voice, vote, information, representation and responsibility mechanisms has a role to play towards service delivery. Gaitho held that these accountability mechanisms enable leaders in public entities to undertake their duties more diligently and thus ensure better performance. Gaitho further held that service delivery as evidenced by availability, cost and quality of services and subsequent citizen's satisfaction is a suitable measure of performance in public entities. In furtherance of these arguments, this paper sought insight into usage of voice and

vote from 2013 to 2017 in the context of the County Government of Kenya.

The paper is structured in five sections. The first section is the introduction where the background is outlined and the problem analysed. The paper in the following sections reviews the four concepts under consideration in the paper. These are vote, voice, service delivery and the county governments. The paper then outlines the methodology adopted by the paper before proceeding to a discussion of the findings. The paper wraps up by conclusions and gives recommendations.

2. Vote as an Accountability Mechanism

Posani and Aiyar (2009) have noted that voting is the principal tool in democratic processes through which citizens can ensure and enhance accountability among government officials. Posani and Aiyar term voting as a 'blunt' mechanism implying its potent force if used properly.

Mookherjee (2014) on the basis of the probabilistic theory highlighted 'non issues' such as voters' awareness, voter turnout, party loyalties, politicians' charisma and image as factors which determine the outcome of elections. Mookherjee notes that poorer societies are prone to governance failures as a result of this trend where important policy issues take a back seat in elections. The situation is even direr in African societies where tribal and clan identities have become a key consideration in determining election outcomes.

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3. Voice as an Accountability Mechanism

Voice has been defined as the ability and the act of making one's preferences, demands, views and interests known (O'Neil et al., 2007). Goetz and Nyamu-Musembi (2008) perceive voice as 'acts or arguments that influence public decisions'. These acts require capabilities such as confidence, belief in one's opinions worth and the dedication in expressing these opinions. Executing voice also requires the ability to make informed choices based on critical awareness, education and information. Voice can be exercised at the household, community and national levels, and through individual or collective action.

4. Service Delivery

Fox and Meyers (1995) define service delivery as the provision of public activities, benefits or satisfactions to the citizens. Service delivery relates both to the provision of tangible public goods and intangible services and this can be done by government institutions, organisations, private companies, non-profit organisations and individual service providers. Mitchinson (2003) however hints that the rethinking of public service delivery has been driven by economic pressures and increasing expectations from citizens. This has resulted in renewed sense of managerial responsibility which has emerged internationally.

Similar to the Fox and Meyers contention, Entwistle and Martin (2005) also explain that service delivery entails actual production or provision of goods and services to the community and this need to be conducted in accordance with plans and within the allocated budgetary funds.

5. Methodology

The paper takes a qualitative approach. This paper holds that voice is indicated by public participation forums, complaints, protests, demonstrations, criticisms, radio call-ins, Twitter and Facebook posts, letters to the editor and petitions by citizens/ voters residing in a specific county. Votes are indicated by the General Elections and party nominations for Governors and MCAs as well as the voting trends on bills at the 47 County Assemblies across the country. Service delivery is indicated by rating by the citizens.

Keyword search was employed on the Google Search Engine, Daily Nation, Standard, The Star and on Youtube. The keywords used in the search were 'protests counties Kenya', 'demonstration counties' 'Governor county win' 'voting county assemblies'. The search was further refined by applying the names of the 47 counties in Kenya. The paper also reviewed the Facebook and Twitter pages run by the county's leadership. The paper uses thematic approach to sort out the issues emerging from the review and analysis.

6. Findings and Discussions

The study relied on online searches for instances of voice and voting patterns among the Kenyan counties. The search was limited to the period between June 2013 when the counties were operationalised and November 2017. The findings obtained are discussed in the following subsections and illustrated with screenshots from the online sources. The paper begins by discussing vote as a mechanism and then goes on to discuss voice as a mechanism. The paper devotes a particular section for a discussion on boycotts as a voice mechanism in the county governments.

6.1. Voting Trends at the County Level

As deducted by the Merriam-Webster diction 'elections are acts or processes of choosing someone for a public office by voting'. In this regard, the public will always strive to re-elect or replace corrupt and unaccountable public office holders with new ones. The Independent Electoral and Boundaries Commission (IEBC) is a body mandated with managing Kenya's elections. The IEBC's logo emphasizes the importance of voting. In the August 8th, 2017 General Elections, over half incumbent governors faced lost their seats for not being accountable to voters.
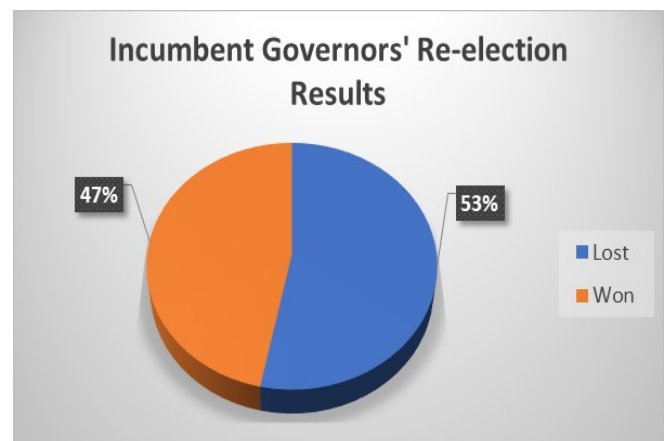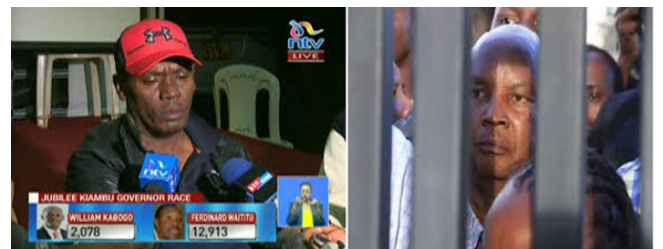

Figure 1. Incumbent Governors Reelection Results

Figure 2. Dejected looks of former Kiambu and Nakuru County Governors after losing out in party nominations (Snapshot from Author's TV set)

Figure 1 confirmed the bluntness of the vote as an accountability mechanism, twenty five out of 47 (53%) of the incumbent governors were not re-elected including governors from Bomet, Nairobi, Kiambu, Bungoma, Kajiado,

Kitui, Meru, Kisumu, Garissa, Marsabit, Waijir, Nyeri, Pokot West, and more others. The dejected looks of the defeated governors after the party primaries and the General Elections further emphasized the blunt force of the voting as an accountability tool. Figure 2 shows former Nakuru County and Kiambu County governors looks after they lost at the party primaries in 2017.

Regardless, a 2016 report by Ipsos indicated that although over 50% of Kenyans are willing to re-elect their county officials its uncertain whether their motivations were performance and accountability based (The Star, September 9, 2016). The East African on November 1, 2017 notes that six governors who were not re-elected had court cases over corruption and poor governance, while only one among the reelected governors had corruption and misappropriation of public funds indictments from the EACC. Earlier on, during political party's nominations for Jubilee and ODM, some governors including Benjamin Cheboi, Cleophas Lagat, John Mruttu, William Kabogo and Joseph Ndathi failed to secure their parties' tickets forcing some of them to vie as independent candidates. In Nyeri County, 29 out of 30 MCAs lost in the Jubilee Party primaries in April 2017 (The Star, April, 27, 2017).

National Taxpayers Association (NTA) chair reiterates that once the counties were operationalized the elected officials and the senior officers they appointed engaged in massive pilferage. The counties embarked on many meaningless 'benchmarking tours' with incessant infighting on the control of the public funds at the counties not to serve people better but with an aim of looting. This has been linked to the outcome of the party primaries and General Election outcomes for the governors and the MCAs.

6.2. Use of Voice in the Kenyan Counties

In Kenya, people express their voices on matters county governance and accountability in various ways including through opinion polls, media, politicians, government agencies, lobby groups, and among others. As such, the underlined groups have numerously called county governments into action using damming reports, press conferences, street protests and other means. The International Centre for Policy and Conflict (ICPC) reiterate on the importance of bolstering governance in Kenyan counties using comprehensive mechanisms that would effectively manage and raise own revenues. Although ICPC acknowledges previous strides and achievements that have been attained through devolution, recent reports have exposed massive irregularities in the management of county governments (Kass FM, August, 21, 2017).

A report by IBP (International Budget Partnership) acknowledges that as per the PFMA (Public Finance Management Act) of 2012, neither of the 47 counties have an obligation to gazette information on budget approval, formulation, audit, and implementation time frame. Regardless, between 2016 July and December, and 2017 IBM identified that only Siaya, Elgeyo Marakwet, Baringo and Kirinyaga respectively had followed the underlined budgeting procedure (International Budget Partnership, 2017).

A 2014/15 fiscal report by the office of the Auditor General revealed of massive misuse of county funds amounting to billions. The auditor general's report reported of enormous corruption and uncounted or excessive spending. Specifically, the Auditor General identify Homa Bay, Kisumu, Siaya, Kisii, Nyamira, Migori, Vihiga, and Kakamega counties as most affected in the western region. For example, in Migori county, the salary budget was exceeded by Sh136,827,504 (Standard Media, November, 23, 2016).
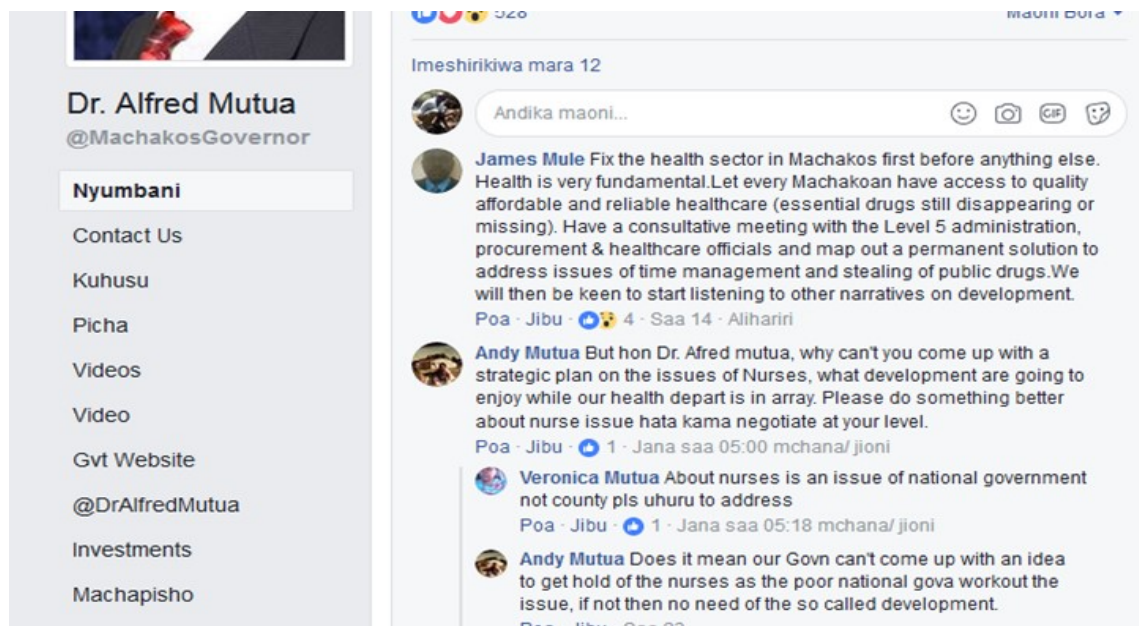

Figure 3.   Comments on Machakos Governor Facebook Page by Residents

In Nandi County, the residents threatened to sue their government on grounds of public resource mismanagement and massive corruption (Citizen Digital, August 11, 2015). More so, in Kisumu, under KCGWU (Kenya County Government Workers Union), the county government staffers at Kisumu Water and Sewerage Company (KIWASCO) organized peaceful demonstrations to protest mistreatment by the administration (Dala FM, March 6, 2017). Kisii, Nairobi, Mombasa, Garisssa, Embu, Murang'a and others have also witnessed similar events whereby the public expresses their voices through demonstrations.

A review of Facebook and Twitter posts shows that all the governors had active accounts on these platforms. The citizens post on these platforms as well as on the various pages to discuss county issues. Figure 3 shows responses on the Facebook Page of the Machakos Governor, Dr. Alfred Mutua on various issues affecting the citizens in the County. The county officials use these platforms to respond to various issues as was evidenced by interactions in Nairobi Governor, Mike Sonko's Facebook and twitter accounts. There were found to be hashtags on twitter such as one on expensive wheelbarrows purchased by the Bungoma County Government. The vibrancy of the online platforms is evidence by court cases and harassment of residents and bloggers as a result of posting on county issues which displeased the governors.

6.3. Boycotts as a Voice Mechanism in the Counties

Another widely voice mechanism in the counties over the duration under study has been boycotts. As noted by Seidman (2007) boycotts have been used globally by people to express their displeasures or disapproval with certain government affairs. In this regard, the public may decide not to render their services, consume certain goods or behave in a manner not beneficial to the authorities' interests.

A recent presidential election rerun boycott by the opposition party NASA (the National Super-Alliance), has indicated how far the implications from a civil boycott can be. The NASA's October, 26th 2017 presidential election boycott saw the country register the lowest ever voters' turn-out of 38% (Kenya News, November, 1, 2017). The Nairobi county government lost millions of shillings from parking and other revenues after its staff under a workers' umbrella body, the Kenya County Government Workers Union (KCGWU), called for their work boycott due to unpaid salaries (Nairobi News, May 17, 2017).

In Nakuru, motorist threatened to boycott paying the county's parking fees for lack of consultation over the new increased charges (Daily Nation, January 1, 2014). Traders in Bungoma county also boycotted paying their rent for three months to force the county management to pay the dues of Chwele market security guards and its general sanitation. It was estimated the county incurred a loss amounting to Kshs. 500,000 from the boycott (Kenya News Agency, November 2, 2016). Moreover, Bungoma MCAs called upon the county government to account for the extraneous wheelbarrow

budgeting expenses. This incident raised outrage among social media users in Kenya with the issue trending for several days on twitter and Facebook.

The health sector since the operationalization of the counties has been the hardest due to weaknesses in responding to the workers voice. Nurses across the country disrupted county governments' health operations after boycotting the unhealthy working conditions for over five months June 2017 to November 2017 (Capital FM, November, 2, 2017). Hundreds of members of the public were forced to seek for alternative health services from expensive private health facilities. Doctors, under the Kenya Medical Practitioners Pharmacists and Dentists Union (KMPDU) also went on a 21 days boycott, after the failure of county governments to honor their three years Collective Bargaining Agreement (CBA). The doctors enhanced their strike through street demonstration in Nairobi and other County headquarters (Daily Nation, December 5, 2016).

7. Conclusions and Limitations

The paper is built on a review the use of vote and voice in the Kenyan Counties from online sources perspectives. The paper finds that voice is exercised through varied means including boycotts, protests, TV/radio call-ins as well as Facebook and twitter posts. The blunt force of vote as an accountability also emerged in the review as indicated by 53% incumbent governors who were voted out in the 2017 General Elections. The paper observes that current vote and voice accountability mechanisms have contributed negatively to service delivery in the counties as evidenced in the health sector as a result of prolonged doctors and nurses' strikes. The paper notes that the county leadership is ill equipped on how to respond to the vibrant voice and vote mechanisms by the citizens and county workers. The paper was limited by lack of a methodology to review WhatsApp posts as a means of voice accountability mechanism targeting the county leadership.

8. Recommendations

Based on the findings and the conclusion of the study the paper makes a number of recommendations.

The paper suggests that the governors and Members of County Assemblies internalise that the voice and vote are legitimate tools through which the citizens and even the workers can use to communicate to them. There is need for the elected members to come up with laws to guide the interaction between them and other stakeholders to ensure that mechanisms such as strikes, go slows and demonstration are a last resort.

The appointed officials including Chief Executive Officers at the Counties also need to adopt a sober minded approach when dealing with the workers and citizens to ensure minimal disruption of services.

The paper also advises the workers' unions to learn from previous experiences on how best to engage the county officials to ensure that service delivery is not disrupted for long as has been in the health care, a situation which has costly adverse short and long term consequences on all stakeholders.

The study recommends that bodies such as the Ethics and Anti-Corruption Commission (EACC) should bolster the role of vote and voice by ensuring that only leaders who pass the integrity test are allowed to vie for and be appointed to hold positions at the counties. The EACC should liaise with the Judiciary, Directorate of Criminal Investigations (DCI) and the National Police Service to ensure their recommendations are enforced.

The civil society need to enhance its visibility at the county levels across the country to ensure that the desired objectives of the devolved governments are realised. The civil society need to train the citizens on how best to use the voice and vote accountability mechanisms. The civil society also needs to build the capacity of the leadership and other county officials on how to respond to a stronger voice and vote in the counties.

The citizens also need to utilise effectively new communication media platforms in a responsible to amplify their voice and enhance the accountability of the elected and appointed county officials.

There is also need for further studies on how to enhance vote and voice as accountability mechanisms in a bid to enhance service delivery in local governments such as county governments.

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