

THE LOCAL GOVERNMENT SYSTEM IN

KENYA



1 INTRODUCTION

The Republic of Kenya, a unitary state, lies astride the equator on the eastern coast of Africa, bordered by Tanzania to the south, Uganda to the west, Sudan and Ethiopia to the north, and Somalia to the east. It has an estimated population of 36,913,721 and a land area of 582,646 sq km.¹

Kenya returned to multi-party democracy with the national elections of 1992. There is universal adult suffrage at age 18.

The republic has a unicameral National Assembly (the Bunge) of 222 members. Two hundred and ten members are directly elected from single-member constituencies to serve a five-year term. The president appoints the other 12 members from nominations by the

political parties and coalitions in proportion to their share of the national vote. Nominations must take into account gender equality. There are two *ex officio* members: the attorney general and the speaker of the National Assembly who is elected by parliament.

The president is head of state and head of government. The president is directly elected for a five-year term, and may hold office for a further term. Winning candidates must secure a simple majority and receive at least 25% of the vote in at least five of the seven provinces and the capital.

The president appoints the vice-president and members of the cabinet from among the members of the assembly.

The capital city is Nairobi, and the two

official languages are Kiswahili and English. Administratively the country has seven provinces and one area (Nairobi). The provinces are divided into 69 districts, which are further divided into divisions, locations and sub-locations. Kenya has 175 local authorities including 67 county councils, 43 municipal councils, 62 town councils, and three city councils.

The contribution of local government to GDP was 1.1% in 2001.

2 POLITICAL AND ORGANISATIONAL STRUCTURE OF KENYA

2.1 Position of local government in the state

The most recent elections for the assembly were held in December 2007, with results that were widely challenged, and that caused a sustained period of unrest in Kenya.

Officially, Mwai Kibaki of the Party of National Unity (PNU) won the election with 4,584,721, and was immediately sworn into office, further fuelling claims of malpractice. Raila Odinga, of the Orange Democratic Movement (ODM) officially came second with 4,352,993 votes. In the parliamentary elections the ODM won 99 seats, the PNU 43 seats, pro-ODM parties 4 seats and pro-PNU parties 24 seats.

A power sharing agreement has now been finalised whereby Kibaki will remain president, but Odinga will fill the newly formed position of prime minister, with considerable powers allocated to him.

Since the early 1990s Kenya has embarked on a series of market-oriented reforms, together with a major programme of reforms in the public sector which have covered the civil service, public financial management and accounting practices, parastatal activity, the judiciary and the legal sector. Reforms have been introduced in education, health and sanitation and local government.

There have been several attempts at reform of local government. The findings of the Omamo Commission of Inquiry on Local Authorities, in 1996, pointed to the large number of small and non-viable local authorities, but were not acted on at the time.

The Kenya Local Government Reform Programme (KLGPR), established and funded by the World Bank from the late 1990s and continuing through donor funding, focuses on

making the current system more effective and accountable through strengthening local revenue resources, reforming inter-governmental fiscal relations, and promoting participatory planning.

The government's Poverty Reduction Strategy Paper (2000-2003) recognised the potential contribution of local government and outlined a number of strategies to improve the management of local authorities, including accelerating the KLGRP.

The present government reactivated a review of the constitution (a Constitutional Review Committee was first set up in 1997), with a National Constitutional Conference taking place in 2003. In September 2003, a devolution committee proposed a four-tier government structure composed of central government, provincial government, district (local) government, and a fourth tier at locational level. Changes to the administrative, de-concentrated system are envisaged, and, once a new constitution has been enacted, legislation on local government will follow.

Under the provisions of the Local Government Act 1977, the Minister of Local Government is responsible for local authorities. The minister's remit covers the constitution of local authorities, power to establish and extinguish local authorities,³ and oversight of their policies, by-laws, staffing, administration, operations, budgets and financial management. Other sector ministries also directly affect the operation of local authorities, particularly in the areas of health, education, water and roads.

The local government minister can appoint inspectors to undertake an 'extraordinary inspection' or appoint public officers to undertake 'research, inquiries and investigations' in respect of the Act's provisions or to promote efficiency in a local authority's operations. If an inspection results in adverse findings the minister may replace a council with a commission of at least three people, with the powers of the local authority and the councillors they replace.⁴ The commission is appointed for two years and the term may be extended for a further year. Subsequent extensions require the approval of the House of Assembly. Alternatively, oversight arrangements may be put in place.

In February 2000 an Interim Oversight Board was established for Nairobi City Council following the report of an Extraordinary Inspection Team (EIT) into the council's financial and management practices and standards of service delivery.

Kenya has seven provinces – Central, Coast, Eastern, North East, Nyanza, Rift Valley and Western – and one area, Nairobi. These are divided into 69 districts which have

administrative responsibilities under the de-concentration initiative, the District Focus for Rural Development (DFRD) introduced in 1983.

The district system is further 'de-concentrated' through divisions, locations and sub-locations, which are primarily concerned with social conflict resolution and local security, with little input into planning or service delivery.

The provincial commissioner appointed by the president heads the province administration.

Districts are headed by district commissioners,

also appointed by the president, who are assisted by divisional officers, chiefs⁵ and sub-chiefs who have responsibility for the divisions, locations and sub-locations. The district commissioner is accountable through the provincial administration to the Office of the President.

3 LEGAL BASIS FOR LOCAL GOVERNMENT

3.1 Constitutional provisions

The current constitution is silent on the subject

Table 1. Distribution of local authorities and population

Local authority	Largest	Smallest	Average
City council	Nairobi 2,143,254	Kisumu 322,734	1,043,395
Municipal council	Kehancha 151,887	Karatina 6,852	94,000
Town council	Kangundo 187,389	Chepareria 8,812	46,000
County council	Nakuru 751,260	Moyale 53,479	295,000

Table 2. Districts, rural population and distribution of local authorities

District	Number of local authorities					% rural
Nairobi	1	–	–	–	1	Nil
Kiambu	–	2	2	1	5	93.7
Kirinyaga	–	1	1	1	3	93.4
Muranga	–	1	1	1	3	95.7
Nyandarua	–	–	1	1	2	92.3
Nyeri	–	2	1	1	4	89.7
Thika	–	2	–	1	3	73.9
Maragua	–	–	3	1	4	97.4
Kilife	–	–	2	1	3	87.2
Kwale	–	–	1	1	2	86.6
Lamu	1	–	–	1	2	7.5
Taita Taveta	–	1	1	1	3	85.3
Tana River	–	–	–	1	1	91.5
Malindi	–	1	–	1	2	79.5
Embu	–	2	–	1	3	88.1
Isiolo	–	–	–	1	1	71.4
Kitui	–	1	–	1	2	96.8
Makueni	–	–	2	1	3	96.3
Machorkas	–	2	2	1	5	91.8
Marsabit	–	–	–	1	1	88.6
Mbeere	–	–	–	1	1	98.6
Meru Central	–	1	–	1	2	93.5
Moyale	–	–	–	1	1	73.9
Mwingi	–	–	1	1	2	96.5
Meru North	–	1	–	1	2	98.0
Meru South	–	1	1	1	3	95.5
Tharaka	–	–	–	1	1	100.0
Garissa	–	1	–	1	2	80.0
Mandera	–	–	1	1	2	78.9
Wajir	–	–	–	1	1	89.9
Ijara	–	–	–	1	1	100.0
Gucha	–	–	4	1	5	97.6
Homa Bay	–	1	–	1	2	88.3
Kisii Central	–	1	3	1	5	92.8
Kisumu	1	–	–	1	2	60.9
Kuria	–	1	–	–	1	92.1

cont'd

of local government, but it is expected that it will be fully recognised in a new constitution.

3.2 Main legislative texts

The Local Government Act (Cap. 265) of 1977 is the main legislation that governs all local authorities in Kenya. There have been a series of amendments. Work on a draft bill to substantially amend the legislation has been suspended until a new constitution has been enacted.

Other laws that affect the management of local authorities and their revenue base include:

- Local Government Loan Authority Act (Cap. 270)
- Land Planning Act (Cap. 303)
- Trade Licensing Act (Cap. 497)
- Rating Act (Cap. 267)
- Valuation for Rating Act (Cap. 255)

- Agriculture Act (Cap. 218).

The Minister of Local Government is responsible for the administration of the Acts.

4 LOCAL GOVERNMENT ORGANISATIONAL STRUCTURE

4.1 Main divisions

Local government is single-tiered in both urban and rural areas.

Urban local governments are the three city councils, 43 municipal councils and 62 town councils.

Rural local government is provided by 67 county councils. The geographical boundaries of county councils in almost all cases coincide with those of Kenya's administrative districts.⁶

Although Nairobi has had city status since 1950, Kisumu, capital of Nyanza province, and Mombasa, capital of Coast province, were

only accorded this status in December 2001 and January 2002 respectively, by former President Moi. A number of town councils have been given the status of municipal councils. Some counties have been divided, creating smaller counties, or urban areas within them constituted as town councils. This has led to a large number of small authorities, which lack the resources to maintain adequate levels of service delivery.⁷

The legislation gives authorities similar responsibilities. In practice the established municipal councils provide a wider range of services than the counties, towns and newer municipalities. The authorities have autonomous status in their geographic areas.

4.2 Distribution of local governments and population⁸

The average population of Kenya's three cities is 1,043,395, the largest being Nairobi with a population of 2,143,254, and the smallest Kisumu at 322,734.

The municipal councils have an average population of 94,000, the largest municipal council being Kehancha with a population of 151,887, and the smallest Karatina with a population of 6,852. Only 11 municipal councils have a population of over 100,000, compared with all but three county councils.

Town councils range from Kangundo, with a population of 187,389, to Chepareria, with a population of 8,812. The average population of a town is 46,000.

Nakuru is the largest county council with a population of 751,260, the smallest being Moyale at 53,479. Their average population is 295,000.

Some 19.4% of the population lives in urban areas.

5 DEMOCRATIC AND POLITICAL STRUCTURES IN LOCAL GOVERNMENT

Local government elections are held at the same time as those for the president and the National Assembly, local councils being dissolved after the dissolution of the National Assembly. Two-thirds of councillors in each authority are directly elected in single-member wards for a five-year term. The Minister of Local Government appoints the other third, with nominations made by the political parties or coalitions on the basis of their representation within each council. The district commissioner (or his/her representative) is also a councillor, providing a link between the local authority and district activities. The system is uniform across the country.

There are no mechanisms that guarantee the representation of women in local government. In the local elections of 2002,

Table 2. (continued) Districts, rural population and distribution of local authorities

District	Number of local authorities					Population
						% rural
Migori	–	1	2	1	4	89.1
Nyamira	–	–	2	1	3	97.3
Rachuonyo	–	–	2	1	3	96.9
Siaya	–	1	3	1	5	95.7
Suba	–	–	1	1	2	94.9
Bondo	–	–	1	1	2	94.9
Nyando	–	–	2	1	3	94.0
Baringo	–	1	–	1	2	93.9
Bomet	–	1	–	1	2	98.8
Keiyo	–	–	1	1	2	95.9
Kajiado	–	–	1	1	2	80.2
Kericho	–	1	2	1	4	91.7
Koibatek	–	–	1	1	2	83.8
Laikipia	–	2	1	1	4	80.1
Marakwet	–	–	–	1	1	100.0
Nakuru	–	2	1	1	4	70.3
Nanda	–	1	1	1	3	95.7
Narok	–	–	1	1	2	92.6
Samburu	–	–	1	1	2	97.6
Trans Mara	–	–	–	1	1	95.6
Trans Nzoia	–	1	–	1	2	89.0
Turkana	–	1	–	1	2	90.3
Uasin Gishu	–	1	1	1	3	70.2
West Pokot	–	1	1	1	3	95.5
Buret	–	–	2	1	3	99.0
Bungoma	–	3	2	1	6	89.8
Busia	–	1	3	1	5	88.0
Mount Elgon	–	–	–	1	1	96.1
Kakamega	–	1	1	1	3	90.2
Lugari	–	–	–	1	1	97.7
Teso	–	–	1	1	2	96.0
Vihiga	–	1	1	1	3	94.4
Butere-Mumias	–	1	–	1	2	90.4
Total (69)	3	43	62	67	175	80.6

some 381 women stood as candidates and 97 were elected,⁹ representing 2.6% of all (approximately 3,800) councillors.

Councillor remuneration is determined by central government through the Ministry of Local Government. Significant increases in the allowances for mayors, chairpersons and councillors were announced on 10 October 2003,¹⁰ ranging from 25% for already high-earning councillors to 100% for others.

Effective from November 2003, the allowances are to be met from council revenues. However, a government committee is reviewing whether or not in the future councillors might be paid directly by central government. The committee is also considering a claim from the Association of Local Government Authorities of Kenya (ALGAK) that councillors be paid a flat rate allowance of 250,000 Kenyan shillings (KSh) per month.¹¹

5.1 Council structures

City and municipal councils are led by a mayor, and town and county councils by a chairperson, elected by the councillors following the local elections. Committee chairpersons are also elected. There are no executive committees or cabinets.

Councils conduct their business through committees, which make recommendations to the full council.

All councils are required to have a finance committee. There is full discretion to establish other committees, the number and type depending on the size of the authority and its responsibilities. A planning committee is commonly established. Other committees may include those for works, markets, education, social services, health and environmental services.

For example, Busia County Council has four committees: finance, staff and general purposes; town planning, works and markets; environmental conservation; and education and social services.

5.2 Local government staffing

Senior staff are recruited through the Public Service Commission (PSC), with the Minister of Local Government having full discretion over the most senior appointments. The commission is also responsible for promotions and disciplinary matters. Other staff are directly recruited and dismissed by local authorities. Part-time casual workers are also employed.

All local government employees must follow the Code of Conduct and Ethics for public officers under the Public Officer Ethics Act 2003.

A town clerk, appointed by the PSC, is head of the paid service in city, municipal and town

councils. A county clerk, similarly appointed by the PSC, is the chief officer in the county councils.

The town clerk and the treasurer are supported by other officers depending on the size and responsibilities of the council. Other senior appointments may include an engineer, a chief administrative officer, and a public health officer.

In addition to the town clerk's and treasurer's departments other departments may include those for works and planning, education and social services, water and sanitation, and health.

5.3 Consultation and participation

With the return of multi-party democracy there has been rapid growth in civil society networks and groups, with women's organisations being strongly represented. Until recently this has not been matched by opportunities for participation in the local government system outside the local electoral process, nor have local authorities been active in the provision of local-level information.

The Local Government Act makes no reference to citizen participation. It allows, but does not require, the local authority to publish a summary of budget estimates in a local newspaper.¹² For a fee, the local authority must provide a copy of the annual estimates if this is requested. Local citizens may attend full council meetings as observers, but committees are held in closed session.

The Kenya Local Government Reform Programme (KLGRP) requires local authorities to produce local authority service delivery action plans (LASDAPs) as one of the four conditions for the transfer of funds under the performance component of the Local Authorities Transfer Fund (LATF).¹³ LASDAPs put forward a three-year rolling programme of local activities and projects, with the first year feeding directly into the annual budget. On an annual basis local authorities are required to:

- Prepare a list of formal and informal organisations within their areas
- Publish information on their LASDAP and the available resources, inviting proposals and comments
- Hold at least one consultative meeting with local organisations to identify needs and prioritise activities and projects.

In the first year of LASDAPs in 2001/2002 more than 27,000 individuals participated in 900 meetings. Participant groups included market and trader associations, women's groups, self-help groups, handicapped groups, neighbourhood groups, health and medical

groups, churches and schools. Elected representatives, both national and local, together with some government officials, also took part.

5.4 Independent scrutiny

Since 2000, under an amendment to the Local Government Act,¹⁴ local authorities have been required to establish an independent internal audit unit, with the internal auditor reporting to the finance committee.

Financial statements must be submitted at the end of each financial year for audit by the Controller and Auditor General.

6 DISTRIBUTION OF SERVICE DELIVERY COMPETENCE

The only statutory responsibility of all local authorities is to provide for the burial of the destitute within their areas.¹⁵ The provisions of the Local Government Act are essentially permissive, but usually require the approval of the Ministry of Local Government or the appropriate sector ministry. Generally local authorities have responsibility for local services including markets, slaughterhouses, refuse collection, recreation, local road maintenance, street lighting and some public health services.

Different arrangements apply to the provision of education, health, water and sewerage. The extent to which local authorities have such responsibilities depends on their capacity to deliver, and the formal delegation of responsibility by either or both the Ministry of Local Government and the sector ministry.

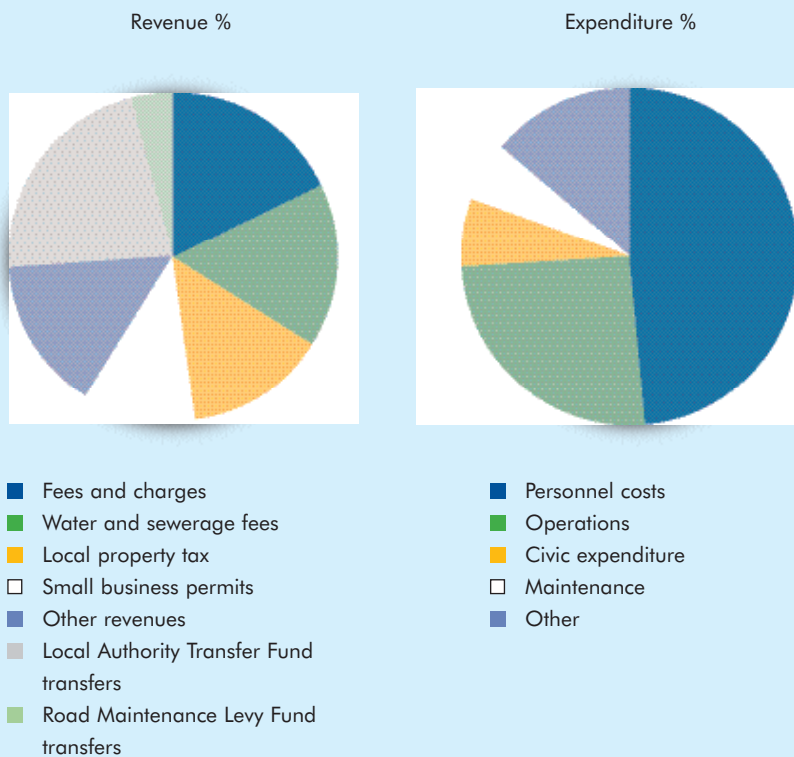
Seven local authorities (the cities of Nairobi, Mombasa and Kisumu, and the municipalities of Nakuru, Eldoret, Thika and Kitale) are education authorities, responsible for the construction and maintenance of pre-primary, primary and secondary education facilities. Other local authorities provide only pre-primary education facilities and services.

The same authorities provide basic and preventative health services, largely through clinics (although Nairobi has a hospital), together with health education services. Most health services are provided through the district-based system of health management boards and teams.

The number of those providing water services is also limited. Local authorities must secure approval from the Ministry of Local Government and the Ministry of Environment and Natural Resources.

Few authorities provide housing, but they are responsible for housing-related services including land procurement and sub-division, supervision of works and construction, and approval of building plans.

Figure 1. The financial structure of local government in Kenya



7 FINANCE

7.1 Revenue

The total aggregate revenue of local authorities was KSh10.3bn in 2000/2001 (US\$131.76m)¹⁶. Local authorities receive revenue from central government block grants and locally raised taxes, fees and charges.

There is wide variation in the amounts raised from different fees and taxes from authority to authority. The aggregate local authority revenues are:

1. Fees and charges	18%
2. Water and sewerage fees	16%
3. Local property tax	14%
4. Small business permits	11%
5. Other revenues	15%
6. Local Authority Transfer Fund transfers	22%
7. Road Maintenance Levy Fund transfers	4%

Local authorities are responsible for collecting taxes and user fees.

7.2 Revenue-sharing

The Local Authorities Transfer Fund (LATF) was introduced in 1999 to replace the Local Authorities Service Charge (LASC).¹⁷ It provides for the transfer of 5% of national personal income tax to local authorities to improve local service delivery, financial management and accountability, and eliminate all outstanding local debts. LATF allocations are formula-based, providing:

- A basic minimum lump sum for all local authorities

- A fixed percentage (60-70%) allocated on a population basis
- A fixed percentage based on relative urban population.

Transfers are by block grant. The allocation to each local authority has two components, a 60% service delivery component and a 40% performance component. Transfers are contingent on the local authority providing different sets of financial information and plans for each component. The service delivery component for 2002/2003 required:

- At least 50% must be allocated to capital projects
- Not more than 60% of the total should be for personnel
- Statutory charges must be paid within the year in which they are due.

Since 2001/2002 the performance component has required that local authorities provide:

- A statement of receipts, payments and balances, and an abstract of accounts
- A statement of debtors and creditors
- A revenue enhancement plan (REP)
- A local authority service delivery action plan, identifying and prioritising local expenditures, prepared following the participatory planning approach described in Section 5.

In 2003/2004, the government is to transfer KSh3.75bn to local authorities through LATF, a 25% increase over 2002/2003.¹⁸ The treasury

is implementing a monitoring and evaluation programme to assess how these resources have been used.

An independent advisory committee, chaired by a private-sector appointee, advises the government on the operation of the LATF. Other private-sector interests, the Ministry of Local Government and the Ministry of Finance and Planning are represented, together with the Association of Local Authorities in Kenya (ALGAK).¹⁹

Some 20% of the Road Maintenance Levy Fund, linked to a levy on petrol and diesel, is disbursed through the Ministry of Local Government for the ministry's managed roads projects. The majority is spent by the ministry on behalf of local councils, but a small amount reaches the 26 towns to maintain and rehabilitate unclassified roads.

The Ministry of Local Government must approve most changes to fees, taxes and other charges. Under the Single Business Permit local authorities have a choice of tariff levels under a range of pre-approved tariff schedules.

Central government covers certain salary costs in the seven local authorities which have approved education and health responsibilities.

7.3 Expenditure

The aggregate expenditure of local authorities was KSh9.1bn in 2000/2001 (US\$115.29m):

1. Personnel costs	48.5%
2. Operations	25.5%
3. Civic expenditure	6.5%
4. Maintenance	5.7%
5. Other	13.8%

The aggregate figures conceal wide variations in expenditure patterns between the different types of local authority. Nationally personnel costs, including member allowances, account for almost half of all expenditure. In county councils this percentage is much higher, estimated at 70-80% of total expenditure.²⁰

Local authorities are not permitted to set deficit budgets. In practice deficit budgeting occurs as local authorities overestimate income in order to meet budgeted expenditure.

8 ORGANISATIONS OF LOCAL GOVERNMENT

The Association of Local Government Authorities of Kenya (ALGAK) was established in 1959 by local authorities to facilitate the development of an effective and viable local government system. A revised constitution was adopted in December 2000. Membership is voluntary, and the association is not recognised in law. Funded by member contributions, its objectives are to:

- Lobby for a strong local government system and the development of appropriate policies
- Promote solidarity and good governance among local authorities
- Promote sustainable development
- Strengthen the operational capacity of local authorities.

An independent secretariat was established in 1995, with support from two German agencies, the Friedrich Ebert Stiftung (FES) agency and the German Agency for Technical Cooperation (GTZ).²¹ The secretariat:

- Provides a link between the local authorities and the Ministry of Local Government
- Oversees training programmes for members and officers
- Publishes materials relevant to the running of a local authority, including a newsletter
- Assists members on issues relating to division of assets where new councils have been created
- Liaises with the Ministry of Local Government to secure from the treasury any outstanding arrears of central government transfers.

ALGAK has been a major player throughout the debate on the review of the constitution, developing a local authority position statement, *The Local Government we want in Kenya*.²² Local authorities have also been represented by ALGAK in the government group, one of four thematic groups convened to revise the Local Government Act and LATF Advisory Committee. The association is affiliated to the CLGF, IULA, and the International Council for Local Environmental Initiatives (ICLEI).

9 INTERGOVERNMENTAL RELATIONS

There are formal relationships between local and central government; the key ones are with the Ministry of Local Government and the sector ministries for education, health and water. ALGAK represents local government at national level.

The provincial administrations, through the district commissioners, have established formal relationships with local councils, and approve all local development proposals although this arrangement has no legal basis.²³ The district development committee (DDC), accountable to the centre, takes the most important and influential decisions and coordinates all local proposals on a district-wide basis before they can be submitted to the Ministry of Local Government. Its membership includes:

- The district commissioner (chairman)
- The district development officer
- Departmental heads of all ministries

- represented in the district
- All members of the National Assembly in the district
- Chairpersons and mayors of local authorities
- Clerks of local authorities
- Chairmen of divisional development committees (DVDCs)
- Representatives of development-related parastatals
- Invited representatives of non-governmental organisations (NGOs) and self-help groups.²⁴

10 E-GOVERNMENT

The government website at www.kenya.go.ke provides information on government ministries and other state bodies and includes links to Kenya's four main national newspapers.

The government is making use of the internet and email to support the activities of public organisations such as the Kenya Anti-Corruption Authority (KACA), and the Information Technology Standards Association (ITSA) which has launched a project to increase public awareness and encourage public participation in fighting corrupt practices.²⁵ The awareness campaign will target groups such as teachers, traders' associations, NGOs, community-based organisations, churches and religious groups. Internet cafes and eTouch centres are being provided to the public to report their concerns.

In 2005 there were 1.055 million internet users in Kenya, 3% of the population.²⁶

11 ENVISAGED REFORMS

In the medium term a new constitution which formally recognises local government is expected to be enacted. This will be followed by revised local government legislation.

Current plans envisage the transfer of water supply to state bodies and the private sector. Reforms around revenue-sharing are being further developed and monitored.

12 MISCELLANEOUS

Traditional leaders are not formally involved in local government in Kenya.

The Small Town Development Project (STDP),²⁷ a Kenyan-German technical programme established in 1998, provides advisory services and training to 16 towns in Kenya, delivered in cooperation with the Ministry of Local Government, other government institutions, ALGAK and NGOs. STDP has assisted in the development of local authority development plans, business registries, revenue potential studies, budget preparation, and small-scale infrastructure projects. The overall goal is to secure sustainable improvements in the living standards of urban dwellers. In its fifth and

final phase (2002-2004), the project aimed to:

- Institutionalise the planning and management tools required for improved local authority service delivery
- Make available informal settlement upgrading approaches for nationwide replication
- Improve local government in terms of accountability and policy
- Strengthen ALGAK's capacity for sustainable service delivery and advocacy.

From 1993 to 2000, the government of the Netherlands provided assistance to the Ministry of Local Government for the Green Towns Project. The first phase (1993-1996) was designed to build capacity in urban environmental planning. Phase two (1997-2000) was developed to institutionalise the project within partner institutions, the Urban Development Department of the Ministry of Local Government, the Physical Planning Department of the Ministry of Lands and Settlement, and the Government Training Institute in Mombasa. In 1997, a Green Towns Partnership Association was established to support and coordinate the activities of the action groups in each green town. From 2000 the Netherlands provided funding for the association for two years. The Ministry of Local Government continues to support this.

13 SUMMARY

Kenya has embarked on a major review of the constitution, which when completed is expected to give recognition to local government, and revised local government legislation will follow.

Under existing legislation the autonomy of local government is curtailed by the powers accorded to the Minister of Local Government, and the influence of the provincial administration through the district commissioners. Measures have been put in place to reduce corruption and, under the Kenyan Local Government Reform Programme, mechanisms have been introduced to strengthen the resource base and financial accountability of local government, and to promote citizen participation. Pressure from the donor community is likely to ensure that the reform programme of the government elected in December 2002 is taken forward.

References

- 1 CIA Factbook 2007
- 2 NARC brings together the National Alliance Party of Kenya (NAK), itself a coalition of 14 parties, and the Liberal Democratic Party (LDP)
- 3 Section 265
- 4 Section 252
- 5 The chiefs and assistant chiefs are administrative appointments, and are not traditional chiefs or leaders
- 6 R Hooper, 'Briefing note on rural local government in Kenya', July 2001
- 7 In 1999, residents of Kandara Town Council, established in 1996, petitioned the Minister of Local Government to merge the council back into Maragwa County Council
- 8 Population figures are taken from the 1999 Census of Population and Housing
- 9 Rosemary Okello-Orale, 'Why women must seize the moment' at the National Constitutional Conference, 2003
- 10 The Minister also announced that some councils might be merged, or abolished
- 11 'Councillors don't deserve it', Daily Nation on the web, 10 October 2003
- 12 Under Section 218(8)
- 13 See Section 7.2
- 14 Legal Notice No. 83, 29 May 2000
- 15 Local Government Act, Section 167
- 16 KSh 78.75 = US\$1, 22 September 2000
- 17 Under the Local Authorities Transfer Fund Act No. 8 of 1998
- 18 Budget 2003/2004, presented by the Minister of Finance on 12 June 2003
- 19 See Section 8
- 20 R Hooper, 'Briefing note on rural local government in Kenya', July 2001.
- 21 www.kenyaweb.com/economy/labour/algak.html
- 22 Published jointly by ALGAK and FES in 2000
- 23 'The economic and public policy agenda for Kenya' at www.ies.or.ke, undated
- 24 The involvement of NGOs and self-help groups is not compulsory. Self-help groups are the wananchi ('children of the soil'), or their elected representatives
- 25 'Kenya: busting corruption using the Internet', at www.cddc.vt.edu/knownet/articles/kenya-case.html
- 26 CIA World Factbook 2007
- 27 www.grzkasim.org/html/stdp.html.



Service	Delivering authority			Remarks
	Central government	Districts	Local government	
GENERAL ADMINISTRATION				
Police				
Fire protection			●	
Civil protection				
Criminal justice				
Civil justice				
Civil status register				
Statistical office	●			
Electoral register	●			
EDUCATION				
Pre-school			●	
Primary		●	●	Seven local authorities only
Secondary		●	●	As above
Vocational and technical		●		
Higher education				District responsibilities primarily oversight and monitoring
Adult education		●	●	
SOCIAL WELFARE				
Kindergarten and nursery			●	
Family welfare services			●	
Welfare homes			●	Also self-help groups
Social security	●		●	
PUBLIC HEALTH				
Primary care		●	●	Limited number of LAs, also private and NGOs
Hospitals		●	●	Nairobi only
Health protection		●	●	
HOUSING AND TOWN PLANNING				
Housing			●	
Town planning			●	Primarily housing-related services
Regional planning		●		
TRANSPORT				
Roads	●		●	Kenya Roads Board (KRB) contracts with road agencies
Transport				
Urban roads	●		●	
Urban rail				
Ports				
Airports				
ENVIRONMENT AND PUBLIC SANITATION				
Water and sanitation			●	
Refuse collection and disposal			●	Also self-help groups
Cemeteries and crematoria			●	
Slaughterhouses			●	
Environmental protection			●	Primarily in rural areas
Consumer protection				
CULTURE, LEISURE AND SPORTS				
Theatre and concerts				
Museums and libraries			●	
Parks and open spaces			●	
Sports and leisure			●	
Religious facilities				
UTILITIES				
Gas services				
District heating				
Water supply	●		●	Also private rural NS self-help groups
Electricity			●	Larger urban councils only
ECONOMIC				
Agriculture, forests and fisheries				
Economic promotion				
Trade and industry			●	
Tourism				
Other economic services				Trade licensing

● = discretionary service by the local authority