

THE PLACE OF NATIONAL ARCHIVAL SYSTEM AND RECORDS MANAGEMENT PROFESSION IN DEVOLVED SYSTEM OF GOVERNANCE

Records and Archives in Local Government

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Abstract

Changes in the structure of government at all levels and the attitude of the public towards government have had and will continue to have impact upon archives systems and the recordkeeping profession. The role of national archival system and the recordkeeping profession in a country is to support good governance in state organs by implementation of sound records management programs. In Africa and the Kenyan scenario in particular, KNADS is core in facilitating every state organ to provide reasonable access to its services in all parts of the republic, in accordance to chapter 2(6), 3 of the constitution of Kenya, 2010 (CoK 2010). However, there are claims that countervailing factors have threatened, and are already undermining KNADS from undertaking its mandate (Transition Authority, 2015). This is derailing the realization of the great promise of developmental devolved governance system for the people of Kenya. The purpose of this paper is to investigate the specific factors which preclude KNADS from taking up its legal and constitutional position in the devolved system of governance. Specific objectives of the study will include: to find out the role that recordkeeping is playing in implementation of Kenya's devolved system of governance; to establish the extent to which KNADS has been integrated in key policy frameworks governing implementation of devolved system of governance in the country; examine the adequacy of the Public Archives act cap 19 in supporting KNADS place in Kenya's devolved system of governance and; propose strategies which can be adopted by KNADS to enhance the process of devolution in the country. The study will adopt a qualitative approach. Five respondents will be selected purposively from KNADS and four regional archives centres to participate in the study. Data will be collected using interviews and the data will be analysed thematically. The study hopes to put forth suggestions that will propel the KNADS to take up its rightful position in the process of devolved governance in Kenya and other African countries undergoing devolution.

Key words: records, archives, devolved system of governance, national archival system.

Background and context

Literature review

Problem statement

The problem that led to this study was that devolution was one of the hallmarks of the transition from a previously centralized political system, which was largely blamed for vast inequality, exclusion and deep divisions in Kenyan society.

A number of key steps have been taken as part of the constitutionally prescribed three year roll-out plan for devolved government. Examples include [passage in 2012 of key devolution-related legislative reforms](#), followed by general elections in March 2013 that established a new governance structure.

Central to this implementation process is the Transition Authority, established by Schedule Six of the Constitution with a core mandate to facilitate and co-ordinate the transition to a devolved system of government. Through powers conferred by the [Transition to Devolved Government Act](#), the Transition Authority has since identified functions that were to be transferred to counties following the elections.

Despite these developments, one can identify a number of weaknesses in the way the process has been implemented. An emerging reality, for instance, is the ignorance that surrounds the devolution process, its operation and benefits, suggesting a failed public education strategy on the process. This has not been without consequences, as it has also impacted the devolution process.

Challenges and opportunities for improvement

To begin with, the lack of understanding of key issues around devolution is generating a great deal of mistrust between stakeholders with some, especially the minority coalition in both houses of parliament, believing that the national government is seeking to frustrate devolution. Some counties, for instance, contest the piecemeal transfer of functions that has taken place so far, arguing that all powers provided in Schedule Four of the Constitution be transferred at once. This demand is partly driven by belief on the part of county governments that officials of the national government and local government structures being phased out remain resentful of the invasion of their previous scope of authority. While this may be true, the reality on the ground is that many county governments, if not all, lack the capacity to absorb all such powers within such a short term. This argument is strengthened when one considers, for instance, that Kenya currently lacks trained and experienced legislative drafters, fiscal and economic planning experts to adequately cater for the 47 counties.

Revenue allocation is also proving to be a divisive issue. By law, counties are entitled to least 15% of the total National Revenue collected. Despite many counties currently enjoying adequate funding, there is still a feeling that budgetary allocations need to be increased, and that the central government is reluctant to do this. Many county governors have since launched a spirited campaign to that effect and have interpreted the perceived national government reluctance as a ploy to frustrate the effectiveness of devolved units. On closer scrutiny though, the reality, as with the transfer of power, is that county governments do not have the absorption capacity for more than 15% of the national government revenue. Added to this are demands by county assembly authorities, like their national counterparts, for increased remuneration and benefits beyond the \$1500 monthly package.

Other challenges involve the four different offices involved in the devolution process, each with their own administrative and bureaucratic culture that complicates the process; lack of audit reports for structures, assets and liabilities inherited from former local government institutions; as well as failure to observe the 'at least a third rule' which was designed to ensure adequate representation of women and other historically marginalised groups in the devolved structures. These challenges do not only pose great risks for the effective roll out of devolution in Kenya but also provoke some critical questions about the current implementation strategy.

For instance, in a country where the [average annual salary is just \\$1600 \(ca \\$133 per month\)](#), and the vast majority of the population fall within or below this income bracket, will the new devolved government structure, and with it the demands from officials for more benefits and remuneration, not place a punitive wage bill on Kenyan taxpayers? Second, in the absence of proper auditing of inherited structures from the defunct local government structures and the impossibility of effectively policing all aspects of this transition, how will the risks of asset stripping be mitigated in a country where corruption and fraud is still rife?

Regarding the 'one third rule', the situation is even dire as ingenious devices are being used to circumvent it. In Kericho County, for instance, many individuals are masquerading as members of the Tallai clan, which is one of the county's traditionally excluded groups, to secure nomination to the County Assembly, to the perennial detriment of actual members of the clan.

Purpose of the study

The purpose of this paper is to investigate the specific factors which preclude KNADS from taking up its legal and constitutional position in the devolved system of governance.

Study objectives

The study was guided by the following objectives:

1. to find out the role that recordkeeping is playing in implementation of Kenya's devolved system of governance;
2. to establish the extent to which KNADS has been integrated in key policy frameworks governing implementation of devolved system of governance in the country;
3. examine the adequacy of the Public Archives act cap 19 in supporting KNADS place in Kenya's devolved system of governance and;
4. propose strategies which can be adopted by KNADS to enhance the process of devolution in the country.

Research methodology

The study adopted qualitative techniques, data was collected fr