SEMINAR BRIEF

Decentralization, National Oversight and Accountability

Takeaways from the LPSA Kenya–South Africa Dialogue Seminar

On 28 July 2026, the Local Public Sector Alliance Sub-Saharan Africa Expert Working Group and the South African Research Chair in Multilevel Government at the Dullah Omar Institute, convened a special hybrid seminar at Safari Park Hotel, Nairobi, on the theme Decentralization, National Oversight and Accountability: A Kenya–South Africa Dialogue.

The seminar brought together national government officials, county assembly officials, constitutional commissions, civil-society advocates, CSOs, academics and development partners, joining in person from across Kenya and online from South Africa, Tanzania, Uganda, South Sudan, Somalia, India and North America. It built on LPSA's May 2024 pan-African workshop in Nairobi on "Elevating the Debate on Decentralization and Multilevel Governance in Africa" by turning to a more focused dialogue on how national oversight and local democracy interact in two concrete country settings.

Kenya and South Africa are at different stages of implementing ambitious decentralization programmes, yet both are wrestling with the same core question: how to ensure national oversight over subnational governments without compromising local and regional democracy. In South Africa this debate is framed by the ongoing Review of the 1998 White Paper on Local Government; in Kenya it is surfacing around the role of the Senate vis-à-vis the counties, fifteen years after the promulgation of the 2010 Constitution.

Speakers

H.E. Governor Issa Abdalla Timamy of Lamu County — represented by Ambassador Ali Abbas — delivered the keynote. Dr. Jamie Boex (Executive Director, LPSA) opened the seminar; Prof. Jaap de Visser (Director, Dullah Omar Institute) presented the South African experience; and Ms. Keziah Njeri (Manager, Revenue Allocation and Budget Analysis, Commission on Revenue Allocation), Dr. Henry Paul Gichana (Devolution and Research Lead, Katiba Institute) and Petronella Mukaindo (Advocate/Governance, Policy and Human Rights Practitioner) reflected on devolution in Kenya after fifteen years. The plenary was moderated by Judy Oduma, Co-Chair of the LPSA Sub-Saharan Africa Working Group and the event was supported by the working group coordinator, Jacqueline Muthura.

KEY TAKEAWAYS

1. Kenya and South Africa face the same core question — reinforcing national compliance without stifling local democracy

Kenya and South Africa share two of the most progressive and ambitious devolution frameworks on the African continent. South Africa's 1996 settlement established a municipal system designed to bridge deep structural inequalities; Kenya's 2010 Constitution birthed 47 county governments to cure systemic marginalization and inspire grassroots development. Both countries protect subnational government status, powers and functions in the Constitution, both entrench a strong Bill of Rights, and both rely on an independent judiciary to safeguard devolution.

Yet fifteen years into Kenya's constitutional journey — and twenty-five years into South Africa's — participants agreed that the two countries confront an identical question: *how do we enforce national compliance and protect public resources without stifling the local democratic mandate?* After decentralization, national governments still want to safeguard national standards, fiscal sustainability and constitutional principles, but counties and municipalities want the discretion to respond to local priorities. Effective decentralization requires both — it is not a choice between decentralization and oversight, but a design problem about balancing them within a single multilevel governance system.

2. Devolution has delivered tangible gains — but abuse of autonomy erodes the promise

Fifteen years of devolution in Kenya, and twenty-five years of local government in South Africa, have expanded access to services, deepened democracy, and moved decisions closer to the people affected by them. Kenyan counties have pioneered innovations in digital governance, universal health, climate adaptation, agriculture value chains, disaster preparedness, revenue automation and participatory budgeting. Lamu County, for instance, has integrated peacebuilding, disaster-risk management and climate resilience into county planning.

At the same time, financial mismanagement and corruption at the subnational level are undermining public confidence in both countries. South Africa's largest city, Johannesburg, is now visibly crumbling under its own mismanagement — persistent potholes, power outages and water-delivery failures — while in Kenya devolution is increasingly shadowed by the popular perception of “devolved corruption.” Politicized appointments of senior civil servants, weak ethical leadership, and the capture of municipal public service by political considerations rather than merit were flagged as central threats to the credibility of devolution on both sides of the continent.

3. Getting the money right is the hardest and most decisive task

Assigning functions is easy to state but hard to cost and implement. Devolution, as CRA emphasized, is a very costly affair that needs to be well planned. Kenya still carries structural fiscal weaknesses: a powerful National Treasury that treats the equitable share as a favor rather than a constitutional entitlement; an approved budget regularly shadowed by unbudgeted presidential and central-government spending; and chronic delays in disbursements to counties that translate national cash-flow pressures into service-delivery gaps at the frontline. Fifteen years in, some functions are only now being unbundled by the Intergovernmental Relations Technical Committee.

South Africa offers instructive contrasts. Local government there operates on a staggered financial year, cushioning municipalities from national revenue shortfalls. The equitable-share formula is built on a costed-norms approach that embeds a basic package of human-rights-based services and a free basic services component for indigent households, linking human rights, devolution and financing directly. Kenya's own experience with property tax, own-source revenue laws, model tariff and pricing policies and gender-responsive revenue design points to a similar direction: rules-based, formula-based, publicly visible allocations do more to discipline central authority than ad-hoc political bargains.

4. Oversight tools exist — but are hollowed out by under-regulation, over-regulation and politicization

Kenya and South Africa illustrate mirror-image pathologies. In South Africa the problem is over-regulation: incoherent national departments — housing, roads, water, electricity, parastatals — each issue their own laws, grants, reporting requirements and monitoring regimes, so a municipality at the bottom of the chain must respond to a fragmented set of imperatives and becomes inward-focused on compliance and red tape rather than on citizens. In Kenya the problem is under-regulation: weak county-assembly oversight pushes the Senate to do the heavy lifting through impeachments, summonses and Public Accounts warrants of arrest, but these have themselves become highly politicized, prompting the Council of Governors to at times boycott appearances before the Senate PAC.

In both jurisdictions, findings of the Auditor-General and reports of the Controller of Budget too often re-appear cycle after cycle without corrective action. County assemblies frequently fail to exercise effective horizontal oversight over their own executives, and independent bodies (EACC, Ombudsman, Kenya National Commission on Human Rights; Public Protector and South African Human Rights Commission) find their recommendations selectively implemented. Politicized appointments, informal loyalties between governors and county-assembly leadership, and "big-brother" political interference from the center all corrode the objectivity that oversight demands.

5. Move from institutional to individual accountability

South Africa's Review of the White Paper on Local Government is moving explicitly beyond institutional liability. Its most striking instrument is a new power for the Auditor-General to issue certificates of debt to accounting officers, imposing personal financial liability on officials whose negligence has driven a municipality into serious financial trouble. The white paper review — submitted to Cabinet the week before the seminar — pairs this with a clearer set of objective triggers for national or provincial intervention, replacing purely political decisions with rule-based supervision.

Kenya's Constitution, at Article 226, already contemplates individual accountability, but the Auditor-General has no equivalent power to issue certificates of debt. Accountability tools stop the production of reports, leaving legislative assemblies to act — and they frequently do not. Participants argued for a Kenyan pathway toward individual liability that binds accounting officers, county executive committee members and — where evidence warrants — political leadership, so that public funds are not repeatedly used to remedy damage that individuals caused.

6. Targeted, rule-based supervision — not political “big brother” — is the way to reconcile oversight and autonomy

Supervision by higher tiers of government need not become an overbearing "big brother." South Africa's ongoing White Paper review proposes targeted supervision anchored in objective indicators of failure — for example, three or four consecutive years of Auditor-General disclaimers on a municipality's finances; inability to pay salaries, pensions or medical aid to municipal employees; or, most tellingly, visible collapse of basic services on the ground (sewage running through streets, contaminated water). Where these indicators are triggered, decision-making remains with the political executive, but the onus shifts to those decision-makers to explain why they are not intervening. The design principle is deliberate: create checks and balances while keeping ultimate decision-making authority in the hands of elected political bodies, where it belongs — politics cannot, and should not, be engineered out of the system altogether.

The reform response also confronts a hard truth about intervention itself. Twenty-five years of South African experience shows that the power to intervene is meaningless without the capacity and money to do so — national or provincial officials are not necessarily equipped to take over engineering services, local budgeting and frontline delivery when a municipality collapses. The emerging framework therefore favors early, differentiated and, where necessary, longer-lasting intervention — supportive and corrective rather than punitive — over blunt take-overs that assume capacity at the intervening level that often does not exist. Crucially, the review also resists the temptation to respond to devolution's failures by amending the Constitution and rolling back local powers; instead, it proposes to fix the fiscal framework, target the supervision and improve national coherence so that municipalities face one coordinated center rather than a fragmented set of departments and grants.

Kenya's experience with the recent management of Nairobi County stands as a cautionary tale of ad-hoc, politicized intervention — a political process rather than a constitutionally compliant one. Clearer rules on who determines that a subnational government has failed, what objective triggers apply, what the intervening authority is expected to deliver and how long the intervention should last would strengthen the legitimacy of national oversight, reduce its use for ulterior political motives, and — as South Africa's experience suggests — save devolution from those who would prefer to roll it back rather than reform it.

7. Own-source revenue must be strengthened — and made gender-responsive

Kenyan counties remain heavily dependent on the equitable share, and some have grown too comfortable with it. The Commission on Revenue Allocation is working with counties on tax-gap studies, realistic forecasting, a Model Tariff and Pricing Policy (currently domesticated in draft form by ten counties), and revenue-collection systems that move away from the defunct Local Authorities tariff regime. Some counties that collected around KES 300 million in 2013 are now approaching KES 1 billion.

Two frontier issues emerged. First, over-fragmentation risks: as state corporations (KeRRA, KURA, KeNHA) and other bodies perform functions parallel to counties in roads, agriculture and health, accountability gaps widen and citizens are unclear who is responsible. Second, own-source revenue policies are too often drafted without analyzing how collection mechanisms affect men and women differently, particularly small businesses owned by women. CRA has begun work on gender-responsive own-source revenue, but a published framework is still to come. Both issues warrant deliberate policy attention

8. A human-rights-based approach must anchor service delivery

Kenyan county governments and South African municipalities should be understood not as charitable providers of tokens to passive recipients but as duty-bearers discharging a constitutional obligation to rights-holders. In Kenya, the socio-economic rights entrenched in Article 43 — health, water, sanitation, education, food — fall, under Schedule 4, disproportionately on county governments. Their service delivery is therefore, in substance, the realization of human rights.

A human-rights-based approach requires meaningful public participation, timely access to information, and the empowerment of citizens to demand the fulfilment of their rights — not as favours, but as entitlements. Recent citizen mobilization, including the April protests in Embu over poor health services at Ishiara, shows an increasingly assertive local citizenry. et meaningful public participation across Kenya's 47 counties remains uneven — implementation is fragmented across the Constitution, the County Governments Act, the Public Finance Management Act and the more recent Public Participation Act, without a single operational standard binding counties; access to information is too often contested rather than co-created; and inclusion mechanisms for women, youth, persons with disabilities and other marginalized groups vary widely from one county to another.

9. Build the technical, legal and institutional capacity that carries devolution across political cycles

Devolution's long-term success in both Kenya and South Africa depends on institutional infrastructure that outlasts individual champions and political cycles. That includes county assemblies whose legal, committee and research capacity can meaningfully oversee the executive; independent commissions (CRA, IGRTC, CoB, OAG, KNCHR, EACC) that can issue findings which are actually enforced; a fully operational intergovernmental relations architecture; and — as several participants underscored — an updated Kenyan devolution policy, whose 2022 review process stalled after the last general election.

Public interest litigation and constitutional litigation — pursued successfully in Kenya by actors including Katiba Institute — remain a viable, if increasingly contested, pathway to defend and strengthen devolution. Continuous training of public officials — from Cabinet Secretaries through county attorneys, legal clerks, ward representatives and Members of County Assembly — is essential so that a human-rights-based, gender-responsive approach is not an add-on but a default operating standard.

10. Sustain a pan-African community of practice on decentralization and multi-level governance

The Kenya–South Africa exchange demonstrated the concrete value of structured, cross-border learning between countries wrestling with the same institutional questions. South Africa's white-paper review process offers Kenya lessons on individual accountability, staggered financial years, transition management authorities and targeted supervision. Kenya's experience offers South Africa lessons on vertical oversight through a second chamber, on constitutional protection of equitable shares, and on the political economy of unbundling functions in a young devolved system.

Participants endorsed a strengthened role for the LPSA Sub-Saharan Africa Working Group in carrying these lessons into regional platforms — including the upcoming LPSA Africa regional conference on Decentralization and Multi-Level Governance in 2027 — and in linking devolution and multilevel-governance debates to adjacent policy communities working on climate, gender, urban development, human rights and public financial management. Kenya and South Africa are increasingly recognizable as anchor countries for devolution debates in Eastern and Southern Africa; sustained peer learning is critical to keeping decentralization on the reform agenda at a moment when centralizing pressures — including declining development assistance — are intensifying globally.

Judy Oduma (LPSA), Jaap de Visser (Dullah Omar Institute, University of Western Cape), Jacqueline Muthura (LPSA), August 2026

The Local Public Sector Alliance Sub-Saharan Africa is a regional professional network of advocates for inclusive and efficient decentralization, localization, and multilevel governance.
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