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Evaluating the Legacy of Raila Odinga's Influence on Local Governance Structures in Kenya

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Abstract: Kenya has gone a long way in democratizing and decentralizing governance. Raila Odinga has played a key role in the reformist politics in Kenya. Nonetheless, there exist very little academic sources that evaluate the impact of his political leadership in influencing the governance systems in Kenya. The discrepancy exists on whether his influence has brought structural and behavioral change that has strengthened the local institutions or it is actually just symbolic in the wider politics of Kenya. In order to seal this knowledge gap, this paper assesses the legacy of the influence of Raila Odinga on local governance structures (LGS) in Kenya. To be precise, the current study is interested in fulfilling two particular goals: i) To determine the effects of constitutional reforms conducted by Raila Odinga on devolution in Kenya, and ii) To identify the sustainability and long-term effects of the Raila Odinga legacy on the devolved system of governance in Kenya. The study uses a mixed-methods design that integrates data from secondary materials with qualitative evidence from 48 key informant interviews (KIIs). Secondary materials comprised journals, books, official policy documents and legislation, and online sources and archival media sources. Purposive sampling was used in selecting participants in the semi-structured KIIs. The participants included national and county officials, party actors, civil-society leaders, policy experts, and community representatives. Data analysis for the study involved content analysis of the gathered data. The analysed data were presented in narrative form. The study found that Raila Odinga acted as an effective institutional entrepreneur (EI). His coalition-building and framing helped secure broad popular legitimacy for the 2010 Constitution, and his political sponsorship and advocacy contributed materially to the constitutional architecture that created 47 county governments, embedded a constitutionally guaranteed minimum county share (15%). Simultaneously, the research reveals that such gains in Kenya are conditional in terms of their durability. Favorable improvements include the broadened political representation, consistent fiscal rights, and the empowered political agency on the local level. Yet, some of the issues that have remained are fiscal dependence and limited own-source revenues, lack of capacity in planning and budget implementation, cases of elite capture, and constant intergovernmental friction that deters service delivery. The legacy of Odinga is both important and the prerequisite to the existence of devolution, yet it does not consistently precondition positive long-term results. The institutionalization of the reforms he aided



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produced the environment of long-term decentralization. However, it will be realised only to its full extent in case of buttressed administrative capacity, financial sustainability, well-established accountability procedures, and long-term cross-party political will.

Keywords: Devolution; fiscal federalism; institutional entrepreneur; local governance structures

1. Introduction

In the modern world, devolution has emerged as an essential channel to improving service delivery to the populace. This concept, in general terms, is the constitutional and institutional structure that redistributes the authority, resources, and functions to the subnational levels. Local governance structures (LGS) refer to tangible organisational arrangements and practices, in which devolved powers and services are practiced. Devolution in unitary structures such as the United Kingdom (UK) has established regional legislatures that have a devolved power base in their specific localities, including education, health, and transport, without eliminating the central role of parliament (Warner et al., 2024). UK devolution is one example of the ways in which a unitary constitutional tradition can embrace major redistribution of responsibilities territorially, both statutorily and politically. The UK model of LGS highlights important lessons for devolved systems elsewhere. Some of these lessons include the role of central–regional coordination, the conditionality of delegated powers, and the importance of institutional design in protecting both national coherence and regional autonomy.

The post-Apartheid Constitution of 1996, which is in place in South Africa, entrenches a decentralized system of local government as a separate sphere of local government (Sylvester, 2025). This Constitution established national, provincial, and local spheres. The whole territory of South Africa is encompassed in autonomous local municipalities (divided into metropolitan and district municipalities) that have elected councils. The example of South Africa shows how the entrenchment of LGS through the constitution can institutionalize the responsibilities, as well as create new difficulties, such as capacity restraints and political competition to municipalities.

The path of devolved governance in Kenya has been one of the political trends that has characterized the last thirty years. Before 2010, Kenya's LGS had 175 local authorities, entailing four categories: municipalities, county, town, and urban councils

(Council of Governors, 2023). However, this system was characterized by a strong central state with limited institutional space for subnational autonomy. In 2010, Kenya promulgated a new Constitution. This Constitution introduced a two-tier system of government: national government and county government.

Under this system, there are 47 county governments in Kenya. The new order vests legislative authority in County Assemblies and executive authority in County Executives. Each of these organs is accompanied by statutory structures to facilitate the discharge of devolved duties (Constitution of Kenya, 2010). The county executive is headed by a governor (and a constitutionally tied deputy) directly elected by county voters and supported by a County Executive Committee (CEC) whose members are nominated by the governor and vetted by the County Assembly. The Constitution and the CGA (County Governments Act) establish separate county public service systems, administered by CPSBs (County Public Service Boards), to operationalize devolved public service. Functionally, the Fourth Schedule of the Constitution allocates a wide range of service and regulatory responsibilities to counties (Constitution of Kenya, 2010). The Schedule also establishes principles for concurrent powers and provides that unassigned functions default to the national level

Raila Odinga is among the central political figures associated with Kenya's reform agenda on the current LGS in Kenya. For much of his public career, Odinga has been a prominent proponent of constitutional reform, electoral integrity, and expanded civic participation (Odinga & Elderkin, 2013). These traits have positioned him among the most visible leaders associated with the momentum towards devolution. Despite extensive analyses of Kenya's constitutional text and post-2010 institutional reforms, there is limited scholarship linking the contributions of individual reformist leaders to the structural and behavioural evolution of LGS in Kenya.

The paper intends to i) determine how the

constitutional reform agenda by Raila Odinga has impacted devolution in Kenya and ii) determine the sustainability and the long-term effects that Raila Odinga's legacy leaves on the devolved system of governance in Kenya. This paper explains the role of political leadership (the role of Raila Odinga in the devolution of Kenya) in institutional reform. It bridges the gap between advocacy for LGS at the leadership level and constitutional reforms. Results are also used to inform the discussion of the sustainability of decentralization, indicating in which cases leadership produces lasting institutional change and when it produces contingent results. Moreover, the findings of this study can be useful to policymakers in offering the option of consolidating devolution and enhancing local service delivery. Researchers can obtain both empirical data about the entrepreneurship of institutions in constitutional contexts.

The research spans 20 years, starting in 2005, the year the Orange Democratic Movement (ODM) was established, and ending in 2025, at the time of the death of Raila. The limitations of this study are that it is difficult to attribute the causal impact of one actor when there is a collective process of reforms, there are chances of biases of the interviewee in their memories and political partisanship, there can also be unequal access to similar county level information and that it can only be generalised to the specific political and constitutional situation in Kenya. The research addresses these shortcomings through the triangulation of documentary materials, a purposive sample of the various stakeholders, and a clear recognition of the limits of inference in the study.

2. Literature Review

Devolution studies in developed unitary states reveal that there are always tensions in the delegation of power and the centralized authority. Warner et al.'s (2024) study of English devolution in the UK demonstrates that there have been long-standing central-local power asymmetries. The research discovered that the central government in the UK still influences the subnational capacities by controlling their resources and conditionalities, thereby producing the asymmetries capable of entrenching the spatial inequality. In this work, conflicts between economic needs and the renewal of democracy in the UK

devolution were found. These criticisms have created unresolved issues regarding the extent to which authority should be entrenched to create long-term effects of political accountability. The research study by Warner et al. preconditions the necessity to trace leadership and political dynamics to explain the different outcomes of devolution.

It is also difficult to design and implement devolved systems to ensure effective service delivery in developing countries. Dick-Sago (2020) highlights that the modern literature of developing countries indicates that the effects of decentralization are determined by the design of the institution, as well as by the political environment in which the reformation occurs. He claims that changes in the authority status alone cannot guarantee better governance or services to the population. This is why sustainable decentralization in Kenya should also be adjusted to its political and administrative realities.

Sylvester (2025) assessed the impact of decentralization on the efficiency of local government in Cape Town and eThekweni municipalities of South Africa. The analysis established that decentralization is positively related to the performance of local governance in terms of responsiveness in services and resource management. Nevertheless, the same study recognizes that capacity limits and institutional maturity imbalance in terms of municipalities reduce potential benefits. The findings of this study imply that the results of decentralization are contingent on the local circumstances. Hence, decentralization requires, but is not limited to constitutional status.

Kenyan scholarship puts devolution into a problematic political economy. Cheeseman et al. (2016) demonstrated that governors quickly coordinated to protect devolved positions, thus creating new checks and balances on the centre but also creating new local competition and corruption. D'Arcy and Cornell (2016) have given a subtle description of patronage in which devolution decentralized the patronage resources to the subnational level and increased the number of beneficiaries. This has legitimised and complicated reform implementation. Similar operational limitations (funding disagreements, poor technical assistance, delayed transfers, poor involvement of the population) were listed by Ngigi and Busolo (2019) as well to dampen the devolution promise.

This mixed evaluation is supported by more current Kenyan research. Onyalo (2024) revealed that decentralization has increased participation of people in policy making and county budgets, but the lack of capacity limits participatory planning processes. According to Otieno et al. (2023), functional ambiguity and recentralizing tendencies are also recorded on issues like water delivery. Such results indicate a governance mosaic. Some counties have routinised devolved functions and improved responsiveness, while others remain hamstrung by fiscal fragility, weak administrative systems, and elite capture.

From the review above, a few studies link leadership initiatives (such as those associated with Raila Odinga) to formal design features, implementation dynamics, and long-term county performance. Put differently, two unsettled and interlinked questions emerge from the literature. The first concern is on agency versus structure. How much of devolution's institutional form and early durability is attributable to key political actors and coalitions (leadership) versus impersonal institutional design and technocratic implementation? The second question concerns durability and routinization. Under what conditions do constitutionally entrenched arrangements translate into stable LGS across Kenya's heterogeneous local contexts?

3. Theoretical Framework

This study adopted institutional entrepreneurship theory (IET) to evaluate the legacy of Raila Odinga's influence on LGS in Kenya. Institutional entrepreneurship refers to the activities of actors who deliberately use their resources and influence to create new institutions or transform existing ones in favor of his or her interests. The term was first coined by DiMaggio (1988). Other key proponents of the theory include Garud et al. (2007) and Battilana et al. (2009). These scholars emphasize that institutional entrepreneurs (IEs) provide agency in institutional structures. IET treats institutional change as the outcome of purposive action by actors who identify opportunities, mobilize resources, and reframe norms and rules so that new practices become accepted and routinised. IET connects agency to structure: it explains how and why actors succeed (or fail) in creating durable institutional change, especially around critical junctures.

Garud et al. (2007) indicate that IEs are implantable

agents. The IEs act within the current institutional constraints and aim to transform them. Practically, IEs pioneer and capitalize opportunities, mobilize resources and enlist change support. Schuler et al. (2025) argue that the ability to act and identifying change opportunities are the primary factors in their activity. These procedures enable IEs to rise above inertia. Concisely, IEs mediate the micro and the macro: strategic action (resources, networks, narrative) by individual actors (or coalitions) is used to change institutional arrangements.

The IET approach has been used in leadership initiatives and decentralization in the context of political science and the field of public administration. Leaders (not necessarily elected) tend to behave like IEs. IET pays attention to the importance of agency and leadership in bringing about institutional change. Change does not only emerge due to impersonal forces, but also due to actors (such as individual politicians) who identify opportunities, assemble allies, and create new sets of rules. Recent research (post-2020) has applied IET to public-sector reform. For example, Schuler et al. (2025) analyze how individual motivation and agency shape Italy's local government accounting reform, explicitly invoking IET. Faguet & Shami (2021) develop a theory of decentralization driven by leader incentives. These studies (and others) demonstrate how institutional entrepreneurship can illuminate the dynamics of leadership-driven reform and the often-messy process of implementing decentralization.

In the context of the present study, the core question maps directly onto IET. The theory is critical in explaining the mechanisms by which a prominent political leader (Raila Odinga) could translate political entrepreneurship into constitutional reforms later into routinised county-level practice. In particular, IET directs attention to i) timing and windows of opportunity (for example, the 2007–2010 crisis and referendum period as a critical juncture), ii) resource mobilization (political capital, party structures, media access, coalition partners), iii) framing and legitimacy work (discourse that made devolution politically acceptable), and iv) coalition-building and institutional embedding (how reforms were translated into legislation, institutional arrangements and implementation routines). Therefore, IET provides the causal vocabulary needed to trace Odinga's influence

from advocacy to institutional outcome.

4. Research Methodology

This study is grounded in a post-positivist philosophical orientation. This philosophy assumes that social realities (such as governance structures and institutional performance) exist independently of the researcher but can only be imperfectly observed and interpreted. This positioning allowed the study to generate triangulated findings while at the same time acknowledging complexity, context, and the influence of human agency in political processes.

This research takes the form of mixed-methods research, which combines secondary research and qualitative evidence provided by key informant interviews (KIIs). The design is a convergent type, where both data strands are gathered and analysed simultaneously and incorporated during the interpretation phase. In this way, the study was able to capture the combination of both empirical measurement of the results of institutional and governance, as well as insights into the political processes and leadership impact.

The secondary data sources used in this study were peer-reviewed journal articles, academic books, official policy documents, constitutional and legislative texts, government reports, and archival and online media sources. Conversely, this research involved semi-structured KIIs to elicit informed views on constitutional change procedures, leadership roles, and the operation of devolved governance systems. The interviews gave contextualised information on how the reform initiatives led by Raila Odinga were perceived, mobilised, and institutionalised, and how their legacy is understood nationally and at the counties.

The KIIs used purposive sampling to choose participants in the study. In this sampling method, the study participants were chosen on the basis of their involvement or expert knowledge about constitutional reform, devolution, and LGS. The stakeholders involved were the national and county government leaders, actors in the political parties, civil society leaders, policy experts, and community representatives. The sampling was done until enough thematic saturation was reached. A total of 48 participants were interviewed in this study. KIIs were carried out with a semi-structured interview guide. The interviews

are recorded on audio and transcribed verbatim and anonymised where required. The secondary materials are categorically gathered and organized in a list of documents reviewed by using a review matrix corresponding to the research objectives of the study. About 10 respondents were piloted to determine the clarity, relevancy, and sensitivity of questions in the interview guide. The pilot provided feedback that was used to refine the instrument before full data collection.

The content analysis was used to analyze the data collected during the study. This entailed a systematized coding of transcripts of the interviews and documentary texts to express common themes associated with the influence of constitutional reforms and the sustainability of governance. Findings were integrated during interpretation, whereby findings of secondary sources were put into perspective with KII findings. The study report was in narrative format, accompanied by relevant illustrative quotations where necessary. The combination of the presentation allowed having an overall evaluation of the contribution of Raila Odinga to the LGS in Kenya.

NACOSTI was acquired to provide ethical approval before data collection. Every participant was provided with information sheets concerning the aim of the research, voluntary involvement, and the protection of confidentiality. Informed consent was obtained either in writing or verbally before interviews. The data are confidentially archived, and personal identifiers were eliminated in their transcripts to maintain the anonymity of participants. Political sensitivity was also handled by not using leading questions and having a balance in reflecting the views.

5. Findings and Results

In this section, the key findings and discussion of the results of the two objectives of the study are provided. Based on mixed methods, the section initially investigates the impacts that the constitutional reform programs instigated by Raila Odinga had on the design and institutionalisation of devolution. It subsequently evaluates how sustainable and long-term his legacy is to the devolved governance system in Kenya.

5.1 Influence of Raila Odinga's Constitutional Reform Initiatives on Devolution in Kenya

This study categorizes the influence of Raila Odinga's constitutional reform initiatives on devolution in Kenya

into two groups. The first group concerns the political legitimization of devolution. The second group covers the advocacy on the constitutional architecture of devolution.

5.1.1 Political Legitimation of Devolution

Raila Odinga played a crucial role in legitimizing devolution politically through coalition-building (KII5, 2025; KII21, 2025; KII9, 2025; KII17, 2025; KII32, 2025; KII8, 2025; and KII48, 2025) and sustained public mobilization (KII3, 2025; KII12, 2025; KII6, 2025; KII1, 2025; KII42, 2025; KII18, 2025; and

KII28, 2025). This political legitimization created a strong national backing of the Constitution of 2010 and a devolved governance structure in the strongholds of Odinga. On a national scale, the constitution was passed by a total of 68.55 percent of the valid votes, and the general voter turnout was 72.2 percent (African Elections Database, n.d.). The provincial disaggregated outcomes provided significant geographical difference that enhances the insights on the location and mode in which popular legitimacy of devolution in Kenya was centralized, as illustrated in Table 1 below.

Province	Percentage of Voters in Support of the Referendum	Voter Turnout
Nyanza	92.04%	76.0%
North Eastern	95.71%	50.3%
Western	84.13%	64.5%
Central	84.40%	78.6%
Coast	79.24%	55.5%
Nairobi	76.52%	70.9%
Eastern	56.43%	66.3%
Rift Valley	40.52%	80.8%

Source: African Election Database (n.d.)

Based on Table 1 above, the 2010 Constitution and its devolution provisions had strong national-level legitimacy. The voters overwhelmingly supported the new constitutional order, and the participation rates were a sign that people participated in the elections. Second, the provincial support was strongest in those regions that then came to form stable electoral support of Raila Odinga and allied political formations (in particular, Nyanza and to some extent Coast). This implies that there is a geographical overlap between the political support and the high ratings of constitutional devolution of Odinga.

The geographical distribution of support indicates that his political power catalyzed voters in support of a decentralization model. Simultaneously, such data claims heterogeneity in popular reception. The reason is that the majority of the Rift Valley voted No, and Eastern Province had a closer margin of approval. This shows that the national legitimacy did not come without tremendous regional reservations. The referendum appeared to inspire active voting in the provinces that had contrasting results (e.g., Rift Valley), so that the referendum was not a sign of apathy. In

localities where devolution was not already resonant or challenged, voters made a decisive opposition.

The entrepreneurship of Odinga enabled the establishment of a national majority and national legitimacy. Odinga presented devolution as a revolutionary solution to old ills of over-centralization, marginalization, and exclusionary governance. Such framing echoed throughout the various constituencies and assisted in transforming constitutional reform into a politically legitimate national project. The leaders of civil society and former reform officials repeatedly identified Odinga as a mediating figure between reform-willed civil society, opposition political parties, and other divisions of the political elite that were otherwise divided. A member of the Committee of Experts noted, “He brought together groups that had similar grievances but lacked a common political vehicle” (KII2, 2025). Similarly, an official of a CSO also observed that “without his visibility and political weight, the devolution agenda would have remained confined to advocacy circles rather than gaining mass support” (KII24, 2025). These narratives underscore the role played by Odinga in marshalling

the different actors in a common institutional agenda of constitutional reforms.

The above excerpts of the interview display typical IE processes, which include problem framing that generated moral and political urgency and coalition building that broadened the support base. Both of these are legitimacy prerequisites. In other words, Raila Odinga acted as an IE within the period of reform. EIT points out that institutional change depends on actors that are capable of mobilizing resources, forming coalitions, and creating legitimacy of the new institutional arrangements. The activities that Odinga has undertaken in the constitutional reform period are quite in tandem with these mechanisms. Through his political capital, national profile, he increased reformist thought and made devolution seem a morally right and politically viable act. This was a discursive and coalition-oriented approach to the central role of transforming devolution into a controversial idea into a constitutional principle in the Kenyan LGS.

Notably, the results indicate that the effect of Odinga on the legitimacy was not an independent, but an enabling factor. The legitimacy did not have a monolithic and attributable origin, and it had been spawned by a wider coalition of reformers as well as by differing regional political rationales. Whereas Raila Odinga was a political entrepreneur of such significance, the legitimacy of devolution was an aspect of collective action by CSOs, constitutional review institutions, technocrats, and voters themselves. What Odinga can be credited with is providing the impetus to such a coalition, and keeping the steam going at the crucial points (especially throughout the referendum campaign). By doing that, Raila Odinga was able to make sure that devolution became a part of the law and, at the same time, socially and politically supported.

5.1.2 Advocacy on the Constitutional Architecture of Devolution

This study also established that the reform advocacy of Raila Odinga had a material influence on the constitutional architecture of devolution in two ways: (1) by aiding the implementation of a constitutionally entrenched devolved tier comprising 47 county governments; and (2) by playing a role in the institutionalization of guaranteed intergovernmental fiscal transfers. Such features in design set a legal and fiscal framework for the county governments and are

the core elements in examining the legacy of Odinga.

The constitutional review debates of 2009-2010 within Kenya had the political actors split in terms of the type of government to pursue. Evance (2025) observes that one party (related to the camp of President Mwai Kibaki) promoted the idea of a strong presidential system, and another one (led by Raila Odinga) promoted the idea of a parliamentary system because it would entrench accountability and limit the power of the executive. Devolution came in during negotiations, as the main non-negotiable aspect of the settlement (National Assembly of Kenya, 2025). Although Odinga originally favored a parliamentary system, he had to soften his position on a presidential one to achieve the constitutionally entrenched devolution framework that was eventually incorporated as Chapter 11 of the 2010 Constitution (Evance, 2025). This compromise is indicative of a broader political compromise whereby Odinga was more interested in structural redistribution of power in the form of devolved governance as opposed to winning his preferred model of parliament.

The second axis of influence by Odinga relates to advocacy in order to protect the constitutional provisions on devolution. Raila Odinga has helped institutionalize the constitutional intergovernmental fiscal transfers and has championed them among the populace. The constitutional entitlement of Article 203 that counties get not less than 15% national revenue makes county revenues nationally binding. Devolved functions can only be practiced with this fiscal structure. This guaranteed fiscal commitment on the national government enhances the budgetary basis of counties.

In November 2024, Odinga publicly warned that efforts by some Members of Parliament to reduce county allocations would violate the constitutional revenue-sharing framework (Kimani, 2024). He described this as a devolution threat, saying that the law expressly gives counties a constitutional right to receive at least 15 percent of the national revenues and that any effort to reduce divisions would be unconstitutional. He further pointed out that the distribution of revenues can never decrease, and only increase unless it is the aim to kill devolution, and attempted to lessen county share as an atrocity to the people and a reformation of our system of governance (Kimani, 2025). These utterances

indicate that Odinga is still politically involved in the protection of the constitutional fiscal guarantees against roll-backs or watering down in the legislation.

ODM party and its leadership (such as Raila Odinga) have always been a political champion of devolution (Bosire & Fiseha, 2022; Evance, 2025). ODM's party platforms and parliamentary activity sustained political pressure for strong devolution, helping to defend constitutional provisions during contested legislative and fiscal negotiation stages. In IE terms, the party functioned as an organizational resource that extended the entrepreneur's reach into legislative and mass mobilization arenas, increasing the probability that reformist designs would survive political bargaining.

5.2 The sustainability and long-term implications of his legacy for Kenya's devolved governance system

Raila Odinga's political entrepreneurship substantially contributed to the establishment of Kenya's devolved system. That initial legacy has generated durable institutional gains, discussed extensively in Section 5.1. Odinga's legacy has produced important structural gains that many reform movements fail to secure: constitutional entrenchment of subnational government, a protected fiscal baseline, expanded political representation at the county level, and a sustained political constituency (notably through ODM) that has continuously defended devolved powers. These features provide a platform for deepening Kenya's LGS.

A central component of Odinga's legacy is the constitutionally guaranteed allocation of national revenue to county governments. Article 203(2) of the Constitution stipulates that a minimum of 15% of equitable revenue (latest audited revenues) to be allocated to Kenya's 47 counties. Further, the Commission on Revenue Allocation (CRA) has also developed baselines to ensuring fairness and equity in sharing the 15% share among the Kenya's devolved units. This is based on basic equal share, development index, fiscal responsibility, land area, poverty index, and population (Kipsaat & Mbatia, 2019). These form of fiscal federalism have economic implications.

Fiscal federalism has promoted horizontal equity by ensuring mandatory and predictable resource flows to historically marginalized regions, especially, Arid and Semi-Arid Lands (ASAL) counties. From an equity perspective, devolution has contributed

to a more geographically inclusive distribution of public resources. According to Muthama and Gál (2025), fiscal decentralisation (revenue autonomy) has reduced poverty, with substantial spatial divergences in Kenya; 1% rise in OSR results in 5.54% decline in poverty levels. However, these gains are uneven across counties and are closely tied to differences in administrative capacity and governance quality. In counties with weaker institutions, the impact of devolution on poverty reduction has been limited (Muthama & Gál (2025)). This reflects inefficiencies in resource allocation and implementation constraints. Consequently, Odinga's legacy can be understood as having established a system that enhances equity, while producing differentiated economic outcomes shaped by local institutional conditions.

Fiscal federalism has also partially improved service delivery in Kenya. Scholars like Muwonge et al. (2022) argue that the devolution-service delivery nexus show mixed outcomes in terms the level and quality of the devolved services. They also noted that the Counties have substantially improved access to, and level of services in water, health and education. Equally the counties have made heavy investment in service delivery infrastructure; 821 ECDE centres and 1419 dispensaries between 2013 and 2018. Fiscal decentralization has improved service delivery in Kenya (Wagana, 2017).

IET emphasises that entrepreneurs (here, Odinga and allied actors) open political windows, frame problems, mobilise resources, and secure legal embedding for new institutions (Schuler et al., 2025). Odinga's role in reframing centralisation as a governance problem and in mobilising a reform coalition led to constitutional embedding. This is a classic IE success: the shift from advocacy to constitutional rule. That embedding created path-dependent constraints and opportunities. Once devolution was embedded in the Constitution, reversal became politically and legally costly. This has increased the probability that counties would persist as governance actors.

5.2.1 Challenges to Sustainability of Devolved Units

This study identified five main constraints to sustainability. These include fiscal fragility, capacity deficits, elite capture and corruption, intergovernmental frictions, and political volatility.

5.2.1.1 Fiscal Fragility

Counties are heavily dependent on fiscal transfers from the national government, with limited revenue autonomy and varying levels of technical efficiency. Disbursements by the national government make up over 70% of county revenue; other funding sources include loans and grants, conditional grants, own source revenue (OSR), and equalization fund for selected counties (Kipsaat & Mbatia, 2019). Guaranteed transfers reduce incentives for counties to expand their OSRs. This creates a classic moral hazard problem in intergovernmental fiscal relations. In such contexts, subnational governments rely disproportionately on transfers rather than developing sustainable local revenue bases.

Counties have repeatedly failed to achieve their OSR targets in all fiscal years since the start of devolution. For example, during the first half of the 2025/2026 financial year, county governments collectively raised KSh 26.94 billion in OSR, equivalent to 27% of the projected annual target of KSh 99.73 billion (Office of the Controller of Budget, 2026). The report also noted that performance levels varied across counties: three counties (Samburu, Garissa, and West Pokot) surpassed the 50% mark, 20 counties recorded between 30% and 49%, while 24 counties remained below 29%. OSR shortfalls arise mainly due to deficiencies in internal control and auditing mechanisms, reliance on manual systems for revenue collection, limited staff capacity and low motivation among revenue personnel, insufficient taxpayer awareness and outreach efforts, and weak enforcement of existing legal and regulatory provisions (Ali & Ngari, 2024). As a result, the efficiency of the fiscal rule is conditional on complementary institutional factors. The heavy reliance on intergovernmental transfers, combined with weak OSR mobilization, limits counties' fiscal autonomy and reduces incentives for endogenous revenue generation. This dynamic reinforces soft budget constraints and encourages short-term expenditure patterns over long-term investment strategies, thereby constraining sustainable local economic development.

5.2.1.2 Capacity Deficits

Capacity deficits remain a major constraint on the effectiveness of Kenya's devolved governance system. Many counties face shortages of skilled personnel,

weak technical expertise in planning and budgeting, and limited institutional experience in managing complex development programs (Muwonge et al., 2022). In addition, Kenyan counties have high staffing shortages, worsened by high rates of absenteeism, misallocation of human resources, and low staff motivation, all of which undermine service delivery. These gaps also affect the quality of project design, procurement processes, and financial management in the counties (Oribu, 2020). In some cases, inadequate capacity leads to poor budget execution and low absorption of development funds. Weak administrative systems also limit evidence-based decision-making and long-term planning. This reduces the ability of counties to translate available resources into meaningful development outcomes (Oribu, 2020).

5.2.1.3 Elite Capture and Corruption

Elite capture in Kenyan counties denotes the manipulation of devolved resources and decision-making processes by local political elites, business leaders, and their allies to serve personal interests rather than public good. This systemic issue undermines devolution, leading to high-level corruption. According to an Ethics and Anti-Corruption Commission (2025) report, Kenyan counties are a hotbed of corruption, with rampant embezzlement of funds, nepotism and tribalism, abuse of office, favoritism, and bribery. Elgeyo-Marakwet, Marsabit and Wajir counties had the highest prevalence of bribery for accessing services. The report also pointed out that citizens in Meru, Baringo and Kakamega counties, had to pay bribes to access county officials, particular services, or institution. Corruption limits the effectiveness of fiscal decentralisation in effective public service delivery (Mwangi et al., 2023). Therefore, elite capture and corruption reduce the efficiency of public spending and distort resource allocation in the counties.

5.2.1.4 Intergovernmental Frictions

Intergovernmental frictions remain a persistent challenge within Kenya's devolved system, particularly in the area of revenue sharing and fiscal coordination. Despite clear constitutional guidelines, disputes between the national and county governments have led to recurring stalemates, such as the 2019 disagreement over allocation formulas. These tensions are compounded by delays in the disbursement of funds by the National Treasury, often attributed to revenue

underperformance, pending bills, and low absorption of development expenditures. Such delays significantly disrupt county budget cycles and planning processes. As noted by Muya (2025), late disbursements hinder timely project implementation, stall essential services like healthcare and infrastructure, and contribute to underutilization of development funds. Consequently, these frictions undermine service delivery, weaken intergovernmental trust, and constrain the overall effectiveness of devolution.

5.2.1.5 Political Volatility

Counties in Kenya experience frequent shifts in political alliances and leadership contestation. According to Matara (2025), members of county assemblies, while exercising their constitutional oversight role, have had to exert pressure and influence through impeachments of governors. Such instability delay budget approvals and stall development projects, thus disrupting service delivery in the counties. In addition, the devolved units have high turnover rates. For example, in the 2022 polls, about 76% of the members of county assemblies were new to their roles (Macharia, 2022). Such high rates of leadership turnovers lead to abrupt changes in priorities and undermining institutional memory. As a result, political volatility not only shapes governance dynamics but also has direct implications for the implementation of development initiatives at the counties.

IET warns that IEs alone cannot guarantee durable performance. Sustainability depends on routinisation, for example, the translation of constitutional provisions into stable administrative practices. Here, the record is mixed. The legal and fiscal foundations are in place, but routinisation has been uneven: some counties have developed administrative capacity and improved planning and investment outcomes, whereas others struggle with weak budget execution, limited absorptive capacity, and governance failures (Wagana, 2017). These heterogeneous outcomes reflect differing local capacities and political economies rather than deficiencies in the constitutional design per se.

To sum up, variations in institutional performance translate into differentiated economic outcomes across counties. In counties with stronger administrative systems and governance practices, devolution has contributed to improved service delivery, more efficient allocation of public resources, and enhanced local

investment activity (Wagana, 2017). In such contexts, decentralization has increased allocative efficiency by aligning public expenditure more closely with local preferences and development priorities. However, in counties with weaker capacity, the benefits have been more limited (Wagana, 2017).

5.2.2 Comparative Insights into Intergovernmental Fiscal Transfers

Jurisdictions show different trade-offs in fiscal decentralization design. Just like Kenya, fiscal federalism in global South countries like Nepal, South Africa and Ethiopia addresses both vertical and horizontal fiscal imbalances arising from mismatches between revenue-raising powers and expenditure responsibilities (Chakraborty, 2021). This underscores the importance of intergovernmental fiscal transfers in addressing these disparities and promoting economic convergence across different jurisdictions.

South Africa operates a highly structured, rules-based system in which national transfers to the provinces and municipalities are guided by transparent formulas and supplemented by conditional grants (Bahl Jr, 2020). Vertical division involves transfer of equitable share of national revenue to devolved units (9 provinces, and local governments) based on their expenditure responsibilities and the other revenue sources available to them (National Treasury, 2025). Horizontal division involves sharing of equitable share among municipalities and transfer programs. Compared to Kenya, South Africa emphasizes accountability and efficiency through conditionality (Chakraborty, 2021).

In contrast, Ethiopia's system is more centralized, with significant federal control over regional finances (Chakraborty, 2021). Fiscal transfers involve allocation of tax bases to the federal and state governments. The federal government handles 80% dynamic taxes while the state handles the remaining 20% (taxes of local nature). Fiscal transfers to the states are in the form of grants. Ethiopia uses a grant distribution formula with three indicators: revenue generation, level of development, and population (Chakraborty, 2021). While regions receive formula-based transfers aimed at equalization, their fiscal autonomy is more limited, and central oversight plays a stronger role in coordinating development priorities. Compared to Kenya, Ethiopia prioritizes coordination and control.

Kenya's model (shaped by strong constitutional

guarantees and political protection of subnational units) occupies a middle ground but continues to face challenges in aligning fiscal incentives with efficient and sustainable economic outcomes. This suggests that Odinga's legacy produced a politically robust and enduring system of devolution, but one whose economic performance is equally contingent on ongoing institutional development and reforms.

6. Conclusions

This study asked whether and how Raila Odinga's constitutional reform initiatives influenced the establishment, consolidation, and long-term sustainability of Kenya's devolved governance system. The study found that Raila Odinga acted as an effective IE. His coalition-building and framing helped secure broad popular legitimacy for the 2010 Constitution, and his political sponsorship contributed materially to the constitutional architecture. Some of the positive gains are increased political representation, foreseeable fiscal entitlements, and enhanced local political agency.

Simultaneously, according to the study, the sustainability of such gains is conditional. The outcome of constitutional entrenchment was a solid legal system, yet the results on the county level are inequitable. Some of the recurrent concerns include financial dependency and small own-source bases, inadequate capacity in planning and budget implementation, cases of elite capture, and repetitive intergovernmental tension, which erodes service provision and popular confidence.

From an economic perspective, the outcomes of devolution are mixed. The system has improved equity through the redistribution of public resources and expanded access to services in historically marginalized regions. However, its effects on economic growth and efficiency vary significantly across counties. While some counties have leveraged devolved authority to enhance service delivery, attract investment, and improve local development outcomes, others continue to face constraints that limit the effective use of public resources. These findings indicate that the long-term economic success of devolution depends not only on its constitutional design but also on the alignment of fiscal incentives, institutional capacity, and accountability mechanisms.

Overall, Odinga's legacy is both foundational and enduring. It ensured the political and constitutional

institutionalisation of devolution in Kenya, creating a framework within which local governance can evolve and deepen. However, the realization of its full developmental potential depends on continued efforts to strengthen administrative capacity, enhance fiscal autonomy, improve accountability, and sustain political commitment to the principles of decentralization.

7. Recommendations

This study suggests the following recommendations to enhance the sustainability and efficacy of the devolved system of governance in Kenya.

1. Enhance the fiscal capability of the counties

The Commission on Revenue Allocation (CRA) and the National Treasury ought to come up with capacity-building programs for county finance officers. Such programs could enhance their budgeting, revenue mobilization, as well as expenditure management. Moreover, the actors are required to strengthen the technical support to the counties in order to broaden on-source revenue beyond national distributions. This may help lessen over-dependency on the national revenue share.

2. Increase intergovernmental coordination

The Council of Governors (CoG) and the IGRTC (Intergovernmental Relations Technical Committee) need to institutionalize frequent forums and dispute-resolution processes between counties in the efforts to demarcate functional roles, transfers quarrels, and harmonization of policies.

3. Increase accountability and control systems

The Controller of Budget, Office of Auditor-General, County Assemblies, and Civil Society Organizations ought to increase monitoring and auditing abilities at the county level. This could be done by enhancing the level of accessibility of budget and expenditure information to the people, and increasing the level of participation by the citizens in the oversight procedures in order to curb corruption and elite capture.

4. Maintain a political will to devolution

The political parties and the national and county legislators should institutionalize cross-party platforms. Devolution commitments need to be in manifestos, and parties need to champion constitutional provisions.

5. Support administrative capacity and service delivery

Kenya School of Government and CPSBs are

advised to offer specific capacity building to county administrators in the areas of planning, project management, and delivery of services to the people. The focus of such training should be on the sharing of the best practices across counties with the view to enhancing efficiency and citizen outcomes.

6. Periodic review and policy learning

The CRA and the Senate Devolution Committee ought to review the implementation of fiscal and functional devolution regularly. Learning the lessons that can inform policy changes and make the system responsive to changes in socio-economic and political factors.

These recommendations are designed to build on Raila Odinga’s foundational contributions to devolution and ensuring that the constitutional promise of devolved governance translates into sustained local development.

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