POLITICS AND GOVERNANCE FOR SUSTAINABLE DEVELOPMENT: CHALLENGES AND PROSPECTS IN THE KENYAN

BY WILLIAM AGEMBO

We are living in an age where the concepts of governance and politics have conquered or are in the process of conquering most aspects of the geopolitics. Improved governance across many dimensions is a key part of this new approach. Governance is broader than institutions and includes relations between state and people. It provides the mechanisms through which collaboration can be generated across sectors. This paper presents a contextual narrative on Politics and Governance for Sustainable Development: Challenges and Prospects in the Kenyan Political Situation. It reviews related literature and suggests opportunities for growth and development. It specifically looks at politics, governance and sustainable development based on the post-2015 global agenda. It also sets a benchmark for the bare minimum for good governance. Despite the many challenges that exist in the Kenyan context, there several opportunities to be exploited. Governance that meets global standards defined in various international treaties and instruments are central to the question of sustainable development ultimately. "Without development, peace is impossible, and without peace, development is impossible". It behooves leadership to pragmatically promote a people centered development, and issue based politics based on principles of good governance.'

Key words: Good governance, sustainable development, politics

Introduction to the Study

We are living in an age where the use of the concept governance has conquered or is in the process of conquering most parts of the globe. Improved governance across many dimensions is a key part of this new approach. Governance is broader than institutions and includes relations between state and people. It provides the mechanisms through which collaboration can be generated across sectors. It also addresses some of the fundamental obstacles to sustainable development including exclusion and inequality.

There is growing acceptance that the "one-size-fits-all" models of governance do not work and that there are diverging pathways towards more inclusive political and economic institutions. In addition to the quality of governance at national and sub-national levels, there is also now greater attention to global governance issues. The repercussions of the international financial crisis, the effects of climate change, the spill-over from intra-state conflict and impact of international crime, terrorism and illicit financial flows have raised attention to the importance of cross-border governance issues, in a world that is increasingly interconnected and more interdependent.

While this paper focuses on the prospects and challenges of governance at the national level (relevant in all countries), improving governance is important at regional and global levels. Areas that require attention in the context of the broader post-2015 process include: representation and voice of developing countries in international financial institutions, making the rules governing access to markets and technology more fair and equitable, taking steps to curb illicit financial flows, and strengthening global cooperation around migration. Given the centrality of governance to people's vision of Sustainable Development framework, this discussion paper aims to provide evidence that despite the many governance challenges, there, there still a lot of untapped prospects that can enhance sustainable development.

Politics, Governance and Sustainable Development

According to The General Assembly resolution 66/288, democracy, good governance and the rule of law at the national and international levels, as well as an enabling environment, are essential for sustainable development including sustained and inclusive economic growth, social development, environmental protection and the eradication of poverty and hunger. Participants in

global consultations on governance for the post-2015 agenda also agreed that inequality and poverty are not accidents of fate and that they are the results of policy decisions and power relationships which are discriminatory, exclusionary and unjust.

According to the Report to the Secretary General by the UN System Task Team on the Post-2015 Development Agenda of June 2012, the quality of governance plays a defining role in supporting the pillars outlined in 'Realizing the Future We Want for All', which advocates for an approach to the post-2015 development framework that is based on inclusive social development, inclusive economic development, environmental sustainability and peace and security. It is therefore generally agreed that the post-2015 development framework needs to identify and address the multiple drivers of exclusion and inequality within political, economic and social systems and support the means to foster inclusiveness and equality

The Bare Minimum of Good Governance

To ascertain whether governance is 'good', actors look at the mechanisms that promote it, the processes used, and the outcomes achieved. Mechanisms of good governance can include transparent, democratic institutions as well as efficient and effective public services. Governance processes refer to the quality of participation necessary "to ensure that political, social and economic priorities are based on a broad consensus in society and that the voices of the excluded, poorest and most vulnerable are heard in decision-making (Governance for Sustainable Development, UNDP, 2005)

The outcomes of good governance could be peaceful, stable and resilient societies, where services are delivered and reflect the needs of communities, including the voices of the most vulnerable and marginalized. Accountability is a key theme running through and underpinning many aspects of governance – both vertically, from government to people, and horizontally between parts of the state, such as the executive and the judiciary. Sustainable development will require that public officials account for actions taken in the public's name and with public resources.

Internationally agreed normative frameworks, including human rights standards and principles, underpin the mechanisms and processes of governance. These include a range of concrete actions, such as urging institutions to carry out gender-responsive planning and budgeting processes as envisioned in the 2011 UN General Assembly on Women Development or adopt preventive policies, such as the establishment of anti-corruption bodies and enhanced transparency in the financing of election campaigns as agreed in the UN Convention against Corruption

Challenges to good governance in Africa The problem which troubles Africans most is the failure of political leadership. There are of course failures in other domains, but these are traceable in the consciousness to political leadership deficiencies. Seteolu (2004:74) summarizes the challenge from Kenyan perspective thus; The political elites are not a productive class, but rely on the control of state structures to access economic rewards. The over politicization of the Kenyan state is also understood in the context of the unmediated struggle for power, influence and patronage. The nature of political contest ensured the emergence of a local governing class without ideological commitment. Rather than pursue political contests within ideological frameworks, politics became a contested terrain for shallow, self-centered political gains.

Also equally relevant and important challenge is the absence of political will. A political will is the compelling force for sound leadership quality, the ability to do what is right, what is relevant and what is attainable within the context of patriotic nationalism. Political will very often means personal or group sacrifices. It implies the ability to implement policies that have a nationalistic important and relevant without allowing pockets of interest to detract from what should naturally be of national benefit. In contemporary Africa, Nelson Mandela represents that model of leadership by personal sacrifice to redeem his people from servitude.

The act and manner of managing public affairs is through the process of good governance, the essential link between the civil society and state is a challenge that has giving shape to the way decisions are made for serving public interest. The constitution and the laws provide the legal framework of good governance; however, this only applies when the matter at hand is to the advantage of those in power.

The institutions embodying the governance process include the executive, legislature, judiciary, army, bureaucracy, political parties and interest groups. It is the moral principles and rules of conduct, having a bearing on both the legal framework and the institutions, which basically determine the government and the governed.

Governance is legitimate in a positive sense when the government is installed by the people through institution arrangements that are put in place by the people and when the performance of the ruler is adjudge good and accepted by the people and when the people have no power to remove the ruler in case of very grievous offence, such a government is legitimate and democratic. Although governance is practiced by political elites, it is manifest in the condition of citizenry. This implies that a strong state is unlikely to emerge in the absence of a vibrant civil society. It concerns the institutionalization of the normative values that can motivate and provide cohesion to the members of the society at large (Hyden, 1992). Hyden's efforts to operationalize "governance" inevitably lead to associate good governance with democratic values and procedures. Although Hyde's concept of a governance realm is applicable to all political system, it is addressed primarily to African polities because of breakdown of governance across the continent (Barkan, 1992:167). It is no coincidence that the diminution of the governance realm across Africa has accompanied the spread of personal rule.

Prospects to Good Governance

Effective, responsive and accountable state institutions

State capacity, or the ability of states to form and implement policy across the whole of their territory, is an essential prerequisite for sustainable human development. Many studies have demonstrated the importance of state capacity. For example, there is a causal link between the quality of public administration and economic growth (Evans, P., and J. E Rauch, 1999). Conversely, weak states are more prone to conflict and civil war (Special Issue on State Capacity and Civil War, May 2010). However, capacity for sustainable development is not just about efficient administration; it also requires states to be responsive to the needs and demands of people, and the separate needs and rights of women and men, as well as being capable of administering, coordinating and mobilizing collaborative action to address an increasingly interconnected and complex development agenda. Multi-stakeholder engagement with

institutions including parliaments, courts, auditor-generals, ombudsmen, anti-corruption agencies, human rights commissions, civil society, media, and representatives of women's groups, is required in order to help shape policy, ensure accountability and hold state institutions to account for their performance and the quality of services delivered.

Openness and transparency – public access to information

Openness and transparency are essential to achieve sustainable development. There is evidence that informed citizens and the private sector are better able to engage in developing policy; they are better collaborators and partners with government on service delivery, and also better able to hold governments to account, leading to improved development outcomes (Sen, Amartya, Jean Dreze, 1989). Transparency in government behavior sends strong signals to citizens and investors, and evidence shows that the more information a government releases, the greater the investment and subsequent effect on growth (Williams, Andrew, 2009). There is also evidence that transparency in budget, expenditure and procurement processes lead to increases in service delivery (Evidence of Development Impact from Institutional Change: A Review of the Evidence on Open Budgeting, 31 January, 2013). Transparency also has an intrinsic value (endorsed in various international conventions), namely, that citizens have a right to know how revenue and resources are being used in their name.

As seen in the commitment from a number of governments who have signed up to the Open Government Partnership (OGP) and the Extractive Industries Transparency Initiative (EITI), there is a degree of consensus emerging on the importance of openness and transparency, and a number of goals and targets for Sustainable Development Goals have been made in this regard. In particular, the extractive industries and disclosure of budgetary information by both state and private sectors have been a focus of attention. The target to "Guarantee the public's right to information and access to government data" of goal sixteen in the Sustainable Development Goals could include access to information on the use of natural resources requiring corporate disclosure.

Addressing corruption and curbing illicit financial flows

There is a wealth of evidence that corruption is a major hindrance to sustainable development, with a disproportionate impact on the poor and marginalized populations. Corruption is bad for health and education outcomes, equity, rule of law, and foreign investment. It is also an international problem. USD$1 trillion of illicit flows are estimated to leave annually from the developing world for example with USD$11.5 trillion of assets considered to be owned by individuals in off-shore banks, resulting in an estimated annual loss of USD$250 billion in tax revenue (Global Financial Integrity, Illicit Financial Flows from Developing Countries, 2009) Conversely, there is evidence that anti-corruption and wider transparency and accountability policies are associated with improved development outcomes such as education, health and water. Transparency International, for example, finds that good performance on anti-corruption initiatives and the rule of law is linked with higher youth literacy rates and lower maternal mortality rates (2015 and beyond: the governance solution for development", Working paper, 01, 2013)

With United Nations Convention Against Corruption (UNCAC) now ratified by 168 member states, demonstrating the commitment of State Parties, the existence of other regional anticorruption conventions and many protests against corruption around the world, there is a growing awareness and consensus on the importance of addressing corruption and illicit financial flows through global and regional cooperation and the setting of standards. For example, the OECD countries have shown their commitment for automatic exchange of tax and financial information to combat global tax evasion and money laundering.

Justice and the Rule of Law

The rule of law is a principle of governance and is critical for sustainable development. It has been shown that countries adhering to the rule of law have higher levels of growth and investment through the protection of property rights (UNDP, Integrating the Rule of Law in the Post 2015 Development Agenda , 2013). In addition, it can promote equity, gender equality, and inclusion through, for example, the protection of legal identity and more equitable access to resources for both women and men. Effective rule of law frameworks, together with implementation, help prevent and mitigate violent crime, resolve grievances, and protect citizens;

all key elements to contain violent conflict. Some studies suggest that a conservative estimate of the economic costs of lost production, due to high levels of crime and violence, ranges from 2 to 3 percent of GDP ("Conflict, Security, and Development", World Bank World Development Report, 2011). It can also promote more sustainable and equitable management of natural resources through, for example, protecting the rights of indigenous peoples to land and other communal resources.

Rule of law has also featured strongly in The Sustainable Development Goals and targets. Specifically, recommendations have focused on improving equitable access to justice to enable people, in particular the poor and marginalized groups, to claim rights and services, as well as to peacefully settle disputes. With over 243 million children under the age of 5 without birth registration worldwide (EVERY CHILD's BIRTH RIGHT: Inequities and trends in birth registration, December 2013). There has also been an emphasis on ensuring that all persons have the benefit of legal protection and can exercise the basic rights of citizenship, such as access to services and participation in society through legal identity. In view of the close linkages between rule of law and the aims of poverty eradication, enhancing food security and promoting sustainable cities, emphasis has been given to protecting property and land use rights. Targets in these areas under the Sustainable Development Goals have included: provision of free and universal legal identity, including universal birth registration; increasing the share of women, men and communities with secure rights to land, property or other assets; and ensuring independent, accessible and responsive justice institutions.

Participation in decision-making

Participation is both a right, and a means to more sustainable development. When communities are actively engaged in their own development processes, project outcomes will be better targeted to local needs and results will be more sustainable. One study, for example, found that participatory budgeting in Brazilian municipalities between 1990 - 2004 led to greater spending on health and sanitation and reduced infant mortality rates (Gonçalves, 2014). Socio-economic well-being will be improved, and so too will the legitimacy of the development process itself. Participation in policy development and the design of development interventions by communities and the society at large, in any society or community, enhances trust between those who decide,

those who implement the decisions, and the population at large. Furthermore, inclusive participation through consensus and dialogue facilitate and galvanize the development and implementation of policies and reforms, and are crucial for promoting equity and strengthening the cohesiveness of societies. One of the major findings of various national and thematic consultations on sustainable development agenda is the need for strong participatory monitoring mechanisms by non-state actors (e.g. communities, youth and women's networks, civil society networks, etc.) to hold government accountable

Political participation, freedom of association, freedom of speech and freedom of the press, are also fundamental human rights and are widely seen as sustainable development objectives. Strengthening the rule of law (formal and informal) and the justice sector is key to ensuring that women's indivisible human rights are protected and that they have access to justice. National parliaments and assemblies have played critical roles in many countries in support of the MDGs, and, in light of their law-making, budgeting and oversight functions, could play an even greater role in ensuring accountability of governments in the shift to sustainable development. Ombudsman offices and national audit agencies could further contribute to sound governance and administrative accountability systems. Commenting on participation, the UN Secretary General says: -

"The interests of the indigenous peoples must be part of the new development agenda in order for it to succeed. […] Let us work even harder to empower them and support their aspirations." UN Secretary-General Ban Ki-moon

Curbing violence and combating transnational organized crime

Globalization has given rise to unprecedented growth in the volume of trade and movement of goods, persons and money across boundaries and borders. This has created considerable economic growth and prosperity, but all too often for the benefit of the few and the further disenfranchisement of many. Globalization has also outpaced mechanisms for national, regional and global governance, giving rise to opportunities for transnational organized crime to thrive. The annual turnover of this kind of crime is thought to be USD$870 billion, the largest proportion of which comes from illicit drugs, which account for half of transnational organized crime's proceeds (Estimating Illicit Financial Flows Resulting from Drug Trafficking and other

Transnational Organized Crimes. Research Report, (2011). Human trafficking has become a global business, disproportionally affecting women.

Illicit flows present enormous challenges for sustainable human development, as well as peace and personal safety, through exacerbating already profound issues like corruption, violence, poverty, exploitation and conflict. Tackling these issues will require simultaneous attention to the demand driving the illicit markets for drugs or human trafficking, which are complex development challenges in their own right – including requiring attention to forced labour, the commercial sex industry and the needs of drug users - as well as action against supply chains. Regional and international cooperation to investigate, prosecute and adjudicate cases have reinforced legal frameworks, particularly at regional and international levels. Far greater coherence is necessary of the service delivery bringing social, health and justice measures together. Criminal justice mechanisms should be strengthened in line with international human rights standards and principles as well introducing strategies and policies aimed at preventing crime, rehabilitating and supporting the recovery of addicts, and protecting victims.

Violence against women and girls is also pervasive. Globally, 1 in 3 women experience physical and/or sexual violence from a partner (Recent analysis by the World Health Organization and the London School of Hygiene and Tropical Medicine, 2013). A state's ability to address these issues relies, at least in part, upon integrated service delivery from a range of public institutions, including through the provision of health, social and justice services.

Conclusion Governance that meets global standards defined in various international treaties and instruments are central to the question of sustainable development ultimately. As Koffi Annan, the immediate former UN Secretary General aptly put it, "without development, peace is impossible, and without peace, development is impossible". It behooves leadership to pragmatically promote a people centered, development oriented and issue based politics as envisioned in Kenya's vision 2030 if sustainability is to be achieved. To ensure sustainable development, politics and governance must be seen to promote effective, responsive and accountable state institutions, openness and transparency – public access to information, addressing corruption and curbing illicit financial flows, justice and the rule of law, public

participation in decision making and curbing violence and combating transnational organized crime. This must be done in the context of long term planning, total integration and critical innovation tapping into modern technology and embracing the key cross cutting issues being gender and environment primarily

REFERENCES

- World Bank (2011). "*Conflict, Security, and Development",* World Bank World Development Report. World Bank.

- Transparency international. (2013). *2015 and beyond: the governance solution for development", Working paper*, 01. Transparency International.

- Evans, P., and J. E Rauch. (1999). Bureaucracy and Growth: A Cross-National Analysis of the Effects of 'Weberian' State Structures on Economic Growth'. *American Sociological Review* , 5 (64), 784 .

- UNICEF(2012).EVERY CHILD's BIRTH RIGHT: *Inequities and trends in birth registration.* UNICEF

- The World Bank Institute, (2013). *Evidence of Development Impact from Institutional Change: A Review of the Evidence on Open Budgeting*. London: The World Bank Institute.

- (2009). *Global Financial Integrity, Illicit Financial Flows from Developing Countries*. World Bank.

- Gonçalves, S. (2014). "*The Effects of Participatory Budgeting on Municipal Expenditures and Infant Mortality in Brazil*. World Development.

- WHO, (2013). *Recent analysis by the World Health Organization and the London School of Hygiene and Tropical Medicine*.

- Sen, Amartya, Jean Dreze. (1989). *Hunger and Public Action. (D. a. Kaufmann, Ed.) Trans parenting Transparency:* Initial Empirics and Policy Applications, 2005 .

- Special Issue on State Capacity and Civil War. (May 2010). *Journal of Peace Research* , 47 (3).

- UN. (2011). The 2011 UN *General Assembly Resolution on Women in Development* (A/RES/66/216). UN.

- UN. (2004*). UN Convention Against Corruption.* New York: United Nations.

- UNDP. (2015). *Democratic Governance.* Retrieved May 19, 2016, from Discussion Paper   Governance for Sustainable Development: http://www.undp.org

- UNDP. (2005). Governance for Sustainable Development. UNDP.

- UNDP. (2013). *Integrating the Rule of Law in the Post 2015 Development Agenda . UNDP Issue   Brief: .*

- UNDP. (2010). The Real Wealth of Nations. USA: UN.

- Williams, Andrew. (2009). On the Release of Information by Governments: Causes and Consequences. *Journal of Development Economics* , 1 (89), 124–38.