

Kenya County Governments and Records Management Pertinent Issues: A Literature Review

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Abstract

The introduction of devolution in Kenya in 2010 marked a transformative era in the country's governance, decentralizing power and resources to 47 established counties. This significant shift aimed to promote local development, address regional disparities, and increase citizen participation in decision-making processes. As devolution continues to shape governance structures in Kenya, effective records management emerges as a pivotal factor in ensuring transparency, accountability, and efficient service delivery at the county level. The Constitution of Kenya 2010 mentions the information drawn from article 118 (1) (b) and demands that parliament and county assemblies enact laws that ensure public participation and involvement in the legislature and other business of assemblies and its committees. This therefore calls for the role that records play in form of formulation of questions that is passed on to the public that bears clarity on the objectives of the government and the answers that meet these queries. These interactions are usually sourced from the governments in form of the legislature or executive orders that are linked to citizens. The review focused on the role of records management, challenges faced by county governments and potential solutions drawn from existing literature. Extensive searches were conducted across academic databases, including but not limited to, Web of Science, ScienceDirect, Google Scholar, PubMed, Scopus and relevant government repositories. Records management is a linchpin in the governance machinery of Kenya's County Governments, contributing to the core tenets of democracy, citizen engagement, service delivery, protection of rights, and financial accountability. Kenyan counties encounter challenges such as absent or inadequate records management policies, insufficient staffing with misplaced responsibilities, limited funding for modern systems, lack of top management prioritization, minimal adoption of technology, absence of clear guidance leading to inconsistencies, absence of electronic records management policies, and a deficiency in national-level policy control. Proposed recommendations for county records management include identifying vital records and adhering to lifecycles, employing ideal technological applications for the entire records lifecycle, tailoring management to institutional objectives, and promoting public engagement through policy development.

Keywords: Kenya, County Governments, records management, pertinent issues, role, challenges

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Introduction

Democracies are built on values of engagements that are captured in the constitution and laws of the land. Records Management practice is an element that relays justice and values of communities by way of communicating information and knowledge that encompass ideas and perceptions of a people on how best resources and values should be managed. Mutula and Wamukoya (2009) perceive records management as a tenet of democracy based on the information values that are held therein. They add that Freedom of Information (FOI) carries openness of society, transparencies, trust and accountabilities of governments that are attained. The benefits of records management in lieu with FOI leads to prudent management of resources, exposure of corrupt practices and fraud, protection of citizens' rights and improved service delivery.

The Constitution of Kenya 2010 (CoK 2010) in article 118 (1) (b) demands that parliament and county assemblies enact laws that will ensure public participation and involvement in the legislature and other businesses of county assemblies and its committees. This therefore, calls for the role that records play in form of formulation of questions that is passed on to the public that bears clarity on the objectives of the government and the answers that meet these queries. These interactions are usually sourced from the governments in form of the legislature or executive orders that are linked to citizens. This is communicated by way of records which are generated and refined to meet this purpose in form of the Hansard for legislatives' deliberations or any other formal communications as in the case of the county governments of Kenya. The

public, on the other, hand hold forums that give feedback to the requests made based on questions passed on to them. The answers are usually analyzed and reports tabled either in the County Assemblies or communicated to the County executives for execution. These are generated as records that carry communication to either end.

Records also inform operations of the County governments to the public on how resources are utilized (Abuki, 2014). Issues to do with financial management are communicated to the public as captured in the internal audit reports of the counties and the nations' auditor general reports (Lekamario, 2017). Collection of taxes, payment of wages, tenders, investments among other financial inputs are captured in records which are very important during auditing to verify expenditure and to consequently compliment or criticize the same (Ayoti, 2012). These records again, are used during award presentations for exemplary performers and prosecution for wrong doers.

Governments with just principles are obligated to cater to the needs of all citizens, irrespective of their standing (Rosenfeld, 2000). The rights of the majority and the minority are usually enshrined in the constitution as in the case of Kenya (Abraham & Sing'Oei, 2012). Records carry information that guides in the implementation of government projects across their jurisdictions. The rights of all communities of a nation are enshrined in the Kenyan constitution as spelled out in chapter four of the Constitution of Kenya 2010 (Patrick, 2015; Maingi, 2018). These rights are drawn from records that are contained in the archives as established in the Kenya National Archives. An example is the rights of the Maasai community in

Kenya which is depicted in agreements between the colonial masters and the communities' chiefs (Tarayia 2004). These records show how the community lost their land and the agreements that led into that. Historical injustices can therefore be resolved by identification of the sources and consequent compensation can be done (McKemmish et al., 2005).

Records are critical in governance since it communicates ideas that are drawn from the public, researchers, experts and the civil service (Milakovich, 2012). Records generated in the field by experts for example explain the situations and remedial measures to be adopted in cases of emergencies like outbreaks of pandemics (Connolly, 2005). An example is the records generated by the health departments on ailments that are prone to affect the public and which are captured by medical experts in the field through laboratory tastings and patients' medical records. The public participations meetings that are held capture the public desires and the approaches that the county projects forms should take. It also contains budgetary allocations and many other details (Barata et al., 2001). The social and economic development heavily banks on the nexus of the county governments and the public since this an assurance of the validity of actions as approved by the stakeholders which determines their improved economic or social welfare as overall managers of their affairs. According to Berner, Amos and Morse (2011), public participation is an effective way in local governments that communicate effectively ideas and suggestions in order to gain public trust and education on government activities.

Methodology

Extensive searches were conducted across academic databases, including but not limited to, Web of Science, ScienceDirect, Google Scholar, PubMed, Scopus and relevant government repositories. Keywords such as "Kenya County Governments," "Records Management," "Devolution," "Role," "Challenges," and "Recommendations" were utilized to identify

scholarly articles, reports, and policy documents. Identified literature underwent a thorough screening process, including title and abstract reviews, to determine its relevance to the review objectives. Key data elements, such as records management practices, roles, challenges, and potential solutions, were extracted from each selected literature source. Data were organized systematically to facilitate the synthesis process and identify recurring themes and patterns.

Overview of Kenya county governments' records management systems

The Kenya county governments were among the key institutions that were introduced during the promulgation of the Constitution of Kenya 2010 (CoK 2010). The CoK 2010 formed a total of forty-seven County governments in place of the defunct local Authorities in chapter 11-part 2 sub article 176. The objective of these governments is service provision at the local levels. These includes services that are dedicated to them by the national government and any other services determined by the counties to the population based on the whims and economic activities that takes place within their jurisdictions.

Records management is key functions that runs the operations of these county governments by providing authentic information that is inescapable and are very vital in their sustainability and survival. The records management activities in these county governments have its inception traced to the various local authorities that were in existent before the promulgation of CoK 2010. These records were mainly consolidated under the newly formed county governments because the initial local authorities were numerous even within a single wider county set up. Records management has been identified variously as a function that is vital in the efficiency of running of public institutions amongst them governments with the benefits of ensuring efficiency, accountability and transparency, fighting graft, marketing and protection of entitlements amongst many others (Abuki, 2014; Makwae 2021; Njue, Kyalo, & Muchina, 2021; and Maina

2022). These researchers have extensively enumerated records management as a very important function that has been ignored largely in the African public institutions and has even facilitated poor governance and abetted corruption practices.

Role of records in the development of stronger institutions

Records remain the chief agents of democracies that values accountability, transparency, the rule of law and protection of entitlements among others. Records are pillars of democracy as explained by Millar (2003) who related good records management to democracy because of the role it plays on effectiveness, efficiency, accountability and successfulness that democracies demand. This author adds that in real democracies citizens are often consulted in running of government affairs and that reliable and trustworthy information that is scrutinized should be produced to justify any actions. On the same vein, Dikopoulou and Mihiotis (2012), compares the complexity of democracy to records management since the two demands authentic approaches in their maintenance and state that records are a vital element that run democracies with the following aims; to facilitate ethical behaviours of those charged with authority, to meet public expectations based on the mission of the government, to comply with the constitution and law, to foster efficiency and effectiveness and to prevent disasters and failures. This is equally attributed by Mosweu and Rakemane (2020) who posit that records in governance determines directions that are focused, accountable, and transparent and respects the rule of law. Despite all the benefits that records portray, these authors indicate that failure to meet certain legal mechanisms and stipulated approaches has led to poor governance especially on the African context.

Records are masters of guidance and the audit trails are evidence that explains the intention and direction of governance style adopted by authorities. Records relay the mechanisms that individuals choose to pursue which is limited by a constitution and laws of a

nation (Dikopoulou & Mihiotis 2012). These encompass functions like evidential that document actions and operations of governments, warranty that safeguards people rights and property plus perpetual which tells the will of individuals. Records also relates to bridging the gap in knowledge and the general populace, processes and culture that are applicable and reflective of the wishes of the citizens. It also constructs trust and is educative to a people (Harries, 2009; Sebina, 2004; and Musembi 2004). In Kenyan County Governments, records act as a trail of evidence, documenting the actions and decisions of county governments (Maina, 2016). This transparency is crucial in a democratic system, allowing citizens to scrutinize and understand the decisions made by authorities. It also, serve as a guide and audit trail, evidencing how government actions align with the constitution and legal frameworks (Abdi, 2021). They help ensure that governance adheres to established laws and regulations.

Role of records management in enhancing citizen engagement in county governments

Citizen's engagements refer to a situation where the public offer their views in participatory activities instead of an engagement through the representatives who are either elected or otherwise or through agents or any intermediaries. This is an in-person involvement that brings people on board to address issues of authority in governance (Nabatchi & Amsler 2014).

Records management relays information that captures deliberations on governments' undertakings when serving citizens and the vice versa. Records contain the intentions, deliberations, the context and contents of any activity that is made. It bears the knowledge and even gives the intellectual capabilities of the actors based on the decisions that are arrive at (Willis, 2005). He adds that effective records management that is accessible, accurate and complete usually makes it possible to determine accountability and makes up an image of an institution which will be viewed as sound and organized or otherwise. To affirm this, Ngoepe

(2014) points to records management as an important function that identifies risks and assesses risks that can affect governments. These risks can be checked in advance based on the findings of the public and other players' thus avoiding pitfalls that could affect governments based on poor decisions.

Records management is used to gather views of the public as mandated in the CoK 2010. Records are used to collect deliberations of meetings and resolution that are made. According to Marais, Quayle and Burns (2017), the public can participate in governance if the degree of good governance and transparency is adhered to by a government. This includes allowing the public to access the information it controls and if it holds forums with the public by seeing the signatures appended to resolutions by members of the public. The bone of contention has been the perception of governments towards allowing this to happen and rarely do governments want the general public to access the raw records that contain the information in their abode (Gauvin & Abelson, 2004; Cloete & Auriacombe 2007; Siddiqi et al., 2009). In support of public participation, OECD lists numerous benefits and these are some of the examples spelled out; that it is good for; democracy, polices, services, projects inclusion and diversity amongst others (Gordon, 2001). Public participation as annexed in the constitution of Kenya in article 118 of the CoK 2010 has benefits that encompass views of diversity innovation and action, enhancement of government and public relations, legitimating of government process amongst others. These are driven by records management which gathers the views of the executive, the legislature and the general public in order to meet the purposes. Records therefore are used to document decisions of the public based on their views and perceptions in lieu with the constitution and laws of the land, it also corrects anomalies by either the implementers or the public and is a foundation of cooperate memory for future engagements (Hurley, Leveille and McDonald 2016).

Records management and enhancement of service delivery

Records management and service delivery are partners that are intertwined in all aspects. The Kenyan County governments relies on resources that are sourced from the public in form of taxes within the counties and those that are allocated to them by the national government as their share as authorized by the constitution. These transactions are captured from the sources up to the final use. Records carry this important information thus therefore call for the need for a sound records management system to ensure accountability and transparency. (Mampe & Kalusopa 2012; Schellnack-Kelly 2014). The benefit of records management has been identified by many scholars, who noted the importance of records as unique, charactering and usable in virtually any service delivery. (Kemoni & Ngulube, 2008; Schellnack-Kelly, 2014 and Mampe & Kalusopa 2012).

Records management and protection of citizen rights

Records management is a true partner in governance and justice based on its role in the capture of information that is used in the protection of rights in areas like litigation, legislation and other government functions. It also encompasses ownership, contractual matters and agreements which defend the rights of all parties concerned (Lowell, 1987; Wamukoya & Mutula 2005; Smith, 2016). This is emphasized by factors that directly deal with rights such as community land, entitlements for special communities, human resource matters, taxation, investments, language, culture and religious practices amongst others (Gilliland & McKemmish, 2014; Guto & Jumba 2021; Carbone, Gilliland, Lewis, McKemmish & Rolan.2021). These authors have expressed differently how records and archives management are very powerful tools that are dependable when identifying the rights of individuals, how these rights are safeguarded by use of records and archives and how resolutions are arrived at by use of records. The county

governments are custodians of records that deal with resources that are channelled to the public and especially the vulnerable ones. These records play a significant role in the process of identification, selection and allocation of resources to the public. The role of records cannot therefore be overemphasized since it characterizes the governance attitudes towards the most vulnerable, it determines the whims that are drivers of decisions and portrays the balances and checks employed to ensure proper measures are undertaken (Keorapetse & Keakopa 2012; Palmer 2000; De Mingo & Cerrillo-i-Martínez 2018).

Records management and public financial management

Finance in the public sector is a driving factor that must be handled in a prudent manner in order to make it a resource that is dependable in the provision of service delivery. Finance is sourced from the public that is served by the same government in all the instances. No government exists without taxation and the elected officials in a democratic set up are mandated to spend the money as per the set-up regulations of a government (Allen, Hemming & Potter, 2013). The management of public finance records is enshrined in the laws of the land. It is identified by the World Bank and the IMF as a very critical component in the running of any public institutions because accountability must be upheld. Financial records must be managed as per the requirements of the laws. Financial matters must be done professionally so as to allow auditing by the relevant authorities and the legislative bodies must access and critique financial expenditure when called upon (Malemelo, Dube, David & Ngulube, 2013).

The Kenyan County governments have two major streams as sources of their finances. These governments receive shares of the finance from the national exchequer and also sources funds from the taxes collected within the counties. The finance collected locally is banked at the exchequer in the national consolidated account as per the regulations of the finance act. These

taxes are available for use through the national Integrated Financial Management System (IFMIS) that serves both the national and the county governments. The taxes collected must not be in conflict with the national government taxation system and its sources are established clearly in the constitution. It must avoid excesses that might hamper livelihoods of the citizenry. (Mandala, Odhiambo, & Wanga, 2020; Owandho 2020).

Records management comes into handy to provide solutions and guidelines on how public finance records should be managed (Akotia, 1999). It recognizes the importance of records as it carries information that is structured and bears details. Some of the details finance records have includes, budgetary decisions and allocations, cash, debt, aid, revenue and auditing amongst many others (Barata, Cain, Routledge & Leijten 2001).

Challenges that affect records management in the Kenyan counties

In the Kenyan public service, issues of inadequate record keeping have been highlighted by Mwangi (2017), who pointed out concerns such as the absence of records management policies and excessive central control of related activities. Additionally, challenges include a lack of records management policies, improper staffing (with many staff members in this domain not stationed at records offices or dealing with minimal record management matters), insufficient funding for a modern records management system serving the public, top management's insufficient consideration of records as critical in county operations, and minimal adoption of technological expertise for records management activities (Maina & Erima, 2023; Osebe, Maina & Kurgat, 2018; Makwae, 2021; Nyamberi, Odini & Odero, 2023). Furthermore, the Kenya National and Documentation Service has been criticized for not providing adequate guidelines on the proper management of records and archives at county governments (Mwangi, 2017; Abuki, 2014; Maina & Erima, 2018; Maina, 2021;

Ambira, Kemoni, & Ngulube, 2019; Osebe, Maina & Kurgat, 2018). Other challenges identified encompass a failure to keep up with technological advancements that should be compatible, more usable, and interactive to reach a broader clientele (Wamukoya & Mutula, 2005). Additionally, there is a lack of policies, especially in electronic records management, ensuring the integrity of records from creation to disposal, with no national-level policy control for development and ratification (Maseh & Mutula, 2016; Makwae, 2021).

Proposed recommendations

Several researchers have expressed similar records management recommendations that could be adopted to improve the records management activities in public institutions that deal with governance. On the issue of records management role in building of stronger institutions, records management offers the following;

The records management should be tailored to meet the objectives of an institution. The Kenya counties are a bastion of service delivery therefore simple authentic approaches that utilize or generates records must be employed. This includes adoption of ideal records management systems which upholds content, context and structure. This ensures that records generated and used are ideal and serve the purpose of county services to the public (Harries 2009; and Mosweu & Rakemane 2020).

On the role of records management in enhancing citizen engagement in county governments, these authors suggested the following; the county records management systems should develop policies that promote public engagements and records from the public must be captured. This might include observing the constitutional and legal obligations on public engagements or the popularly known as public participation (Devas & Grant 2003). It must employ professionals who should capture records and to treat these records professionally by distinguishing records from the general information that is generated by the county operations (Wamukoya & Mutula 2005). The

county records system must identify vital records against the other records and again must observe the records life cycle and to utilize models like the records continuum model which is able to handle both paper and electronic records. The records management systems at the counties should conform to standards (Matlala & Maphoto 2020). This will ensure optimum utilization of resources in order to benefit the county governments in terms of records control from the active stages to disposal. The Kenyan counties should employ ideal technological applications that can be used to manage records from the point of creation to disposal. The software and hardware should be sourced in line with the needs of the county putting in place the interests of the clientele who are mainly members of the public (Asogwa 2012).

Conclusion and recommendation

The records management systems in Kenya's county governments play a crucial role in ensuring efficient service delivery, citizen engagement, and overall governance. These systems, established post the Constitution of Kenya 2010, inherit functions from pre-existing local authorities. Moreover, records management serves as a guide in decision-making, provides evidence for legal matters, and ensures accountability in public financial management. Despite these crucial roles, challenges persist, necessitating recommendations such as tailoring records management to institutional objectives, promoting public engagement through policy development, and adopting ideal technological applications for comprehensive records management from creation to disposal. Implementing these recommendations can enhance the effectiveness of records management in Kenya's county governments, thereby contributing to better governance and service provision.

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