

From Center to Margin: An Appraisal of the Constituencies Development Fund (CDF) as a Decentralization Strategy in Kenya

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Abstract

Since independence in 1963, the governance of development in Kenya has faced numerous challenges leading to poor economic performance and hence negative consequences on Kenyans. The poor-rich gap has not only widened over the years, but the poverty situation has worsened. Consequently, the government has identified centralized planning as a serious development bottleneck and devised strategies for gradual devolution of decision-making power to the local level. Among other development blueprints is the Constituencies Development Fund (CDF), which aims at decentralizing development planning to enable grassroots communities maximize their welfare in line with their needs. This fund is a consequence of the Constituencies Development Fund Act of 2003, which provides the governance framework for a transparent and accountable utilization of the funds. Although CDF is a noble decentralization strategy, it is still prone to centralized planning and hence cannot holistically be regarded as having moved the decision-making power *from center to the margin*. The paper examines the governance framework availed by the Act in the context of decentralization paradigm, the possible impact of passive civic participation and proposes strategies towards effective local level participation in the utilization of the fund.

Key words: decentralization, governance, participation, grassroots, fund.

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Introduction

In Kenya, development has all along faced numerous challenges to the government, development partners and the general public. The poor economic performance that the country has experienced for a long time has had major negative effects on the majority of the Kenyans. For example, the gap between the rich and the poor has not only widened but the poverty situation has worsened (GoK, 2003c; 2004). This worsening poverty has had different effects on the economy with the result of escalating cost of living amidst diminishing means of livelihood. In particular, ownership of development initiatives especially at the grassroots level has been unimpressive in as far as participation of the local community is concerned. This is mainly because centralized planning has worked to isolate beneficiaries. As a result, decision-making power has ended up being concentrated on the district level government officials, leaving the beneficiaries more or less as mere onlookers.

Consequently, in the Economic Recovery Strategy for Wealth and Employment Creation (ERSWEC) (GoK, 2003c), the Kenya government has identified governance including participation as one of the major development bottlenecks. Hence, it has established several legal and administrative regulatory mechanisms in the promotion of transparency, accountability and good governance (GoK, 2003c). In the Investment Programme for the ECRSWEC (GoK, 2004), the government proposes broad policy measures towards minimizing apathy among grassroots communities and therefore spurring development in all sectors of the economy. In the legal sphere, there has been the establishment of the Kenya Anti-Corruption Commission through enactment of the Anti-Corruption and Economic Crimes Act 2003 to specifically investigate corruption especially in the public sector. In addition, there has been the enactment of the Constituencies Development Fund Act 2003 (GoK, 2003b) intended to devolve decision making power to the grassroots as a strategy to empower development beneficiaries at the constituency level to be drivers of their own development.

Kenya has 210 constituencies, each represented by a Member of Parliament (MP). When the National Rainbow Coalition (NARC) government replaced Kenya African National Union (KANU) in 2003, it started a new development initiative, the Constituencies Development Fund (CDF) through which the constituencies benefit from 7.5% of the direct government revenue. This was a decision aimed at promoting social and economic development to reduce poverty, hardship and vulnerability in the country especially among the marginalized. In the utilization of the fund, government officials and politicians remain principal decision makers while local community play a largely peripheral role through their representatives who largely represent political interests (Ongoya & Lumallas, 2005; Mapesa & Kibua, 2006). For this reason, the governance framework put in place for the utilization of the fund is not inclusive. In deed, the CDF Act (GoK, 2003a) has glaring loopholes especially regarding participatory governance in management of community projects. For example,

although the idea of devolution of power is underlined by the CDF Act, it at the same time vests too much power on politicians and government officials.

Decentralization and Participatory Governance in Kenya

The idea of decentralization in Kenya can be traced back to the period immediately after independence as espoused in the Sessional Paper No. 10 of 1965 on *Socialism and its Application to Planning in Kenya* (Mapesa & Kibua, 2006). The concept of decentralization was amplified in 1983, when the District Focus for Rural Development Strategy was put in place (GoK, 1983; Makokha, 1985; Chitere & Ireri, 2004; Mapesa & Kibua, 2006). This policy made the district the local level-planning unit with district level Government officials and leaders as the members of the implementing team. Since then, the government of Kenya has accepted this development approach as a strategy for delivery of services to the people and in resource development and mobilization.

The participatory approach is the development paradigm a shift from the top-down western approach to one where development agents and beneficiaries are at the same level in decision-making concerning development. It shifts more decision-making responsibility to the intended beneficiaries to plan and take an active part in the implementation of their development initiatives. In theory, it is the shift from doing for the people to a situation where they do it for themselves. It is the opposite of the development paradigm where development agencies including the government are used to acting know-all and taking communities as passive objects of development (Chitere, 1994; Bergdall, 1995; Chitambar, 2001). The top-down approach became problematic as communities developed dependency syndrome and were least prepared to initiate development without direction from development agencies and government officials.

This approach did not give local communities the opportunity to gain experience necessary for sustainability of development initiatives. Thus whenever development agencies including government withdrew, it meant collapse of projects and thus rendering the investment a waste. The paradigm shift meant substantial change whereby top-down became bottom-up approach to development while uniform became diverse. Most important, participation meant empowering development beneficiaries in terms of resource and needs identification, planning on the use of resources and the actual implementation of development initiatives (Chambers, 1997; Chitere, 1994). This ensures development and mobilization of local resources, necessary for development and sustainability of projects.

However, the concern is that the recent institutional reforms aimed at devolving and decentralizing development and empowering the people might not yield the expected results due to certain weaknesses in the process (Makokha, 1985; Chitere & Ireri, 2004). Some of these weaknesses include political and administrative influences, the top-down development mentality and poor people's participation. The latter can particularly be an avenue for corruption and the

embezzlement of resources meant for local development. One reason for such development may be related to passivity of local population and failure to know what is required of them regarding the use of resources. For example, Mapesa & Kibua (2006) found that majority of constituents in some selected constituencies in Kenya took CDF funds for the local politicians own development gesture extended to the people. With this kind of mentality, it is expected that when such funds are embezzled, the local people may not know, and if so may be unable to question or may not know the channels through which to complain. This is largely due to the apparent omission by the government and development partners to incorporate and actively involve grassroots communities in development activities.

The idea behind CDF is to encourage target beneficiaries to develop a sense of ownership and commitment for the initiated projects, to ensure their sustainability. In deed, one of the central principles behind it is participation; the involvement of people in decision-making regarding their welfare. For this reason, the local people should not be seen as passive development objects; rather they should be treated as principle stakeholders to be actively engaged in decision-making regarding local development. However, there has generally been inadequate consultation between the community members and development agencies including the government on the way forward regarding local development. This has often left the local community with the impression that they were passive agents in local development. Such mentality is a recipe for dependency among the local people, which goes against the tenets of sustainable development and self-reliance.

The Idea and Aims of Constituency Development Fund

Recent approach to development in Kenya has tended to identify development initiatives through broad-based consultation between both experts and laypersons with intended beneficiaries playing a key role. A good example in this regard would be in the development of the Poverty Reduction Strategy Papers at both district and national levels (Kimenyi, 2006). To ensure efficiency in the allocation of resources for maximum benefit to citizens, community participation is key as it enhances local capacity to hold leaders and public officials accountable. The driving principle behind participation is sustainable development that requires people to have hands-on experience concerning projects that benefit them. This way, withdrawal of technical staff does not spell doom to the projects.

The foregoing is based on the observation that local people are best placed to make decision concerning their needs. This makes the people active partners in development, which does not only instill local ownership, but also a feeling of community among them. Failure to be inclusive may make the community get alienated and this can be enough fuel to ignite passivity and possible resistance to the development initiatives. Indeed, Chitere (1994) and Mulwa & Nguluu (2003) cite cases where communities have been left out only to develop

resistance towards initiated projects. In other cases local communities have been alienated by technology used in project implementation, making project sustainability out of question.

Kenya's Constituencies Development Fund (CDF) was established by the Constituencies Development Fund Act of 2003 (GoK, 2003a) as an annual budgetary allocation by the government to each of the country's 210 parliamentary jurisdictions-the constituencies. This allocation is aimed at alleviating poverty at the local level while empowering the communities to have an input in development that directly concerns them. The aim of the fund is basically to decentralize development planning and operations to the grassroots so that communities can maximize their welfare in line with their identified needs and preferences. This makes the fund a classic example of decentralization in development planning and implementation. It is thus a follow to the District Focus for Rural Development Strategy introduced in the country in the early 1980s. The assumption behind the decentralization paradigm is that it speeds up development and gives priority to the beneficiaries to make decisions regarding their welfare.

The existence of the CDF Act is an indication that the Government of Kenya is slowly embracing the idea of decentralization and therefore devolution of management and planning from the central government to the grassroots (Ongoya & Lumallas, 2005). This Act provides the governance framework for a transparent and accountable utilization of the funds by giving the beneficiary communities a voice in planning and implementing their own development initiatives (Kimenyi, 2006). The fund is arguably one of the best innovations of the government, besides other initiatives. The foregoing notwithstanding, the fact that district and constituency level committees are dominated by politicians, their proxies or civil servants may beat the purpose for which it was put in place. This observation is made on the basis that, most likely decision are made with in mind, political capital rather than social welfare. Thus, where political expediency outweighs common good, the stage is set for political corruption and denial of civic services to the public.

Starting from July 2006, CDF constitutes 7.5% of government annual revenue, up from the previous proportion of 2.5%. According to CDF's official website², the current allocation formula is such that three quarters of the total allocation is divided equally among all the constituencies, while the remaining quarter is allocated according to constituencies' poverty levels such that the poorer areas get more funding. The standard formula is such that the quarter is divided by the National Poverty Index multiplied by the Constituencies Poverty Index. The CDF constitute significant efforts towards localized, participatory and sustainable development, which, regardless of the amount of money involved, should not be misused. One of the ways in which the fund can be misused and therefore

² www.cdf.go.ke

rendered ineffective is poor management and participation especially on the part of the intended beneficiaries.

Whereas the efficacy of CDF can be limited by capacity in projects' planning, implementation, monitoring and evaluation, malpractices such as corruption represent even a greater challenge. Corruption would not only hinder the capacity of CDF implementers, but also citizens' trust and commitment and by so doing denying the programme any chance of success. In deed, the idea, noble as it may be faces serious challenges that may render it ineffective. For example Kimenyi (2006) raises concerns regarding allocation, constituency uniqueness and political economy issues that can affect the efficiency of the CDF kitty. On their part, Mapesa & Kibua (2006) faults the utilization of the fund on grounds of poor management, low community involvement and other deficiencies. In addition, Ongoya & Lumallas (2005) point out legal loopholes that could successfully be challenged in court thus bringing to question the constitutionality of the CDF Act. These and other concerns imply below optimum utilization of CDF funds in which case transparency and accountability may be lost. This gives room to malpractices that compromise civic services and negatively affect development.

Governance Framework for Utilizing CDF

Leadership is an important issue that can best be analyzed within a governance framework. In general, governance refers to the system (i.e., traditions, institutions and processes) by which power is exercised in making decisions on issues of public concern including giving citizens a voice in the process. Good governance is based on the exercise of fairness, transparency, accountability, responsibility, discipline, equity, efficiency and effectiveness among other values in discharging ones duties. Hitherto, the CDF lacks an effective mechanism for good governance and is therefore prone to abuse as discussed here below.

CDF lacks its own structure for disclosure and accountability, since these are handled by central government officials. The Kenyan Public Service and especially procurement and supplies departments have often been accused of inefficiency and ineffectiveness. This is worsened by the near complete absence of civic participation in the use of the fund. This notwithstanding, the introduction of CDF was not accompanied by additional human resources hence it can be expected that the capability of accounting officers is far much stretched to be effective. Without such effectiveness, unethical practices are likely to pass unnoticed in as far as the utilization of the fund is concerned.

The CDF Act does not make provision for independent auditors and their rotation. Best practice suggests organizations should be audited externally by professionals who should also be regularly rotated to ensure independence of audit reports. The fact that the same District Development Office, which is involved in implementation of projects audits CDF utilization implies the risk for

familiarity, complacency and consequently corruption and ineffectiveness of the programme, noble as it may be. In addition, passive participation of the grassroots communities whose role is partly defined by the CDF Act means poor monitoring of the fund utilization, throwing to irrelevance the idea behind the fund-decentralization and devolution of power.

The CDF Act is silent on professional skills and competences for Constituency Development Committee (CDC) members, which implies a significant lack of structure for sound management including planning, implementation, monitoring and evaluation of development projects. It can be expected that CDC members who lack relevant skills and competences are more likely to be manipulated to participate or turn a blind eye to malpractices. Mapesa and Kibua (2006) call it *being used as rubber stamps* for predetermined decisions whether they understand them or not. As such, politicians and central government officials at the district headquarters are left as principal decision-makers to the disadvantage of the beneficiaries.

CDF is simultaneously an organizational and a political structure, which effectively means conflict between organizational and political goals. The organizational goal concerns uplifting social welfare but there is the likelihood that the area Member of Parliament (MP) would often support, and influence the support of, projects that ensure maximum political returns. In this respect, the CDF has the potential for perpetuating unilateral leadership and similarly presents a forum where political competition can be played out. The sole role of the MP availed by the CDF Act, gives sweeping powers to the incumbent to appoint the management committee, with the option of being the chairperson.

CDF structure does not allow for effective citizens participation in holding project leaders to account. Although CDF is a form of decentralization, this is only in part since expenditure is not linked to local revenue sources or fiscal effort. Partial decentralization, on the other hand, is likely to minimize citizens' interest in monitoring the use of funds since they might consider the funds as free (Kimenyi, 2005). Since the Kenyan citizenship is not known for critically holding their leaders to account on the manner of use of taxes, it is unlikely they can do the same in the use of CDF funds. Consequently, power is yet to devolve from the *center to the margin*, the object of the CDF idea.

In summary, the preceding exposition shows that CDF has little potential for civic participation, which relates to the provisions of the CDF Act including MPs' role, CDC competences, auditing issues and the basic assumptions regarding social welfare goals and generally decentralization. The individual and collective impact of these issues concerning CDF can be effectively analyzed, within a governance framework. This should be aimed at developing solutions for efficient and effective use of resources, leveled ground for political competition and most important active citizens' participation. Such would strengthen CDF and contribute to poverty alleviation right from the grassroots.

The Position of the Ordinary Citizen in the Utilization of CDF

The potential for malpractices in the operationalization of CDF largely relates to the nature of grassroots management structure and procurement practices. The CDF Act places the operationalization of CDF in the Constituency Development Committee (CDC). Its composition includes the area Member of Parliament (MP), area District Officer (DO), two representatives of each of the local authority (councilors), religious organization, men and women; one representative of each of the youth and NGO; and three other members. The MP and the DO are definite members but the Act is silent on procedures for selection of the rest of the members. The members have a fixed term of service, which is two years renewable only once, which means one can only serve for a maximum of four years.

The Act recognizes the MP as CDC's convener with the option of being the chairperson or allowing the CDC to elect one of its members as the chairperson. However, there has been a general concern that MPs exert undue influence on the decisions of CDC. In addition, since CDF relies entirely on government funding, the beneficiaries are likely to consider the funds free and therefore be less concerned with their use (Kimenyi, 2005). Consequently, corrupt officials may take advantage of these loopholes to embezzle the funds at the expense of the local communities. Part of the problem is civic illiteracy concerning the use of the fund, effectively making it impossible for them to monitor its use.

Since CDF entails mobilization of people, it is a political process and therefore it can be used as a vehicle for political advancement including fighting off competition. The MPs can therefore nominate committee members who will advance their cause, which reflects an opportunity for conflict of interest and related malpractices. A critical scenario is where the MP can nominate CDC members from among his/her supporters who may be relatives or friends. In a survey of some 21 districts, the Kenya National Anti-Corruption Steering Committee (NASC) found out that some CDCs were composed of MPs' spouses, close relatives and supporters. On their part, Mapesa & Kibua (2006) found glaring management deficiencies within CDF. For example, whereas the CDF projects are in line with national development needs, the institutions for decision-making are weak, accountability and transparency mechanisms are absent, there is insufficiency of technical staff, poor community participation and generally low awareness levels among intended beneficiaries. Pointedly, these loopholes give room for malpractices including corruption, which in essence borders on poor governance.

The CDF Act confers the CDC with the responsibility to co-ordinate and supervise CDF projects (Ongoya & Lumallas, 2005). Under the law, community members send proposals for projects they want funded by the committee, which considers the proposal and decides whether to fund it or not. Each project should have a Project Committee (PC), which should process its own procurement if it has the capacity to do so. Without such capacity, procurement is carried out by

the CDC in conjunction with the district procurement office - the Districts Project Committee. However, the PC is mandated to procure directly from known local suppliers at the prevailing market prices goods or services of up to Kshs. 100,000 (about \$140). In this case, the PC should obtain at least a minimum of three quotations and surrender receipts/invoices to the CDC for onward transmission to the District Development Officer for accounting and auditing purposes.

Malpractices are likely to occur within the public procurement system, which characteristically is a public procurer-private supplier relationship. Corruption occurs as public officials demand bribes to help suppliers undercut competition or circumvent time-consuming procurement procedures. For the same reasons, suppliers will offer bribes to public officials (Kibwana, Wanjala & Okech-Owiti, 1996). Corruption in the procurement system is also manifested in fraudulent deals, which occurs such as when a procurer and supplier collude to inflate the prices of goods/services with the procurer expecting a kickback. Fraud also occurs when the procurer enters into contracts with non-existent or questionable suppliers who, although are fully paid, supply goods/services of substandard value, if at all. The foregoing largely occurs because beneficiaries have limited role to play in the process since decision are made for, rather than by them.

Another form of malpractice that may occur in the procurement process is conflict of interest, especially when the procurer also represents the interests of the supplier. Generally, conflict of interest has existed in Kenya despite having been proscribed by the penal code and the recent Public Procurement and Disposal Act of 2005, the Public Officers Ethics Act of 2003, and the Anti-corruption and Economic Crimes Act of 2003. Arguably, legislation alone cannot combat such practices unless the conditions that fuel it including weak institutional capacity, poverty and social inequalities and most important civic departicipation in the planning and execution of development activities. It is therefore expected that corruption can occur within CDF; and indeed, the study by Mapesa & Kibua (2006) showed that CDFs were characterized by gross mismanagement.

The Act empowers the MPs to make policy, implement and account to the expenditure authorizing body, which is parliament of the monies expended. While MPs should remain watchdogs on policy implementation, they are not only empowered by the Act to monitor, but also be accountable to themselves as legislators. They are likely hence to be biased in monitoring and accounting and can easily change the legislative provision to suit themselves when and if the need arises. This is not the case as far as ordinary citizen is concerned and results to unilateral decision-making and passive participation of the community.

Possible Impact of Civic Departicipation in the Use of CDF

Poor participation can hinder CDF effectiveness as resources could be diverted to use for which they were not meant. This disproportionately hurts the poor since they are the most vulnerable to suffering limited access to civic services.

For example diversion of resources meant for enhancing health services means people cannot access quality health care. This compromises the health of the people thus necessitating the occurrence of many preventable deaths (Mwenzwa, 2006). This is counterproductive to the achievement of Millennium Development Goals and essentially goes against the Result-Based Management style adopted by the government of Kenya.

In addition, diversion of resources meant for education resulting from civic departicipation implies that the quality of education is compromised, as teachers are demotivated, bright poor children cannot access education while at the same time the school infrastructure does not provide a conducive learning environment. Low literacy means securing job opportunities becomes difficult and therefore those so disadvantaged may seek fulfillment in other ways mainly anti-social behavior including immorality and crime. Otherwise, they remain oscillating in poverty and its attendant consequences.

Civic departicipation may also breed corruption leading to denial or inadequacy of civic services, which may in turn be a breeding ground for deviance directed towards authorities. For example, people may loose confidence in their government, disobey it and develop resistance to any government initiative even if well meant. It can as well lead to negative civic engagement including armed conflict. In deed, corruption can be a cause and at the same time a consequence of conflict and is responsible for downfall of lawful governments especially in the Third World.

The CDF committees are largely political as members are often *handpicked* by MPs and therefore are not expected to be independent, representative and objective in implementing development projects. Such leaves out active role of the community while at the same time shadowing the operations of CDF committees from meaningful public scrutiny. This may lead to political mischief in development and make non-conforming areas underdeveloped as resources are diverted to areas that are regarded as providing political capital to the incumbent MP. As a result, feelings of community are eroded as rival camps emerge and try to wrestle power from one another. In case this polarization becomes destructive, the poor, women and children remain at the receiving end as development is made to take a back seat.

Towards Effective Utilization of CDF

It has been established that loopholes in the use of the fund exist and therefore pointing out the possibility of ineffectiveness in the use of the fund. Consequently, this anomaly needs to be taken care of if Kenyans have to get value for their taxes in the spirit of Result-Based Management. These loopholes revolve around governance of the fund and especially passive civic participation that is likely to render its utilization ineffective, making the investment a white elephant. Flowing from the foregoing, here below are legal and policy recommendations towards effectiveness in the utilization of the fund.

That the CDF is about the noblest idea coming from the government of late cannot be gainsaid. However, the idea has faced serious challenges with critical accusations and counter accusations, a pointer to inherent problems. For example, government officials and politicians have been accused of being reluctant to relinquish control and accept that communities have something worthwhile to offer in terms of decision-making. This calls for re-examination of the role of the community in the utilization of the fund aimed at making active community participation in choosing, implementing and evaluating development projects a must.

The term community is used in the CDF Act as though it represents a homogenous entity, clear and defined group of people with identical needs. This is hardly the case and it can lead to exclusion and therefore alienation of principle stakeholders in development. In actual sense, it may blur some interests such as gender, disability status and age balance and more so when the principle implementers are politicians, known to have sectarian interests separate from those of the community they represent. It is hence important to define community in other terms that are inclusive to ensure a community feeling is not only enthroned in society, but also remains sustainably so.

CDF members by virtue of being in-charge of public revenue in form of Constituencies Development Fund monies become public servants. Therefore, they are accountable to the public regarding the way the fund is utilized in meeting public needs. Consequently, like other mainstream public servants they need to be inducted into government financial regulations, sign performance contracts and set time-bound targets so that the public can have basis on which to hold them accountable. In addition, they need to declare their wealth, swear allegiance to the public and promise prudent utilization of public resources for its benefit and as per their performance contracts.

The CDF Act has no requirement for the level of education for CDF committee members. For this reason, politicians may exploit this legislative omission to recruit people who are unable to detect when funds have been embezzled and therefore who are unable to question financial impropriety. It is therefore important that the Act be amended to include a clause that would define minimum literacy for CDF committee members. The amended Act must also subject the CDF committee members to training in public financial administration to minimize fraud in the utilization of the fund.

In addition, the CDF Act gives executive powers to politicians and thus violating the principle of separation of powers between the executive and the legislature. They are in charge of constituting committees, choosing and implementing development projects. Thus MPs legislate and go on to implement the law while they should be watchdogs. This unconstitutionality of the Act brings in conflict of interest, as project choices are likely to be driven by the need to maximize political

output rather than citizen welfare. For this reason, it is important that this legislative anomaly is rectified to ward off future litigation that can affect provision of civic services. In particular communities should be legally given a chance to popularly elect their representatives in line with participatory governance.

Civil servants dominate the tender boards within districts while the tendering regulations give them discretionary authority. With regard to the CDF funds whose tendering system is purely managed by the civil servants, the procurement powers bestowed on them can be abused leading to corruption due to lack of community representation or their inability to question. That public procurement in Kenya has faced serious corruption challenges cannot be gainsaid. For this reason it is important that popularly elected community representatives sit in tender committees particularly relating to the utilization of the CDF to keep these committees on constant check.

The CDF framework has no proper way of determining community projects for research has shown that constituents lack the capacity to put up constituency development blueprints. Thus, there is every need to require Constituency Development committees to employ professionals and in consultation with the community put in place constituency strategic plans. These plans should guide the prioritization and implementation of development proposals, rather than the current scenario where development projects seem to be proposed haphazardly. The strategic plans should guide CDCs in setting time-bound and realistic targets.

There seems to be little community knowledge of what is going on regarding the fund utilization. Consequently, many people are unaware of ongoing projects and therefore questioning the utilization of the fund even when it should be obvious is out of question. For this reason, there is need to put in place a mechanism for information dissemination on ongoing projects including commencement and completion time, cost and those involved in the implementation and how. This information could be displayed in local level provincial administration³ and political party offices, schools, markets and the Internet. It is through this kind of information dissemination that community members would get to know what is happening and hence be able to voice their concerns when and if the occasion presents itself.

There is a tendency for grassroots communities to believe that whatever comes from the government is free and therefore they remain passive without realizing that this is the tax they pay. As a result, there is need for massive civic awareness using the media to enable the beneficiaries question how their taxes are being utilized. This would in effect keep the project implementers on their toes and as a result help check malpractices in the utilization of the fund. To ensure effective civic awareness, the National Constituencies Development Fund Committee could mount massive civic education on the same.

³ Central Government officials who are representatives of the Head of State

A critical evaluation of the CDF Act reveals inconsistencies within it, such as to be found in Part IV Section 21, subsections 3 and 7. While the former forbids use of the fund for recurrent expenditure, the latter allows the maintenance of a constituency office whose costs would include rent, repair and maintenance and salaries among other recurrent expenses. Such legislative anomaly should not be allowed for it can be a basis for litigation, affecting provision of civic services.

The composition of the CDF committee as per the CDF Act is not inclusive enough to ensure adequate checks and balances in the utilization of the fund. For example, constituency committees have only one representative from the civil society, whose nomination criteria is not spelt out. This exclusion undermines the idea of popular participation and puts the credibility of the committees in question. This justifies the need for the CDF committees to be inclusive to represent all interest groups, particularly beneficiaries and the civil society.

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