

PATHWAYS TO DEVOLUTION OF RECORDS MANAGEMENT IN KENYA

Elijah Nchoga Nyamberi*, Cephass Odini**, Damaris Odero**

*School of Information Science, Department of Library and Records Management, Moi University, Kenya.
Email: nyamberii@gmail.com

**School of Information Sciences, Department of Library and Records Management, Moi University, Eldoret, Kenya.

Abstract: Devolution of records management (DORM) is a complex, least understood but vital records management reform able to support devolution programmes being embraced in many countries worldwide. This paper investigated pathways to challenges undermining DORM to county governments or local governments: a study of four counties in Kenya in order to come up with appropriate pathways or strategies to counter the challenges. The research questions of this study were: what challenges undermines DORM to county governments in Kenya; which pathways are relevant in countering the challenges that undermine devolution of records management? This study adopted a qualitative approach because of the contemporary and complex nature of the research problem. The selection of the multi case type of case study design for this research was guided by the purpose of the study which was to explore "a case". The research's study area comprised of four sites namely: Kakamega, Bungoma, Busia and Vihiga which were purposively selected on the basis of resources and efficiency. The key finding of this study is that records management (RM) was not effectively supporting counties implement devolution because of the challenges which undermined devolution of records management. These obstacles were: an attitude county have that DORM was not apriority; haphazard closure and transfer of records of devolved functions to counties; inadequate records management infrastructure and insufficient resources to support DORM. Suitable strategies to counter the established challenges of devolution of RM include: prioritisation of DORM; establishment of a criterion on closure and transfer of records of devolved functions; design and redesign of relevant records systems; modernise records management infrastructure and devolution of sufficient resources in terms of funds and human to support DORM. It is recommended that proper DORM programme could achieve more for Kenya's devolved government were the following RM practices prioritised: developing and enforcing a good practice based criteria on transfer of records of devolved functions to County Governments (CG); design and redesign existing records systems according to the business and records requirements of CGs; enact RM infrastructure supportive of DORM, DORM of programme be adequately supported in terms of budget, human resource and facilities.

Keywords: Kenya, Pathway, Devolution, Records Management, Challenges

INTRODUCTION

Devolution of records management (DORM) is a difficult, least understood record management (RM) reform but essential for any government adopting devolved form of government. DORM is the statutory granting of resources and powers for managing records from a central government of sovereign state to governments at a sub national level such as a regional, local or state level. However, many devolving countries do not recognise DORM as important, if not a core to effective devolution. Consequently, such countries do not often have effective programmes to manage their local records. This is despite the importance of information continuing to grow. This is in terms of the way in which it is viewed within organisations, from being the product of business processes to being a key driver for business success (Scammell, 2003). Before considering the pathways to

challenges of DORM there is need to determine what RM is and why every devolved government need it.

A record is any form of recorded information. Records is a means of recording information which may be paper, microfilm, audiotapes, videotapes, photographs, slides or any computer-readable medium such as computer tapes or disks, compact disks or optical. Records are transaction oriented. They are evidence of activity (transaction) and that evidence can only be preserved if we maintain content, structure and context. Structure is the record form. Context is the linkage of one record to other records and to the originating process. Content is the data or information, but content without structure and context cannot be data or information that is reliable (Scammell, 2003).

RM is a discipline concerned with the care of a record throughout its life cycle from creation to its ultimate disposal

either by transfer to an archive or by destruction. It is not a new concept although it is often regarded as a product of the 20th century. RM is defined as the systematic control, organisation, access to and protection of an organisation's information, from its creation, through its use, to its permanent retention or legal destruction (Records Management Society of Great Britain, s.d.) in (Scammell, 2003).

A failure to institute effective DORM programme will result in both immediate and long-term risks to the countries in question in diverse ways such as: loss of revenue, assets or financial risk; loss of legal rights and failure to comply with legislation. Exposure to penalties in litigations and investigations; and staff time is wasted searching for lost or mislaid documents (Ngoepe, 2008).

Records as information carriers are unique to an organisation and play a key role in the way it operates. They assure its ongoing activity and play a vital role in its continued operation in the event of a disaster. They are therefore an organisational asset and, like an organisation's other key assets (money, people and property), they need to be managed if their value is to be maximised. Records capture information about what has worked well and perhaps, more critically, about what did not work and thus provide an invaluable source of information to aid decision-making (Scammell, 2003).

According to Ngoepe (2008) an effective RM programme is a major element of any government reforms. However, there is a consensus amongst researchers that many devolving countries especially in Africa, often pay little attention to the devolved management of records (Museums & Council, 2010; Platform, 2015; Wamukoya, 2015). The failure to devolve RM negatively affects delivery of archives service. The Bank (2012) argues that lack of clarity in function assignment among different levels of government during devolution exercise means public service delivery in the countries in question is bound to be adversely affected through either duplication of services, ineffective services, lack of service delivery, unfunded services, lack of accountability and increased contestation over which level of government is responsible for what aspects.

The first time Kenya became a devolved state was in 1963 when the centralised colonial administration devolved power and resource to a self-determining republic of Kenya. The first devolved system of government was a quasi-federal system of government, in design. With one national and seven operationally autonomous regional governments, the current devolved system involves the creation of two levels of government namely one national government and 47 county governments (CG) that are co-ordinate, but not subordinate to each other. None of the levels of government is a mere agent of the other. Each is created and protected

by the constitution, with the functions and resources to be used for their discharge being set out and defined by the constitution, Article 174 of the Constitution of Kenya 2010 identifies the objects of devolved government as the promotion of democratic and accountable exercise of power; fostering of national unity by recognising diversity; giving of powers of self-governance to the people and enhancing of the participation of the people in the exercise of the powers of the state and in making decisions affecting them; recognising of the right of communities to manage their own affairs and to further their development; protection and promotion of the interests and rights of minorities and marginalised communities; promotion of social and economic development and the provision of proximate, easily accessible services throughout Kenya. The difference between the Devolved Government at independence and the current devolved system of 2013 is that the former was a by-product of negotiations for independence. The new system was born out of a long struggle for constitutional change and sealed through a national referendum where all the voters were given a chance to decide on the structure of state power (Bank, 2012; Kangu, 2010; Nyamberi, Odini & Odera, 2023).

Statement of the Problem

Devolution functions from the national government to the CG is anchored in the constitution of Kenya of 2010 but is being implemented in the counties using a relevant legislation. Despite, Kenya's issuance of the transition to Devolved Government Act of 2012 and supplementary regulations on closure and transfer of public records and information, in 2016, effective management of public records concerns at the devolved units are either not addressed at all, or are addressed in a very ad hoc manner. The issues of closure and transfer of records of devolved functions to CG has remained unresolved because of various reasons such as lack of records space at CG, lack of appraisal skills, inadequate staff, personal interests and lack of criteria on public records closure and transfer leading to difficulties in implementation of devolved functions where such records were required. As devolution was being implemented RM systems designed for central government were imposed on the devolved units. Further RM in CG is being undertaken without a relevant RM infrastructure. The absence means counties lack a basis for appealing for appropriate records staff as a result they have been made do with what is available. Staff with scarce skills in records management including revenue officers and clerical officers were assigned RM roles which did not match their competencies. There are concerns that should the situation be allowed to persist the existing RM system will collapse to level they will not

enable counties to undertake their assigned mandate. This has given rise to calls by scholars such as (Wamukoya, 2015) for studies to be undertaken to come up with pathways to deal the challenges undermining effective DORM. The aim of the study was to investigate pathways to devolution of RM to CG a study of four counties in western Kenya with a view to coming with strategies for efficient and effective DORM to counties. The research questions that informed the study were: what challenges undermined DORM to CG in Kenya; which strategies are relevant in countering the challenges undermining DORM? Which recommendations can be made to achieve DORM to CG?

LITERATURE REVIEW

The models that shaped this study in formulation of research questions, identification of literature review concepts and development of research design were derived from two different social science disciplines namely: RM and theology. These theories were the RM Assessment Capacity Model developed the International Records Management Trust and the World Bank (Griffin, 2004). The other was the Principle of Subsidiarity (Bank, 2012; Ryan & Woods, 2015). The choice of the models was because they together carry embedded principles, good practices and standards under which discussions on the whole study was undertaken. Specifically, discussion guided by the models show that proper attention has not been given to DORM by both the national and the county government decision makers because it is misunderstood. As a result, during devolution records had not been managed as evidence of the local governments' business transactions.

The Maturity Phases of Devolution of Records Management

RM capacity model one of the models used in this study discusses five phases any records management programme including DORM programme pass through. Phase one is the lowest phase while phase five the highest. The Model associates' phase one to substandard. This describes an environment where RM concerns are either not addressed at all, or are addressed in a very ad hoc manner. Sub national units that identify primarily with these descriptions should be concerned that their programmes will not meet legal or regulatory scrutiny (Franks, 2013; Griffin, 2004).

Phase Two Development: This level describes an environment where there is a developing recognition that a programme has an impact on the business and that the organisation may benefit from a more defined RM programme. However, in this level, the organisation is still

vulnerable to legal or regulatory scrutiny because practices are ill-defined and still largely ad hoc in nature. Phase three is called essential: The phase describes the essential or minimum requirements that must be addressed in order to meet the organisation's legal and regulatory requirements. Phase three is characterised by defined policies and procedures, and more specific decisions taken to improve RM. However, organisations that identify primarily with phase three descriptions may still be missing significant opportunities for streamlining business and controlling costs (Franks, 2013; Griffin, 2004).

Phase Four Proactive: This level describes organisations that are initiating a programme improvement throughout their business operations. RM issues and considerations are integrated into business decisions on a routine basis and the organisation easily meets its legal and regulatory requirements. Organisation that identifies primarily with these descriptions should begin to consider the business benefits of information availability in transforming their organisations globally. Phase five is transformational: This level describes organisations that have integrated DORM into their overall corporate infrastructure and business processes to such an extent that compliance with the programme requirements is routine. These organisation have recognised that effective RM plays a critical role in cost containment, competitive advantage, and client service (Franks, 2013).

Challenges of Devolution of Records Management

The challenges which can undermine devolution at the design and implementation stages have for a long time been a subject of scholarly discussions in various disciplines. However, there is a paucity of such debates extended to DORM. The few available ones have tended to focus on management of local records in developed countries. Weinberg (1999) for instance examined the effectiveness of local government programmes created or revitalised with funding provided by the National Historical Publications and Records Commission in the United States of America. The assessment was undertaken to help evaluate why some programmes survived and thrived, while others withered and ceased functioning. The study has identified challenges likely to adversely affect RM programmes in local units when it is haphazard designed and implemented. The identified challenges are: suspicion sub national governments have over the advice given by the national government. The national government advice and assistance will often be rejected though critical to local records management's success. The national government's assistance is perceived by local governments as a central government attempt at intrusion in the internal affairs of the sub national governments (Weinberg, 1999).

In Africa, countries such as South Africa and Kenya initiative about the care of local records has recently began compared to developed countries such as the United States of America, United Kingdom and Australia which have had a long experience with DORM. Wamukoya (2015) while addressing the subject of Reflections on African archives: their role in meeting societal needs in the 21st century has identified the primary cause of failure to devolve RM in Africa. The School of Information Sciences, Moi university scholar hinted that there is need to devolve RM services by adopting a model that aims to bring services closer to the people. However, as the devolution process gets underway, it's quite clear that neither the Central Government through the National Archives nor the Country Governments themselves have given thought to a devolved RM system. The (Platform, 2015) affirms existence of Wamukoya's fears suggesting that in those African countries where DORM had been adopted wrong models suited for rich countries such as the Australia were being implemented in a resource constrained country. That as a result implementation of DORM had resulted in imbalances in service delivery. Some local governments during devolution end up inheriting adequate physical infrastructure such as archival repositories, records centres, record rooms, equipment and supplies from the national archives hence providing a solid foundation for establishment of a sound archives and RM programme. Other local units during devolution however fail to inherit any physical infrastructure and are made to start from scratch. This inequality is bound to spark court disputes over funding of new infrastructure needs. Such disputes may delay development of new archives and RM service.

Effective Devolution of Records Management

The effective management of records throughout their life cycle is a key component of devolution. However, unorganised records mean that government does not have ready access to authoritative sources of administrative, financial and legal information to support sound decision making or the delivery of programmes and services (Smith, 2007). Effective management of records is necessary to achieve the purposes of a RM programme. It must begin with a records survey, supported by well-defined policies and procedures, a team of well qualified and competent staff and support from top management (Ngoepe, 2008).

Strategies to Address Challenges of Devolution of Records Management

Suitable pathways to DORM will transform existing RM approach to management of records at the local government

from substandard level to transformational phase (Franks, 2013). Wamukoya (2015) suggested diverse strategies are required to counter DORM challenges in the African countries such as Kenya. The study suggested that barriers that militate against meeting the needs of local government had to be confronted. That DORM could become successful if management of records entailed giving greater freedom, responsibility and autonomy to professionals and the people at local level. That the creation of adequate record keeping systems in support of DORM required substantial investment in terms of resources, infrastructure, legislation and policy and human capital. That such systems must eventually transform into local archives centres where local residents can go to learn about their history, culture and where local researchers, community groups and businesses can deposit collections of records concerning local events and activities, similar to the British model of local or county archive.

Ngoepe (2016) and Platform (2015) have expounded on the concept of investment in DORM. The studies aver that it was important for DORM programmes to have a constitutional basis. The broad rights and principles in the Constitution are implemented through statutes, which, in turn, are fleshed out through regulations, and regulations are put into practice through policies and standards. Thus, DORM entails the national government align the national archives and records legislation provisions with the provision of the constitution. County government's compliance with the constitution and national archives legislation provisions each enact archives legislation and establish and maintain their own archival infrastructure. In order to ensure coherence and compatibility in archives and RM systems in a given country, the national archives Act must contain specific provisions that impact on how archival and RM services are delivered by the county government. The Platform (2015) notes that the national and sub national units' archival legislations share some features. That is the two archival legislations provide for: the establishment of an archives and records service within a government department which sets out its objects and functions; require the management of public records by government bodies; establish archives with responsibility for the preservation of public records and set out conditions governing access to and use, and provide for the appointment of a body to advise the minister on archives.

Ngoepe (2019) unlike Wamukoya has discussed strategies to counter DORM challenges in South Africa in a study on Archives without archives: a window of opportunity to build inclusive archive in South Africa. This study discusses within the South Africa context how archives repositories can turn the situation of 'empty archives' into a window of opportunity to build inclusive archival holdings that reflect the diversity of South Africa. This study suggests that as some of these repositories are situated in previously marginalised

communities, the archival holdings should embrace the voices of such community, which in turn will promote the usage of archives. The South African government should consider developing a policy on inter-repository repatriation of archives to the communities about which they were created.

The reviewed literature further indicated that little seems to have been written about DORM to CG in Africa either by change management theorists and practitioners in the world of records and information management. Also, the American and Australia models of DORM which have been tried in some African countries such as South Africa are being criticised as being inappropriate for resource constraint countries because they are resource intensive. This study has attempted to contribute to the existing body of knowledge on RM on using the principle of subsidiarity and RM assessment model in devolution of RM and by developing a framework for DORM to local governments in Kenya.

RESEARCH METHODOLOGY

In order to attain the understanding of the research problem which is pathway DORM to selected CG, a contemporary and complex phenomenon this study selected a qualitative approach. This type of approach may be needed when the topic is new, the subject has never been addressed with a certain sample or group of people, and existing theories do not apply with the particular sample or group under study Morse (1991) in Creswell and Creswell (2017). The choice of multi-case studies research design for this study was fitting. The reasons for the research design choice are related to the fact that the researchers considered the study in terms of “how” questions, that this research is about a contemporary event, the methods, which will generate valid and reliable data and the available resources.

DATA GENERATION

Within the multi case study, a number of qualitative methods of data generation were used. This were the interview which was the main method utilised during the fieldwork but it was supplemented by participant observation and document analysis. Some documentation was collected including internal documentation provided by employees and public documentation (mainly web-based). Data generated took place over sixteen week’s period. In some cases, data collection involved multiple visits to the participants. An interview protocol was designed to capture information related to various aspects of the research question such as; the nature of records transferred, records management systems supporting devolution, adequacy of RM infrastructure,

pathways to counter the challenges of devolution. Interview protocol setting out the key topics and issues to be covered during the interview was used. The interview protocol was the preferred data collecting instrument because it is flexible enough to permit themes to be covered in the order most suited to the interviewee, to allow responses to be fully probed and explored and to allow the researcher to be responsive to relevant issues raised spontaneously by the interviewee.

Choice of the Study Sites

The reasons for the selection of the study sites of the CG of Kakamega, Bungoma, Busia and Vihiga to undertake the fieldwork are follows: the researchers were interested in a tier of government where central government RM control might not be welcomed, so that there would be the possibility that perceptions of pathways to challenges undermining devolution would be clearer. The RM sector was suitable for two reasons a) County heads of departments, county (HRMU) and county departmental records management officers tend to have strong sense of belonging b) The RM sector in the counties in Kenya is being established to conform with devolution programme.

Among the departments that fit the requirements, the authors were interested in: either a county government department that had responsibility for overall management of county government records or county departments that had well established RM unit. It was hoped that these criteria would lead to selection of departments where challenges undermining DORM in the context of the western Kenya wide records management had already been experienced. A pseudonym is used to protect departments and participant anonymity in this sensitive area of inquiry

STUDY PARTICIPANTS

The study made use of maximum variation sampling within the theoretical sampling strategy in selecting the sample for the study. According to (Ritchie, Lewis, Nicholls & Ormston, 2013) theoretical sampling is kind of purposive sampling in which the researcher samples people on the basis of their potential contribution to the development and testing of theoretical constructs. The researchers made use of maximum variation sampling in sample selection for two reasons: a) to identify central themes which cut across the variety of people, b) include individuals who cover the spectrum of positions and perspectives in relation to the phenomenon under study. A sample size of 43 people was arrived at the saturation point that is where addition of more participants did not add anything to the analysis. The

selected sample covered heads of department, HRMU and Departmental records management officers.

Table 1: Distribution of Cases

County Government	HOD	HRMU	DRMO	Sample Size
Kakamega	5	1	4	10
Bungoma	2	1	3	6
Busia	5	1	5	11
Vihiga	3	1	4	8
KNA	8			8
Sample Total	23	4	16	43

Key: KNA, Kenya National Archives.

At the time the fieldwork was conducted there were three labels for the same position: head of RM units, Director of records and information and RM officer director was a managerial position personally appointed by top management. The idea behind the position of director was to solve the problem created by the fact that the head of RM unit in a county was a highly qualified records management employee, but not necessarily the best person to manage the RM unit.

Data for this study were analysed inductively using ground theory techniques which involves the generation of analytical categories and their dimensions and the identification of relationships between them (Ritchie et al., 2013). Two high level themes that correspond with the research questions emerged after the data analysis. These themes were: challenges undermining DORM; strategies to counter the challenges undermining DORM.

RESULTS AND ANALYSIS

The literature on RM considers DORM as something desirable but often left out when countries implement devolution programmes. Few researchers have attempted to analyse DORM in terms of the pathways to counter the challenges of DORM, taking into account specific phases of a devolution programme challenges of DORM at transition phase and challenges of DORM at implementation of DORM.

Design Phase-Based Challenges of Devolution of Records Management

The findings of this study are that CG had negative attitude towards RM to the point of failing to allocate any budget to support initiation of any DORM work. A head of records of RM unit stated that:

“Since the onset of devolution there has been no budget to run records management function. The Transitional Authority recommended that all the counties should have space and bulky filers for records but when the authority carried out a survey in our county, they found most of the counties including ours were not ready to receive records” (36HRMU).

There were a number of reasons given by participants for the CGs’ negative attitude towards RM that led to sub-standard DORM being adopted. Substandard DORM is an environment where DORM concerns were either not addressed at all, or are addressed in a very ad hoc manner. Among the reasons RM function was never devolved was because it not regarded as a core function of counties that should be treated the same way as other generic functions such as human resource, finance and health which needed to be properly devolved. In addition, counties resisted changes to RM in line with the changed administrative environment they were operating in because they were accustomed to the centralised way of managing record. This is despite the devolved system of governance provided for under constitution of Kenya (CoK, 2010) is a major departure from the centralised system of governance to which Kenyans are accustomed. Implication this finding is that lack of paying attention to DORM means accessing evidence of policies, transactions, activities and entitlements is difficult which has an impact on wider governance reforms such as devolution.

Transition Phase-Based Challenges of Devolution of Records Management

The results of this study on this theme are that DORM was undermined by the haphazard way that the transitional authority handled the closure and transfer of records of devolved functions. A head of department said:

“Most of the devolution of records management challenges can be pinned to down to how the transitional authority handled transition process. Transition process was not effective” (12MDLB).

Lack of the criteria caused the CG experience many problems which led to incomplete closure and transfer of records from the national government to counties which the counties to perform assigned functions. The problems leading to pending of transfer of records to counties in addition to lack of computer skills to facilitate migration of electronic records were: lack of space at the counties for keeping of records earmarked for transfer. In the county government of Kakamega bureaucratic obstacles was added to the causes of pending of records transfer. In county government of

Bungoma the causes for records pending transfer were: lack of up-to-date record (information) on the last work station of devolved staff at the time of commencing of records transfer exercise and personal interests. The consequences of records pending transfer according to heads of department is that implementing devolved functions where such records were required had become difficult. The option of obtaining copies of the required records from Nairobi was also problematic because it took long to obtain the requested copies. Further, complication is when the requested records arrived at the CG but could not be validated in terms of accuracy and completeness of the information in the records. As a result, CG faced with such scenario had Nairobi people to attest to the accuracy of the records being used as evidence in a local court dispute which is also costly to CG.

Implementation Phase-Based Challenges of Devolution of Records Management

The study found that in this phase a number of challenges undermined DORM. Such challenges include: immaturity of RM infrastructure, inadequate RM systems, incompetent RM staff and transfer of inadequate funds to the counties.

Immaturity of Records Management Infrastructure

On this sub-theme this study findings are the existing RM infrastructure was unsupportive of DORM. This includes the constitution of Kenya of 2010, the archives laws, regulation and policies. One head of RM unit stated that:

“The Transition to Devolved Government acts 2012 laws of Kenya only had provision on the closure and transfer of records to county government. The Transitional Authority lacked the legal framework on devolution of records management for establishing county records management function as a result counties lost an opportunity. During the period the Transitional Authority was strong, they will demand for space and equipment such as mobile shelves for records and governors could listen to them and provide the same” (36HRMU).

According to a Head of RM unit the weakness of The Constitution of Kenya of 2010 in supporting DORM is that RM is neither exclusively assigned to the national government or to the county government. While a document analysis of the Transition to Devolved Government act (2012) showed that the weakness of the act in supporting DORM is that only one of its objectives was for ensuring

the development of a mechanism on closure and transfer of public records and information to the county government. According to the HRMU, county government of Bungoma, The Public Archives Act cap 19 laws of Kenya was riddled with various weaknesses to be relied to govern DORM. Such failures included: absence of a clause on division of RM responsibilities between The National and The Sub National Governments, failure to provide for establishment of appropriate RM systems such as county repositories to be responsible for management of records in the counties. As result coordinators deployed to the CG under the Transition to Devolved Government act (2012) lacked a suitable legal framework to use to accordingly advise the senior county government officers such as the governors on DORM matters. Consequently, the county governments lost an opportunity to implement either proactive or transformative DORM. This is because at that time RM was being supported by senior CG officials’ governors in position to approve policies and allocate required resources.

Immaturity Records Management Systems

The study finding is that DORM was undermined by RM systems designed for national government due to various factors being imposed on the CG. A departmental records management officer stated:

“An ideal situation will have been we build our own records centre but there are number of factors against it: do we have the space where the centre will be built; do we have the financial capacity to build it considering there are other competing needs, we have not gone fully that way because a number of our records are still current; as a start we will have to use what the national government has” (3HRMU).

According to departmental RM officer, makeshift registries and records centre facilities inherited from defunct local authorities and restructured provincial administration was being used by counties. That the bequeathed sub national unit registries and records centres were not equipped with adequate space for storage of current and semi current records and to accommodate the officers working in the registries and records centres. That there was not service area space where all the officers seeking for services in the registries and records centres can be served from in order to restrict entry into the records storage. Registry and records centre equipment were not able to accommodate all types of records that is electronic, cartographic and pictorial and are lockable and lacked an ability to protect records from prying eyes, dust, light, water and generally keep them out

of reach of unauthorised persons and harsh environmental conditions.

The reliance on national government RM systems made counties experience improper referencing of records and create retrieval challenges, duplication in creation records of unwanted records, The other cause of inadequacy of RM systems supporting DORM, according to the departmental records management officers, was unclear RM working relationship between county government and the national archives. The study investigated the consequences of the unclear relationship on DORM. The Kenya national Archives advice especially on establishment of county records centres and on employment qualifications for county government records staff were often ignored by counties. Hence CG ended up recruiting unqualified records staff to be responsible for their RM programmes on the basis of tribalism rather than competence. Also, by ignoring archival advice on disposal of valueless records CG ended up procuring space for storage of valueless records.

Incompetence of Records Management Staff

The results of the study on this sub theme are that DORM was undermined by incompetent county RM staff such as those that lacked any skills to be able to work anywhere after devolution being assigned RM duties. A head of RM unit stated.

“The challenges we are having even is managing records which came from Nairobi is that we have few people who are skilled in the area of records management” (20HRMU).

The key issue in this theme is that effective RM cannot be designed and implemented by professionally unqualified archivists and records managers and without education, experience and training in both archives and RM. Staff with low skills deployed to RM in the counties such revenue officers, cleaning supervisors, secretaries and clerical officers cannot be expected to manage records effectively. The effect of having low skills staff deployment to archives and RM work was perpetuation of failed RM practices of the successors of the SNGs such as of those practised in the previous defunct local authorities of hoarding of information, failure to create required records and creation of inaccessible official emails. This challenge also led to a dependence on national government syndrome in which sub national units heavily relied on the national government skills in implementation of nearly every area of RM responsibilities even those already assigned to CG.

Cycle of Poverty Records Management

The finding of this research question is that the unavailability of adequate financial resources to support management of records in the previous centralised RM approach was also being replete in the management of records in the counties. An archivists stated that:

“Records management was not adequately funded even before devolution. However, the little allocated used to be prompt but with devolution the little funds allocated are not forthcoming” (42KNA).

According to the county head of department of health DORM of records was being undermined by the un-standardised county government manner of allocating funds to RM activities. The how many pressings need a county government had determined how much was left to be allocated to RM. This resulted in delivery of inadequate level of archives service and as services declined it became difficult to convince the sponsors of the RM programme the merit for increase the archives budget. Records managers viewing themselves as powerless to change the RM programmes accepted their declined position with resignation. That lack of independent sources of revenue weakened the sub national unit’s ability to carry out their tasks.

Inequity in Distribution of Records Management Facilities

The research finding on this theme is that lack of inheriting appropriate and adequate RM facilities caused problems in implementation of DORM in the counties. A county government works departmental records officer stated that:

“We do not have a registry room, when we finish construction of the new office block we shall have it, many things were bought to the department but they (actions officers) did not plan for them, if they had a plan, we could not still be staying outside, when those people came (chief officer, directors, ministers) they were eager to get into the office” (35DRMO).

According to the department RM officers the overriding need at the CG at that time of devolution was space for incoming county government officers. This resulted in registry rooms being converted into offices for the incoming county government staff without substituting taken up registry space with suitable ones choosing to postpone the registry need for space to when new administrations blocks are built.

CONCLUSION

The study concludes that the studied CG or local governments of Kakamega, Bungoma, Busia and Vihiga were aware of the importance of appropriate RM programmes in supporting devolution but lacked clarity on how best DORM could be integrated to implementation of devolution. For instance, Kakamega and Busia counties had each drafted county policy on RM but DORM had not been acknowledged for implementation because the policies had not been endorsed by senior management. Unlike any of the studied counties, the CG of Kakamega had adequate equipment and supplies for management of current records only. However, records systems for management of semi-current records were inadequate while RM systems for managing non-current records were absent in the county government. Bungoma had trained but not experienced records manager appointed to be responsible for RM in the county and RM lacked visibility because it was not regarded as full-fledged department of the county instead it was made answerable to the county's human resource department.

Pathways to Devolution of Records Management

The study findings on pathways to challenges undermining DORM to CG are addressed at the design, transition and implementation phases of devolution of records management.

Positive Attitude

On the attitude sub theme, the study found that county RM officers were making use of official channels of communication such as memos to challenge negative attitude towards RM held by some staff. The core message being that RM issues are important and are to be integrated into business decisions on a routine basis and for the counties to be able to meet their legal and regulatory requirements. A head of RM reported:

“About this attitude I always written to them memos and have talked to others to assist to deal with it such as ICT people” (29HRMU).

The elements of a negative attitude towards RM that need to be addressed at the design phase of DORM are: the need to devolve management of records is not a pressing matter to the county government; DORM is not a top priority of the local governments; consequences of failure to manage records are not severe and counties are not pushed to obey

DORM regulations.

Criteria on Closure and Transfer of Records

The other study findings are that at the transitional stage having a criterion on closure and transfer of records of devolved functions and enforcing it is a pathway to challenges undermining devolution of RM. A county head of RM stated that:

“Personnel records shall be transferred on a written request by a county government and upon confirmation of readiness, capacity to manage records by that county including the availability of competent and qualified records management personnel as per the scheme of service for record management officers; and adequate and appropriate records storage facilities that include both physical storage as well as equipment” (HRMU 36).

Records closure and transfer criteria as a strategy to challenges undermining DORM should coalesce around: establishment of change management group; formulation of a departmental RM exit plan; formulation of a records transfer and closure policy statement, development of a records transfer contract and risk register. A change management group should be established at the outset of the exercise of records closure and transfer exercise to assist in evaluation of risks and to provide support to managers and staff of departments which are winding up. The group should aim at setting clear objectives and time scales for closure and transfer of records; create interactive environment for discussion, liaison and cooperation. In addition, there should be departmental RM action plan or exit strategy. The action plan will deal with all the issues surrounding records closure and transfer. Implementation of the action plan should begin by addressing: the initial visit of the change management group to departments and records for records survey. During survey the change management group should discuss with relevant staff every aspect of recordkeeping for understanding the holding. A detailed records survey report is produced containing a profile of records with retention decisions, reasons behind them and breakdown of transfers and or disposal action. The report is clear, definitive, containing enough information in an accessible format to allow staff to make correct decisions about selections of files for retention or destruction within.

The closure and transfer of records of devolved functions from the national to CG was expected to take place over a three-year period from the first elections under the constitution. The national government was to provide assistance and support necessary to build the capacity of CG to manage the transfer and effectively deliver services on the

functions assigned to them using these records. The CG act envisaged an inter-institutional mechanism that comprises the key government ministries through the force of law to manage the closure and transfer of public records issues particularly in the initial stages.

Supportive Records Management Infrastructure

The study finding on this theme is that the national government and county government should amend and enact appropriate RM infrastructure supportive of DORM. An archivist stated:

“The Constitution of Kenya 2010 specially the article on devolution and 4 schedule on distribution of functions be amended to provide for devolution of records management and cap19 and county government act be amended and enacted accordingly, Kenya National Archives need to develop minimum service standard for counties to follow, Sector forum comprising county and national government on records management be established to resolve conflicts in implementation of devolution of records management The records and archives management association should be defending devolution of records management” (39. KNA).

The implication on this finding is that the absence of clarity has the potential for tying up governments in disputes that would detract them from actual delivery of services or could lead to wasteful expenditures. Where functional assignment is not clear, effective public service delivery is affected through duplication of services, ineffective services, lack of service delivery, unfunded services, lack of accountability and increased contestation over which level of government is responsible for what. Efforts should always be made to resolve any emerging disputes through dialogue so as to avoid delays or disruption in service delivery. This study finding unlike the past studies has gone further to make an inventory of existing records management infrastructure currently governing RM and identified weakness in the existing laws that will need to be modified in order to provide a legal framework appropriate to implement DORM. These are the constitution of Kenya of 2010; The Public Archives Act Cap 19, the County Integrated Development Plans, Circulars, and the national and the county government draft records management policies. This study finding unlike the extant studies has revealed the challenges of attempting DORM programmes without appropriate RM infrastructure support namely: I) National records and archives institution will operate without authority in its dealings with other agencies of the state II) There is lack of definition of what

constitutes a national and sub-national public office and what a public record is. The other consequences are that III) There is inconsistency in the treatment of records IV) Records management in sub national units lacks the means of obtaining and deploying resource V) Sub national records and archives management needs are not met and VI) Inability by national archives to cost expenses of implementing devolution of records management programme.

The implication of this study finding is that a county government cannot establish and maintain its own archival infrastructure without a supportive DORM infrastructure. The CG should formulate of appropriate policies and legislations to govern RM. If the transfer of RM function is to be smooth, a criterion for hand over must be clear and objective to avoid the politicisation of the process. This of formulation of RM infrastructure must be done and concluded within the transition period provided by constitution. The purpose of law will be to separate and define the functions that fall under each level of government. In the process there will be need to review legislations and policies governing records management.

Build Capacity of Records Management Staff

The key finding on this theme is that effective DORM programme could only be established and implemented by professionally qualified archivists and records managers with education, experience and training in both archives and RM.

“The county governments have advertised posts for recruitment of records managers. The Transitional authority did a training for county staff to prepare them to receive records. We are also planning a training, we have first to train them, there is a programme, we are trying to bring the people of Baringo Kenya School of Government school on board” (32HRMU).

According to a heads of RM units county government staff who because of devolution were assigned RM duties need to be trained and retrained so as to be able in addition to managing manual records, acquire other necessary such as skills on electronic RM, in diplomacy, politics and in missionary to be able to build personal and official relationship with the legislature and the executive branches in order to win the respect and necessary funds for developing an appropriate DORM programme.

Such training should be held in Kenya Government schools such as Baringo and should be extended to creators of records.

The implication of this study finding is that administrative changes such as caused by devolution causes change in RM requirements. Implementation of DORM which is a new programme entails the need to learn new roles, adapt new leadership styles, communication patterns, planning procedures and development of policies and programme. That in addition to archives and RM skills the archivists and records managers must have to acquire skills in diplomacy, politics and in missionary to be able to build personal and official relationship with the legislature and the executive branches in order to win the respect and necessary funds for developing an appropriate DORM programme.

Training and retraining of RM professionals is therefore essential to ensure the new RM programme meet the business requirements of the different tiers of governments. Qualified staff is able to develop a firm philosophical foundation for devolution of RM programmes existences, articulate that philosophy often and well, and translate that philosophy into action.

Breaking the Cycle of Poverty in Devolution of Records Management

This study revealed that integration of RM in county government' devolution policies was necessary in order to deal with perpetual unavailability of adequate financial resources to support management of records which characterised the previous centralised RM approach but was now being replete in the management of records in the counties. A head of records management unit said:

“I have requested and insisted every county department allocate records management activities budget. Minimum service standards for records management should be captured in our County Integrated Development Plan for us to obtain a budget on auditing compliance to the standards” (36DRMO).

The implication of this study finding is that the county government's failure to allocate sufficient funds to implement devolution of RM activities shows disregard for existing archives and the role local records played in the effective and efficient business operations of the sub national units. That in order for a RM programme to attract funds there is need to manage it not from self-interest of the practitioners, but for business interests of the counties, with which the RM must be aligned to. That archivist and records managers need to develop sound business measurements on DORM such as service delivery and market those benefits to the county government administrators.

The other implication is that DORM programmes will thrive where there is adequate transfer of financial resources accompanying the programme to CG than where merely RM infrastructure is issued to the levels of government to which responsibilities are transferred. The effect of local governments embarking on new RM programme without adequate financial resources for operating it effectively is a recipe for that programmes cycle of poverty. This means inadequate financial resources prevent local RM departments from mounting effective programmes while sub-standard programmes render such programmes vulnerable to disregard by the local governments.

Equity in Provision of Devolution of Records Management Service to the Sub-National Governments

The other vital finding of this study is that during devolution equitable sharing of RM facilities leads to equity in provision of RM services to the local government officials and to the members of the public:

“Maybe we needed to come up with a study on facilities required storage of semi records in county governments, where by a kind of centrally managed records Centre can be established for keeping semi current records, rather than a situation where each unit establishes a store for semi current records” (42KNA).

According to archivists, to ensure devolution does not lead to inequity in RM service delivery to local public officials and members of the public. There was need to study, develop and enforce a formula on sharing of records management facilities such repositories, registry rooms, records centre between the CG and the national government, to ensure after devolution provision of comparable records and archives management services to the CG and the county residents. The Platform (2015) suggested that alternatively devolution caused inequity in provision of archives and records services could be addressed by the national government availing financial resources for meeting infrastructure needs such as for the construction of new purpose built archives or rehabilitation of makeshift archival facilities inherited by the sub-national units.

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