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Policy Challenges Affecting Public Infrastructure Projects Beyond Regime Change in Kenya

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Abstract

Governments initiate, fund, and put-up public infrastructure projects (PIPs) to provide public goods and services to their people. However, policies related to PIPs have not always guaranteed continuity of projects beyond regime change. The trend of abandonment of PIPs continues to be witnessed in Kenya, especially during political transitions. Concerns arise over the loss of value for revenue owing to perpetual abandonment of PIPs after regime change. This stimulates the need to examine policies that govern them. This study therefore sought to identify policy challenges that affect continuity of PIPs beyond regime change. The objectives were to identify policy challenges to continuous financing of PIPs beyond regime change as well as monitoring and evaluation of PIPs post-political transition. The study employed a qualitative approach and a case study research design. The targeted population comprised county government officials and members of the public. Quota-purposive sampling technique was used to select key participants. Data was collected through in-depth interviews, analysed using NVIVO. It has been presented in tables and narratives. The study found that political factors are the predominant challenge to implementation of fiscal as well as monitoring and evaluation policies beyond regime change. The study recommends enforcement of existing policies through sensitisation of politicians, provision civic education to the public, enacting of laws that compel stakeholders to abide by existing policies, and constant policy review.

Keywords: Finance policies, monitoring and evaluation policies, public infrastructure projects, policy implementation, regime change

Introduction

The term 'public infrastructure investment projects' connotes expenditure by governments on physical infrastructure such as roads, railways, and government buildings and also on soft infrastructure, including human capital development, research and innovation (Allain-Dupré et al., 2012). The contribution of PIPs to sustainable development, economic growth, and general well-being of the citizens cannot be overstated (Organization for Economic Cooperation and Development, 2014). To guarantee successful implementation of such projects, the government is required to enact and enforce policies, regulations, processes, and procedures. These measures are meant to guarantee smooth implementation of PIPs, despite political and socio-economic changes that may occur.

Policies on PIPs globally are derived from constitutions of various nations. The Vietnamese constitution, for example, stipulates the role of government, parliament, ministries, departments, agencies, and citizens in the entire PIPs process. Where necessary, the government is expected to seek the approval of the National Assembly to review policies that govern ongoing projects (Vietnamese Public Investment Law, 2019). In Ghana, the constitution contains a state policy directive which instructs new governments to continue implementing projects and programmes started by previous governments (The Constitution of Ghana, 1992).

Kenya's policies and guidelines on PIPs are entrenched in various policy documents. For instance, Kenya Vision 2030 outlines policies and programmes towards implementation of infrastructure projects by national and county governments (Government of Kenya, 2007). This follows the country's appreciation of the role of PIPs in stimulating economic growth. Relatedly, to help increase the scale and pace of Kenya's economic development, the (2018-2022) medium-term plan (MTP) drew objectives from Vision 2030, with a keen focus on successful implementation of PIPs (Government of Kenya, 2018).

Notably, the Kenyan constitution accords the government the mandate to play a leading role in the formulation of PIPs policies (State Department for Devolution, 2019; Government of Kenya, 2010). For example, the National Treasury provides Public Investment Management (PIM) guidelines to promote transparency, effective management and accountability. The other instrument that national and county governments use to track implementation of PIPs is the Electronic National Integrated Monitoring and Evaluation System (e-NIMES) and Electronic County Integrated Monitoring and Evaluation Systems (e-CIMES) (National Treasury and Planning, 2020; State Department for Economic Planning, 2023). However, these measures do not seem sufficient to guarantee policy success, especially after political change, with new regimes often abandoning ongoing projects. For example, when Michel Temer, President of Brazil, assumed power, he approved a constitutional amendment to freeze public spending for 20 years, thereby affecting the financing of critical PIPs in the education and health sectors (Milhorance, 2022). Elsewhere, Nigeria's President Olusegun Obasanjo halted the continuation of the Aluminium Smelting Company Project when he took office in 1999. The project, which had cost $2.5 billion at the time of its closure, was initiated in 1997 by the late President Sani Abacha's government (Reuters, 2008; Abasiekong, 2022).

In Kenya, some PIPs that were started during the regimes of President Mwai Kibaki and President Uhuru Kenyatta, including roads, office blocks, dams, and irrigation schemes have stalled. The estimated amalgamated cost of the stalled projects was Ksh 9 trillion (Guguyu, 2021). Similarly, the Nakuru Trauma Centre that was commissioned by President Kibaki in 2009 at an estimated cost of Ksh 70 million has since been abandoned. The national and county governments that came after Kibaki's regime have been non-committal in overseeing its completion (Matara, 2023). For instance, in 2022, Laikipia County Governor, Joshua Irungu, ordered suspension of some PIPs, among them the Smart Town Initiative (STI) and an Equipment and Vehicle Leasing Programme that were commissioned by his predecessor, Nderitu Muriithi (Njuguna, 2022; People Daily, 2022).

The abandonment of PIPs by new regimes, nevertheless, happens against the backdrop of the presence of a range of policies anchored in laws and regulations to guide conceptualising, development and execution of projects. It has been realised that whenever there is a change of government, these policies become moribund in ensuring that PIPs started by previous governments are implemented. This begs the question: why do existing policies fail to protect PIPs started by previous governments from abandonment and relegation by new regimes? This study therefore sought to investigate the challenges in existing policies that make them unable to guarantee continuation and implementation of PIPs beyond regime change in Kenya.

The findings of this study may assist governments to evaluate and review relevant policies, and come up with robust laws to safeguard such policies from manipulation, besides guaranteeing their enforcement. Unlike previous studies whose findings of the phenomenon were based on speculations and assumptions, this study took a unique trajectory that focused on seeking first-hand insights from policy stakeholders.

Literature review

Challenges to continuous financing of PIPs beyond regime change

Studies reveal that Governments and State-Owned Enterprises (SOE) in third world countries finance up to 83% of PIPs (Saha & Ibrahima, 2020). Due to the positive impact of PIPs on economic development, policy advisors and analysts advocate for increased PIPs financing (Organization for Economic Cooperation and Development, 2015). However, this is not always considered by policy makers. Particularly when elections are near, policy makers often craft policies for political gains by favouring or disapproving financing of certain PIPs.

In the United States of America, different regimes exhibit different spending patterns on PIPs. For instance, Democrat and Republican Presidents Jimmy Carter's and Ronald Reagan's governments registered a boom on PIPs which ended in 1987 upon Reagan's exit from office. A similar boom happened soon after the re-election of Democrat President, Bill Clinton, in 1993, while significant financing of PIPs was marked during President George Bush's administration. This indicates that political ideologies have an effect on financing of PIP (Gupta et al., 2015).

The Constitution of Kenya (CoK) and the Public Finance Management Act (PFMA) 2012 allows county governments to borrow finances towards infrastructure development. For example, during the Jubilee Government regime, the National Treasury approved infrastructure bonds as an alternative means for county governments to bridge cash deficits, with Laikipia County being the first beneficiary (Shah & Omondi, 2021). Such arrangements have, however, not been sufficient to guarantee continued financing of PIPs, with most being abandoned after regime change on grounds of financial shortfalls.

Challenges to continuous monitoring and evaluation of PIPs beyond regime change

Successful monitoring and evaluation (M&E) requires an elaborate stakeholder engagement, funds, human capacity and time (Sanganyi, 2016). For instance, Colombia has in place policies to mitigate against challenges that affect M&E of PIPs, such as corruption, sabotage and politicisation of projects. However, studies have illustrated that overreliance on politicians to implement PIPs policies has been an impediment to continued M&E of PIP beyond regime change (Daheshpour & Herbert, 2018). A related study in Ghana revealed that political leaders deliberately avoid the M&E stage as it would expose their corrupt deals, that entail colluding with unskilled contractors in PIPs for personal gains (Ackah, 2020).

Kenya's County Integrated Monitoring and Evaluation System (CIMES) and National Integrated Monitoring and Evaluation System (NIMES) were developed to support M&E of government development agenda. In addition, the National Treasury released the Kenya National Evaluation Plan (KNEP) with a view to assessing relevance, coherence, efficiency, effectiveness, impact, and sustainability of government interventions on projects, policies and programmes (Kenya National Evaluation Plan, 2022). Notably, political influence on M&E beyond regime change was not part of the assessment list.

From the literature, it is apparent that PIPs are crucial for economic development. This implies the need to pursue PIPs vigorously to their successful completion. It was further, established that incumbent governments have an obligation to finance ongoing PIPs, and enforce M&E of PIPs to identify and rectify policy gaps that would obscure successful implementation of such projects. However, this is not the case as PIPs are continually abandoned beyond regime change. This study hence investigated policy challenges that affect continuity of PIPs beyond regime change in order to prescribe mitigations.

Theoretical framework

The study was informed by David Easton's 1953 systems theory, which was elaborated in 1965 (Pooja, 2023). The theory views political systems as societies comprising multiple interrelated parts where authoritative allocations are made and implemented in the form of public policies in response to environmental demands (Anyebe, 2018). For this study, the multiple parts are policy stakeholders, including members of the public, politicians, and government officials. The theory recognises the role of each stakeholder in identifying the need for a public good or service, as well as legislation, implementation, and evaluation of PIP policies.

Stewart and Ayre (2001) acknowledge the likely challenges to policy, and thus recommend use of Easton's political systems theory concepts to rationalise them and suggest direction for policy improvement. The theory informs the aims of this study which is to examine factors that hinder the effectiveness of PIPs policies after regime change. Continued abandonment of PIPs after regime change signifies that existing policies fail to anticipate the implications of change. The tenets of the theory help policy stakeholders identify ways to respond to changes in the political environment in order to preserve policy intention over time (Lyon, 2017; Stewart & Ayres, 2001).

Methodology

The study adopted a qualitative approach and a case study research design. Laikipia County, which has five administrative sub-counties namely Laikipia East, Laikipia North, Laikipia West, Laikipia Central, and Nyahururu, was chosen as the study locale due to its richness in abandoned PIPs after regime change. In addition, the county was the first devolved unit in Kenya to get an approval for an infrastructure bond to fund the STI programme which was later abandoned after regime change (County Government of Laikipia, 2022). The target population comprised Laikipia County government officials and members of the public. The researcher used a purposive sampling technique to select key informants from the target population, and quota purposive sampling criteria to select 21 participants. Primary data was collected through in-depth interviews and secondary data from the county website, academic journal articles, and other online sources. The researcher validated the findings by comparing the truthfulness of initial findings with participants. The reliability of the findings was confirmed through the steady pattern of interview responses. Data was analysed using the QSR NVIVO software, which assisted the researcher to code transcripts, analyse data, and identify themes and patterns. The research protocols, guidelines and professionalism were maintained throughout the entire process.

Findings

a) Policy challenges affecting continued financing of PIPs beyond regime change in Laikipia County, Kenya

Table 3.1, shows that political factors (76.1%), including nepotism, political interference, as well as lack of integrity, policy ownership, political goodwill, and public participation formed the main challenges to financing of PIP policies beyond regime change. Other challenges were insufficient funds (16.9%), due to budget variations, policy inadequacies, and ineffective handover MECHANISMS (7%). The findings characterised by out-dated policies, and ineffective handover (7%). The findings imply that political factors influence financing of PIP policies and consequently continuity of PIPs beyond regime change.

The participants' specific narrative accounts emphasised the thematic areas highlighted in Table 3.1. On the political factors, Participant KI-4 affirmed the different priorities of different political regimes and noted as follows:

> *The priorities that come with transition from one government to the other have certain effects. For example, in Laikipia, the previous government prioritised smart town initiatives while the current governor's priority and focus is not smart town. His focus*

TABLE 3.1 ◢ **Policy challenges affecting continued financing of PIPs beyond regime change in Laikipia County, Kenya**

Themes	Categories	Frequency (F)	Total (%)
Political factors	Lack of policy ownership	8	
	Lack of political goodwill	8	
	Lack of public participation	3	
	Nepotism	2	
	Political interference	12	
	Regime change	15	
	Corruption and impunity	6	
	Total (political factors)	**54**	**76.1**
Insufficient funding	Budget variance	12	**16.9**
Policy inadequacies	Outdated and ineffective policies	1	**7**
	Poor handover or lack of it	4	
	Total (policy inadequacies)	5	
	Total	**71**	**100**

Source: **Field data 2023**

is on healthcare, water and roads. Therefore, funds will be directed to the current government's priorities. This makes change of regime a challenge to existing policies.

This was confirmed by Participant KI-7 who said that misuse of the supplementary budget after elections by the county assembly to fund new projects for political expediency, contributes to financial shortfalls to support ongoing PIPs after regime change.

On insufficient funding, Participant KI-5 stressed the overreliance of county governments on inadequate financial projections from the county's own source revenue. On this aspect, it was reported that:

> *Budgetary allocation for a project is only on paper. Unlike the County Development Fund (CDF) where the aspect of a fund gives them an advantage as they don't start projects before that fund is deposited. On the other hand, the County budget is based on projections from own source revenue and, or equitable share from the national government. While projects stall because of budgeting for projects without getting the actual costs, Bill of Quantities are supposed to be obtained and* a *PBB prepared with*

the actual costs.

This opinion was corroborated by Participant KI-4 who opined that counties prepare budgets based on expected revenue collection sources which sometimes becomes scarce leading to project incompletion.

The data also reveals that policy inadequacies affect continued financing of PIPs. For instance, there are no clear policies to guide handover of PIPs from one government to the other. This was explained by Participant R-1 who noted as follows:

> *New governments fail to finance projects started by the national government but were not handed over to the county after devolution. It appears there are no clear guideline and policies on handovers.*

This was also confirmed by Participant KI-5 who said that projects which spilled over to the next financial year were likely to stagnate. This was because pending bills were no longer handled by departments but were instead forwarded to the finance department. Therefore, completion of projects with pending bills was based on either availability of funds or political preferences.

The interviews established that financing policies also failed due to weak legal frameworks that were unable to guarantee their enforcement. As such, the policies become susceptible to manipulation or relegation by politicians. This was emphasised by participant KI-1 as follows:

> *There is the County Government Act 2012, which governs how we are supposed to constitute the county government, how we are supposed to plan for our development and all that. So, in case you do contrary to what those acts have said, you know there are consequences. As pertains to the effectiveness of these Acts, it is dictated by other arms of government that are supposed to follow up in case you do contrary to what is stipulated.*

The same was confirmed by Participant KI-2 who held that policy documents such as the Public Procurement and Disposal Act (PPDA) 2015 which is supposed to ring-fence PIPs from regime change interference is not fully functional.

b) Policy challenges affecting continued monitoring and evaluation of PIPs beyond regime change in Laikipia County, Kenya

The analysis as presented in Table 3.2 reveals that political factors (76%) were the biggest challenge to continued M&E of PIPs beyond regime change. Other challenges to M&E of PIPs were insufficient funding (16%), poor public relations

(5%) and policy weaknesses (3%). These findings demonstrate that effective M&E of on-going PIPs after regime change mostly relies on political willingness to support the process through allocation of funds. This ensures that public participation process is adhered to, and that weak policies are reviewed.

TABLE 3.2 ◢ Policy challenges affecting continued monitoring and evaluation of PIPs beyond regime change in Laikipia County, Kenya

Themes	Categories	Frequency (F)	Total (%)
Political factors	Change of project staff	3	
	Corruption and impunity	7	
	Lack of policy ownership	8	
	Lack of political goodwill	8	
	Lack of public participation	2	
	Nepotism	1	
	Undefined handovers	3	
	Political interference	9	
	Reward syndrome	1	
	Regime change	14	
	Total (political factors)	**56**	**76**
Insufficient funding	Lack of finances	12	**16**
Poor public relations	Survey inefficiencies by public officials	1	
	Perennial insecurity	1	
	Public hostilities due to lack of engagement	2	
	Total (poor public relations)	**4**	**5**
Policy weaknesses	Out-dated policies	1	
	Phased projects	1	
	Total (policy weaknesses)	2	**3**
	Sum total	**74**	**100**

Source: Field data 2023

The subsequent participants' narratives show that politicians tend to obscure the M&E process in order to influence tendering processes. In addition, politicians hinder public officials from overseeing implementation of M&E policies. On this, Participant KI-5 had this to say:

> *Incapacitated contractors portray a laxity on our end but also a lot of political interference on the tendering process which is informed by their(politicians) wish to recoup monies that they spent during campaigns. Therefore, we, as the public officers, have no option but to formalise the processes for politicians to appear like they operate within the law.*

The same opinion was echoed by Participant KI-4 who said that challenges to implementation of M&E policies at the county were precipitated by politicians who go against the policies by, for instance, paying contractors without certificates of completion. Ideally, the certificates are supposed to be issued by public project officials upon verification that work by contractors has been done appropriately. This relegates existing policies to paper laws that lie somewhere, containing guidelines that are never followed.

Frequent staff turnover after regime change was identified as a challenge to implementation of M&E policies. This is because the new staff employed by new regimes lacked institutional memory of on-going projects, which made them unable to monitor or evaluate continuing PIPs adequately. In this context, participant R-7 noted as follows:

> *Regime change comes with changes of staff, whereby you find that this reallocation affects the process of monitoring and evaluation.*

According to Participant R-6, the view was that policy changes occasioned by new governments, as well as poor governance system that did not guarantee checks and balances affected continuous M&E beyond regime change.

The findings showed that failure to hold policy stakeholders to account for disregarding existing M&E policies creates a culture of noncompliance with with policy. Participant R-2 reflected as follows:

> *These policies are easily manipulated as there are no laws that support their enforcement. Therefore the violators are not afraid of being charged in a court of law.*

Underfunding of the M&E exercise was also found to be an obstacle to implementation of M&E policies beyond regime change. For instance, Participant R-4 said:

> *There is need to have finances allocated towards ongoing projects, and oversight enhanced, to ensure that there is no misappropriation of funds.*

On poor public relations, the participants noted that failure by politicians to engage the public through public participation exercises before initiating PIPs triggers hostilities among the public. Consequently, members of the public frustrate the M&E process of such projects. This was underscored by participant KI-1 who said:

> *Another thing is that contractors face hostilities from citizens. For example in Laikipia North, for not being involved in the policy formulation process as stated in the Public Participation Act.*

Discussion

The study found that political factors largely affect continued financing of PIPs beyond regime change. This is in agreement with the opinion of Bischof et al. (2020) that politicians tend to intervene in fiscal regulations to achieve their personal interests. For instance, overreliance on projected revenue to finance PIPs, misuse of the supplementary budget by MCAs in order to finance their own interests, and refusal by MCAs to approve actual Programme Based Budgets (PBB). The study also supports Magwedere and Marozva's (2023) opinion that political interferences affect continued financing of PIPs by new governments. In addition, the absence of clear handover policies from one government to another leads to budget variances which affect continued financing of PIPs beyond regime change. The findings further concur with Olmstead (2023) who opines that project handover documents, that include information on the project scope, challenges, budgeting, and timelines, are important as they guarantee smooth transitions and continuity of projects after change. This could explain why politicians, in pursuit of their own interests, fail to prioritise financing of ongoing PIPs. Further, the situation is compounded by lack of defined handover policies, thus making new governments unobligated to finance PIPs that were not properly handed over.

The study also found that, after regime change, implementation of M&E policies was primarily affected by political intrigues. In particular, politicians are keen on protecting themselves, alongside those they collude with to interfere with tendering processes, from being discovered through the M&E process. This finding was consistent with Eberhard's (2007) study which indicates that lack of independence in institutions entrusted to implement M&E policies exposes them to manipulation by politicians. Additionally, the findings are in concordance with Ackah's (2020) study which found that contractors and politicians collude in order to avoid exposure for malpractices through M&E. The findings also show that unskilled staff who are employed by new regimes amidst lack of clear handing over policies affect M&E of PIPs during regime change. The findings agree with Dipela and Mohapi (2021) that unskilled M&E personnel are unable to support successful implementation of projects. This explains why continuation of M&E policies during regime change is not guaranteed.

Conclusion

The goal of this paper was to examine challenges in policies related to financing and M&E of PIPs beyond regime change. It also attempted to understand how the challenges can be bridged by borrowing insights from Easton's political systems theory. The paper concluded that political factors largely contribute to the functionality of financing and M&E policies, which subsequently affect continuity of PIPs beyond regime change in Kenya's devolved units. The situation is compounded by lack of stringent laws that compel stakeholders to follow through with existing policies. Notably, political influences affect policy performance beyond regime change through insufficient funding, employment of unskilled M&E personnel, failure to engage the public in PIP matters and lack of proper handover policies.

Recommendations

This study recommends the following:

i The County Governments should constantly engage the CECs and MCA committee memberson continuous policy review to promptly identify and address the challenges that may affect their performance in implementation of PIPs;

ii The County Assemblies MCAs should propose amendment of financial policies by Members of Parliament (MPs) in a manner that allows the County Directorate of Budget, Finance and Planning to budget for PIPs based on available revenue and not projected revenue;

iii The Council of Governors should propose legislation of clear handover policies by MPs in order to facilitate smooth transitions and ensure continuity of PIPs beyond regime change;

iv The Parliament of Kenya should enact robust and enforceable regulations that compel policy stakeholders to comply with existing policies; and

v The Ministry of Devolution and Planning should task county governments to legislate long-term county development policies that cut across different regimes. This would ensure that different regimes are guided by a common blueprint, thus compelling new regimes to continue PIPs started by previous regimes.

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