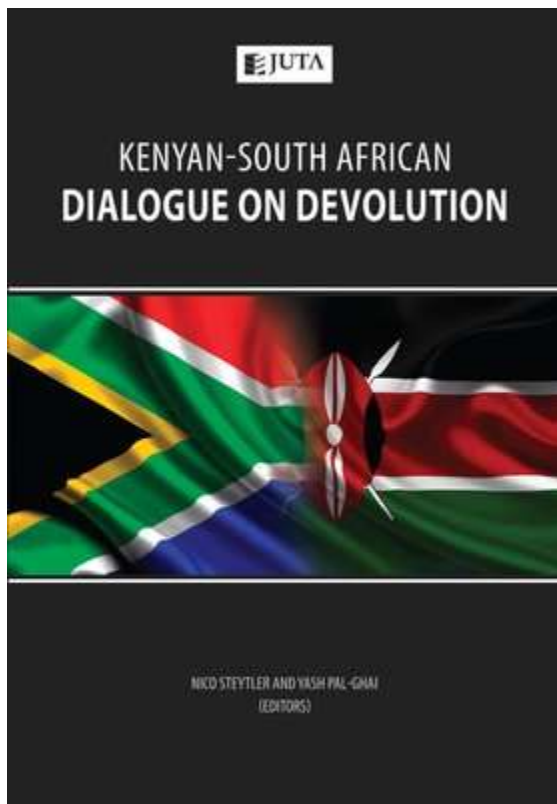


Book Review



KENYAN-SOUTH AFRICAN DIALOGUE ON DEVOLUTION

Edited by Nico Steytler and
Yash Pal Ghai

(520 pages)

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www.jutalaw.co.za

"Liberty has never come from the government. Liberty has always come from the subjects of government. The history of liberty is the history of resistance. The history of liberty is the history of the limitation of governmental power, not the increase of it."

– U.S. President Woodrow Wilson (1856-1924)

The South African Constitution of 1996 is the foundation of our entire legal system and has proved itself to be truly resilient, inspirational and principled. It may have been crafted from compromise, but that was the reality of the political, historic, cultural and economic landscape on which forge this remarkable legislative bulwark was hammered out.

One of the prime characteristics of the South African Constitution is the decentralisation of powers and functions from the national level to provincial and municipal levels.

In August 2010, Kenya adopted its new Constitution, which came fully into effect in March 2013. It also adopted a system of decentralisation, referred to as devolution, and established 47 counties.

The Kenyan Constitution largely copied the structure, approach and principles of provincial and local government from South Africa. This book is the first to provide an in-depth comparative assessment of the Kenyan and South African systems of devolution. It contains fascinating and insightful South African and Kenyan chapters by a team of experts. They deal with the reasons for devolution, the levels, numbers, size and character of devolution units, their demarcation, political structures, powers and functions, finances, metropolitan governance, intergovernmental relations, marginalised groups and transitional arrangements.

This comprehensive overview at an evolving stage for both Kenya and South Africa will be of considerable value to many African and other countries contemplating or in a stage of devolution seeking to curb the abuse of centralised power and to promote political stability and development in a democratic state. It is also a timely review for all South African legislators, lawyers, administrators and those who interact with the three tiers of government, of the success or otherwise of devolution over the past 20 years in the light of its aims and application.

Publishers Juta are to be commended for producing this unique work under the guiding hands of the co-editors, Professor **Nico Steytler** BA LLB LLM PhD who is the South African Research Chair in Multilevel Government, Law and Policy at the Dullah Omar Institute of Constitutional Law, Governance and Human Rights at the University of the Western Cape, and **Yash Pal Ghai**, who has degrees, including a Doctorate of Civil Law, from Oxford and Harvard Universities, and is a Director of the Katiba Institute in Nairobi, Kenya.

Review by Louis Rood BA LLB (UCT) of Fairbridges Wertheim Becker.