Two years of devolution has significantly improved the quality of life of many Kenyans and enabled some of the marginalized areas undertake major development projects that have not been achieved in the 50 years of the country’s independence. Wajir County is boasting of its first tarmac road that would see the region open up to the neighboring regions for trade, reduced infant and maternal mortality rate since more hospitals and clinics have been brought closer to the people and access to markets that enable businesses to thrive and therefore improve the standards of living. Other counties have also seen improved service delivery especially in healthcare, agriculture and infrastructure.

Devolution was informed by the need to bring services closer to the people, ensure public participation and checks and balances in governance as well as in resource allocation. There has been encouraging results including renovation of hospitals and upgraded medical equipment, purchase of ambulances for rapid emergency response, availability of medicine in hospitals and repair of many rural roads through the purchase of construction equipment and improved agriculture inputs and access to fertilizers. It has also created opportunities for local and international investments.

Most of the functions assigned to county governments have been transferred to the counties and are being implemented, the laws needed under fifth schedule of the constitution to effect the devolved system of government are in place and the Members of the County Assembly are coming up with laws that will govern the counties.
While many expected devolution to be the ‘magic bullet that would deal with inequality and marginalization, corruption and a high wage bill is threatening to erode public confidence and good will. A recent World Bank Report (February, 2015) indicates that only 10 counties spent at least 30 percent of their budgets on development projects, many of them spending on recurrent expenditure and personal emolument. Other counties have been slow in absorbing the funds due to poor planning, while other counties are grappling with issues of corruption especially in awarding of tenders, recruitment of staff and resource allocation. Other issues that have been raised include poor service delivery and management that has seen doctors go on strike due to unpaid salaries. There has also been low public participation in critical governance issues and therefore the citizens are not adequately engaged to make informed decisions or push for their rights and inclusion.

There have also been superiority contests and power struggles between the national government and county government; between the senate and national assembly; between county executives and county assemblies; between county governments and senate; and even between the various independent bodies with a mandate in devolution. Similarly, threat of impeachment to individual governors, and even the threat of dissolution of whole counties, has created tensions that do not provide confidence amongst the public.

Counties have also complained of structural challenges that are affecting the smooth running of county governments. This include late disbursements of funds, double taxation and delay by national government in releasing certain functions such as county roads, forestry, electricity, gas and energy reticulation and cultural activities, public entertainment and amenities. As Kenyans enter the third year of devolution, calls for continuous civic education to create awareness towards meaningful participation and involvement in county affairs and the need for various levels of leadership to support each other are being made, with the belief that devolution still holds the promise to unlock the country’s economic, social and political fortunes.

In this regard, UNDP is partnering with the Ministry of Devolution and Planning to finalize the civic education framework and finalize the public participation guidelines. UNDP is also engaging with County Governments to develop county specific public participation models and civic education.

**Devolved Functions**

- Agriculture
- County Health Services
- County Transport
- Education and child care
- Policy implementation
- County Public works and services
- Animal Control and Welfare
- Trade development and regulation
- County planning and development
- Fire fighting services and disaster management
- Pollution, Nuisance and Advertising control
- Cultural activities, public entertainment and public amenities
- Control of drugs and pornography
- Coordination
The second annual devolution conference was held in Kisumu County on April 2015, bringing together over 4000 delegates including elected leaders, national and county government officials development partners and private sector. This year’s theme was “Appreciating and strengthening devolved governance; working together to realize the objectives of devolution. The event was presided over by President Uhuru Kenyatta.

The conference offered a platform to discuss milestones attained and the challenges faced in implementing the devolved system of government. It also gave the participants an opportunity to reaffirm their commitment to the principles of improved governance and service delivery.

Speaking at the event, President Uhuru Kenyatta assured participants of the national government's commitment to devolution.

“Devolution is at the heart of our national rebirth and because of its significance; my Government is totally committed to its success.”

He however, called for increased responsibility among leaders to ensure greater accountability of allocated resources to stem the vice of corruption.

“You have an opportunity to start clean and entrench traditions of professionalism, diligence and integrity in county governments. Let’s make the people of Kenya proud by rejecting corruption and embracing integrity.”

Other key issues discussed at the conference include the rising spate of insecurity including terrorism, interclan wars and boundary dispute; transfer of all functions and resources as provided for in the constitution, noting that the government has been slow in releasing some key sectors such as agriculture. The implementation of the proportional representation under the two-thirds gender principle also generated
debate, as delegates noted the August deadline (set by the constitutional court to come up with ---)

Thirteen counties of the Lake Region also took the opportunity to launch the Lake Region Economic Blueprint. The Blueprint captures the socio-economic aspirations of 13 counties in the lake basin region, with a population of over 10 million people. It defines a development pathway for the region, by exploring the comparative advantages accruing in each county.

The Council of Governors also launched their report on “Sectoral Policy and Legislative Analysis”. This report was prepared in collaboration with UNDP. The report analyses the issues affecting the implementation of devolution in Kenya and recommends legal, policy and administrative measures to ensure the full implementation.

At the end of the conference, the ministry of Devolution and planning and the Council of Governors signed a 31 point joint communiqué that came up with an action plan towards smooth rolling out of devolution, by assigning different tasks to key institutions and agents of implementation. This will enable them deliver on their primary goal of inclusive development and services to the people of Kenya.

H.E Governor Dr. Alfred Mutua visits the UN stand at the devolution conference.
It is two years on and indeed we now know devolution is permanent. We as a nation are now testing, modifying and improving the systems we laid last year. The participants at this conference have affirmed the need for continuous improvement as we implement the new system of governance.

The conference considered and recommended thus:

1. **THAT** the conference strongly affirmed devolution remains the constant factor that must be implemented in The Constitution of Kenya 2010;
   **Action:** Ministry of Devolution and Council of Governors

2. **THAT** the National Government and County Governments remain committed to delivering the “devolution promise” to the people of Kenya; and that when faced with challenges along the way, concerted effort by both levels of government must be aimed at ensuring that devolution works.
   **Action:** Ministry of Devolution and Council of Governors

3. **THAT** challenges of insecurity; transfer of funds; lack of comprehensive frameworks for public participation; limited capacity for legislation at County level be addressed immediately.
   **Action:** Ministry of Interior and Coordination of National Government Senate
   Ministry Devolution
   Council of Governors
   National treasury

4. **THAT** all functions need to be devolved/ transferred as per the Constitutional Time frames while respecting the principle that resources follow functions. This concern remains unaddressed since the First Devolution Conference.
   **Action:** Transition Authority

5. **THAT** there is need to strengthen the link between the County and National Governments.
   **Action:** Council of Governors
   Ministry of Interior and Coordination of National Government

6. **THAT** the process of asset audit, costing and transfer should be accelerated and completed urgently to enable Counties use the assets to provide services to citizens.
   **Action:** Transition Authority

7. **THAT** disbursement of funds should be prompt in order to implement CIDPs within schedule and to ensure that service delivery to citizens is not delayed.
   **Action:** National Treasury

8. **THAT** job groups and remuneration of CECs needs clarity.
   **Action:** Salaries and Remuneration Commission

9. **THAT** Counties should ensure that all CIDPs are both compliant and credible, that they are the basis for spending budgets, and are inclined to national planning framework Vision 2030.
| Action: Council of Governors | 10. THAT Political parties need to convene urgent summit to deliberate strategies for fulfilling the two thirds gender principle. Action: Senate Registrar of Political Parties Ministry of Devolution National Commission on Gender and Equality |
| Action: Ministry of Devolution | 11. THAT development policies at the National & County levels must be streamlined to enhance women participation in leadership and development. Action: Ministry of Devolution Council of Governors |
| Action: National Assembly Senate, National Commission on Gender and Equality, Attorney General, Ministry of Devolution | 12. THAT the Conference recommends that the National Assembly, Senate and County Assemblies consider adopting the proportional representation in implementation of the two-thirds principle. Action: National Assembly Senate, National Commission on Gender and Equality, Attorney General, Ministry of Devolution |
| Action: IEBC Senate | 13. THAT there is need to undertake boundary dispute resolution as a matter of national importance. Action: IEBC Senate |
| Action: Judiciary, National Police Service | 14. THAT it is important to entrench the culture of rule of law (which is a national value in Article 6 of The Constitution) by ensuring that all court orders are respected and also expeditious handling of cases Action: Judiciary, National Police Service |
| Action: Senate | 15. THAT the introduction of County Attorney Bill should be fast-tracked Action: Senate |
| Action: Ministry of Devolution | 16. THAT capacity building and civic education should be enhanced. |
| Action: Council of Governors Ministry of Devolution | 17. THAT the role of public participation in governance and budget making shall be enhanced and the funding gap on public participation addressed Action: Ministry of Devolution National Treasury CRA Council of Governors |
| Action: Senate | 18. THAT the Bill on Public Participation shall be fast-tracked. Action: Senate |
| Action: Council of Governors Ministry of Agriculture | 19. THAT the Conference recommends adoption of transformational leadership culture for the realization of sustainable food security and reduction of poverty. Action: Council of Governors Ministry of Agriculture |
| Action: Council of Governors Senate County Assemblies | 20. THAT the Conference recognizes increased public confidence in the devolution process and development initiatives and recommends that Governors, Senators and Members of the County Assemblies should cooperate, and consultatively work to scale up service delivery. Action: Council of Governors Senate County Assemblies |
| Action: Senate | 21. THAT existing Policy and Legislative Gaps have to be addressed including a proposed Constitutional amendment to Article 229(7). Action: Senate National Assembly Attorney General Auditor General Council of Governors |
| Action: National Assembly Senate | 22. THAT the National Assembly and Senate must work together to support devolution at the county level. Action: National Assembly Senate |
| Action: National Assembly Senate | 23. THAT National government should focus on developing standards for construction and maintenance of roads. |
24. THAT constitutional offices like the Controller of Budget and the Auditor-General's Office should demonstrate independence as prescribed in their constitutional mandate and be facilitative of both Nation and County governments' performance.

**Action:** Ministry of Infrastructure and Transport
Council of Governors

25. THAT terms and conditions of service for county staff should be made attractive enough to attract qualified professionals, at same levels as National Government. Council of Governors should work closely with Salary and Remunerations Commission in a bid to achieve this.

**Action:** Controller of Budget Office
Auditor General

26. THAT there is need to harmonize the benefits and allowances that accrue to MPs and MCAs.

**Action:** Salaries and Remuneration Commission
Council of Governors

27. THAT there is need to support counties to strengthen internal audit systems, and adhere to procurement procedures, and monitor utilisation of funds.

**Action:** Procurement Oversight Authority
Auditor General
Council of Governors
National Treasury

28. THAT the Senate should finalize the Bill for the establishment of the county printing press, to expedite publishing of county laws.

**Action:** Senate
Ministry of Interior and Coordination of National Government
Council of Governors

29. THAT the Conference acknowledges the positive growth in agriculture due to budgetary allocation, but recommends that the agricultural function should be fully devolved.

**Action:** Transition Authority
Council of Governors

30. THAT Counties should diversify agricultural products and consider horticulture as well as other products for growth.

**Action:** Council of Governors

31. THAT there is need for a clear revenue framework that counties can use for revenue collection, because there exists a disconnect between the law and revenue collection systems.

**Action:** National Assembly
Office of the Auditor General

THAT finally, in spite of the challenges, the Conference concluded that overall, Kenya's devolution process is on course.

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**His Excellency Salim Mvurya**
Co-Chairman of the Second Annual Devolution Conference 2015

**Ms Anne Waiguru, OGW**
Co-Chair of the Second Annual Devolution Conference 2015 &
Cabinet Secretary Ministry of Devolution
Development Partnership Forum (DPF) on Devolution

The Government of Kenya and Developing Partners who form the Aid Effectiveness Group (AEG) established the Development Partnership Forum (DPF) in 2009. DPF meetings are convened by the National Treasury with the key objective being the promotion of mutual dialogue on critical issues towards achievement of Kenya’s development agenda. It also provides an opportunity for development cooperation that can effectively contribute towards the attainment of the country’s Vision 2030. DPFs provide DPs with a structured opportunity for high level engagement with GoK officials on important bilateral issues.

A pre-DPF is held one week in advance of the DPF in order to identify key issues and develop recommendations for consideration at the DPF. The pre-DPF on Devolution was held on 5th February 2015 to identify the key challenges in the implementation of the devolution agenda and come up with recommendations that were categorized into three broad categories: Capacity Development for Devolution; Fiscal Decentralization; Aid Architecture and Coordination.

The thematic Development Partnership Forum on Devolution was then held on 10th February 2015. Government was represented at the Deputy President level and included Cabinet Secretaries and Principal Secretaries. The UN was represented by the UN Resident Coordinator Ms. Nardos Bekele Thomas who presented remarks on behalf of other Development Partners. The Deputy President said the Government is committed to supporting devolution to achieve economic transformation that will also uplift the standard of living for all Kenyans.

DPF Outcomes

The Deputy President Hon, William Ruto chaired the session and speakers included the Cabinet Secretary for Devolution and Planning, the Cabinet Secretary for National Treasury, and the Chair of the Council of Governors. Several Principal Secretaries and Chairs of Constitutional Commissions attended.

The most important gains from the DPF were:

i) the formal inclusion of county voices, through the Council of Governors, into the Aid Architecture.

ii) Agreement on the need for the Devolution Sector Working Group (DSWG) to meet soon and thereafter on a quarterly basis (including for the DSWG National Steering Committee).

iii) The Continuous roll out of National Capacity Building Framework with emphasis on civic education and technical assistance pillars and adopting delivery mechanism.

UNDAF Implications

- In order to improve the capacity of UN Agencies to Deliver as One and better coordinate UN engagement with the Government and Development Partners, the UN Resident Coordinator’s office (RCO) will provide advance notice and more information to UNCT of events such as the DPF.

- RCO will seek to engage the technical expertise of UN Agencies as relevant in technical level events such as pre-DPFs and also in cross-cutting governance areas such as devolution which often require specialized knowledge.

- RCO will seek Agency engagement and leadership in the next pre-DPF/DPF on Youth.

- UNDP as lead on Outcome 1.3 Devolution and Accountability participates in various devolution forums. UNDP will increase its efforts as an information conduit for Agencies on devolution activities through the UN Devolution Working Group and the RCO particularly as they affect other outcomes under UNDAF.
Devolution was intended to bring essential services closer to the people and ensure public participation in governance processes. This was made possible by the transfer of functions to the county governments and consequent resource allocation to implement those functions. UNDP works closely with key institutions charged with overseeing the devolution process to achieve improved governance and economic development in Kenya.

1. Ministry of Devolution and Planning

The Ministry of Devolution and Planning (MoDP) is the Ministry responsible for among other portfolios, the coordination of policy on devolution and national planning. The mandate of the Ministry is crucial as the counterpart of county governments in coordinating relations with the national government. MoDP is therefore the main Implementing Partner of the Integrated Devolution Programme and convenes the Programme Steering Committee (PSC). Some of the key activities carried out in 2015 include:

a. Dissemination of county model laws to all county governments
b. Hiring a consultant to assist in the harmonization of devolution policy
c. Training of county executives on performance management

2. Council of Governors

The programme supported leadership training for all the 47 Governors to equip them with skills to harness resources within the county and also best strategies to work with the county assemblies, county executives and better cooperation with the national government.

Other activities supported by the UNDP program include:

a. Recruitment of a monitoring and evaluation officer, documentation and best practice officer
b. Support training on legislative drafting for counties and sensitization training for county secretaries on the same
c. Support in publication of the legislative baseline report
d. County Executive Committee Members in charge of Public Administration and a consultative meeting on County Tourism Bill between the County Executive Committee Members in charge of tourism were also supported

3. Transition Authority

The Transition Authority (TA) mandate is to facilitate and coordinate the transition to devolved system of government in Kenya in accordance with the Transition to Devolved Government Act 2012 and the provisions under section 15 of the sixth schedule to the constitution.

In 2015, the authority was supported to finalize the inventory of assets and liabilities at the counties.

4. Commission for Revenue Allocation

The CRA established under Article 215 of the Constitution is responsible for among other things, to determine and make recommendations on the sharing of revenue among the 47 Counties.

UNDP supported CRA to hold meetings with experts, county governments and the Senate to develop the
draft report on the Second Revenue Sharing Formula. The meetings facilitated technical discussions on the policy considerations and parameters used in determining the revenue sharing formula.

5. Intergovernmental Budget and Economic Council (IBEC)

The Intergovernmental Budget and Economic Council (IBEC) main purpose is to provide a forum for consultation and cooperation between the national government and county governments on matters relating to, among others: (a) the contents of the Budget Policy Statement, the Budget Review and Outlook Paper and the Medium-Term Debt Management Strategy; (b) matters relating to budgeting, the economy and financial management and integrated development at the national and county level; (c) matters relating to borrowing and the framework for national government loan guarantees, criteria for guarantees and eligibility for guarantees; (d) agree on the schedule for the disbursement of available cash from the Consolidated Fund on the basis of cash flow projections; and (e) any proposed legislation or policy which has a financial implication for the counties, or for any specific county or counties.

The devolution programme has assisted IBEC to establish itself and undertake its mandate through meeting with County Executive members responsible for finance and planning to review the PFM Act in order to strengthen the functionality of County Treasuries.

6. Kenya School of Government

KSG’s Centre for Devolution Studies provides a base for information exchange and lessons learning among county officials. UNDP procured consultants to work with the faculty at KSG and the Centre for Devolution Studies to develop curriculum and training material, and facilitate training of county officials.

UNDP supported the development of 5 curricula on Public Finance Management, Human Resource Management, Results Based Management, Leadership and Monitoring and Evaluation.

The curriculum were tested and piloted in the initial trainings to the County Government officials.

Support to Counties

In 2015, nine new counties were incorporated in the support to devolution program. This include Bungoma, Homabay, Nyeri, Laikipia, Kwale, Samburu, Kitui, TaitaTaveta, and Vihiga. The counties have been supported through training of Senior County Officials including County Executives, Chief Officers and Directors on Performance Management to institutionalize the culture of accountability and improve on service delivery though targeted outputs. The training was conducted in partnership with the Ministry of Devolution and Planning to equip the counties with knowledge and skills on change and performance management. This will be followed by public signing of performance contracts by the county officers which will then be cascaded to lower cadre officers.

In an effort to enhance public participation in Governance processes at county level, the counties have also been supported to developed popular version of the County Integrated Development plan, with some going a step further to translate it into Kiswahili Language for wider reach.

Other areas of support include training on Public Finance management and support to engage the services of a policy developer and legislative drafter to help members of the county assembly come up with effective and relevant bills,

Kilifi, Turkana and Kisumu Counties which were among the initial counties to be supported in performance management system are now in the process of developing a handbook on County Monitoring and Evaluation indicators to track the County Integrated Development Plans and strategic plan implementation. The Counties has also conducted sensitization training on performance appraisal system for mid-level managers and are in the process of carrying out training on development and implementation of citizen service delivery charter.
To ensure smooth delivery of programs and projects, UNDP follows well laid out operational procedures that improve performance and encourage transparency and accountability in the management of funds. The Devolution Program works closely with various implementing partners including Government, the institutions established to oversee devolution process and selected County Governments to achieve its mandate. These agencies therefore have to adhere to the UNDP standard operating procedures to effectively design and implement their programs.

To strengthen project management capacities and enhance the implementing partners’ effectiveness in managing the resources, UNDP carried out an intensive 3 day workshop with technical officers to explain how UNDP Program management policies and procedures are undertaken. This was after establishing some challenges from recent programs and constrained capacity at the county level. The programme is designed to be managed within the framework of National Implementation (NIM) modality i.e. The local implementing partners and responsible agencies from the National and County Governments take ownership of technical and administrative aspects while UNDP undertake a coordination role. The primary focus of UNDP is to ensure that there is in-built capacity on procurement and laid down procedures that meet high standards of accountability.

By the end of the workshop, the implementing partners updated and finalized their annual work plans and procurement plans and came up with a draft program monitoring and evaluation framework that would encourage them to follow through their activities within...
the stipulated time. The participants were happy with the outcome of the workshop, saying they will be able to achieve their targets and manage their resources effectively.

“This was a very good training for us, who are in government since our procedures are different. It has therefore made work easier for operationalizing our plans and will ensure that we deliver our programs on time.” Said Samuel Wokoli of the IBEC.

Another participant from Samburu County, Bosco Ole Sambu said the training had increased their knowledge on UNDP programme management policies and procedures and would greatly improve their relationship.

“We are now on the same wavelength. The turnaround for project implementation will be fast since we now know how to go about the processes.” Said Sambu, who is also the chief of staff at the Samburu county Government.

UNDP believes that sound financial management of donor funding is an integral part of the value process to ensure the appropriate use of resources allocated and forge strategic partnerships.

The implementing partner is accountable to UNDP for the resources entrusted to it, just as UNDP is accountable to the Government to ensure that its support is in line with national priorities.
Expectations are high among Kenyans that the devolved system of governance will bring with it prosperity and inclusive growth that will consequently improve their standards of living. It is no wonder that a recent survey carried out by a local research company Infotrak in May 2015, indicated that counties that had implemented highly visible projects in the areas of healthcare, infrastructure and agriculture were perceived as best performing counties. The survey which measured public perception on the success of devolution, also indicated that governors and members of county assemblies who were embroiled in political wrangles were ranked poorly by the respondents, yet a casual look at the local media, finds that more space is given to politics as compared to issue based or development focused stories.

To understand the dynamics of the media and how counties can leverage on the different platforms, the Commission on Revenue Allocation (CRA) in partnership with UNDP brought together County Directors of Information, media practitioners and media scholars to a 3 day workshop from 26th to 28th May 2015, to find ways in which they can create synergies and have a common ground towards a progressive working relationship that would ensure Kenyans are better informed about activities of the counties and how the tax payers money is being spent.

With the constitution requiring both national and county government to make information available and ensure that the public is involved in the planning and budgeting process, the media becomes a critical player as it has a wide reach and an easier way of dissemination. If the public is informed, then it becomes easier for them to be involved, therefore empowering them to influence the allocation of resources and make the county governments responsive to the needs of the people.

The journalists complained that there is often very little information that is shared from the county, and any inquiries go unanswered for long periods of time, yet they work with strict deadlines. On their part, the Directors of Communication claimed that the media
were more interested in the personalities than the issues that affect the counties.

“Some of the stories fail to attract the attention of the editor because of the way they are pitched as a public relations exercise for the governor instead of the impact that a particular project will have on the community” said Nixon Ng’ang’a the news editor at Citizen TV.

Journalist present who included news editors from mainstream media and correspondents called on the counties to take advantage of the various platforms available in the media including focused areas for county news to channel their stories. Social Media as well as updated information on the website was also encouraged as these act as first contact and information to the public.

The Chairman of the Commission on Review Allocation, Mr. Micah Cheserem said counties have great potential to generate revenue if they can effectively tap on public communication to share their information.

County Governments were also encouraged to advertise in local media channels and community radios instead of only targeting the mainstream media, when the information being communicated is localized to the specific counties.

“The amount of money that some of the counties are spending on advertising is high, yet sometimes it has very little impact. You will find that some counties will advertise in the local dailies about a public hearing on the budget on the day of meeting, yet the newspapers arrive at about midday. This means that very few people will have received the message, yet it would have had more impact had it been placed in the local vernacular radio stations.” said Victor Bwire, the Deputy CEO of Media Council of Kenya.

The Directors of Communication were also encouraged to come up with communication strategies that will guide them to improve their delivery of information and enable them to manage crisis effectively.