



**DEVOLUTION**   
FROM CONCEPTION TO INCEPTION &  
BEYOND

# Key Points



With the Sustainable Development Goals (SDGs) as the foundation for support to Kenya's new counties, UNDP provides technical assistance for the laws and policies that underpin devolution, improve service delivery, and protect the rights of citizens.

With UNDP support, Kenya creates a new citizen-centred and equity-based constitution that devolves power to forty-seven new counties bringing governance closer to the people.



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Nairobi



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**ITALIAN AGENCY  
FOR DEVELOPMENT  
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# Foreword



UNDP is proud to have walked the devolution journey with Kenya for more than a decade – from the early discussions on devolution’s form and functions that took shape in Chapter Eleven of the 2010 Constitution up to today’s ongoing technical refinements.

This journey has changed Kenya in many ways. The evidence since the beginning of devolution points to significant achievements most notably in the increased investment in infrastructure and human resources for service delivery.

With the strong support of many development partners, UNDP forged many deep and productive relationships with government bodies at the national and county levels as well as with numerous UN Agencies and technical experts from Kenya and around the world who provided critical technical assistance to the many policies, laws, and capacity building initiatives that are the foundation of devolution in Kenya today.

As we continue to deepen our partnership and support towards devolution, we believe, analytical and diagnostic studies can strengthen county governments' capacities and capabilities. In institutionalizing county diagnostics, county governments can provide better dividends, especially in their core mandates of devolved governance and service delivery, accelerating innovation for sustainable developmental solutions.

Development diagnostics also provide a baseline and indicators with which progress in achieving development goals can be measured over time. They can further provide foundations for development policy recommendations and reform while the diagnostic process itself can enable citizen and stakeholder participation, providing foundations to monitor governance and service delivery.

As scholars and governance practitioners from around the world come to examine Kenya’s successful transformation through devolution, UNDP remains committed to supporting Kenya on this transformative governance path for the benefit of Kenyan citizens.

Anthony Ngororano

Resident Representative

United Nations Development Programme - Kenya

# Devolution and The United Nations Development Programme in Kenya: From Conception to Inception and Beyond



Kenya has accomplished one of the world's greatest planned transformations of a country's governance structure and done so with minimal disruption and in only nine years. The United Nations Development Programme (UNDP) in Kenya appreciates this and congratulates the government of Kenya and all the devolution stakeholders on this accomplishment.

Since the development of the 2010 Constitution which gave birth to devolution, UNDP has been supporting devolution in a myriad of ways. Offering both financial and technical assistance that has reached all counties, national ministries, departments and agencies and in all sectors - UNDP has walked the devolution journey together with Kenya.

Devolution presents an important opportunity to unlock Kenya's economic potential and realize its development goals by reducing inequalities and discrimination, promoting gender equality and increased access to quality services, and addressing youth unemployment and inclusivity. Bringing decision-making and resources closer to the people is what devolution is all about. Devolution offers an opportunity to advance democracy, human rights and gender equality through civic education and public participation at the county level while localizing planning, budgeting and programme execution.

"No one is born a good citizen; no nation is born a democracy. rather, both are processes that continue to evolve over a lifetime. Young people must be included from birth. A society that cuts off from its youth severs its lifeline."

- Kofi Annan, Former UN Secretary General

Today, the commitment to devolution by the UNDP remains very high, including support towards the implementation of the Big Four Agenda, MTP IV, and new County Integrated Development Plans. Using the Sustainable Development Goals - the SDGs – as a guiding framework the UNDP is continuing to support devolution and all its stakeholders as we move down the devolution path together.

UNDP has been a partner of Kenya's ambitious devolution journey from its conception in the 2010 Constitution to its inception at the 2013 election and will continue this partnership beyond the 2022 election. While this path has not been easy to date, and challenges remain, there are opportunities as the late Kenyan Nobel-Laureate Wangari Maathai used to say: "There are great opportunities even in the most difficult of moments."





## 2008-2010 - The Committee of Experts: Devolution's Conception

While Kenya's struggle for independence resulted in a 1963 Constitution that had significant elements of a devolved system of governance, this experience proved to be short-lived as constitutional and administrative reforms over the following years led to a very powerful national executive. However, as service delivery, accountability, and equitable representation by region and ethnicity deteriorated, there was growing pressure for greater political pluralism and constitutional change to provide the legal framework to support this.

The push for both a multi-party democracy and a more equitable form of governance was a more than two-decade long struggle which culminated in the August 2010 adoption of what is widely considered to be one of the most progressive constitutions in the world.

The formulation of this new constitution, including its Chapter 11 on devolution and Article 147's devolution objectives, was the product of an extensive and highly consultative process. This process was led by the Committee of Experts (CoE) who, in just one and a half years, undertook a constitutional review process that ultimately led to the promulgation of a new constitution in August 2010 following a national referendum that itself was supported by UNDP.

The UNDP Kenya County Office quickly became the main partner to support the CoE in carrying out its critical tasks in such a short timeframe. A Coordination and Liaison Office (CLO) was immediately formed and a donor basket was

created. This allowed rapid access to funding for the various CoE teams as well as a coordinating body for Technical Assistance (TA) and financial support to the Committee. UNDP's support also responded to the challenges of delays in funding disbursements from the government and overall budget shortfalls.

UNDP provided technical support to the CoE Secretariat, including helping the CoE with overall strategic planning to vision the process. UNDP also supported the CoE to identify contentious issues during the drafting process and to maintain public engagement in the constitution-making process. The CoE conducted regional hearings in 18 districts countrywide collecting feedback on the contentious issues.

In November 2009, the CoE published the Harmonized Draft Constitution. UNDP also supported a broader political and civic participation programme, in collaboration with the government, the CoE, civil society, faith-based organizations and the media. UNDP helped reach all parts of the country to improve public awareness of the draft constitution through town hall meetings, radio, TV, newspapers, village gatherings, music, and skits and seven million copies of the draft Constitution were distributed.

Through its civil society democratic governance facility, known as Amkeni Wakenya, UNDP provided grants to 60 civil society organizations to enable them to undertake civic and voter education on the Constitution. In collaboration with the CoE and the Media Council of Kenya,





Amkeni trained journalists to enable the media to more effectively moderate debates and report factually on the proposed Constitution and work to counter misinformation. UNDP helped to develop the capacity of the media to provide balanced coverage of the elections, mobilize citizens to engage in all the processes of the constitutional review, facilitated a peaceful dialogue on the draft Constitution and promoted voting in the referendum. At the end of the process, the proposed Constitution was approved at a referendum, with over 65% of voters ratifying the document in early August 2010.

This was basket support coordinated by UNDP whose primary objective was to promote and facilitate the effective implementation of the KNDR Agreements that arose to address the causes of the post-election national crisis of 2007-08.

Overall, UNDP's support allowed the CoE to develop a new and highly progressive constitution in record time and to do so through an intensive and highly consultative process that engaged all stakeholders. One of the key globally recognized features of the new constitution is the Chapter Eleven - Devolved Government.



*Amkeni Wakenya Citizen Consultations*

Additional support to Kenya came through the Kenya National Dialogue and Reconciliation (KNDR) process. Before the CoE was able to utilize its emergency fundraising mechanisms, the KNDR process was already receiving technical and financial assistance via the African Union Panel of Eminent African Personalities.

**Article 174's objectives of 'devolution' include:**

- Promoting democratic and accountable exercise of power.
- Fostering national unity amidst diversity.
- Enabling self-governance of the people towards their interrogation of the state.
- Recognizing the right of communities to self-management and development.
- Protecting and promoting the rights and interest of minorities and marginalized groups.
- Promoting socio economic development.
- Ensuring equitable sharing of national and local resources.
- Rationalizing further decentralization of state organs.
- Enhancing checks and balances.



## The 2010 Constitution and 2011 Task Force on Devolution: Consulting the People to Entrench the Devolution Dream



UNDP's support to the CoE provided it with technical assistance and financial resources to devote significant energy to the new Constitution's Chapter Eleven on devolved government which set the foundation for a completely new and highly devolved system of governance for Kenya, one that goes far deeper than the brief period of devolution following the 1963 Constitution.

Given the enormous task of rapidly and drastically changing the structure of governance in Kenya that Chapter 11 of the Constitution prescribed, a Task Force on Devolved Government was quickly formed immediately after promulgation of the Constitution. This was to provide initial citizen and other stakeholder feedback to the Deputy Prime Minister and Minister for Local Government on the proposed measures to operationalize devolution. The overall mandate of the Task Force was to propose implementation mechanisms for the devolved system of government, including:

- Prepare a detailed work plan indicating the detailed milestones and timelines and present the same to a Steering Committee.
- Undertake studies and make proposals for effective implementation of devolution

structures consistent with the provisions of the Constitution.

- Commission studies or research as are necessary for the effective execution of its mandate.
- With reference to specific provisions of the Constitution, collect and collate public views on how implementation of the devolved government should be structured.
- Undertake stakeholder and public consultation to develop consensus on options of structures and institutions of devolved government.
- Recommend policy frameworks for implementation of devolved government as provided for in the Constitution.
- Make proposals on appropriate legislation to anchor and implement the devolved government.
- Make monthly reports or as may be required by the Steering Committee.

The Task Force consulted widely across the country, including numerous public consultations. The resulting report provided detailed principles and standards under each chapter that provided the basis for subsequent devolution policies, laws,

and institutional structures – many of which UNDP would later support. The report's thematic areas were exhaustive and structured in a way to inform both policy and legislation.

When the Task Force was formed, UNDP was implementing a Public Service Reform (PSR) programme that was funded through a basket fund arrangement. Given the urgent need to support the Task Force and its demanding set of tasks, UNDP agreed to amend the PSR programme to extend support to the Task Force. The addendum provided for the original basket partners to increase resources to the basket for this purpose, as well as for new donors to come in with supplementary resources outside the Basket.

Through the PSR programme, and with increased donor support, UNDP supported the Task Force through financial and technical assistance to develop their critical report which recommended and informed the drafting of the devolution legislation. Specifically, the programme support

contributed to the enactment of the following five key acts:

- Urban Areas and Cities Act, 2011;
- County Governments Act, 2012;
- Intergovernmental Relations Act, 2012;
- Transition to County Governments Act, 2012;
- Public Financial Management Act, 2012 (done jointly with Treasury).

As a result, UNDP's PSR programme provided support to what became the legal and institutional implementation mechanisms for the devolved system of government in Kenya; these mechanisms have become the source of study by scholars and other countries examining Kenya's rapid success with implementing devolution. This support also provided stakeholders with the information, networks, and relationships necessary for an understanding of the emerging areas for future strategic devolution programme support.



## 2013-2018: The First County Governments and the Birth of the Devolution Dream

The general elections held on 4 March 2013 heralded a new era in terms of the politics and governance of Kenya. The work of the Committee of Experts, the Task Force on Devolution and many others gave birth to devolution with UNDP assisting at each step along the way. The stage was now set for devolution to make good on its promise.

Following the 2013 election, the government started to put in place the policy, legal and institutional framework for the implementation of devolution. The government launched the Second Medium Term Plan (2013-2017) entitled 'Transforming Kenya: Pathway to devolution, socio-economic development, equity and national unity', which states the government commitment to the full implementation of the Constitution and the rapid set up of counties without the disruption of public service delivery. At the same time, the government gave priority to capacity development and alignment at both national and county levels as reflected in the National Capacity Building Framework (NCBF). It was envisaged that county governments would play a key role in the planning and implementation of projects and programmes through Country Integrated Development Plans (CIDP) leading to the realization of the Second Medium Term Plan and the Kenya Vision 2030.

At the national level, the Ministry of Devolution and Planning (MDP) had the mandate to coordinate devolution activities, and in particular has the responsibility as provided for in the 6th Schedule of the Constitution to support county governments to have the requisite capacity to undertake their mandates. Other supporting institutions that were created to build the new devolved systems included the Transition Authority (TA), the Council of Governors (CG), the Commission on Revenue Allocation (CRA), the Intergovernmental Budget and Economic Council (IBEC) and the Commission on Implementation of the Constitution (CIC). UNDP quickly developed programmes to support all of these institutions.

While the preceding years had put in place the necessary structures and institutions for implementing devolution, the capacity of these remained weak. At the national level, institutions needed support to concretize their mandates into effective working bodies and fine tune their mandates vis-vis other institutions. Also, significant capacity challenges existed at county levels given that establishing county governments was a completely new venture to all and therefore the learning curve was very steep. There were the immediate challenges of initiating systems and the rapid training and adjustment of both the County Assembly and executive bodies. Whilst individual and organizational capacities and experience in managing government exists in general, the critical challenge was to make devolved counties work in line with the principles and provisions of the Constitution.

The scale and complexity of devolved functions presented serious equity, institutional and resource challenges that had to be quickly dealt with to ensure effective and sustainable service delivery and participatory governance. It required sector specific planning, budgeting, monitoring and evaluation at national and county levels. It also required strategic management of shared responsibilities vertically, between national and county governments, and horizontally between county governments.

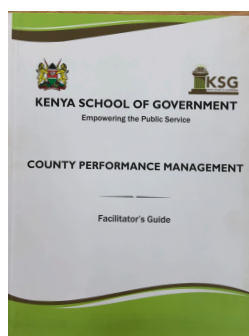
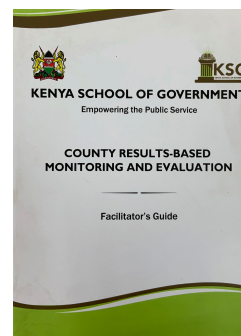
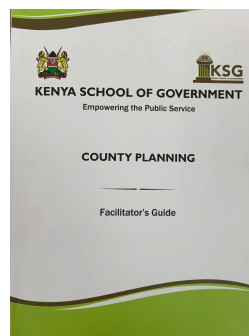
In response to the urgent and diverse needs of new national institutions and the nascent counties, UNDP developed and began implementing the UNDP Integrated Support Programme to the Devolution Process in Kenya project that provided support to all the new key devolution institutions noted above.

As the need for greater support became evident, UNDP raised further donor support and expanded its work to incorporate other components, including gender mainstreaming, climate change and disaster risk reduction. UN Women coordinated the gender mainstreaming while climate change and disaster risk reduction was

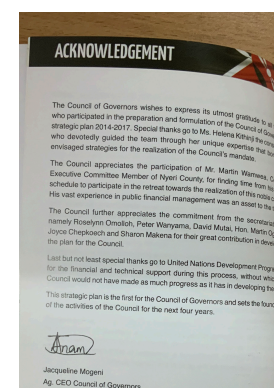
coordinated by the UNDP's Energy, Environment and Climate Change Unit. With these two components, more partners were enlisted and the number of targeted counties grew from 21 to 27 and additional partners were brought in, including: The Drought Management Authority, National Disaster Operation Center, the National Treasury, Public Procurement Regulatory Authority, Monitoring and Evaluation Directorate, State Department of Gender Affairs, Office of the Controller of Budget, County Assemblies Forum (CAF), and the Kenya School of Government.

### MTP II Political Pillar: Devolution Emerging Issues and Challenges

- Concurrent functions are likely to present conflicts in terms of interpretations of mandates.
- Low levels of awareness of the devolved system of governance in both the public sector and the general public.
- Weak or inadequate financial and performance management systems in counties.
- Inadequate county profiling.
- Inadequate capacity for planning, implementation, monitoring and evaluation both at national and county level.
- Weak inter and intra agency/sectoral collaboration and coordination.
- Weak monitoring and evaluation critical to tracking performance and informing programming.
- Inadequate and delayed release of resources leading to a disproportionate reform pace, inefficiencies and ineffectiveness in service delivery.
- Competition for resources and influence between counties and between counties and national government, leading to politicized competition for resources
- Human resource management at both levels of governments.



*County government trainings conducted by the Kenya School of Government with support from UNDP in 2015.*



*Jacqueline Mogeni*

This programme adaptability was key a key design feature that allowed the necessary responsiveness to support the implementation of devolved government, the UN Strategy on Devolution, and the government's MTP II process. The programme was organized around five pillars with the following outputs:

- Policies, laws and institutional reforms for effective implementation of the Constitution at national and county levels are adopted;
- Strengthened institutional and human capacities at national and county level evident in supporting national and local development;
- Improved service delivery mechanisms and response to opportunities and threats of insecurity and disaster;
- Strengthened citizen participation mechanisms and processes to ensure effective and equitable service delivery, transparent and accountable use of resources;
- An integrated service delivery framework pilot implemented.

Given the context, the programme's theory of change framework was flexible, allowing UNDP and implementing partners to adjust their programmes to respond to the continuously evolving needs identified by its partners. The programme proactively took advantage of new opportunities, adapting its theory of change to the dynamic development context, including evolving national priorities in the country. After analysis of the gaps existing in the first generation CIDPs as well as in the MTP II, the programme increased its support in areas such gender equality and women's empowerment, climate change adaptation and mitigation, and disaster risk reduction.



*Public participation exercise on County planning and budgeting in Kitui*

The programme focused on strengthening the capacity of counties in planning, policy and legislation. It also strengthened county capacities in terms of performance management as well as monitoring and evaluation. Since these were some of the critical needs of the counties, in tackling them, the programme proved very relevant to devolution. Utilizing peer-to-peer learning between county governments as a programming technique enabled them to pick up best practices that were replicated across counties. The programme also saw the introduction and establishment of a nationally endorsed county Performance Management Systems (PMS) which re-engineered innovation and a new culture of service delivery. It occasioned great attitudinal change across the county sectoral units, which in turn improved the change management dynamics that were consistent with the transition into the devolved governance. This also laid the groundwork for future UNDP support to PMS components such as county staff performance contracting and M&E.

With 47 new counties came 47 new legislative branches that needed to develop county laws. UNDP supported the development and dissemination of over 50 model county laws and devolution legislation in collaboration with Kenya Law Reform Commission (KLRC), the Ministry of Devolution and Planning (MoDP) and CoG. A dual strategy that entailed technical support through a pool of law drafters to develop model legislation and capacity strengthening for counties in legislation drafting was adopted that included training the 47 county attorneys on county legislation and policy drafting.

Capacity building for both national implementing partners and county governments created ownership to ensure sustainability over time as skills and knowledge are transferred to these key institutions. For example, the development of new curricula by the Kenya School of Government ensures that results are sustained over time as these curricula will be utilized past the period of the programme. The strengthening of systems in institutions such as the Council of Governors and the Ministry of Devolution also ensures that moving forward, these key institutions to devolution are able to stand on their own and

continue carrying the programme's objectives forward. Mainstreaming of the programme's activities and cross-cutting issues of gender, climate change, disaster risk reduction and HIV into county plans, budgets, CIDPs, policies and laws has also helped ensure sustainability of the programme results over time.

Implementation of the programme through national government institutions ensured ownership of the programme. Through such institutions, several policies and pieces of legislation have been developed and cascaded to county governments and are a clear demonstration of national ownership of the programme.



County M&E Staff Inspecting Bridge Works in Bomet County



Recognizing the weak capacity of newly formed counties to deliver services to their citizens and in light of the limited resources, UNDP engaged UN National Volunteers (UNVs) to support counties with vital skills by offering expertise in M&E, statistics, public finance management, governance, human resource and geographical information systems.

The use of Kenyan UNVs had a twin-advantage: utilization of local capacities/skills that are well versed in devolution and governance issues; also, this contributes to youth employment where young professionals are engaged in gainful employment enabling professional development and career growth.

With 40 National UNVs in 34 counties and 2 national institutions, and with a modest amount of resources, the programme demonstrated that a significant impact can be made with the right UNV strategy and focus. Through this innovative approach to capacity strengthening, the UNVs were key drivers of transformation and change in counties.



## 2018-2022: Devolution in Action: Implementing Devolution for the People of Kenya

Following the 2017 election and by 2018, counties and national devolution institutions were now firmly established and Kenya recorded sustained economic growth and progress in human development during the inaugural term of county governments. However, challenges remained on issues related to marginalization, equity, accountability, environment and climate change. With this in mind, UNDP created a new devolution programme with greater focus on the specific needs at the national level and greater focus at the county level: Consolidated Gains and Deepening Devolution in Kenya project (The Joint Devolution Programme) in conjunction with UNICEF and UN Women.

Leave No One Behind: Based on this development programming tenet, the Joint Devolution Programme consulted at the national and county levels, conducted analysis, and utilized lessons learned from other programming to develop a list of the most marginalized counties to directly target. Fourteen counties with significant poverty issues, arid or semi-arid status, and significant gender and children's issues were identified and the programme then utilized a two-track approach working at both the national and county levels to help ensure policies and government interventions account for issues of poverty though inclusion while addressing social inequalities. This allows the Joint Devolution Programme to reach the most marginalized in Kenya as it specifically targets the counties with the highest rates of poverty, gender inequality, climate-related risks, and child deprivation.

The Joint Devolution Programme directly targets those identified as most marginalized by the Commission on Revenue Allocation (CRA) and includes those highly affected by climate change and related environmental challenges. This includes members of the Frontier Counties Development Council (FCDC) Regional Economic Bloc, the programme utilizes FCDC as a means of articulating and addressing their common development challenges, including persistent drought.

In the context of UN Delivering as One (DaO) and tapping on UN agency comparative advantages, UNDP, UNICEF, and UN Women entered into agreements towards the delivery of the Joint Programme's overall objective: By 2022 people in Kenya access high quality services at devolved level that are well coordinated, integrated, transparent, equitably resourced and accountable.

### Theory of Change

Using the basic premises of Kenya's devolution model, the underlying logic of the Kenya Joint Devolution Programme can be seen in its Theory of Change:

If services at devolved level are well resourced and delivered in a coordinated, efficient transparent, accountable and equitable manner, underpinned by: legal and institutional frameworks; effective public financial management systems; evidenced based policies; and active mechanisms for public participation and engagement, then people of Kenya enjoy high quality and inclusive services that contribute to reduced poverty and inequality.

Implementation of the programme directly targets the following SDGs: SDG 1: No Poverty; SDG 5: Gender Equality; SDG 10: Reduced Inequalities; SDG 11: Sustainable Cities and Communities; SDG 13: Climate Action; SDG 16: Peace, Justice and Strong Institutions; SDG 17: Partnerships for the Goals.

Each of the three UN agencies are leading in realizing specific outcomes or outputs. Tapping on agencies' comparative advantages, UN Women ensures that gender is mainstreamed into the overall programme interventions, UNDP and UNICEF ensure that counties are provided with capacities, systems and skills to deliver services to support vulnerable populations including women and children. UNDP is the management agent and is accountable programmatically and



financially for the programme and for narrative and financial reporting and houses the Programme Implementation Unit (PIU).

Through 2020 to 2022 the programme successfully strengthened policy, legal and institutional mechanisms at both the national and county levels to enhance inclusive and effective service delivery. This included intergovernmental aspects of devolution by supporting the National and County Government Coordinating Summit, the Intergovernmental Relations Technical Committee (IGRTC), various Sectoral Working Groups (SWGs), the Intergovernmental Framework on Gender, CAF and the CoG. For example, the National Policy on Gender and Development (NPGD) was finalized and domesticated in select counties support to the Gender Sector Intergovernmental Coordination Framework resulted in greater gender targeted budgets in partner counties. Women's Micro, Small and Medium Enterprises (MSMEs) access to finance was enhanced through training of members of the Women Enterprise Fund (WEF) on Access to Government Procurement Opportunities (AGPO) and uptake of AGPO by women-led and youth-owned MSMEs was enhanced through dissemination of a simplified bidders' handbook.

Taking national level child protection policies and standards to the counties was accomplished by assisting counties to understand and implement The National Care Reform Strategy for Children and Implementation of Child Protection service. This was further extended using the National Guidelines for Child Protection Case Management and Referral and Operational Guidelines for Child Protection in Emergencies at the county level.

The National Policy on Devolved System of Government was reviewed to respond to emerging realities from the first 10 years of implementation of devolved system of government in Kenya. The policy will improve optimal service delivery by strengthening institutional, resources (both financial and human), and inter and intra governmental relations, including through new Intergovernmental Relations and Alternative Dispute Resolution (ADR) Regulations. These regulations will guide resolution of disputes arising between county governments without having them waste valuable time and resources in tedious court processes.

Counties improved their Disaster Risk Management (DRM) and response to the ongoing drought by enacting DRM policies, allocating budgets for DRM activities and developing disaster risk profiles and County Disaster Contingency Plans.

Counties have experienced numerous challenges with Public Finance Management (PFM) and fiscal prudence. In collaboration with the Office of Auditor General (OAG), the programme provided in-county training and monitoring support to counties to implement recommendations of audits on seven aspects, namely: Reporting; Expenditure Management; Assets Management; Revenue; Procurement; Governance and Internal Control Systems; Human Resources. This resulted into improved audit performance in partner counties.

A new Standard Chart of Accounts (SCOA) were completed to facilitate county reporting to sub-programme level with specific focus on children, gender and climate change. The SCOA will clarify linkage between disbursed resources and development outcomes and enable disaggregated reporting of revenue allocation and expenditure for greater transparency and monitoring of county social spending.

Public finance management institutions have been strengthened to improve county processes and systems for more equitable, efficient, and accountable service delivery. The programme helped establish planning and financial management systems to be better aligned to CIDPs by helping formulate over 40 policies and bills on Health, Early Childhood Development Education (ECDE), Water, Sanitation and Hygiene sectors in counties to ensure sustainability in budget allocations to children, youth and women priorities.

County Own Source Revenue (OSR) is still low with OSR constituting only 15% of total county resources. Furthermore, more than one-third of counties collect less than 20% of their OSR potential. This can be attributed to the inability of county governments to more effectively identify and develop own revenue sources. Working with UNCDF and CRA, the programme supported target counties to increase their OSR by 27%.

Building on the introduction of county level Performance Management Systems, the joint devolution programme provided in-county support to M&E systems and the implementation of Performance Contracting (PC) as required by the County Government Act 2012. This resulted in an improvement in the adoption of PCs by JDP counties with 100% of the counties sensitizing their top leadership on PCs and 71% negotiated and vetted their PCs, including many signing new PCs. Notably, youth and disaster management were included as indicators in the revised county PC guidelines.

There was also significant improvement in M&E capacities of counties following programme support as informed by an M&E Diagnostic Assessments undertaken earlier. Several counties approved M&E policies and developed M&E Bills and established M&E units, M&E committees, and improved their generation and use of use of data.

Several partner counties have now improved risk-informed programming through evidence-based risk analysis and developed flood and drought contingency plans based on child-focused county risk profiles developed with programme support. As a result, there was increased access of women and girls to Disaster Risk Reduction (DRR) and humanitarian services, and gender issues were mainstreamed in policies, plans and DRR programming.

“Staff take Performance Contracting seriously and no one wants to be left behind. Officers are struggling to achieve their set targets and provide evidence of their achievements. This is improving individual performance thus improving service delivery to the people. The PMS has touched all the top leadership in the county as everyone has realized that business is unusual.”

- Bomet County Official

The programme has increased county and citizen capacity to engage, deepen accountability and transparency in devolution, especially women, youth, and persons with disability. All

partner counties undertook various forms of public participation, including enacting public participation legislations. Two county Youth Empowerment and Innovation Centres have been established which empowered over one thousand young people on leadership, talent development, business and agribusiness development, career development, computer literacy, and substance abuse.

Regional Economic Blocs offer an opportunity for their members to advance their common interests and to accelerate their socio-economic development, exploit their economies of scale to attract investment and trade, and forge a common front for addressing the social challenges that they face. The programme assisted several REBs to advance their formation through financial and technical assistance, including the Frontier Counties Development Council (FCDC) which will soon be constituted in law through programme support.

As the Joint Devolution Programme closes in 2022, UNDP is already consulting with stakeholders at the county and national level to identify the best future path to support devolution. An evaluation of the programme is ongoing, and devolution is already a key feature of the new Country Programme Document and the new United Nations Joint Sustainable Cooperation Development Framework.





# COVID-19: Responsive and Flexible Devolution Programming

Following the onset of the COVID-19 crisis, the Joint Devolution Programme, in consultation with national and county governments and its partners, secured approval from development partners to re-purpose resources to support COVID-19 response interventions. Recognizing that COVID-19 pandemic was a multidimensional crisis, the UN Joint Devolution Programme developed a COVID-19 response with four key outputs:

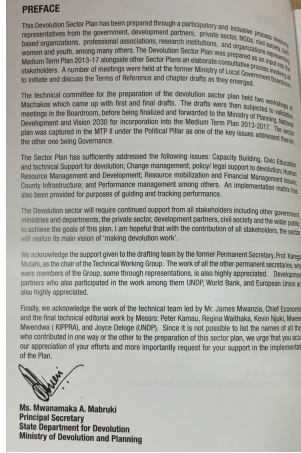
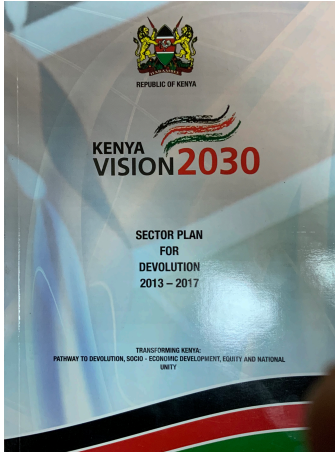
- Enhanced communication and targeted messaging for improved awareness about COVID-19 across demographic groups in Kenya.
- Improved COVID-19 health responsiveness at national, county and sub county level.
- COVID-19 gender responsiveness enhanced.
- Human resources enhanced for improved responsiveness to COVID-19 at national, county and sub-county level.
- The results of the programme's COVID-19 response were extensive. The public awareness campaign reached over 83% of the population through TV, vernacular radio, and SMS. A GBV hotline reached over 3,000 survivors of GBV with connection to essential services (justice, health, police, child services, referral mechanisms, COVID-19 services, and counselling). Over 10,000 pieces of Personnel Protective Equipment (PPE) were distributed to 14 counties and cash transfers were made to 3,000 urban vulnerable households with chronically ill, elderly, child headed households and 5,800 poor urban households with old

people, severe disabilities, and widowers in several counties.

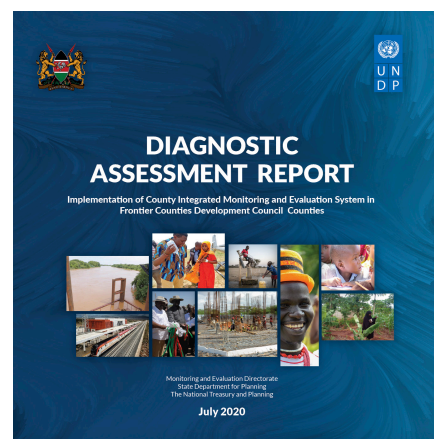
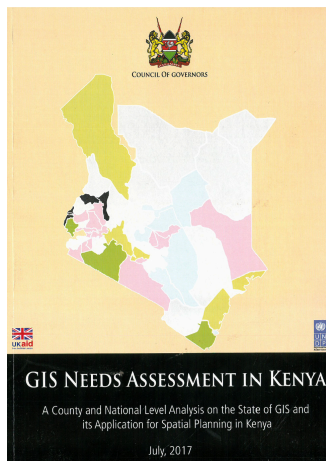
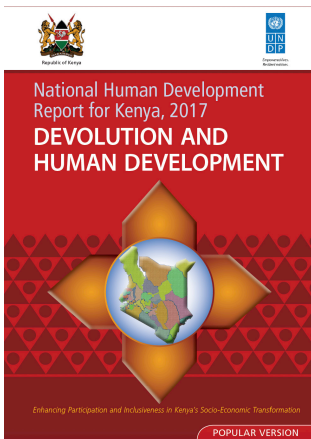
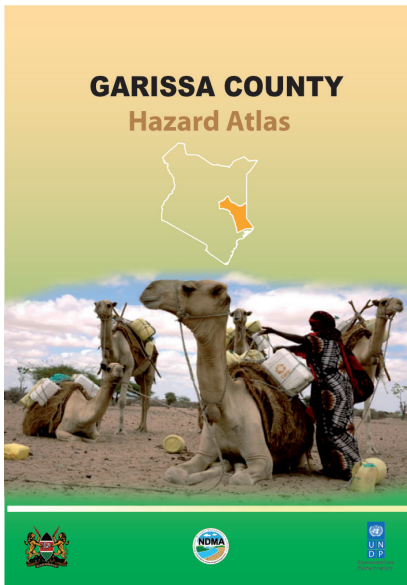
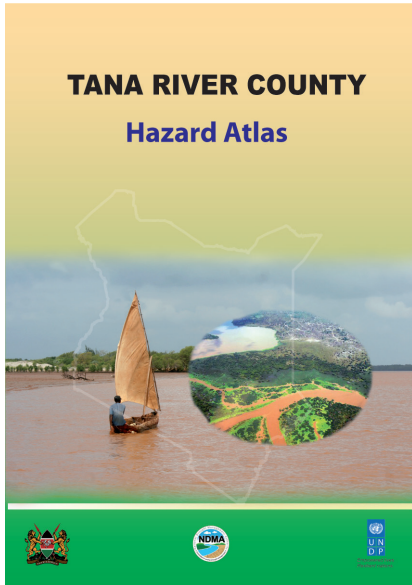
- 50 UNVs (Clinical Officers, Nursing, Public Health Officers, and Laboratory Technicians) were quickly recruited and deployed to 14 counties as COVID-19 responders. These UNVs provided a critical health response, including: testing over 214,550 people; providing surveillance in 70 wards; giving public health talks in 100 public markets; fumigating 2,000 facilities; sensitization of over 6,000 community members on protocols; providing home-based care for over 35,000 patients and over 4,000 patients in isolation centres.
- A county COVID-19 Socio-Economic Reengineering Recovery Strategy was finalized and launched to help counties to build forward better, strengthen their crisis and disaster response, and revitalize economies ravaged by the pandemic. Women, youth, and PWDs were engaged in County Emergency Response Committees and gender responsive COVID-19 technical advisories and checklists for County Assemblies were disseminated.
- At the national level, a national COVID-19 recovery framework was developed and a COVID-19 Secretariat at the Council of Governors provided for the coordination of county emergency responses while a multi-stakeholder COVID-19 emergency response command centre was also supported which reduced transmission and enhanced testing, contact tracing, quarantine and the isolation of positive cases.

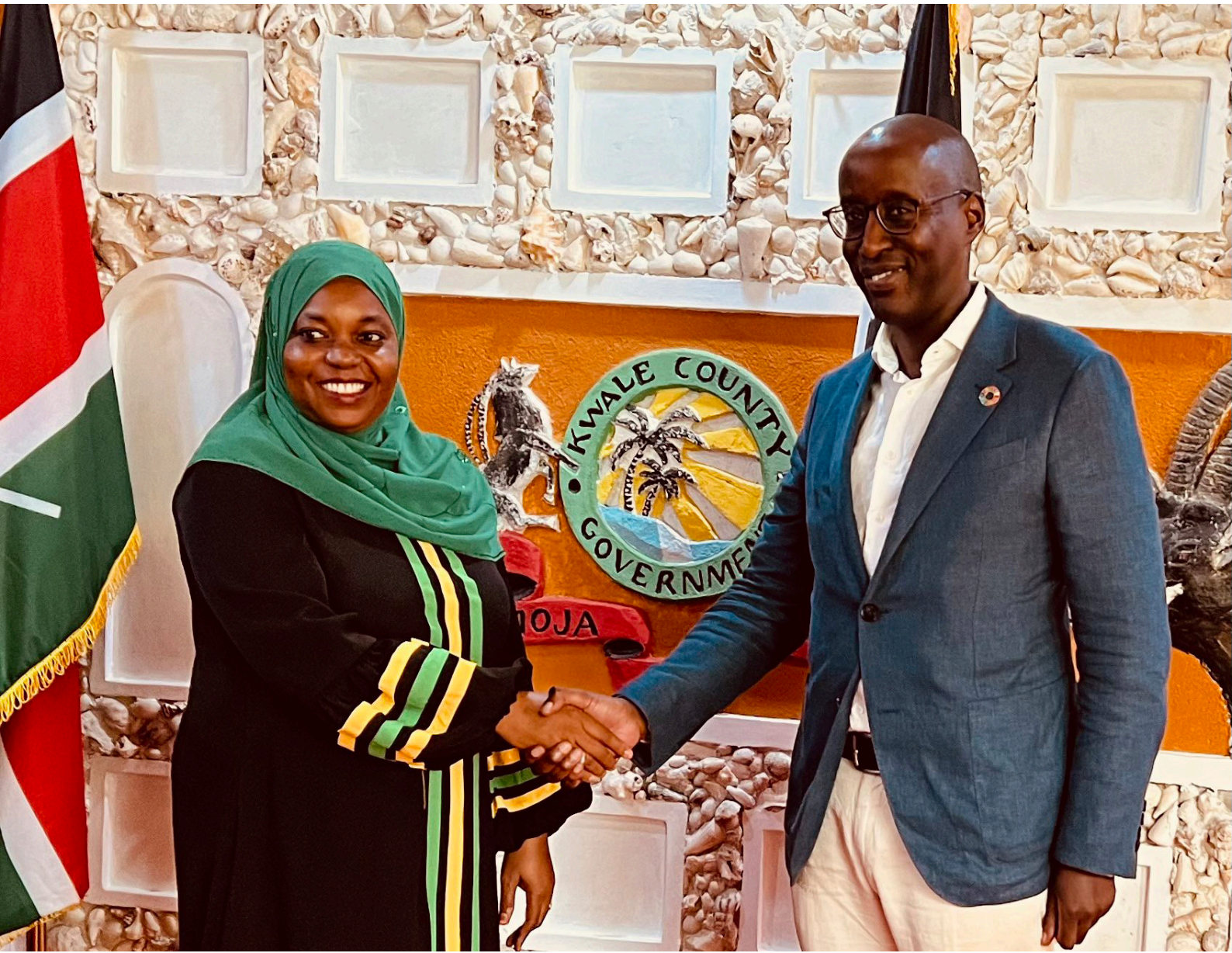


## Publications highlighting UNDP's support to devolution



Ms. Mwanamaka A. Mabruki





# Taking Devolution Forward

Devolution was the 2010 Constitution's long-term governance gift to the people of Kenya. It has brought governance closer to the people and allowed citizens to interact closely with those that develop and implement the policies, programmes, and budgets at county level – the level where people's lives are directly impacted.

In less than ten years, devolution has improved local infrastructure, promoted local economic growth, deepened the supply chain throughout the country and spurred new forward and backward economic linkages in the manufacturing and agricultural sectors. This has contributed greatly towards the tripling of Kenya's budget in this period and making Kenya the third largest economy in sub-Saharan Africa. Critically, accompanying this economic development are improved human and social development indicators in counties, including in those previously regarded as marginalized and whose citizens now feel part of the great Kenyan nation.

UNDP has been a strong and consistent partner throughout all of the processes that brought devolution to where it is today. Devolution does indeed work, but now is not the time to rest.

Following the 2022 elections and the start of the third iteration of county governments, it is a time to consult, reflect and examine devolutions challenges and successes, and to chart a new way forward in partnership with all its stakeholders. During the election campaign, Governors and Members of County Assemblies, new and returning, will have an opportunity to present new ideas, new programmes and new ways of governance that can make a meaningful difference in the lives of their county's constituents.

Immediately following the election, these new ideas can come to life. New CIDPs must be developed, these will guide county planning and budgeting for the next five years and are crucial documents in a county's development trajectory. New CIDPs can be developed that will ensure a

human rights-based approach to development that protects and promotes the rights of Kenyans and ensures that all citizens in a constituency are reached so that none are left behind.

The CIDPs, and the Annual Development Plans that follow them, can have the SDGs built into them from the outset – from their objectives through to their monitoring and evaluation targets and indicators. This will ensure that counties have an embedded and progressive human development orientation. The SDGs are already anchored in the country's long-term development blueprint, the Kenya Vision 2030, and in the 2010 Constitution which has a strong Bill of Rights and values and principles, embedding the SDGs in county plans, budgets, and programmes will ensure that they have a meaningful impact.

“When we talk about SDGs, we are talking about transforming the lives of our people. It is critical that we find a mechanism of ensuring that the information generated here is cascaded to the sub counties, the wards and even the villages.”

- H.E. Hon. John Mruttu, Taita Taveta County Governor (former)

Pressing issues such as climate change, gender, youth, healthcare, and local economic development can be tackled in new and progressive ways at the county level following the election. Counties can work together within their Regional Economic Blocs (REB) to take advantage of economies of scale and leverage each county's comparative advantage for the common good. This includes utilizing mechanisms for inter and intra-county partnership and collaboration between county governments, county assemblies, and county executives.

Improved approaches to county governance that utilize performance-based approaches such as the UNDP supported Performance Contracts for

county officials, strong monitoring and evaluation systems, and deeper citizen engagement mechanisms will increase the effectiveness and efficiency of county spending and while we have seen improved county audit results, this spending can also be better monitored through more robust public financial management systems.

The roles of County Assemblies and their members has improved notably since the last election, now is the time to recognize this and push for even stronger legislative, oversight, and representation functions based on a progressive relationship between Assemblies and the Executive that serves the interest of citizens.

Devolution is here to stay and as with all systems of governance there will be changes made to improve how citizens are served, UNDP will remain a committed partner in this process and will ensure that it's future programming supports, protects, sustains, and deepens devolution's gains for the people of Kenya.

UNDP received generous assistance from the following development partners throughout the many processes it supported in making devolution a reality in Kenya, these include: Canada, Denmark, Finland, Italy, Japan, Netherlands, Norway, Sweden, U.K., U.S.A.





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