



CONFERENCE REPORT

CLARION CALL THE DEVOLUTION TRANSFORMATION

THEME
DEVOLUTION TRANSFORMING LIVES: TELL YOUR STORY!



The Fourth Annual

**DEVOLUTION
CONFERENCE | 2017**

The Fourth ANNUAL DEVOLUTION CONFERENCE

**HELD AT KENYA WILDLIFE SERVICE TRAINING INSTITUTE (KWSTS),
NAIVASHA, NAKURU COUNTY 6TH -9TH MARCH 2017**



CONFERENCE REPORT

**CLARION CALL:
THE DEVOLUTION TRANSFORMATION**

**THEME:
DEVOLUTION TRANSFORMING LIVES:
TELL YOUR STORY!**

**The Fourth ANNUAL DEVOLUTION CONFERENCE
HELD AT KENYA WILDLIFE SERVICE TRAINING INSTITUTE (KWSTS),
NAIVASHA, NAKURU COUNTY 6TH -9TH MARCH 2017**

**I S B N 978-9966-1948-4-8
© Council of Governors, 2017**

TABLE OF CONTENTS

Acronyms	iv
Foreword by the Chairman, CoG	vi
Acknowledgements	ix
Executive Summary	xi
1.0 Introduction	1
1.1 Background	1
1.2 Conference Objectives	1
1.3 Opening Ceremony-Remarks	1
1.4 Special Guests of the Fourth Annual Devolution Conference 2017 [Representatives of the Children’s Conference, Forum for Federalism Network-Ethiopia and Minister from Government of South Sudan]	
1.4 Key Note Address	2
1.5 Official Opening by H. E Uhuru Kenyatta, President of the Republic of Kenya and	4
1.6 Launch of Publications by H.E Uhuru Kenyatta, President of the Republic of Kenya COG Strategic Plan 2017-2022 Performance Management Framework for County Governments and Presentation of Inaugural Speeches of Excellency Pioneer Governors	6
2.0 Plenum 1: Promoting Economic Transformation Through an Enabling Business Environment	9
2.1 Introduction	9
2.2 Successes	9
2.3 Key Issues and Challenges	10
2.4 Recommendations/Way Forward	12
2.5 Resolutions	12
3.0 Plenum 2: Agricultural transformation for food security, rural development and wealth creation	13
3.1 Introduction	13
3.2 Successes	13
3.3 Key Issues and Challenges	14
3.4 Conclusions and Recommendations/Way Forward	16
3.5 Resolutions	16
4.0 Plenum 3: Promoting Accelerated Investment and Access to Markets	17
4.1 Introduction	17
4.2 Opportunities for Accelerating Investments	18
4.3 Challenges and Concerns in Counties	20
4.4 Resolutions	20

TABLE OF CONTENTS

5.0 Plenum 4: The Potential and Opportunities for Natural Resource Management within the Context of Achieving Sustainable Development Goals	21
5.1 Introduction	21
5.2 Successes	22
5.3 Emerging Issues and Challenges	23
5.4 Recommendations/Way Forward	24
5.5 Resolutions	25
6.0 Plenum 5: Equality and Inclusivity Development at the County Level for Sustainable Development at the County Level.	26
6.1 Introduction	26
6.2 Achievements	27
6.3 Key Issues	27
6.4 Recommendations	27
7.0 Panel 6: Building Resilient and Climate Smart Cities for Growth and Sustainable Development	28
7.1 Introduction	28
7.2 Success Stories	31
7.3 Key Issues	31
7.4 Recommendations	31
8.0 Panel 7: Media Perspective on Devolution for Development	35
8.1 Introduction	35
8.2 Key Issues, Concerns and Challenges	35
8.3 Recommendations	36

9.0 Panel 8: Ensuring Healthy Lives and Promoting Well-being in a Devolved System of Governments	38
9.1 Introduction	38
9.2 Achievements, Lessons and role of Senate in Promoting Health in Counties	38
9.3 Key Issues	39
9.4 Recommendations	40
10.0 Panel 9- Facing Corruption as a drawback to the Development Agenda	41
10.1 Introduction	41
10.2 Achievements, Experiences, Key Issues and role of County Governments and Citizens	42
10.3 Recommendations	45
11.0 Panel 10: Preparedness and Planning for Seamless Transition	47
11.1 Introduction	47
11.2 Role of Mandated Institutions	50
11.3 Emerging Issues and Concerns regarding 2017 General Elections	50
11.4 Recommendations	52
Annexes	
Annex 1: Joint Communiqué – CoG and Ministry of Devolution and Planning	55
Annex 2: Speeches	62
Annex 3: Launch Session	93
Annex 4: Conference Evaluation Questionnaire	96
Annex 5: Report on the post evaluation of the 4th Annual Devcon	98

ACRONYMS

AHADI	Agile and Harmonized Assistance for Devolved Institutions
ASAL	Arid and Semi-Arid Lands
BVR	Biometric Voter Registration
CAF	County Assemblies Forum
CIC	Commission for the Implementation of the Constitution
COC	Code of Conduct
CIDPs	County Integrated Development Plans
CoB	Controller of Budget
CoG	Council of Governors
CoK	Constitution of Kenya
CPSBs	County Public Service Boards
CRA	Commission on Revenue Allocation
CSOs	Civil Society Organizations
EACC	Ethics and Anti-Corruption Commission
ECDE	Early Childhood Development and Education
FAO	Food and Agriculture Organization of United Nations
FDI	Foreign Direct Investments
FDRE	Federal Democratic Republic of Ethiopia
GoEs	Government-owned Entities
H.E.	His Excellency
IBEC	Intergovernmental Budget and Economic Council
ICT	Information and Communication Technology
IDLO	International Development Law Organization

IEBC	Independent Electoral and Boundaries Commission
IFMIS	Integrated Financial Management Information System
IGAD	Intergovernmental Agency on Drought and Development
IGRTC	Intergovernmental Relations Technical Committee
KAM	Kenya Association of Manufacturers
KERRA	Kenya Rural Roads Authority
KLRC	Kenya Law Reform Commission
MCAs	Members of the County Assemblies
MDGs	Millennium Development Goals
MoH	Ministry of Health
NCIC	National Cohesion and Integration Commission
NGEC	National Gender and Equality Commission
NLC	National Land Commission
NCAJ	National Council on the Administration of Justice
NT	National Treasury
ORPP	Office of the Registrar of Political Parties
PFM	Public Finance Management
PPPs	Public Private Partnerships
PWD	Persons with Disabilities
ROI	Return on Investment
RDAs	Regional Development Authorities
SALAR	Swedish Association of Local Authorities and Regions
SDGs	Sustainable Development Goals
TA	Transition Authority
UNDP	United Nations Development Programme

Foreword by the Chairman, Council of Governors



For the fourth consecutive year, the Council of Governors (COG) jointly with the Ministry of Devolution and Planning (MODP) and Senate have consistently convened the Annual Devolution Conference to provide a platform for reflecting on the progress made towards implementing devolution in Kenya. I sincerely thank the H.E President Uhuru Kenyatta for accepting to be the Chief Guest at the Fourth Annual Devolution Conference 2017 held at the Kenya Wildlife Service Training Institute (KWSTI) Naivasha, Nakuru County, and for launching the COG Strategic Plan 2017-2022.

The Annual Devolution Conference continues to claim its space not only as a national forum but also an international forum for demonstrating accountability by both National government and the forty seven County governments towards meeting their respective obligations under the Forth Schedule of the Constitutions of Kenya 2010; for show-casing the benefits accrued from intergovernmental collaboration in addressing national issues and issues of common interest to Counties; for exchange of knowledge and ideas as well as sharing of both local and global best practices that make devolution work for citizens in growing democracies.

The Conference marked a unique point in the history of our country, being the last one under the first generation of County governments, which were established in 2013 following the 2012 general elections. In only four years, because of devolution, Counties had achieved way above the development they had recorded since independence. With regard to intergovernmental collaboration, intergovernmental institutions including the Summit, Intergovernmental Budget and Economic Committee (IBEC), Intergovernmental Relations Technical Committee (IGRTC) were fully in place. In addition, a framework for allocating resources to Counties had been institutionalized, most functions had been devolved while diverse national legislations were being developed in support of devolution.

On the other hand at County level, consistent with the Conference theme “*Devolution - Transforming lives: Tell your story!*”, all Counties had made tremendous achievements in improving delivery of devolved services, including access to health services, Early Childhood Development Education (ECDE) Centres and development of County Roads, support to agribusiness, setting up of modern markets, street lighting of rural towns mainly using solar technology and improving access to information by citizens.

In order to accelerate development in Counties, the second generation of County Governments should build on the foundation that has been established by pioneer County governments, while at the same time addressing outstanding issues including completing transfer of all devolved functions, improving security in all Counties as well as enhancing ethnic integration and national cohesion. The prolonged strike by Doctors is urgent and calls for closer collaboration, consultation and dialogue between the two levels of Government and the Doctors’ Union (Kenya Medical Practitioners and Dentists Union-KMPDU).

And regarding the prevailing political season, I would like to underscore the need to embrace political diversity and promote peaceful campaigns during the upcoming general elections scheduled for August 2017. This is important in order to ensure that our country breaks away from the cycle of disharmony as witnessed in previous elections, and to protect our people from any form of election-related violence and insecurity.

I congratulate all the pioneer governors for laying a strong foundation for all future County governments, and on behalf of the Council, pay a special tribute to H.E Governor Nderitu Gachagua of Nyeri County, who departed from our midst after fighting the good fight-may he rest in peace.

Lastly, I sincerely thank the Steering Committee and all stakeholders who supported the Fourth Annual Devolution conference, and indeed all the previous Conferences, and look forward to a greater future as we jointly work towards realization of the objects of devolution. Devolution symbolizes and carries the hopes of Kenyans, and it is only by pulling and pooling together that we can make it work even better and reap the gains incrementally, building on the foundation laid by the pioneer County governments over the last four years.

H.E Governor Peter Munya
Chairman Council of Governors

Statement by Hon. Mwangi Kiunjuri, EGH, MGH, Cabinet Secretary, Ministry of Devolution and Planning



It is a great honor to be to be part of the Fourth Annual Devolution Conference in Nakuru County, under the theme “Devolution - Transforming lives: Tell your story!” Today we are gathered here to tell the story of how devolution has transformed our peoples’ lives.

Four years is sufficient time to identify what is working and what is not; it is sufficient time to gauge whether devolution has been faithful to the aspirations of the people. Devolution may be new but its purpose is not. Devolution is about serving the people of this Country more efficiently and more cost effectively.

Being an election year, we have observed that devolution has also created more diverse contestants and thus more inclusive representation at the local level. Regionally concentrated minority groups are for this reason often better represented at local levels of government.

For the above reasons we have seen heightened political tensions in the counties ahead of the upcoming elections. We appeal to all political actors to carry out their campaigns in a manner that promotes democratic tolerance in which political activity may take place without fear of intimidation or reprisals.

This is in keeping with the saying that ‘we have not inherited this land from our ancestors but have borrowed it from our children’.

In so doing we shall not only guarantee that the good work brought by devolution continues, we shall also be cementing the legacy of devolution for posterity.

I am here to confirm and assure you that from where I sit as the Cabinet Secretary of Devolution and Planning, our story is that devolution is working and devolution is transforming our peoples’ lives.

I therefore wish, on behalf of the Ministry and our partners the Council of Governors and the Senate, to thank You, Your Excellency the President for gracing this occasion and for your commitment to devolution.

I want to assure you that my Ministry will support with diligence and a sense of urgency the resolutions of this conference.

Thank You.

**Hon. Mwangi Kiunjuri,
EGH, MGH, Cabinet Secretary, Ministry of Devolution and Planning**

Acknowledgements by the Chief Executive Officer, Council of Governors



I want to start by recognizing and appreciating the National Government's commitment towards this year's annual devolution conference and specifically His Excellency the President Hon Uhuru Kenyatta who graciously accepted to be our Chief Guest. His commitment towards Devolution has enabled us unlock various intergovernmental challenges such as the ongoing Doctors' strike.

I must say that this year's conference has been achieved through a collaborative process involving a very committed Steering Committee led by the unwavering Rt. Hon Ekwee Ethuro, Speaker of the Senate, H.E Eng. John Mruttu the Co-Chair of the Steering Committee and Hon Mwangi Kiunjuri

the Cabinet Secretary Ministry of Devolution and Planning.

It is also important to convey special thanks to the Principal of the Kenya Wildlife Training Institute Dr. Charles Musyoki who has been one of the silent heroes of this conference. From the first day that we assessed this venue as a potential site for the conference he has been steadfast in ensuring that our needs with respect to hosting this conference are well taken care of. Secondly we also want to thank Archbishop Ndingi Secondary School for allowing us to use their facility for registration even when the students were in session.

Special gratitude goes to the conference facilitators, Prof Karuti Kanyinga and Prof Margaret Kamar who have kept us focused during the conference. They have been part of this journey since the 2nd annual Devolution Conference in Kisumu. This conference would not have been this successful without our speakers, moderators and panelists who spared their time to share with us their experience during the three days. Let's also give them a round of applause. We all agree that the multi-agency planning committee did a marvellous job in ensuring that the conference was well planned and executed. The team has been working tirelessly since August 2016 to put together this conference.

We cannot forget to mention a very important partner in this process, the County Government of Nakuru, led by H.E Kinuthia Mbugua for preparing to host this conference despite the very short notice. As you are all aware this conference was originally meant to be held in Narok County, however due to the logistical challenges, the Steering Committee provided advise on relocation. I however unreservedly convey special gratitude to Narok County, specifically to H.E Samuel Tunai for his willingness and commitment to host the conference.

Some of the other persons and institutions we would like to appreciate are; Chairmania Events, Homeboyz, The Budget Hotels Association of Nakuru, The Office of the Inspector General and Kenya Wildlife Service Wardens, the media houses, and the delegates.

Indeed we have achieved and are all in agreement that devolution is working and is transforming the lives of our citizens. We have been able to examine the key gaps in implementation of devolution that were not considered by the existing legal framework but which are critical to

the success of Devolution. We have all committed ourselves to ensuring that the resolutions are implemented.

I also take this opportunity to once again congratulate the following winners of the Inaugural Devolution Warrior Award:

- 1) The Devolution Warrior of the year - former Chief Justice, Dr. Willy Mutunga
- 2) The Service Delivery Award-Beyond Zero Campaign
- 3) The Public Participation Award - The Institute of Social Accountability (TISA)
- 4) The Knowledge Management Award - Commission on Revenue Allocation (CRA)
- 5) The Gender Award - Ms. Mary Muthoni, Kenya National Chamber of Commerce and Industry
- 6) The Peace Award - Stephen Ogutu
- 7) The Media Award - The Standard Media Group

Lastly, I convey heartfelt gratitude to the following development partners and sponsors for their financial, technical and support in kind towards a successful conference.

- | | |
|--|--|
| 1. The Senate | 12. NHIF |
| 2. Ministry of Devolution and Planning | 13. KCB BANK |
| 3. UNICEF | 14. CASEWARE AFRICA |
| 4. UN WOMEN | 15. COOPERATIVE BANK |
| 5. UNDP | 16. KENGEN |
| 6. USAID | 17. PRICEWATERHOUSE COOPERS (PWC) |
| 7. UKAID | 18. UWIANO PLATFORM FOR PEACE |
| 8. UNFPA | 19. DT DOBIE |
| 9. COUNTY PENSION FUND | 20. DELOITTE |
| 10. KENYA REVENUE AUTHORITY | 21. THE INSTITUTE FOR SOCIAL ACCOUNTABILITY (TISA) |
| 11. TELKOM ENTERPRISE | 22. KEROCHE BREWERIES |

Executive Summary

The Council of Governors to (COG) together with the Ministry of Devolution and Planning (MODP) in collaboration with other intergovernmental agencies hosted the Fourth Annual Devolution Conference at Kenya Wildlife Service Training Institute (KWSTI) in Naivasha, Nakuru County from 6th – 9th March 2017. The overall Clarion Call for the Annual Devolution Conference was “*The Devolution Transformation*”, with the theme “*Devolution- Transforming Lives: Tell your Story*”. The aim of the Conference was to safeguard the gains, enhance the understanding and appreciation of devolution as a system of governance that focuses on public accountability and learning new ways of socio-economic development and delivering services. The objectives of the conference were:

- i. To review the socio-economic impact of devolution over the past four years.
- ii. To discuss how devolution has been a tool for socio-economic integration in the country in promoting equity and inclusivity.
- iii. To demonstrate the achievements in adopting the “Big Bang” Devolution implementation approach over the past four years.
- iv. To identify opportunities for change, growth and enhanced cooperation in changing perspectives, changing the narrative and entrenching devolution in Kenya.
- v. Review the financial burden in applying two thirds gender principle as opposed to an inclusive policy in an electoral system.

The conference adopted 10 thematic areas that guided the panellists and plenary discussions as follow:

Plenum 1: *Promoting Economic Transformation through an Enabling Business Environment*

The Plenum discussed the milestones made in advancing structural reforms towards creating an enabling environment for business; the ease of doing business; and how counties can generate more business both individually as counties, and as regional economic blocs. Challenges and successes in conducting inter and intra-county business within the context of devolution were highlighted and recommendations given.

Plenum 2: *Agricultural Transformation for Food Security, Rural Development and Wealth Creation*

The Plenum focused on the importance of food security as a factor in development of the country’s economy as a whole. Some of the key areas that were highlighted include:

- i. Opportunities for improving the efficiency and cost effectiveness of agricultural services in our devolved system of governance;
- ii. Agriculture being the main driver of the country’s economy with the sector contributing to the national budget rising from 26.1% in 2012 to 30% in 2016;
- iii. Agriculture is a fully devolved function and the national government extends its services only up to policy and research functions; and
- iv. Development of agriculture being important for poverty-reduction because most of the vulnerable groups like the landless, pastoralists and smallholding farmers also depend on agriculture as their main source of livelihood.

The Plenum further highlighted the down side of some of the projects by the national government on large-scale irrigation, noting that this may not ensure food security as food supply will increase but not the purchasing power of the common *Mwananchi*.

Plenum 3: Promoting Accelerated Investment and Access to Markets

The discussion in this Plenum focused on promotion of inter-county linkages and socio-economic growth through infrastructure and sustainable energy development.

Plenum 4: The Potential and Opportunities for Natural Resource Management within the Context of Achieving Sustainable Development Goals

The main objective of this plenum was to discuss progress of empowering local communities in natural resource management for local sustainable development.

Plenum 5: The Potential and Opportunities for Natural Resource Management within the Context of Achieving Sustainable Development Goals

The Plenum discussed progress made by both levels of government in empowering local communities in natural resource management for local sustainable development. The Plenum further highlighted some of the success achieved in this area in the last 5 years of embracing devolution in the new Constitution, 2010. It was agreed that for Kenya as a country to highly achieve in management of natural resources in the context of achieving sustainable development goals then the following should be considered:

- i. There is need for intensive planning at both levels of government using; spatial plans, County Integrated Development Plans (CIDP) and sectoral plans
- ii. There is need to handle land issues effectively and carefully
- iii. There is need for individual and collective responsibility by the citizens to ensure that Kenya's natural resources are well managed and conserved

Plenum 6: Building Resilient and Climate Smart Cities for Growth and Sustainable Development

This Plenum explained how devolution has impacted on Sustainable Urban Development in reference to SDG no. 11 **“Sustainable cities and communities- Make cities and human settlements inclusive, safe, resilient and sustainable.”** The National government stated that land based resources within Kenyan territories must be managed in manner that is equitable, efficient and in response to social, climatic and economic challenges. They further highlighted some of the key legislation they have developed in consultation with county Government and other key stakeholders towards achieving this goal. They included:

- i. Urban areas and Cities Act
- ii. Land Act recently amended, to Land Amendment Act of 2016
- iii. Community Land Act in place and now in process of developing regulations to operationalize
- iv. National Urban Development Policy currently being finalized for implementation
- v. National Land use policy headed to National Assembly for debate and is called Sessional Paper No.1 of 2017.

Plenum 7: Media Perspective on Devolution for Development

This plenum sort to examine the role of media in responsible communication for inclusiveness, cohesion and development in regards to the County Governments Act no. 17 of 2012 which requires the “County government to use the media to create awareness on devolution and governance. The plenum discussions were also set to ensure that devolution is understood to be a process and not an event and the media therefore should provide sufficient information

and communication that will facilitate this process. This plenum further sought to challenge the media to sensitize and educate citizens who are beneficiaries of the devolved government services on the opportunities and challenges of the devolution process.

Plenum 8: Ensuring Healthy Lives and Promoting well-being in a Devolved System of Government

The plenum discussed the benefits of County Government’s prioritization and resourcing of public health preventative and promotion of Health Care. In the discussions, some of the key highlights were on the successes and milestones achieved by County governments in promotion of health care. However, counties mentioned that major challenges are still experienced in the area of managing human resource in the sector.

Plenum 9: Facing Corruption as a Drawback to the Development Agenda

The focus of the plenum was to interrogate the current experiences and suggest ways of enhancing democracy and social accountability to safeguard the gains made in development. It was agreed that there is need for an all-inclusive finance and budget committees to facilitate continuous collaboration among stakeholders, backed by a functional information system through which information could be easily disseminated, and a recommended software on which the staff should be trained on so as to enhance performance.

Plenum 10: Preparedness and Planning for Seamless Transition

The objective of this session was to interrogate the roles and responsibilities of constitutional commissions, judiciary, political parties and elected leaders in ensuring fairness, accountability, transparency and peace during the coming elections.

At the end of the Conference, a Joint Communique of 35 action points summarizing the recommendations of delegates was signed by the Chairman of the Council of Governors and the Cabinet Secretary for Ministry of Devolution and Planning (MODP). Progress on implementation of the action points will be reported in the next Annual Devolution Conference.



Group photo with H.E President Uhuru Kenyatta

1.0 Introduction

The Annual Devolution Conference (Devcon) is the biggest forum for taking stock of the progress towards realizing the objects of devolution, for exchanging ideas, knowledge, concepts and models that make devolution work in Kenya. The Conference thus provides an opportunity for duty bearers to give a clear account on the various perspectives and issues that relate to devolution based on their respective mandates in an environment that seeks to identify opportunities for unlocking any bottlenecks that undermine devolution. As a special part of the Conference, the Gala Night has also redefined the event as a forum for appreciating individuals and institutions for their outstanding contribution towards promoting devolution at various levels.

1.1 Opening Ceremony and Session Speakers

The Conference kicked off by observing a moment of silence in remembrance of H.E Governor Ndiritu Gachagua the first Governor for Nyeri County, and an appreciation of his service to the people of Nyeri and to the Council of Governors, especially as a Member of the Agriculture Committee, where he advocated very strongly for improvement of the Coffee Sector.

The host Governor H.E Governor Kinuthia Mbugua welcomed delegates to Nakuru County, alongside Senator James Mungai, MP, Senator Nakuru County. The Principal of KWSTI in turn welcomed all to the Institute, and thanked the Steering Committee for selecting KWSTI to host the Conference.

Hon. Johnson Osoi, chairperson Counties Assemblies Forum made remarks on behalf of the Forum, while H.E Eng. John Mruttu, Vice Chairman Council of Governors and Co-Chair of the Devolution conference Steering Committee made remarks on the Status of the action points from the 3rd Annual Devolution Conference.

Amb. Stefano A. Dejak, Ambassador to the European Union in Kenya and Chair of Devolution Donor Working Group made remarks on behalf of the EU, with special emphasis on productive partnerships.

Deputy Lady Justice Philomena Mwilu made remarks on behalf of the Judiciary and launched Maarifa Centre at the end of the Conference.

The Process of the Conference was:

1. Opening Ceremony-Speeches
2. Official Speech by the Chief Guest, H.E President Uhuru Kenyatta
3. Key Note Address by Hon'ble Mr. Arjun Ram Meghwal, Indian Minister of State for Finance
4. Launch of COG Strategic Plan 2017-2022 by H.E President Uhuru Kenyatta (one-minute video), and presentation of Inaugural Speeches of Pioneer Governors to H.E the President, Guest Speaker, Speaker of the Senate and Deputy Chief Justice, Lady Justice Philomena Mwilu.
5. Mini-Summit to address Doctors' strike and joint press Conference by Presidency, Senate and Council of Governors.
6. Panel Sessions 1-10.
7. Exhibitions, running concurrently with panel sessions.
8. Live coverage and concurrent media engagements.
9. Celebration of International Womens' Day-Match on the podium by all ladies in the house.
10. Remarks by H.E Hon. Kalonzo Musyoka, Former Vice President.
11. Voting for best exhibition stalls (No. 1-3) by delegates and recognition of winning Counties.
12. Gala Night on eve of final day
13. Last Day: Recognition of winners of *Gala Night* in the Conference

14. Launch of Maarifa Centre
15. Signing of commitment to Peace Accord ahead of August 2017 General Elections.
16. Signing and reading of Joint Communiqué.
17. Closing remarks by Rt. Hon. Raila Odinga, Former Prime Minister
18. Official closure by H.E Hon. William Ruto, Deputy President.
19. Vote of thanks by COG Chief Whip and departure.

1.2 Remarks by H.E Governor Peter Munya, Chairman Council of Governors

The Chairman thanked H.E President Uhuru Kenyatta for gracing the Conference, and stated that it was a great honor for the Council to have him as the Chief Guest, and that it symbolized the cordial relationship between National Government and County Governments. He also commended the President for launching COG Strategic Plan 2017-2022. He further commended the close collaboration, consultation and teamwork between the Cabinet Secretary Ministry of Health and Council of Governors (Health committee, HR Committee and Legal Committee) in addressing the Doctors' strike, and in working closely to prevent escalation of strikes by other cadres of medical personnel.

The Chairman also acknowledged the Special Guests for the Fourth Annual Devolution Conference, namely: the Guest Speaker Hon'ble Mr. Arjun Ram Meghwal, Indian Minister of State for Finance; Representatives of the delegates from the Children's Devolution Conference who read out resolutions from the Children's Conference held in February 2017; Mr. Maeregu Habtemariam, Representative of IGAD Network on Federal-Decentralized Governance (FDG) based in Ethiopia and; Minister from Government of South Sudan.

1.3 Official Opening by the Chief Guest, H.E President Uhuru Kenyatta

The President's message resonated well with the message of the Chairman of the Council of Governors. The Head of State welcomed all delegates to the Country, and extended a special welcome to international delegates. He highlighted the following key issues:

- 1) The National government and County Governments had worked cordially to ensure that devolution was working for Kenyans.
- 2) National Government remained committed to support devolution through financing and capacity building.
- 3) The Doctors' strike had caused a lot of suffering to Kenyans and required an immediate solution.
- 4) Although the relationship between the two levels of government was cordial, it was not without challenges, and the National government was committed to addressing the challenges jointly with the County governments through the Council of Governors including at Summit level. (See full speech in annex).

1.4 Key Note Address and Presentation by Dr. Ken Ohashi, Senior Economic Advisor, Office of the President

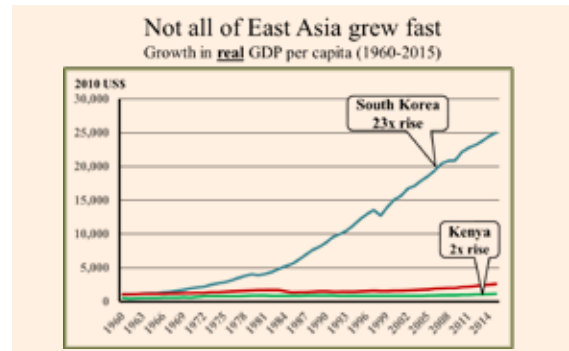
In fulfilment of the learning and knowledge transfer objective of the Annual Devolution Conference, the session provided an opportunity for delegates to kick off the Conference by learning from Dr. Ohashi's presentation on agriculture. Agriculture is a devolved function and the Counties harvested opportunities from the very informative presentation which highlighted the strategic importance of small holder agriculture, including smallholder irrigation in transforming food security situation and economic status of smallholder farmers in Kenya, by drawing experiences and lessons from East Asia. The presentation revealed that a simultaneous process of promoting industrial growth and smallholder agriculture in South Korea, Taiwan and Japan created a mutually-reinforcing growth dynamic between the two sectors. The message that Kenya can do it too, and Counties can do it as well.

Smallholder Agriculture: Key to Kenya's Economic Success

"Smallholder agriculture will transform Kenya"

By Ken Ohashi

- "Agricultural transformation" evokes an image of large-scale, mechanized farming. But, that is not what Kenya needs.
- For food security, rural development, wealth creation, and job creation, there is a better way to transform agriculture.
- East Asian experiences offer useful lessons.
- Not all of East Asia grew fast



An unsung hero of East Asia Miracle

- The spectacular growth success of South Korea (also Taiwan and Japan) is widely attributed to industrial growth.
- But, a parallel emphasis on smallholder agriculture laid the foundation for industrial growth and created a mutually-reinforcing growth dynamic between the two sectors.

South Korea's agriculture strategy

- Land reform increased land ownership among farmers from a little over 10% to 70% between 1945 and 1964. (average holding ~ 2 acres)
- Grain prices were made competitive, and other support was given to farmers.

	South Korea	Kenya
Time period	1960 to 75 (15 years)	1990 to 2015 (25 years)
Increase in agricultural value added (cumulative)	92% Food security, rural surplus	85% Food Insecurity
Increase in population (cumulative)	41%	96%

Agriculture-Industry dynamic in South Korean economic miracle

- Early phase: Agriculture absorbed surplus labor and raised output quickly food security, increased savings, and demand for simple industrial products (consumer goods).
- Fast growth phase: Industries began to take labor away from agriculture small farmers mechanized with small machines domestic firms responded, thus moving up the product ladder. (Machinery for large-scale farming would have been too advanced for domestic industries to compete in at that time.)

A strategic choice for Kenya

- Large-scale commercial farms will not solve the food insecurity problem; they will increase the supply of food, but not the purchasing power.
- Such projects will require machinery and other inputs that will have to be imported. They will also not create many jobs.
- Expanding and supporting small farms will raise both food production and the purchasing power. It will absorb more labor and create demand for domestic industries.

Tapping the opportunities of devolution

- The National Gov't has favored large-scale commercial farms (e.g., Galana-Kulalu project). Perhaps it is an easier approach.
- But, Counties can focus on a smallholder-based approach and help farmers at the local level.
- Convince the National Gov't to reallocate the national budget for more decentralized irrigation projects (combined with County budgets).
- Make sure Counties are able to provide high-quality extension support. Knowledge is key to high-value agriculture. **End of notes.**



Special guests: conveying resolutions from the children's devolution conference 2017

H.E Governor Peter Munya introducing Special Guests-Delegates from the Childrens' Devolution Conference 2017



The Chief Guest, H.E President Uhuru Kenyatta delivering his Speech



H.E President Uhuru Kenyatta and delegates share a light moment in reaction to an eloquent articulation of the Children's Resolutions by their representatives

SPECIAL GUESTS



Exchanging gifts with COG Chairman H.E Governor Peter Munya and COG Vice Chair, H.E Governor Eng. John Mruttu at the COG Lounge



Mr. Maeregu Habtemariam, Representative of IGAD Network on Federal-Decentralized Governance (FDG) based in Ethiopia greeting Hon. Kalonzo Musyoka, Former Vice President and Hon'orable Delegates.

INTERACTION WITH EXHIBITORS



H.E President Uhuru Kenyatta with youth innovators at Nakuru County Booth



H.E President Uhuru Kenyatta at the Senate Booth



H.E President Uhuru Kenyatta learning from Women innovators at the Turkana County Booth



H.E President Uhuru Kenyatta signing visitors' book at the COG Lounge, accompanied by Chairman Council of Governors H.E Governor Peter Munya, H.E Governor Kinuthia Mbugua, Governor Nakuru County and the CEO Council of Governors Ms. Jacqueline Mogeni.

LAUNCH OF COG STRATEGIC PLAN 2017-2022, PERFORMANCE MANAGEMENT FRAMEWORK FOR COUNTY GOVERNMENTS AND PRESENTATION OF INAUGURAL SPEECHES FOR EXCELLENCY GOVERNORS



H.E President Uhuru Kenyatta, COG Chairman, Speaker of Senate, Lady Justice Philomena Mwili and delegates following and applauding the launch video

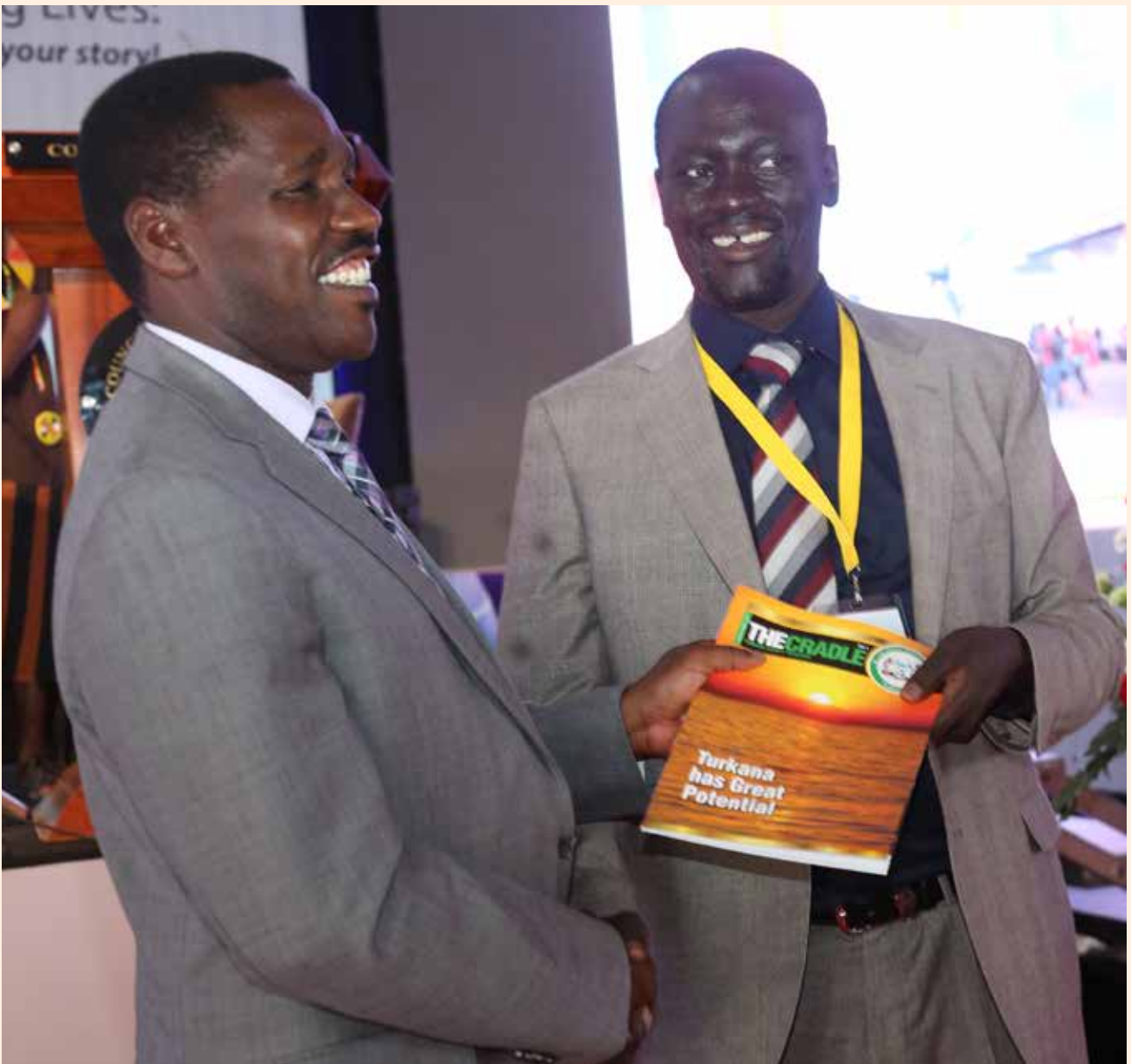


A handshake between the President and COG Chairman upon receiving the launch documents and inaugural speeches



Display of the launched documents and inaugural speeches

GOVERNORS SIGN MOU FOR AGRICULTURE PROJECT



H.E Governor Josphat Nanok presents The Cradle, a Magazine for Turkana County to COG Chairman H.E Governor Peter Munya

2.0 Panel 1:

Promoting Economic Transformation through an Enabling Business Environment

Chair:	H.E Wycliffe Oparanya, EGH, Governor, Kakamega County, Chair, Finance and Economic Planning Committee, Council of Governors (CoG)
Speaker:	Hon. Eng. Peter Ole Mositet, Senator, Kajiado County
Moderator:	Mr. Eric Latiff, Journalist, Communication Strategist and Director, Zeze Digital
Panelists:	1. H.E Hon. Joash Maangi, MBS, Deputy Governor, Kisii County 2. Ms. Phyllis Wakiaga, Chief Executive Officer (CEO), Kenya Association of Manufacturers. 3. <i>Mwananchi</i> (Esther Nyokabi-Nakuru County)

2.1 Introduction

The objective of the plenum was to discuss the milestones that had been made in advancing structural reforms towards creating an enabling environment for business; the ease of doing business; and how counties can generate more businesses both individually and as regional economic blocs.

The session highlighted experiences in conducting inter and intra-County business within the context of devolution, and gave recommendations on how to improve business environments for future successes. At the end of the session, the participants emphatically declared that “Devolution is working; where it is not working, we will make it work!”

2.2 Successes

The session enumerated the following successes that Kenya’s devolution had achieved over its first 5 years of existence:

1. The Commission on Revenue Allocation (CRA) in collaboration with Kenya Association of Manufacturers (KAM) has worked on 6 revenue laws that cut across all the Counties. These laws were drafted in partnership with County Governments. About 45% of these laws had been passed within Counties. However, it was acknowledged that cross county implementation is a problem and until

100% of bills are passed in all Counties it will continue to being a challenge.

2. Although public participation was a struggle, the business community had been included in the County Budget and Economic Forum in more than 50% of the Counties. This had encouraged counties that do not have public participation mechanisms to include business communities in budget consultative processes.
3. It takes an average of 30 days to acquire business permits needed for starting a business in any of the 47 counties. In comparison, the application processes for other agencies like NHIF or NSSF take a longer time.
4. Most counties have automated the payment of rates and have introduced use of phones to find caller number or to find what is owed and what is due. In Nairobi, Mombasa and Kisumu for example, payment can be made via phone, without having to go to the respective county offices. Most counties were well on their way to automating their revenue collection systems.
Although Kenya was still lagging behind in approval of construction permits, in Nairobi this process is automated and takes an average of 30 months if all paperwork

is in order. In comparison, the conference noted that it took 160 days to acquire a construction permit approved in Kenya, which in effect needed to improve.

Counties have worked with development partners, for example World Bank, to identify and facilitate opportunities that enable faster business processes. Through these partnerships, majority of counties have increased efficiency in processing of construction permits, property registration, business registration and business automation processes.

5. To create conducive business environments, examples were given of various counties that have:
 - a) Built physical business environments i.e. modern market centers and kiosks;
 - b) Improved sanitation and hygiene by providing clean drinking water, sewerage systems, garbage collection services, and providing clean public toilets in areas where businesses are conducted.
 - c) Installed street lighting, allowing for business people to conduct their businesses for longer periods of time;
 - d) Developed infrastructure, for example, construction of all-weather roads, which enable transportation of goods from farms to markets.

2.3 Emerging Issues

These are the emerging issues that were noted for improvement:

1. **Public Participation:** It was noted that County governments conduct periodic public participation processes to sensitize the public on public finance and budget allocation, and tax and levies bills in accordance with Article 10 (2) (a) of CoK, 2010. However, *wananchi* feel that they are sometimes left out because of the communication channels used. It was brought to the attention of participants that Public Participation guidelines and a Public Participation Bill drafted by the MoDP to harmonize public participation across counties is available. It was also

noted that both levels of government should be including public participation in planning, policy-making, budgeting and implementation, as is stipulated by Article 125 of the Public Finance Management Act, 2012 and Article 87 of the County Governments Act, 2012.

2. **Effective Communication:** County governments need to devise better communication strategies to reach their target audiences. In various counties, plans are in place to acquire a community/county radio license to enhance the county governments' communication processes. Budget process messages also need to be packaged in a way that they can be easily digested and understood by the public.
3. **Laws and Regulations:** County governments are encouraged to work with other stakeholders such as Kenya Association of Manufacturers (KAM) to create laws that promote trade. There is a need for the existing laws to be reviewed and harmonized across counties to eliminate the multiplicity of taxation.
4. **Haphazard Law Enforcement:** Enforcement also needs to be harmonized for consistency. Regional economic trade blocs were discussed and encouraged as a way to curb such challenges. These practices will enhance predictability, thereby making business environments conducive.
5. **Taxes Levies and Cess:** The session observed the necessity to ensure that taxes do not inhibit enterprise development or weaken consumer power. County Governments are committed to ensuring the taxes and levies do not hinder business development, especially in the area of trading across borders. Taxes and levies go towards creating better working environments e.g. garbage collection, modern kiosks and clean markets. Although the citizens may feel like taxes are too high and may request for lower taxes, it was acknowledged that the consistent provision of services might make

- it easier for counties to collect revenues from its residents.
6. **Expectations and Financial Efficiency:** County Governments face the challenge of finding the right balance between satisfying peoples' high expectations and carrying out tough decisions to bring public finances under control, especially because *Wananchi* see their return on investment (ROI) as too low and not measuring up to their contributions.
 7. **Funds Allocation and Disbursement:** It was noted that delays by the National Treasury to disburse funds affects not only the county governments operations but also provision of vital services that go towards enabling better business environments.
 8. **Capacity Development for *Wananchi*:** It is necessary to sensitize *wananchi* on business development processes, which include access to credit to conduct business. Majority of women, youth and persons with disabilities cannot access loans that would enable them work with the County Governments as directed by the Government that has a reservation of 30% of government contracts for women, youth and persons with disabilities (PLWDs). Many lack information about it; some lack the knowledge of how to apply for it, and therefore need assistance.
 9. **Inadequate Infrastructure:** Counties need to invest in infrastructure, and in particular energy and transport. This will enhance productivity, technology transfer, and trade in the Counties.
 10. **Need to Increase County Budgets:** In the current 2017/18 budget, it was indicated that all 47 counties will get about 10% (a little over Kshs. 300 million) in total from National Treasury which includes operations and recurrent budgets, and 30% is supposed to go towards development. It was noted that this amount would not be enough to cover all the counties' needs.
 11. **Revenue Collection:** Instead of collecting revenue on a daily basis, the plenum suggested that monthly or annual billing should be adopted, so that instances of harassment reduce or stop all together. Computerization of revenue collection would also make collection easier, effective and may minimize corruption.
 12. **Transfer of Assets and Liabilities from National Government to Counties:** It was indicated that this has not occurred; no land has been transferred to counties. Even though this has not been handled in the first 5 years of Kenya's devolution, The Independent Electoral and Boundaries Commission (IEBC) has agreed to form committees which will then agree to certain guidelines for land transfer. In spite of the time lapse, the conference expressed hope that this would be addressed after the 2017 elections. Delegates expressed the need to provide access to land and infrastructure within counties, specifically to improve industrialization.
 13. **Need to Conduct Credible Population Census:** A proper census should be conducted in order to facilitate equitable distribution of money per capita. Currently, there is a mismatch between the number who vote and the population considered for equitable share. Some areas benefit more than others due to population discrepancies. The census would help in equitable distribution of money per capita.
 14. **Business Protection:** The business community called for the protection of individuals' properties before, during and after elections, which would guarantee investor confidence. Such business entities guarantee stronger economies even at the county level.
 15. **Trade and Investment Conference Marketing:** The use of trade and investment conferences for marketing and awareness is an avenue that could be used to raise the profiles of counties as investment destinations.

16. **From Ease To Cost:** There is need to move beyond the ease of doing business to addressing the cost of doing business (business community perspective). The cost of doing business within counties is still expensive. For example, focus should move towards lowering these costs through revenue enhancement and including the vibrant informal sector in the tax net.

2.4 Recommendations

The following recommendations were made in order to promote economic transformation through creating enabling business environments:

1. Counties need to enhance their understanding of public participation and how to conduct effective public participation processes; public participation should be conducted in every county process facet, so that *wananchi* are part of the decision-making process.
2. County governments need to devise better communication strategies and mechanisms to better reach their target audiences.
3. Laws and regulations should be made in conjunction with stakeholders such as KMA and the National Government, to promote trade.
4. The National Treasury should disburse funds to county governments in a timely manner.

5. The business community requested access to affordable industrial land to encourage industrialization.
6. Counties should move towards computerized and automated payments to increase processing efficiency.
7. Beyond the ease of doing business, both levels of government should focus on (lowering) the cost of doing business.

2.5 Resolutions:

In line with the Conference theme, “*Devolution - Transforming lives: Tell Your Story!*” and the plenum objective, the Conference resolved as follows:

1. **THAT** there is need to develop a legal framework to guide issues of multiplicity of taxes and charges at the County level to create an enabling business environment.
ACTION: Council of Governors, IBEC, Senate, National Treasury.
2. **THAT** County Governments should create mechanisms for effective public participation in County planning processes.
ACTION: County Governments, Council of Governors, Development Partners, Ministry of Devolution and Planning.

Panel 1: Promoting Economic Transformation through an Enabling Business Environment



Delegates following proceedings of Panel 1



Session 1 Speaker Hon. Eng. Peter Ole Mositet, Senator Kajjado County addressing delegates, with support of sign language interpreter

3.0 Panel 2:

Agricultural transformation for food security, rural development and wealth creation

Chair:	H.E Rev. Moses Akaranga, Governor, Vihiga County
Speaker:	Dr. Ken Ohashi, Senior Economic Advisor, Office of the President
Moderator:	Prof. Margaret Kamar, EGH
Panelists:	H.E. Kenneth Makelo Lusaka, Governor, Bungoma County Prof. Wilfred Lesan, Senator, Bomet County Dr. Lillian Gogo, AWARD Fellow and Senior Lecturer Egerton University Ms. Rachel Gathoni, KCB Foundation Dr. Joy Kiiru, University of Nairobi, School of Economics Mwananchi (Emily Nawire Wesonga –Busia County)

3.1 Introduction

The assurance of food security is an important factor in the development of the country as a whole. The session highlighted opportunities for improving the efficiency and cost effectiveness of agricultural services in a devolved system of governance.

In Kenya, farming is generally carried out by smallholder farmers who cultivate just a fraction of the total agricultural land using limited farm mechanization/technology. These farmers produce 75% of total agricultural production.

The session noted that agriculture is a main driver of the country's economy with the sector's contribution to the national budget rising from 26.1% in 2012 to 30% in 2016. Agriculture is a fully devolved function and the national government extends its services only up to policy and research functions. Given its importance, the performance of the sector is therefore reflected in the performance of the whole economy. Development of agriculture is also important for poverty-reduction because most of the vulnerable groups like the landless,

pastoralists and smallholding farmers also depend on agriculture as their main source of livelihood.

3.2 Successes

The session noted a substantial increase of food production in the counties from 26% in 2013 to 31% in 2015, which is attributed to the following;

- i. The national government has embarked on large-scale irrigation schemes such as the Galana/Kalalu food security project in Tana River and Kilifi Counties, and while this is commendable, it may not ensure food security as it will increase food supply but not the purchasing power of the common *Wananchi*.
- ii. Provision of tractors by the county governments to assist farmers in the ploughing of the land.
- iii. County government's support to farmers in the provision of inputs like subsidized fertilizers to farmers as well as provision of fertilizers to farmers who cannot afford to buy.

- iv. Modern weather stations that help forecast the weather scientifically have been set up in the county.
- v. Investment in mobile soil testing labs to reach most small holding farmers for soil analysis.
- vi. Value Addition: Counties are embarking on value addition mechanisms e.g. constructing a chicken slaughterhouse in the County of Bungoma, which will go a long way to encourage more farmers to take up poultry farming due to the availability of a market and forecast monetary value. Other Counties e.g. Siaya have developed and Agricultural Development Fund.
- vii. Irrigation: Small-scale irrigation projects are underway in various counties.

Agriculture is a fully devolved function and this has helped bring agricultural services closer to farmers. Majority of the Counties especially those in the south and northwestern regions of Kenya have embarked on small scale irrigation that will further increase food security.

Egerton University and Homabay County Case Study

The following case study was borne out of collaboration between Egerton University and the County of Homa Bay was highlighted.

‘Innovative Solutions for Food Security through Agricultural Research Expertise in the Country’:

Egerton University has partnered with Homabay County for a project that will rehabilitate arid land in the county. The project will involve growing of sisal, acacia, grass and livestock in the land. The produce will go through value addition processes and this will generate income and provide job opportunities for skilled and semi-skilled labor force in the county.

Project Details:

SAGLA: Sisal, Acacia, Grass and Livestock Agro-tourism Park.

Sisal produces fiber, water, poles and medicine. Its cortex is fodder for dairy cattle. Water in sisal supports dip, aquaculture and horticulture industries. Acacia produce gum, medicine and charcoal. Bees forage on its flowers while birds and arthropods nest on its canopy. Acacia open canopy feature enables undergrowth of plants. Grass act as forage for wide variety of herbivores: sheep, deer, antelopes, gazelles, poultry and arthropods among many others. Animal droppings are digested to produce biogas, CO₂ and compost, which support horticulture.

SAGLA food web yield 17 products: fiber, poles, feed, water, medicine, fish, horticulture, meat, milk, leather, eggs, honey, wax, compost, gum, charcoal and tourism. SAGLA mitigates climate change and control soil erosion through sisal, acacia and grass forestry. It opens vast dry lands to sustainable land use.

The project is part of the university’s mission to rehabilitate arid and semi-arid land for sustainable economic use and will be conducted in the larger Karachuonyo area of Homabay County.

There is a general consensus by the public that devolution is working and is lauded for changing lives of the common *Mwananchi* by bringing resources closer to the people.

3.3 Emerging Issues

Legislation of Agricultural Mechanisms:

One of the greatest and readily available resources for driving agriculture in Kenya is the people themselves. However, some legislative issues affect agriculture negatively as highlighted below;

- i. **Insurance:** Insurance schemes could greatly benefit farmers, and special agricultural insurance schemes should be put in place to minimize the losses incurred by farmers.

- ii. **Land Tenure Systems:** Much of the land in Kenya is held in long term title deeds and sometimes the owners show no commitment to utilize the land for agricultural purposes. Legislation should be put in place to ensure that more people get access to short term leases for agricultural use of land.
- iii. **Farming Subsidies:** Plans to assist farmers with subsidies like fertilizers and other farming needs to be encouraged to entice more people especially the youth to venture into farming.
- iv. **Pricing Policies:** The National Government should introduce pricing policies to guide all the farmers in the Country on how to sell their produces without fear of being ripped off by middlemen.
- v. **Youth Empowerment:** The average age of a Kenyan farmer is 60 years. County Governments should formulate policies and ways of encouraging the youth to take up farming to boost development of agriculture and secure food security for the future.
- vi. **Capacity Building:** That there is need to train farmers as they lack knowledge of when and what to plant is a major challenge to the farmers who end up planting blindly and getting very low produce. They also need to learn how to take p farming technologies like greenhouses, which the county government has been able to provide for them. Farmers are also unaware of how to access incentives provided for by the county governments such as tractors is affecting the common *Mwananchi* who end up not pursuing the incentive that should otherwise benefit their farming ventures. Capacity building will help farmers tackle challenges such as reduced soil fertility, erratic weather patterns due to climate change, and changing markets.
- vii. **Public Participation:** There is a general sentiment that public participation has not been as effective as it should be largely because of the communication strategies invoked by county governments. Communication strategies should be

well targeted and devised to suit the public. Inadequate public communication mechanisms to inform the public of the county planning and budgeting processes for example was brought forth.

- viii. **Infrastructure:** Inadequate marketing structures have affected markets for goods such as Sugarcane and bananas.
- ix. **Increased Input in Agriculture:** County governments have made good strides in agriculture by provision of subsidized fertilizer, investing in farming technologies such as greenhouses and making plans for value addition and marketing. The governments are tasked to explore other farming practices e.g. beekeeping which could be more profitable than conventional farming practices.

While borrowing has increased since devolution started back in 2014, farmers are still using old farming methods and practices that yield inadequate returns at the end of the harvesting season. Farmers need to take up new technologies such as hydroponics to mitigate such factors as climate change.

In most Counties drought effects are heavily felt largely due to lack of knowledge of advanced farming methods that rely on technology.

Farmers are not aware of funding opportunities and therefore cannot access credit to help them scale up their agricultural activities. There is need to diversify agriculture by venturing into uncommon farming practices such as mushroom and snail farming that require just a small portion of land. Farmers must also be assisted by provision of subsidies, increased efforts in value addition and markets.

Even though agriculture is fully devolved, some roles are duplicated, e.g. provision of subsidized fertilizer which has seen both the national government and the county governments distributing fertilizer to farmers. And even with both levels of governments providing

the service, still some farmers are not able to access the agricultural inputs.

The key service delivery component in the agricultural sector is farmer extension services. In order to harness the productivity and growth of the sector, there is need to carry out comprehensive capacity building of extension workers and farmers. This will be achieved through exchange of information, coordinating policies, enhanced capacity and consultations between the two levels of governments.

Mechanisms of value addition, rural infrastructure development, marketing, climate-change mitigation, managing both surplus and low harvests, and storage are key for counties to enhance food security.

3.4 Recommendations

1. County governments should focus on smallholder farmers and help farmers at local levels.
2. County governments should lobby the National Treasury to reallocate budgets for decentralized irrigation projects.
3. That action is urgently needed to develop value addition processes, distribution and marketing of farm produce. This can be done through enterprises that promote the emergence of small-scale farmers' input supply, processing and marketing cooperatives and associations.
4. County Governments should provide quality agricultural extension support services to smallholder farmers to sensitize them on best practices and better farming technologies.
5. County Governments must encourage diversification of crops planted as well as farming systems that are most profitable
6. County Governments should embrace farm mechanization to improve and increase farm productivity and scale of production.

7. County Governments should improve research and make research possible through an enabling environment, and also improve extension services and their linkages.
8. County Governments should invest in rural infrastructure to enhance market access. Adequate investment will not only complement and underpin the projected increased levels of agricultural production, but will also provide wider and more general socio-economic benefits.
9. County Governments should invest in development of agri-business skills for farmers
10. County Governments should invest in agricultural programs to improve soil fertility, water management and pest control.
11. County Governments must put in place price-related policies and mechanisms to ensure farmers are motivated and do not get less profits by selling to middlemen.
12. Adoption of new technologies of farming e.g. hydroponic systems that use much less water to grow food and other farm outputs.

3.5 Resolutions

1. **THAT** in order to address food security challenges and in order to create surplus in the rural areas, there is need to allocate adequate resources for small scale irrigation, mechanization and extension sources since real transformation will be driven by smallholder farmers.
2. **THAT** National Treasury to allocate more resources for small-scale irrigation to County Governments and for Ministry of Water and Irrigation.

4.0 Panel 3:

Promoting Accelerated Investment and Access to Markets

Chair: Sen. Gideon Moi, MP, Chair, Senate Standing Committee on Energy

Speaker: Mr. Emmanuel Kalenzi, UNIDO representative to Kenya, UNIDO

Moderator: Prof. Okumu Bigambo, Moi University

Panelists: Kuria Muchiru, Partner PwC,
Karen Freeman, Mission Director, USAID,
H.E Ahmed Abdullahi, Governor, Wajir County,
Hon. Sheikh Abdikadir, Speaker, Mandera County
Mwananchi (Samuel Njenga Ngugi)

4.1 Introduction

The session's objective was to discuss the promotion of inter-county linkages and socio-economic growth through infrastructure and sustainable energy development.

The Government has invested heavily in this sector, and it is important to seamlessly tie this with the counties' priorities in the same sector as regards investment.

It was noted that Counties are the next frontiers for investment and development, with small towns transforming into cities with high standards of living. Current production activities in Counties such as livestock rearing, crop production, fishing and mining are seedbeds for a strong manufacturing sector. In the Agricultural sector for example, there is a lot of engagement. However, those activities need power to venture into value addition in processing. Power is a central input and a key enabler for the transformation being sought for different sectors in rural areas. This is lacking within the counties.

Conversely, technology presents diversified power supply potential; such as hydro, solar, wind, and waste conversions to energy and geothermal. This highlights a missing link - on one hand, power is an enabler for investment activities to be carried out while on the other it is can be presents as investment opportunity for the private sector and public private partnership (PPP) to venture business.

However, the limitation is that small-scale power generation business has a longer Return On Investment (ROI) for an investor. For example 100 - 200KW power generation imported to a remote location to serve a community that is off-grid takes longer to return for the investor. The reverse is true for large investor.

4.2 Successes

1. Street lighting that has enabled milk vendors to sell their wares till late. This should be devolved in collaboration with the Rural Electrification Agency (REA).
2. Wajir County has a program to install solar systems in schools.
3. Busia County has approximately 110 solar power boreholes that are reticulating water up to a radius of 5 kilometers. Previously, the county used unsustainable diesel-driven engines
4. Plastic bottles and materials present are a menace, and Kiambu County has engaged youth to collect these for a Ruiru company that is converting them into oil. This is the first such project in Africa.
5. There are bridges, culverts and roads constructed thus easing access to areas that were previously inaccessible.
6. Private sector has also been able to do much more, for example waste disposal leading to cleaner spaces.

7. Borehole conversion from diesel generation to solar powered generation is currently being done in the North.
8. In Thika, pineapple leaves have a lot of biogas that cannot be used on the soils due to their acidity. With a production rate of 140 tonnes a day, a company in Thika converts the biogas to heat sources for cooking.

The discussions emphasized that devolution is working. More towns and streets are lit up allowing people to do business later into the night whereas more homes have been added on the grid. However, this journey has just began. Creativity is required of Governors, for example where there are natural resources such as geo, solar, wind, and these resources should be tapped to the benefit of the *wananchi*.

In terms of roads, there has been improvement even though work has just began. However, quality is called to question since roads are done but some have already worn out. There should be accountability on money spent versus quality produced by contractors. Governors should advise on the longevity of roads such that the next generation County Governments have a background information on what is working and what is not

4.3 Emerging Issues

Counties could adopt the following models for small-scale community-oriented power generation:

- i. The County could contribute by putting in a catalytic fund, own the investment and at some point invite private sector partnership.
- ii. The County could invest at an initial stage and after demonstrating the viability of the project case, invite the private sector.
- iii. Public private partnership - with a public investment from the County taking a fair share to minimize the financial outlay and thereby making the business relatively attractive to investors.

Along these models, the County is obliged to create favourable business climate in terms of policies, regulation and environment. This overarching framework needs to be worked on to make the investment environment attractive and competitive for the private sector. By working at the broader framework of the environment and downstream at the models, there are opportunities that can unleash the renewable energy potential at county level that can trigger the necessary socio-economic transformation. Natural resources in energy generation transcend boundaries and therefore there is need for coordinated planning and exploration since they offer cross boundary opportunities to different counties.

- Energy is a concurrent function for both levels of government. However no funding goes into the County's pot of equitable share in respect to energy. The concern is that this has not been effectively devolved. Counties recognize that energy is an important enabler, which poses a dilemma; is energy needed to industrialize or a critical mass in terms of demand is required first? Wajir and most counties in the north are not on the national grid for example, thus limiting how much output there is. Of the 400 settlements, only 10-15 have any form of power. Sub-county headquarters rely on stand-alone diesel power generation.
- Transmission and distribution of energy for commercial and domestic purposes on a large scale remains a monopoly through Kenya Power and Lighting Company. Whereas counties can contribute resources such as land, in the north, where there's plenty of wind and solar, the model where selling must be done through national government is a limiting factor.
- Policies have to be in place for the laws to follow. Strong policies require time to be developed. Possibly, Governors have not pursued all investment options exhaustively. The foundation for legislation has been laid by County Assemblies, which must be built on moving forward.

Additionally, these policies have to remain consistent into the next electoral cycle.

- The implementation of PPPs is a key agenda. Many PPPs have been signed in the past 20 years. The government has a surplus of power, for example there is an additional power reserve of 300MW from wind that will be on the grid this year. However, the demand side does not exhaust all the power available. The problem is not lack of power, as there is a surplus, but rather, its transmission.
- Demand, availability, financing, skills, structures, regulations, have not been aligned hence the disconnect. Investment should devolve just as government has and begin to explore local power generation whether on-grid or off-grid. Additionally, local level should have similar regulatory structures as those in national government. Further, it is important to consider mitigating financial risk for investors in Counties. Development community is looking at devolution as a channel for investment at the local level in collaboration with the private sector. It is important to translate all of these processes into results.
- National Government should make legislation in good faith. For instance, mining legislation was made recently and only 5% was allocated to the benefit of the local community. For example, Baringo County harbors massive geothermal power and can generate up to 7000Mw, while Wajir uses diesel, which is not clean energy.
- The respective Governors could form an Intergovernmental Coordination Unit where Baringo County could assist Wajir by providing it with cheap power. Following on this, Wajir County to give a certain percentage to Baringo from the revenue it collects out of activities enabled by this power provision. Alternatively, Baringo could attract investment by giving the investors free power, which in turn provide jobs and training to locals on the same.

Further, Wajir and Baringo are currently insecure, the national Government has to secure those places so that that power can be tapped, packaged and transmitted beyond the county borders.

It is important to note that the cycle from when an idea is mooted to when an investor provides funds takes time. For example Uganda announced finding oil deposits in 2006 but has not since sold a single barrel of oil. There are needs to de-risk, confirm quantities before going into discussions about what to do with the oil. Typically, time spans for major projects are much longer.

It was pointed out that legislation is not a Governors' function, rather an assembly function. Every MCA should be able to move motions and bills that contribute to the body of policy and legislation that guide all devolved functions in the county. Both parties should be able to contribute to innovation.

The most common material that can be used to provide energy is human waste and this has not been explored in Kenya. Schools offer a great opportunity to exploit this as an alternative source of energy and it is widely available all over the country.

The government does not have a monopoly on ideas and all can contribute to this. The Senate faces challenges that are inherent in the Constitution in carrying out its oversight mandate especially due to the amount of funding availed to them. It is proposed that a referendum be done to tweak the constitution to what can be practically done. Currently, there is a huge disconnect between the Senate and National Assembly and the County Assemblies.

Additionally, the monopoly on energy transmission and distribution should be challenged. This requires a huge investment and that is why it has been left to the national government. Money should follow the functions and where counties have been at a loss is when this has not happened. Having

said that, transmitting energy from source to certain areas still remains beyond county governments and requires a lot of resources. County and national government have to partner for energy to reach all areas. Smaller projects such as mini-grids, are being done between Wajir and World Bank, Power Africa by USAID etc.

4.4 Recommendations

1. *Mwanachi* needs education on the roles of Senators, Governors and MCAs.
2. Governors should communicate clearly to *Wananchi* on division of roles between devolved units and on what they are doing.
3. Counties to invest in provision of clean, competitively priced energy
4. Counties to push for the 30% allocation as was passed by the Senate and to push for its allocation
5. Counties should create the critical mass to have social investors targeting small-scale power investment since large-scale investors prefer to deal with the national government.
6. Counties should formulate policies on time, and that the new team prudently implements these, rather than start a new process of formulation, which takes as long as three years.

7. County partnerships should go beyond bringing development partners and private sector, to positioning counties to maximize on outputs from these partnerships.
8. County legislators and governors should not remain limited to mega energy investments, and to approach this in a holistic manner by having both on-grid and off-grid projects. Small energy plants would go a long way in transforming local communities.
9. Counties should look out for potential of small projects and success stories.
10. Counties should interact with other counties and create learning opportunities from each other
11. There is need for national dialogue on investment, because investment attracts expenditure and vice-versa. Governors are advised to be creative, national government backs them up with financial resources.

4.5 Resolutions

1. **THAT** there is need to improve citizen's education on investment opportunities in each county, and to provide business development services that enable enterprises to invest in profitable innovations in the Energy sector.



Panel 3: Representatives of Development Partners following proceedings



Session 3 discussions



5.0 Panel 4:

The Potential and Opportunities for Natural Resource Management within the Context of Achieving Sustainable Development Goals

Chair:	Hon. Albert Kochei, Speaker Elgeyo Marakwet, Secretary General of the County Assemblies Forum
Speaker:	Dr. George Wamukoya, Climate change Expert
Moderator:	Senator Fatuma Dullo, Nominated Senator Isiolo
Panelists:	<ol style="list-style-type: none">1. H.E Prof. Philip Kutima, Deputy Governor, Kakamega County2. Mr. Torome Saitoti, Principal Secretary, State Department of Planning and Statistics, Ministry of Devolution and Planning3. Hon. Eugene Wamalwa, EGH, Cabinet Secretary, Water and Irrigation4. Ms. Sabita Thapa, Climate Change and Natural Resources Advisor, DFID Kenya5. Mr. Julius Kipngetich, EBS, CEO, Uchumi Ltd and Chairman, Board of Directors CPF Group6. Mwananchi (Beatrice Mjomba)

5.1 Introduction

The main objective of this plenum was to discuss progress of empowering local communities in natural resource management for local sustainable development.

It was acknowledged that Kenya's critical natural resources include:

- Land, especially related to county governance;
- Water: Kenya is a water-stressed country, how water resources are managed is critical;
- Forests, especially water towers;
- Minerals, some of which are being exploited and some continue to be discovered;
- Oil and gas; emerging areas which need to be managed well to avoid challenges;
- Coal, especially clean coal from climate change perspective; some are against the use of coal so a balance must be struck between development and safe-guarding environment;

- Marine;
- Wildlife;
- Fisheries.

It was also indicated that all these resources are important because:

- A large population of Kenya depends on these; therefore, they must be managed well;
- Natural resources are facing challenges, including climate change. Over 4 million citizens are currently experiencing food and water shortage

At the end of the session, the participants agreed that for Kenya's natural resources to be managed effectively

- Success will be in the intensive planning at both levels of government, using spatial, County Integrated Development Plans (CIDP) and sectoral plans;
- Land issues need to be handled effectively and very carefully;

- Citizens, individually and collectively, have a responsibility to ensure that Kenya's natural resources are well managed and conserved.

5.2 Successes

The following are the successes that Kenya's devolution has achieved over its first 5 years of existence, as discussed during the plenum:

1. There are opportunities in the climate change arena because of the effect of climate change on natural resources. In relation to the Paris Agreement, the Green Climate Fund is available and Kenya has already submitted its nationally determined contribution and a national climate change action plan supported by development partners. Some counties have put in place their county climate change plans. There are now opportunities to access additional funds supporting investments, which will help change the way natural resources are managed.
2. County governments have put in place regulations following EMCA, 2015 and have already established county environmental committees to address waste management. Counties are moving towards waste reduction and cleaner production technology, in adherence to standards by NEMA and resource efficiency and waste prevention, reusing recycled products where possible and recovering value from processes; counties are at different stages regarding waste management bill development.
3. Kenya has embraced the SDGs, especially those related to management of natural resources i.e. 6, 7, 11, 12, 13, 14 and 15, in launching the roadmap for SDGs in September 2017:
 - In progress, is the identification of targets and indicators for each of these goals;
 - In the next phase of planning, MTP III will ensure that these SDGs are mainstreamed in the planning cycle of the country for a framework reference;
4. There are counties exceeding their commitment to provision of clean water i.e. Wajir, which was awarded recognition for dedicating the highest resources in their budget towards water, and Makueni which has allocated over Kshs. 1 billion towards water. There have also been an increase in number of bore holes, dams, water tanks and pipes built by county governments. Since independence, there have been about 27 dams built. Over 40 new boreholes and 40 new dams have been planned for and are being built across Kenya to increase access to water and storage capacity.
5. Working with development partners to champion innovation: In the area of climate finance, UK Aid has supported 5 counties in development and finance mechanism in Wajir, Makueni, Isiolo, Kitui and Garissa. This mechanism answers the question - how do development partners help flow money from international to
 - At National level, there are various sector working groups, one that deals with natural resources, which brings together the Ministries of water, environment and agencies dealing with natural resources. These will be expected to come up with specific implementation strategies in their sectoral plans;
 - At county level, county governments will be expected to mainstream SDGs in their CIDPs. MoDP will assist in capacity building in the mainstreaming the SDGs. There will be emphasis on natural resource management;
 - At the end of every period, M&E will be conducted to find out how counties are implementing these plans and at National level, MTP III will be monitored and evaluated;
 - Performance Contracting also has these SDGs mainstreamed in them. There are already quarterly reports available on how government ministries are performing against these SDGs.

national to county level? No other country has had this level of achievement on the mechanism at local level, and this mechanism has been replicated in Nepal, Tanzania, Zambia and Malawi.

5.3 Emerging Issues

These are the emerging issues noted for improvement:

1. Laws and regulations: The following laws are available but their implementation, in tandem with national ones, is a challenge:

National Level:

- Policies such as the original water policy of 1999 and the Water Act of 2002;
- Forest Act, currently going through amendment;
- Wildlife Conservation Act 2013 and a bill going through reforms.

County Level:

- County Government Act, Section 102, deals with principles of planning and development and protection of natural resources;
- CGA, Section 103 deals with the objectives of county planning and emphasizes ensuring harmony between different levels of government and county spatial planning;
- Article 69 – 72 of CoK, 2010, has a requirement of 10% national tree cover to be realized through Section 103 of the CGA; also, it was suggested that, since KFS collects Kshs. 100 million each year, they should use part of their funds to ensure that trees are being planted. If not taken care of now, there will be bare land and conflicts later.
- CGA, Section 104 deals with obligation of planning budgets;
- CGA, Section 105 - integrated urban planning;
- Article 107 of the CGA lists and

identifies 4 types of planning:

- County Integrated Government Plan (5-year plan) through which budget is allocated;
 - County sectoral plans (10-year Plan reviewed every 5 years), which feeds into CIDP;
 - County spatial planning, allocating space for usage on private, public and community land. This is done in liaison with the physical planning department and National Land Commission.
2. **Agri-biodiversity:** Focus on livestock and crop resistant variety is usually on adoption of other varieties, while the indigenous species are ignored and become vulnerable;
 3. Invasive alien species and cross-border challenges at Amboseli and Tsavo;
 4. **Solid waste management:** The CoK 2010, Schedule 4, under functions of county governments, assigns the role of refuse removal and waste disposal to the 47 county governments. These mandates are in line with the Environmental Management and Coordination Act 1999 amended in 2015. Waste disposal is supposed to keep the environment clean, safe, and healthy and protected in line with Article 42, 60 and 69 of the CoK, 2010. Challenges facing solid waste management include inadequate financing, poor infrastructure and technology;
 5. **Sustainable Development Goals implementation challenges:** All Governors need to come up with medium term plans of CIDP, so that implementation of these can be tracked; capacity building is needed, especially for statistics offices in counties; there are problems related to planning;
 6. **Water and sanitation:** According to Article 43 of CoK, 2010, access to clean water is a human right. In line with SDG goal 6, Kenya is targeting to have universal access to water for all Kenyans by 2030; currently, national water coverage is at about 60%. By 2020, will increase to

about 80%. By 2030 the remaining 20% should be achieved, working closely with Counties and development partners, to ensure 100% access by 2030. Sanitation, however, is a challenge. Many towns do not have proper sewerage systems. In partnership with ADB, there are structures coming up. Kenya is currently at about 25% sanitation level. The plan is to increase this to 50%.

7. Competing needs of natural resources:

Land is finite and Kenya’s population is projected to rise from the current 47 million to 160 million by 2100. With increase in population, if land is not managed properly, there will be either a population crash or natural resource crash;

8. Community land: Women need title deeds; lack of these is leading to high numbers of women facing gender-based violence cases; they have no access to food, water or space. Land issues should be a priority agenda. The County should allocate a budget to complete settlement and education scheme, court cases for the allocation of title deeds.

5.4 Recommendations

The following recommendations were made in order to promote economic transformation through enabling environments:

1. Sector policies, laws and institutions need to be integrated both at National and County level. These synergies are necessary and important.
2. Use available tools to plan well for natural resources at both levels of government. Innovative ways of doing this could be through:
 - Payment of ecosystem services;
 - Implementing integrated water resource management;
 - Realigning National and County functions as it relates to devolution and the various related acts and policies;
 - Use of land as a continuum. To

maintain interconnectedness, forests, for example, cannot be viewed in isolation to wildlife or private land;

- Community-based stewardship: Clear framework is needed for integrated communities, which would result in more equitable distribution of power and economic benefits, reduced conflicts, increased consideration of traditional and modern environmental knowledge, protection of biological diversity and sustainable utilization of natural resources;
 - Improvement of organizational capacity and collaborative management in working with various partners in the sector.
3. National Land Commission should help identify and demarcate public, private and community land.
 4. Agri-biodiversity should also take into account indigenous species.
 5. The use of PPP in waste management should be encouraged.
 6. Water services are a devolved function. There needs to be cooperation, consultation and partnership between the two levels of government and across counties, in conjunction with PPPs and development partners.
 7. Climate change is a reality and drought is likely to become the new normal, especially in the 23 ASAL counties. Kenya must develop its water harvesting and storage capacity through infrastructure to double capacity and to deal with future challenges.
 8. Regarding population growth and limited resources, Kenya should aim to learn from countries with similar profiles, such as Singapore, in the way they do their planning and the challenges they face due to limited resources.
 9. Institutions need to be strengthened at county level to exploit natural resources in a sustainable way; each county should have a Ministry dedicated to natural

- resource management, charged with creating institutional framework to exploit natural resources;
10. Commercialization of natural resources in a sustainable way, so that communities can flourish and community members can then be taxed for sources of county revenue;
 11. Capacity building, especially of law enforcement officers, for example through KWSTI, should be practiced at county level so that communities can manage natural resources;
 12. National government needs to create legislative frameworks for equitable distribution of natural resources. For example, a county should be able to negotiate taxing tourism outside of a bloc as is done by National Treasury.
 13. Development partners should use an integrated approach in working with communities. The counties should be aware of direct work with communities so that plans are not disjointed, and optimization of exploitation is done in a sustainable way to benefit communities.
 14. Women need their capacity in financial strength built: There was a request for women in the mining industry to be considered for an affirmative action fund for investment.

5.5 Resolutions

In line with the Conference theme, “Devolution - Transforming lives: Tell Your Story!” and the plenum objective, the Conference participants resolved:

1. **THAT** there is need to develop a natural resource sharing framework to ensure that counties benefit from the gains obtained from utilization of natural resources.
Action: Council of Governors, County governments, Ministry of Environment and Natural Resources, Ministry of Tourism.
2. **THAT** there is need to build capacity of County institutions and avail the necessary technology to enable counties exploit natural resources in a sustainable manner.
Action: Ministry of Mining, Ministry of Lands and Physical Planning, Ministry of Environment and Natural Resources
3. **THAT** National and County Governments should adopt innovative ways of managing natural resources in a sustainable manner, including payment for ecosystem services, and strengthening enforcement mechanisms.
Action: County Governments, Attorney General, Ministry of Environment and Natural Resources.
4. **THAT** there is need to strengthen institutions and mechanisms for planning and managing natural resources within the Performance Management framework for County Governments.
Action: County Governments, Ministry of Devolution and Planning, Council of Governors, Ministry of Environment and Natural Resources.



Panel 4: Dr. George Wamukhoya addressing delegates on natural resources management in the context of SDGs and Climate Change

6.0 Panel 5:

Equality and Inclusivity Development at the County Level for Sustainable Development at the County Level.

Chair:	Senator Hon. Wilfred Machage
Speaker:	Winfred Lichuma EBS, Chair, National Gender and Equality Commission
Moderator:	Ms Susan Kariuki, CEO, Youth Agenda
Panelists:	H.E Prof. Paul Chepkwony, Chair - Education, Gender, Youth, Sports, Culture and Social Services Committee, H.E Hon. Adelina Mwau, OGW, Deputy Governor, Makueni County Mr. Ronnie Osumba, Chair, Youth Enterprise Fund Mr. Nickson Kakiri, Kenya National Association for the Deaf (KNAD) Mrs. Faith Kasiva, Team Leader, UN Women Mwananchi (Abdia Adan -Wajir County)

6.1 Introduction

The objective of the plenum was to take stock of where the Nation is in terms of Implementing Equitable Representation Promotion of Marginalized Groups, Cultural Diversity and Gender.

The panelists were tasked with the responsibility of examining the country's position in relation to dealing with the marginalized groups of Youth, Women and People with disability in respect of county budgetary allocations, public representation and how this has impacted the lives of these groups. The moderator with the help of questions directed to the panelists brought several issues to light mainly on;

- Education
- Employment
- Budget Allocation
- Access to Resources

Education

The country has done well in this sector being a concurrent function for both levels of Government. There has been a rise in the development of more ECDE Centres that has ensured the young girls and boys get education at the convenience within the County.

Employment

While the function is thriving in the Counties in sense that youth female and male have been able to acquire employment in the Counties, others have been offered training in several fields to empower them to reduce idleness in the Counties.

Budget Allocation

Many Counties have allocated funds to the Youth, Women and People With Disabilities in the County Budgets that has drawn positive feedback since most of their needs are catered for in the budget.

Access to Resources

Women, Youth and People with disabilities can now access funds in the counties to better their lives due to the special funds that have been set aside specifically to them like the Youth and Women Fund.

6.2 Successes

- Women have quick and easy access to skilled medical assistance in the Counties, which has significantly reduced child and maternal deaths
- Counties like Wajir, Makueni have also

built dams, making it easier to access clean water.

- The Youth have been empowered in the provision of skilled training and they do not depend solely on employment.
- Hospitals have been equipped in Counties like Wajir and some upgraded to Level 4 status that caters for the medical needs of the people in the Counties.
- The Introduction of Governors Round-Table by COG in the counties have impacted greatly on the lives of this group since now they are involved and asked to attend these meetings and have their issues addressed, such as in Kericho and Nakuru Counties.
- Wajir County has registered the first Cesarean Section operation since independence.
- Wajir County also has recorded the first tarmac road since

6.3 Emerging Issues

While applauding Devolution and the development it has brought in the Counties several issues were raised:

- Even though there has been a rise in youth education and training, there is lack of inclusion of the PWDs in the schools and this has led to this group being left out.
- The funds allocated to these groups are inaccessible due to the lack of knowledge

on how to get to these funds.

- The Youth, Women and PWDs are clearly left out in political representation in the County and National Government levels.
- Cultural practices and beliefs is also a major issue in accessing the funds in the sense that in some Counties these groups will just not apply for the funds.
- PWDs are also left out more in the youth development especially in the training to acquire skills to empower them. There is no provision for PWDs.

6.4 Recommendations

- There is need for more Governor Round-table sessions in more counties to ensure the needs of the youth, women and PWDs are addressed.
- In the national Government there is need for more representation by the youth, women and PWDs in the Committees to highlight their own issues that need to be addressed
- There is need for policies to be put in place to increase the budgets of the Youth, Women and PWDs.
- Funds to be accessible to this Group with minimum conditions.
- On the employment sector there is need to relax the experience requirement of Youth to allow more youths to get employed.

Equality and inclusivity Celebrating equality & diversity post international women's day



Hon'ble Women Delegates doing a symbolic dance to celebrate gains made towards enhancing gender equality and embracing diversity

Session 1 Speaker Hon. Eng. Peter Ole Mositet, Senator Kajiado County addressing delegates, with support of sign language interpreter



7.0 Panel 6:

Building Resilient and Climate Smart Cities for Growth and Sustainable Development

Chair:	Sen. Joy Gwendo , Member of the Senate ICT Committee
Speaker:	Dr. Augustine Malombe, representing Prof. Jacob T. Kaimenyi, PHD, FCID, EGH , Cabinet Secretary Lands and Physical Planning
Moderator:	Mr. Toni Sittoni , AHADI
Panelists:	Mercy Okumu , Pamoja Trust Lydia Muihia , Faith Based Organization H.E Prof. Kivutha Kibwana EGH , Chair Council of Governors Committee on Legal and Human Rights

7.1 Introduction

The objective of the session was to discuss on how Devolution has impacted on Sustainable Urban Development.

Land based resources within Kenyan territories must be managed in manner that is equitable, efficient and in response to social, climatic and economic challenges. Ministry has developed some legislation developed by National Government;

- Urban areas and Cities Act.
- Land Act recently amended, to Land Amendment Act of 2016
- Community Land Act in place and now in process of developing regulations to operationalize.
- National Urban Development Policy currently being finalized for implementation
- National Land use policy headed to National Assembly for debate and is called Sessional Paper No.1 of 2017.

SDG No. 11, highlights development cities that are smart, safe and resilient. National and County governments need to address challenges of urbanization such as shelter, access to services and markets. Governments should work to reduce cost of public infrastructure, ensure regulatory systems

are complied with and be accountable to the public served.

7.2 Successes

The government through the Ministry recognizes and promotes women empowerment and the Women's Day celebration is a cause for all at national and the Council of Governors to celebrate together with the successes scored after braving the challenges of devolution and holding the 4th annual devolution conference and it gets better.

Role of the Ministry is providing policy direction, setting national standards and coordination of all matters concerning lands, housing and urban development. The Ministry is responsible for putting in place policies and initiating laws that ensure sustainable land management and that promote sustainable housing for all and foster orderly urban development in the country.

Kenya is in the midst of land reform that has far-reaching implications for securing the land rights of people and promoting political stability and economic development. The following are the legislations addressing land issues: National Land Policy (NLP), adopted in 2009, the new Constitution (2010), the National

Land Commission Act (2012), the Land Act (2012), the Land Registration Act (2012) and the Marriage Act (2014), National Spatial Plan (2017).

1. Having an institutional framework that recognizes urban development. All 47 counties have CEC's in charge of urban development.
2. Many counties have progressed towards urban development; ensuring that traffic flows, ensuring security.
3. County governments have positioned themselves to develop resilient smart cities, through their structures of CECs, Directors of different Departments; however there is room for improvement.
4. NLC has recovered public land through revocation of deeds for grabbed land
5. Oversight role in ensuring that planning takes place all over the country, thereby protecting public land.
6. ICT used in devolution in Nairobi for example to digitally pay parking fees

The Adaptation Consortium, a project funded by the United Kingdom's Department for International Development (DFID), through the National Drought Management Authority (NDMA), is working with Makueni County Government, as well as of Garissa, Isiolo, Kitui and Wajir counties to mainstream climate adaptation and set up mechanisms to access climate funds (from global, national and private sources) for adaptation investments prioritized by local communities. The initial funding from DFID includes seed money for counties to demonstrate what can be achieved through such funds in a more inclusive and participatory manner.

In collaboration with the National Lands Commission and the national Ministry of Lands, Makueni County established the County Land Management Board that is helping in the management of public land within the county. Ongoing digitization of land data will greatly transform the administration of land in the county and serve justice to its citizens who have long waited for land security.

The County board in Makueni County engages members of the public through barazas and distributes pamphlets to educate them on its mandate, as well as the need to protect public land.

In collaboration with various FBOs, farmers' are made aware on the importance of proper land management and SWC practices as well as recognition that human activities and soil erosion are drivers to the current degradation is an important step towards sustainable exploitation and utilization of land resources. Additionally, Makueni County Management Board had adopted participatory communication as a tool for addressing land conflicts.

- Urbanization is a phenomenon that can't be stopped so Kenya has to strive greatly in mobilizing resources to mitigate the impact of climate change in the country. The impact of climate change include droughts and floods, which have destroyed human life, property, and infrastructure and enhanced spread of diseases.
- Responsibility of ensuring smart cities solely lies with the county governments hence county governments need to formulate policies and laws that ensure **the protection of public land**, collaboration with the national government and public institutions and sensitization of the public on the need to protect public land, during planning and establishment of urban smart cities.
- However, the two levels of government need to cooperate and not veer into one another's territory and overlap their roles.
- The county boards' efforts to protect public land have also been hampered by challenges such as lack of coordination between the national and county governments.
- The county governments' efforts should be encouraged through the provision of technical and financial support, political goodwill, and upholding of integrity.
- Encouraging togetherness in communities and the society and supporting communities in establishing income-generating activities

for climate change and sustainable development. These also involve advocating for change (transformation, reforms) while improving leadership and governance in the national and county governments and the quality of service delivery to the people.

- There would be need for knowledge and information on the Integrated County Development Plans, which the CSOs would take a huge opportunity to develop and influence in the processes.
- National government's Ministry of Land will provide technical support in surveying, planning and establishment of smart cities as well as in the acquisition of ownership documents, besides ensuring sustainable use of public land.
- Pamoja Trust is ready to work with the county governments. Systems that work on service delivery in Mombasa and Kisumu on water management. County governments should appreciate the PPPs and be willing to initiate them.
- County governments should be proactive and ensure that urban centres have title deeds that will allow business owners to develop the urban areas.

Devolution should be made easy to understand to all. Information on smart cities needs to be disseminated to all.

7.3 Emerging Issues

County governments' need to be aware of urban development challenges and come up with mitigation strategies. Challenges include:

- a. Collapsing infrastructure: Many do not have an infrastructure that is capable of dealing with the massive increases in population. In addition, most governments do not have sufficient funds available to maintain the facilities, let alone improve them.
- b. Pollution: Counties have registered increasing levels of both air, water and land pollution, and this poses a challenge in addressing at the lower level of government. It also calls for increased monitoring and resources for mitigating the pollution.
- c. Increased Traffic: There is increased volume of traffic on poorly maintained roads. The water supply can also become polluted as inadequate sewerage facilities allow the spread of harmful bacteria.
- d. Housing: Inadequate housing and basic services such as clean water supply, rubbish collection and sewerage disposal mean that the risks of disease are very high. A lack of employment means that people have to look for other ways of earning money, it is the young of Kenya who should be incorporated into building smart cities for Kenya, for example High School students since the young have increasingly embraced technology.
- e. Constitution Schedule 4, Article 62 have clearly demarcated national land from county land. Land on which national institutions are built belongs to National government regardless of counties they are built on.
- f. Urban areas and Cities Act excludes some market areas that have a population of less than 10,000. Counties should therefore come up with legislation that addresses urban and market areas that have less than 10,000 people since they are not covered by a legal framework. Urban areas house the most number of people without access to social rights especially in informal settlements.
- g. By-laws in counties have not exempted contractors from providing conduits for cabling smart cities. No laws have been developed. Some counties have developed legislation on smart cities and have a fund they contribute to together with development partners.
- h. Some cities such as Narok are situated very poorly yet county governments go ahead to issue permits for more new buildings. Addressing this requires both short-term solutions such as building storm drains, while at the same time

considering long term-solutions, which would require political buy-in. There hasn't been sufficient dialogue between NLC, County and National Government on land.

- i. National government to evolve a partnership that focuses on meeting the objective of Kenya Vision 2030 by ensuring that there is a mechanism of marrying urban and rural areas plans.
- j. NLC has slight conflict in convincing some county governments that some county land belongs to the national government. There is confusion brought about by previous allocation of lands by municipal councilors and district commissioner of lands.
- k. Corruption, lack of documents and poor coordination between the National Ministry in charge of Lands and the National Land Commission are some of the obstacles.
- l. No issuance of title deeds to urban centres with populations of below 10,000 yet some areas qualify to be urban areas.

7.4 Recommendations

1. Counties should make use of IT, which is popular among the youth, to educate them on devolution and integrate them when building resilient and climate smart cities whilst encourage them to come up with innovative technologies, for instance, Nairobi's *E-jiji* pay which is a mobile cashless payment system that allows Nairobi motorists to pay for parking across the city.
2. Create legislation and policy to cover all areas in developing smart and resilient cities since current legal framework falls short.
3. County Governments to ensure there is inclusivity and equity, especially since urban areas have a lot of poor. It was found that county governments are struggling to equitably share.
4. Productivity should be incorporated; for all county projects or activities, productivity must be enhanced. For example putting infrastructure such as toilets in place should ensure that target

population should be equally productive to afford them through education and skill building.

5. Any policy put in place should directly respond to social rights issues.
6. Engage mwananchi in assessing and addressing their vulnerability.
7. For both governments to commit more funds to climate change work.
8. For County governments to submit to the NLC allotment letters issued by previous administrations to allow for the right documentation to be provided by NLC.
9. Both governments to start having deliberate efforts to mobilize resources for the development of smart and resilient cities currently heavily reliant on donor partners; just as there are budgetary quotas for other sectors. 60% of GDP is generated from this area, 50% of future generations will live in the smart cities.
10. For the NLC, County and National governments to have a comprehensive dialogue on land issues.
11. There is need to ensure inclusivity and equity in distribution of resources of all people in the county. In addition, social economic rights should be upheld, every legislation and policy drafted in the counties should respond to these rights.
12. It is imperative that counties focus on the real needs of the people and the productivity of community members so that they can afford to use social amenities like public toilets and schools by use of formal and informal education and empowering them skills.
13. Counties are able to sustain urban cities once they develop sound institutional and legal framework for sustainable urban development in the country and addresses the following thematic areas: Urban Economy; Urban Finance; Urban Governance and Management; National and County Urban Planning; Land, Environment and Climate Change; Social Infrastructure and Services; Physical Infrastructure and Services;

Urban Housing; Urban Safety and Disaster Risk Management; and Marginalized and Vulnerable groups. In existence is Department of Lands, Housing and Physical Planning with CEC's and directors.

7.4 Recommendations

- The lack of a climate-specific budget in counties Kenya's determination to achieve sustainable development by 2030 via a climate-resilient green economy pathway.
- The more the funding is devolved to the county and lower levels, the more effective it will be in responding to climate adaptation needs.
- Public land in the country is under threat from land grabbing, encroachment and invasion. Others that have re-emerged are irregular acquisition of land belonging to public institutions such as schools, hospitals and research institutions.
- A participant was concerned that Narok County Government is allowing buildings to be constructed on inappropriate land that is prone to flooding or on very steep slopes, increasing the chances of a landslide.
- The participants sought to know if there is a chance that farmers can be misled on weather predictions that will be detrimental to their planting and harvest seasons.
- The panelist explained that National Climate Outlook in the collaboration with the Makueni County Government and the FBO on the ground strive to convene with experts who will advise farmers on correct weather predictions and it has worked without hitches for the past 4 years.
- County Governments should introduce fibre optic cable connections to enable those in urban centres to easily connect with their counter parts in other parts of the county and country without necessarily having to travel thereby cutting on their travel expenses as well compete globally.
- The participants sought to know how the common citizen would know the difference between National Government Land and County Government Land.
- The panelist explained that Chapter 5 of the Constitution of Kenya (2010) defines public land as that occupied by state organs, government forests, game reserves and national parks, specially protected areas, roads and road reserves, among others. The NLC's main function is managing such land on behalf of the national and county governments, a function reinforced by the National Land Commission Act.
- The participants sought to know if NLC could run another advertisement to all counties, calling for submission of previous allotment letters of land.
- The panelist explained that the NLC will work with county governments to make the call using various media options with details of how the letters can be submit the County Land Planning Committees. He said that it would be futile to run the same advertisement as a national institution because there are false allegations that those who submit the letters will have their parcels of land being taken away by NLC.
- It was elaborated that smart cities are those that are using networked ICT technologies to collect as much data about the city, its citizens and the processes in the city in order to optimize the management and thereby improve economic and political efficiency. Cities that understand and integrate ICT solution and other technologies as continuous form of urban development towards a more sustainable urban future, integrate design and research on environmental aspects and spatial design in order to improve the sustainability of urbanized environments.
- A representative from Estonia pledged to support the county governments in the development of smart city solutions in order to improve the life quality in the cities. Smart solutions based on contemporary technologies, which make providing both public and private smart city services more effective and easier to use.

- **Responsive:** The governments should be able to serve all stakeholders, listen to everyone and give polite answers. This might be hard especially with competing interests but it's the way to go.
- **Transparent:** The decisions on rules and regulations should abide by set policies, following procedures and processes, having free and accessible information and allowing free flow of information while also being adequate and understandable to all.
- Counties need to fundraise from various sources of climate finance, including international public and private sources, domestic public and private sources and carbon finance. Public sources of international finance come from bilateral development partners and multilateral agencies.
- National government to cascade national policy frameworks to the counties who will in turn custom make them meet the needs of the counties.
- Resource mobilization, almost 80% comes from development partners. There is need to have deliberate effort to fund and invest in our own smart cities by budgetary allocation.
- The Ministry of Lands and Physical Planning in collaboration with County Governments need to fast-track the surveying, planning and subsequent titling of all public land. Further, it should define specific actionable timelines and roadmaps for this, and make this information publicly available.
- NLC to fast-track the establishment of a national land information management system to improve their efficiency and effectiveness.
- Evolve partnerships that focuses on meeting objective Vision 2030 by bringing everyone on board, leaving no one behind, complete with a mechanism to address the disparities between rural and urban areas.
- County governments need to formulate policies and laws that ensure the protection of public land, collaboration with the national government and public institutions and sensitizing the public to the need to protect public land the importance of urban smart cities.
- Counties managing environment and natural resources also need to enhance community involvement by encouraging them through sensitization to help with protection of public land.
- The youth should be included in climate change policy and decision making since they are not normally included in the mainstream development activities of the counties and while searching for a livelihood, this makes them even more vulnerable to social strife such as crime, drug trafficking and GBV.
- County Governments need to put mechanisms for identifying and implementing community driven projects that build community resilience to climate change.
- Citizens need to understand how governments work. This is a critical issue for all and how counties work and how government structures operate. In addition, they should invest in understanding the constitution and its interpretations because interpretation of constitutional provisions is contentious and largely influenced by politics. Understanding the constitution, and especially the Bill of Rights, and CSOs and its interpretation and role respectively, would help the counties.

7.5 Resolutions

1. **THAT** the Urban Areas and Cities Act 2011 Revised in 2015 excludes Urban Areas that have a population of less than 10,000 in the classification criteria for Urban Areas and therefore County Governments should develop legislation to enable classification of Urban Areas with a population of less than 10,000.
2. **THAT** The two levels of Government and the Independent National Land Commission should therefore dialogue on how to address issues in the land sector
3. **THAT** despite Urban Areas contributing over 60% of Kenya's GDP, there continues to be little allocation of financial resources to support Urban Planning, Management and Development by both levels of Government. Both Levels of Government should prioritize allocating more resources to support urban service provision.



Session 6: Moderato Toni Sittoni guiding discussions on building resilience and climate smart cities

8.0 Panel 7:

Media Perspective on Devolution for Development

Chair:	H.E Caleb Ameswache, Deputy Governor, Vihiga County
Speaker:	Mr. Charles Kerich, Chairman, Media Council of Kenya
Moderator:	Sen. Naisula Lesuuda, MP, Chairperson, Joint Committee on Parliamentary Broadcasting and Library Services
Panelists:	<ol style="list-style-type: none">1. H.E Hon. Patrick Khaemba, Governor, Trans Nzoia County2. Mr. Sammy Itemere, PS Broadcasting & Telecommunications, Ministry of Information, Communication and Technology3. Hon. Francis Ole Kaparo EGH, SS, Chairman, National Cohesion4. Ms. Rose Lukalo Owino, Association of Media Women in Kenya (AMWIK)5. Ms. Jessica Musila, CEO, Mzalendo6. Mr. Kris Senanu, Managing Director, Telecom Kenya7. <i>Mwananchi</i> (Andrew Mutai- Kericho County)

8.1 Introduction:

In line with compliance of the Counties to the County Governments Act no. 17 of 2012 which requires the “County government to use the media to create awareness on devolution and governance; promote citizens’ understanding for purposes of peace and national cohesion”, this plenum sort to examine the role of media in responsible communication for inclusiveness, cohesion and development.

Devolution should be understood as a process and not an event and the media should therefore provide sufficient information and communication that will facilitate this process.

The media is charged with the responsibility of highlighting devolution opportunities and challenges while managing public expectations by communicating clear and accurate messages. The media should also sensitize and educate the citizens of Kenya who are the beneficiaries of the devolved government services on the opportunities and challenges of the devolution process.

8.2 Emerging Issues

The media has been a witness to the devolution journey in the last four years highlighting both negative and positive gains from the devolution process.

The media’s objective to foster good governance at the county level was mostly not felt with the bulk of the headlines carrying negative news.

However, there has been efforts by the media to highlight positive devolution stories such as the launch of the first tarmac road in Wajir County and the first caesarian section operation in Mandera County. County governments’ Information Officers should endeavor to work with the media to tell stories of devolution from a more localized perspective as opposed to leaving the obligation to the media who may tell the story possibly using secondary facts. Panelists sounded a call to the media to headline positive county news.

Media for peace and national cohesion

The media should be the public's watchdog and highlight any incidences of ethnic based appointments, corruption, regional imbalance, and abuse of power where these exist at the County level.

Counties governments should carry out media advocacy campaigns to increase awareness on governance to promote better citizens' understanding and promote peace and harmonious relationship among citizens at the County level and the country at large.

Media and politics

The media should be at the forefront of addressing and sensitizing the public, especially where there are misunderstandings emanating from failure by the public to recognize that there are two levels of governments with different mandates. Each government has a mandate to implement and sometimes the interests of the national government and that of the county governments clash causing differences that may further confuse the public.

Subsequently, there is need for training and sensitization of reporters, editors as well as other media gate keepers on the significance of covering County Governance issues in a thorough and comprehensive way. The media should also be at the forefront of educating and sensitizing the public on their roles and rights under the devolved Government.

Devolving the Media

Re-organization of the news gathering process to align with the devolution process is a key issue for consideration. Devolving the media through reallocation of resources is recommended and the media licensing authority should issue radio-broadcast licenses to counties as has been the proposal for the last three years.

Media structures

A framework to support the needs of the Counties in accessing the media, and to also

guide them on how to report is necessary. Information relayed to the public by the media should be fair and credible.

Leveraging Social Media as a means of communication

Social media is increasingly developing as a central part of how we communicate. Online communities carry a strong and influential voice, and there is much to be gained from engaging directly with citizens through social media and other online channels. If well utilized, county governments can leverage on the high number of citizens online by engaging them and articulating issues that touch on devolution.

The rise of social media has seen the public reaching out to leaders online and vice-versa. The tool is being used to discuss issues affecting the citizenry, governance and development. Leaders have been put to task to explain publicly on issues that the public feels are overlooked. Social media creates a space where Counties can leverage for public participation.

8.3 Recommendations

- 1) That the media being a powerful tool should be used to propose areas of improvement at the County and National level and thus portray a balanced and correct status of the relationship between the two levels of government.
- 2) That a framework to support the needs of the counties in accessing the media, and also guide them on how to report, and credibility of the information relayed to the public be instituted.
- 3) That the licensing authority should issue licenses for establishing local stations to county governments to enhance communication with citizens. This is urgent since the matter has been outstanding for the last three years.
- 4) That media should also highlight positive devolution news as headlines.
- 5) That county governments should take the lead in documenting successes of devolution.

- 6) That the national government should not impose but rather forge partnership with county governments e.g. MyGov newsletter.
- 7) That public participation and initiatives informed by the devolution process are captured and reported by the media.
- 8) That partnerships between media and county governments should be encouraged

The media remains central in the implementation and advancement of the devolution process. There is need to focus on the key areas of success while highlighting development processes. Media should actively educate the people on all aspects of devolution, create understanding particularly on contentious issues and hold those responsible for devolution to account. The media also bears

the responsibility of sensitizing and education the public on the virtues, opportunities and challenges of the devolution process. An informed citizenry is an empowered population that can embrace opportunities and face the challenges of devolution. The media and County governments are urged to work together closely so that they can tell the story of devolution more candidly.

8.4 Resolutions

1. **THAT** the media should ensure a balanced and accurate reporting on the state of implementation of devolution.
2. **THAT** the licensing authority should enable the county governments to establish local stations to ease communication with citizens.



Hon. Senator Naisula Lesuuda moderating Panel 7 on Media Perspectives on Devolution for Development

9.0 Panel 8:

Ensuring Healthy Lives and Promoting Well-being in a Devolved System of Governments

Chair:	H.E Raphael Muriungi, Deputy Governor, Meru County
Speaker:	Dr. Josephine Kibaru – Mbae OGW, National Council for Population and Development.
Moderator:	Ms. Catherine Mumma, Former CIC Commissioner responsible for health
Panelists:	H.E Jack Ranguma Chair Council of Governors Health Committee H.E Dr. Julius Malombe Chair, Governor, Kitui County Sen. Dr. Wilfred Machage MP, Chair Senate Standing Committee on Health Dr. Cleopa Mailu, EGH, Cabinet Secretary, Ministry of Health Mr. Wilson Sossion, Secretary General, Kenya National Union of Teachers. Mr. Hosea Kili OGW CEO County Pensions Fund (CPF) Group Mr. Werner Schultink PhD, UNICEF

9.1 Introduction

The objective of the session was to discuss benefits of County Government's prioritization and resourcing of public health preventative and promotion of Health Care.

Dr. Josephine Kibaru began the session by highlighting the benefits of devolution in the health sector. Health sector being a devolved function has brought about huge benefits in the lives of Kenyans in all the counties since devolution. Counties have allocated substantial amount of resources in the development of the health sector, most hospitals have been upgraded to level 4 status with the necessary equipment installed, medication availability, and skilled personnel. This has reduced the long distance residents had to travel to receive medical attention.

The introduction of Ambulances in all the counties has also made it easier for county residents to get to the hospitals in time thus saving the lives of many. There has been digitalization in most County hospitals making the record keeping of patients efficient and easy

to access. Mobile clinics has been introduced in some counties like Wajir greatly impacting the lives of the residents who are in the rural areas get medical attention without the need to travel long distances.

Counties have also been able to construct, expand and/or equip the maternity wing in the County hospitals and has reduced maternal and child mortality. Immunization for children is another benefit of devolving the health function in the sense that all children receive immunization without payments in all the 47 Counties.

9.2 Successes

- The development funds allocation on sanitation, nutrition and immunization have seen great changes in these areas as more children have received immunization in the recent years, on sanitation there has been substantial reduction of open defecation in most counties.

- Wajir County is one of the Counties that has seen impressive development in the health sector since devolution. The County has seen the Construction of a fully equipped maternity wing and even conducted its first Cesarean Section operation since independence. The County has also invested in ambulances that operate 24hrs for people who need to get to hospitals.
- The introduction of Ambulances in all the Counties that has increased access to medical attention and care.
- Counties are conducting capacity building trainings to educate the people on the importance of seeking medical attention especially in counties like Mandera, to reduce unnecessary deaths due to cultural practices.
- In Nyandarua, Nyandarua Hospital has been refurbished and equipped.
- Renal and dental wings have been instituted in Murang'a County reducing the travel distance to major cities for medical services.
- Digitalization is being adopted in most hospitals in the Counties easing the storage bulk in the records department.
- Successful Execution of the Immunization Project in most Counties
- Health Care services are now accessible in all the Counties
- There is substantial reduction of maternal and child bearing related deaths.
- Early marriage cases of teenagers have reduced due to most children being enrolled in schools.
- Successful capacity building educating people about the importance Family Planning and how it saves lives.
- Trade Unions should be respected, and allowed to conduct negotiations on behalf of the members in a free and fair environment. He advised that recognition agreement, must be signed by both parties clearly stating the roles and rights of both parties including the terms of negotiations.

in the health sector, some are still lagging. Several issues were raised during the session:

- Human resources is still a challenge since the national Government still handles most of the hiring and posting of doctors in the Counties despite the function being fully devolved. This creates unnecessary rift between the two governments. The way forward is to let the Counties handle all the issues concerning the health sector in the Counties including hiring of the medical personnel, which can only be achieved when the National Government let go of the function fully.
- The Senate has the power to approve the allocation of funds in the counties but do not decide the amount to be allocated to each function once the funds are in the Counties. In addition the time given to the senate to review the budget should be reviewed from the current 2 weeks, which is not enough to review a budget.
- Maternal and child birth related deaths are still occurring in some counties despite the efforts that has been made by the Counties to eradicate this.
- Immunization while it was a good initiative in the Counties the disbursement of the resources was still managed by the national government that created misunderstanding between the two levels of Government.
- Health receiving 25% of county budget with 20% going to recurrent expenditure. What is left for curative services limited (less than 3%)
- Immunization rates low, stunting rates are high (nutrition), maternal mortality – women die due preventable causes
- Despite devolved function of health, bulk of funding remains with central government, National government allocates itself KSh. 90B and to counties KSh. 60B.
- Remuneration of health providers remains an issue in the health sector on how they should be paid per hour or per day.
- There is lack of cohesiveness between the County and National schemes. However,

9.3 Emerging Issues

While most counties are making great progress

there are plans to ease the transition of National Government employees to County Government without the employee losing the years served. He further stated that retirement Benefits laws are in place that protects the contributions of all the employees.

- Cultural practices still hindering execution of functions like Family Planning, immunization and childbirth/maternity services.

9.4 Recommendations

- There is need for the National Government to let go of the fully devolved functions such as health and allow the County Government to handle the issues that arise in the Counties.
- The Senate to be given adequate time to review the budget before it is released to the Counties
- Labor Laws to be recognized and respected as it is stipulated in the Constitution of Kenya

- There is need for Counties to allocate more resources to preventive and promotive services.
- There is need for improvement in County Budget Management in terms of allocation and evaluation.

9.5 Resolutions

1. **THAT** there is need for National Government to release the devolved functions of health as stipulated in Schedule Four of the Constitution of Kenya to the County Governments.
2. **THAT** the Senate needs to interrogate the budgetary allocations to health before the funds are released to the counties.
3. **THAT** in regards to specialized doctors, there is need to develop a policy that provides for remuneration based on work done.
4. **THAT** more resources and efforts be directed towards preventive healthcare other than curative healthcare; at least 25% of the total County Government budgets be allocated to health.

UNIVERSAL HEALTH CARE PROJECT



Panel 8: Launch of Transforming Health systems for Universal Health Care Project, 2016-2021

10.0 Panel 9:

Facing Corruption as a Drawback to the Development Agenda

Chair:	H.E Stanley Kenei, Deputy Governor, Trans Nzoia County
Speaker:	Archbishop (Rt.) Rev Eliud Wabukala, Chairman, Ethics and Anti-Corruption Commission (EACC)
Moderator:	Yvonne Okwara, Senior Anchor KTN
Panelists:	H.E. Wycliffe Oparanya EGH, Governor, Kakamega County Sen. (Prof) Peter Anyang' Nyong'o, EGH, MP, Chairman, Senate Sessional Committee on County Public Accounts Committee Muthoni Kimani, Director of Assets Recovery FCPA Agnes Odhiambo, CBS, Controller of Budget Mr. Mbage Ng'ang'a, Chairman, Kenya Law Reform Commission Ms. Wanjiru Gikonyo, National Coordinator, The Institute for Social Accountability Mwananchi (Benson Nyamulo)

10.1 Introduction

The objective of the session was to interrogate the Current Experiences and Suggest Ways of Enhancing Democracy and Social Accountability to Safeguard the Gains Made in Development. There is a notion that the principle of accountability, essential to democracy, requires exposing the truth, with stated and enforced consequences for violating the rules, without exception, even for those in power. The lack of accountability in Kenya has led to the gross misuse of public resources. The effect has been rampant corruption and the deterioration of socioeconomic conditions, an indication that people in Kenya are governed without being able to control their governors.

Corruption is so extensive that it is viewed as a way of life. Making or receiving bribes in both levels of governments and other profession is considered a practical tactic to look after one's needs and interests, achieving incomes and security far greater than provided by one's monthly salary. Because of an absence of effective structures with autonomy and strength

to check corruption, the governing elites of Kenya have engaged in high and sometimes egregious levels of corruption, increasingly diverting state resources for personal gain. Abuse of power and corruption are no longer solely attributable to the executive. There are widespread and credible allegations that the citizenry are also abusing their powers and engaging in, or facilitating, corruption.

The EACC have investigated 2 governors who are now awaiting rulings on corruption, 6 county secretaries and 3 county speakers, also, 200 other cases on corruption in counties have been reported and are under investigations. EACC concluded 75 cases and 304 cases being investigated on falsification of records, improper conducts by public officers etc. In addition, approximately EACC had traced and recovered assets worth Sh700 million in the last one year. He said that assets worth Sh1.6 billion have been frozen and 174 civil suits are pending in court for recovery of illegally acquired assets totaling Sh3 billion. The EACC continues to build the capacity of institutions

to develop regulations to ensure compliance. EACC intends to do its work fairly and without favoritism to ensure a corrupt free Kenya. The EACC will do lifestyle audits to check the wealth of top civil servants. Those responsible for procurement and finance will be investigated to establish if they are living within their means. There will also be mass transfers of procurement officers and accountants in all government ministries and departments, as a way of fighting corruption.

10.2 Successes

Kenya was the first country in the world to sign and ratify UNCAC when the Convention was opened up for signature on 9th December, 2003. The UNCAC Convention introduces a comprehensive set of standards, measures and rules that all countries can apply in order to strengthen their legal and regulatory regimes to fight corruption.

It calls for preventive measures and the criminalization of the most prevalent forms of corruption in both public and private sectors. The Convention complements the United Nations Convention against Transnational Organized Crime. Kenya is also one of the Founder Members of the International Anti-Corruption Academy (IACA), which is dedicated towards building competent human resource capacity for effective onslaught against corruption. The AG is now focusing on prevention and asset recovery as part of its anti-corruption intervention campaign on illicit wealth.

This has involved the enactment of various anti-corruption laws and establishment of various watchdog and anti-corruption bodies. The Government is currently working on a number of Bills, which upon enactment will make a significant contribution to our anti-corruption arsenal. These include the Bribery Bill; the Access to Information Bill, as well as the Whistleblower Protection Bill.

A multi-agency framework that brought together relevant law enforcement agencies has been established. The multi-agency framework on corruption in Kenya includes

the Asset Recovery Agency, Directorate of Criminal Investigations, Ethics and Anti-Corruption Commission, Central Bank of Kenya, Financial Reporting Center, Kenya Revenue Authority, Directorate of Public Prosecution and Office of Attorney General.

The multi-agency and multi-disciplinary approach use the strengths of the various institutional mandates to jointly trace and freeze assets, investigate corruption incidences and bring to prosecution the perpetrators of corruption including cases involving senior government officials at both National and County Governments.

The national government through the multi-agency and multidisciplinary approach also seeks to introduce into the education curricula of the country studies on leadership, ethics and integrity for all its citizens. Accordingly, all new civil servants will receive education on corruption and economic crimes while being inducted into service.

The national government is also working on the ratification of UNCAC through the International Anti-Corruption Academy (IACA) to pave way for advanced training of anti-corruption officers, judicial officials as well as prosecutors to effectively deal with the vice of corruption.

Subsidies, tax exemptions, public procurement of goods and services, soft credits, extra-budgetary funds under the control of politicians, all are elements of the various ways in which governments manage public resources. County governments collect taxes, tap the capital markets to raise money, receive foreign aid and develop mechanisms to allocate these resources to satisfy a multiplicity of needs. Some countries do this in ways that are relatively transparent and make efforts to ensure that resources will be used in the public interest.

There is a working relationship between multi-sectoral evaluation teams working and county secretaries. In additions, to curb corruption, only registered, ethical and credible contractors are awarded tenders and are not allowed to visit county offices to follow up on payment

since it is automated. Furthermore, they have contracted a consultant who is looking into their financial books to identify loopholes and weaknesses.

10.3 Emerging Issues

Citizens are of the opinion that the argument that all governors practice bad governance which is not an accurate statement. It is good to note that pioneer governors are expected to establish structures after inheriting weak structures from previous governments, which lack accountability hence corruption thrived.

International financial institutions and bilateral donors have addressed their expectations of both economic and financial accountability from Kenya. The economic objectives of public accountability sought by the World Bank, for example, include congruence between public policy and actual implementation and the efficient allocation and use of public resources. This not only requires systems of financial accountability, but also the capacity and willingness to monitor the overall economic performance of the government.

The first task of government is to make sure citizens' lives improve on a daily basis, because if citizens do not see improvement, their enthusiasm for supporting government policies wanes. The counties must be deprivatized [from domination by the few] and a public arena must be created where there would be room for argument and discussions based on what is good for the entire society. Things should be argued in public terms so that everyone can participate on an equal basis. A transparent decision-making might serve as a safeguard against corruption, waste, and the abuse of executive authority.

Citizens are ignorant on the laws regarding auditing and procurement processes yet being privy to such information will enable them to scrutinize government activities and debate the merits of various budgets and public policies also makes a difference. In this respect, press freedoms and levels of literacy will, likewise, shape in important ways the context for reforms. A county has an active

public participation with partnership with civil societies, with a culture of participation could be an important ingredient supporting various strategies aimed at reducing corruption.

The Constitution 2010 and PFM Act 2012 expect national and county governments to debate and coordinate fiscal policy in a number of ways. First, it is the role of the Senate to represent counties in the national Parliament. This includes debating and passing bills that affect counties, including the annual County Allocation of Revenue Bill, which divides resources among the counties. The Senate is given considerable power to influence the overall criteria or formula used to share resources among counties every five years as well (every 3 years for the first two formulae/criteria).

Lifestyle audits in public service should be supported by a robust wealth declaration system that will ensure routine and accurate asset disclosures.

The responsibilities of the County Treasury are significant and very diverse. Like the National Treasury, the County Treasury is responsible for guiding all economic and fiscal policy at county level. This includes projecting how much revenue the county is likely to raise, managing the budget process, managing all of the county's revenues, tracking all county assets, controlling and issuing debt and opening and managing county bank accounts. Each of these responsibilities comes with reports that must be filed by certain deadlines.

Accounting officers in each county entity must report quarterly on their spending. Within 15 days after the end of the quarter, they must prepare a report for the County Treasury. This report must provide information on both financial performance and non-financial performance. In other words, it must describe and explain if the entity has met its spending targets for the quarter as per the budget, and it must also provide information on performance targets, such as number of beneficiaries served or similar non-financial objectives of the entity.

All administrators of public funds must also file quarterly reports following the same rules, except they must also submit their report to the Controller of Budget in addition to the Treasury. In addition to quarterly reports, all accounting officers and administrators must also submit annual reports. Annual reports are due three months after the end of the year and must go to the Auditor General directly. This requirement also applies to receivers of revenue. Accounting officers and receivers must submit their reports to the County Treasury, Controller of Budget and CRA, in addition to the Auditor.

Budget implementation review reports are prepared by the controller of budgets and sent to governors and MCAs to be informed on how much has been spent on recurrent and development activities. The public can also interrogate and the reports are available in website, Huduma centres and public university libraries as well as popular versions for the citizenry.

Challenges include: Poor record management, untimely presentation of financial reports, poor accountability of financial resources, and lack of proper audit trail

Under the new CoK2010, KLRC was identified as one of the agencies to prepare legislation to implement the Constitution. KLRC worked with the Kenya Anti-Corruption Commission and other Stakeholders to develop the Ethics and Anti-Corruption Commission Bill, 2011. The Independent Ethics and Anti-Corruption Act, 2011 has already been enacted. An Independent Ethics and Anti-Corruption Commission (IEAC) has been operationalized to spearhead the fight against endemic corruption in the Country. The KLRC is working with counties to help develop legislation, prepared model laws counties to create templates too assist in development of their laws

The major reasons for poor governance and “bad” politics in counties as the personalized nature of rule, the failure of the state to advance and protect human rights, the tendency of individuals to withdraw from politics, and the extreme centralization of power in the hands of few people. Furthermore, the Governors often use the law to intimidate their county

secretaries into silence or into obeying illegal commands, largely because of the absence of accountability mechanisms

Democracy in counties has been badly hindered by the counties control of the economy; this has meant that the only way to get rich has been through political office and tenders, intensifying the problem of corruption, and inducing governors to cling to political power. This has been disastrous for the economies in the counties. Thus, economic liberalization, empowering ordinary producers, may well be an aid to democracy.

A small number of individuals with power in the counties have managed to erode any semblance of accountability, legitimacy, democracy, and justice, which has been a basis of considerable disappointment to the county secretaries and departmental heads, planners, economists and policy makers who want county governments to introduce a reasonable and collective attack on poverty, disease, illiteracy, and other challenges to development. County public officials representing in procurement often lack credibility and legitimacy.

Certain desperately needed elements and strategies of good governance have been identified, including popular participation in governance, accountability and transparency, the elimination of corruption, the protection of freedom of information and human rights, and the decentralization and devolution of power.

Accountability mechanisms enable the people to prevent abuses of power and corruption. These mechanisms enable the exposure of unauthorized, illegitimate, or unjust exercises of governmental power. Accountability mechanisms serve the purpose of keeping the agents of the people on their toes, by constantly keeping the agents aware of the fact that they will be called upon to account for their actions, thereby helping the people to prevent abuses of power and corruption. Finally, accountability mechanisms serve the important goal of legitimizing government in the perception of the citizenry by promoting acceptance of government authority and confidence in the government.

The youth usually face nepotism in the counties.

Most youths are left out in development activities and he explained that the youth had been awarded a garbage collection tender but was taken away from them by MCAs and given to their relatives and friends

10.4 Recommendations

- Besides financial and economic accountability, there is also a need for electoral accountability, for the right to recall representatives if they do not deliver on their promises and don't govern well.
- Lifestyle audits: An open and publicly accessible declaration system could restore public confidence as public officials' with genuine sources of wealth can be protected from suspicion and allegations of misconduct or abuse of office. Undeclared or unexplained wealth should further serve as a factor in deciding suitability for public office. Sanctions for non-compliance with declaration requirements must be made as severe as indulging in corrupt practices
- County governments should automate county processes, integrate backend systems, diminish operator dependency, lower costs, and deliver citizen services, as opposed to merely digitize receipts, and pitch multiple payment channels to citizens.
- The efficiency of the government is to be measured by its ability to meet the needs of its people, then a high level of participation can only promote this end.
- The more open and transparent the procurement process in counties, the less opportunity it will provide for malfeasance and abuse.
- It is necessary to establish auxiliary institutions, which seek to enhance the day-to-day accountability of the executive. In this regard, institutions that prevent or punish maladministration are particularly useful, especially because they regulate the interactions.
- Establishment of village councils that will cascade public finance information to the

community members so they can hold their leaders accountable.

- The county government must instill discipline in managing and planning national funds by establishing an explicit link between the policy framework and the budgetary allocations.
- There is also need for an all inclusive finance and budget committees to facilitate continuous collaboration among stakeholders, backed by a functional information system through which information could be easily disseminated, and a recommended software on which the staff should be trained on so as to enhance performance. The county governments should incorporate the views of the stakeholders in the budget so as to motivate them to participate in subsequent forums.
- A well-defined asset declaration and lifestyle audit system is a strong tool to fight public sector corruption and abuse of power. If officers are found to live beyond their means, a functioning wealth declaration and lifestyle audit system can be a starting point for investigations.

10.5 Resolutions

1. **THAT** in order to tame corruption that undermines delivery of services, each level of government must commit to promote transparency and accountability, and adhere to Chapter 6 of the Constitution; promote public participation in prevention of corruption; and move towards corruption-free Counties and a corruption-free National Government.
2. **THAT** Counties should set up peer review mechanisms (auto-criticism) and partner with civil societies to ensure vibrant structures are put in place.
3. **THAT** Counties should ensure that the data they are sending to the controller of budget are accurate.

FACING CORRUPTION AS A DRAWBACK TO THE DEVELOPMENT AGENDA



11.0 Panel 10:

Preparedness and Planning for Seamless Transition

Chair:	Sen. Beatrice Elachi, MP, Nominated Senator
Speaker:	Mr. Wafula Chebukati, Chairperson, IEBC
Moderator:	Mr. Brian Weke, Chief Executive Officer, Institute for Education in Democracy
Panelists:	<ol style="list-style-type: none">1. H.E Josphat Nanok, Governor, Turkana County2. Permanent Secretary, Ministry of Interior and Coordination of National Government3. Hon. Lady Justice Philomena Mwilu, Deputy Chief Justice4. Ms. Lucy Ndung'u, EBS Registrar of Political Parties.5. Ms. Mwanamaka Mabruki, Principal Secretary, State Department of Devolution6. Prof. Herman Manyora, Lecturer, University of Nairobi7. Ms. Daisy Amdany, CRAWN Trust and Chairperson of the Women's Steering Committee8. Mwananchi

11.1 Introduction

The objective of this session was to interrogate the roles and responsibilities of constitutional commissions, judiciary, political parties and elected leaders in ensuring fairness, accountability, transparency and peace during the coming elections.

Citizens expressed fears that electoral violence will be worse than 2007/8 due to lack of political goodwill. Political parties are regrouping as is evident in such attacks as those on Governor of Bomet last year (2016) by youth. Baringo County is experiencing deaths, loss of property and displacement. Social and economic rights have not been protected as articulated by the CoK 2010. Citizens have partnered with Uwiano to address security in affected counties, in collaboration with development partners, Nyumba Kumi Initiative and Peace Committees. Training has also been done on election monitoring and investigation.

The Independent Electoral and Boundaries Commission (IEBC)

The IEBC is constitutionally mandated to deliver free, fair and credible elections. IEBC is represented in every Ward, Constituency and 17 administrative regions. In the spirit of

Devolution, the regions are being replaced by a County presence led by County Election Coordinators. The high stakes associated with the 2017 elections could potentially lead to violence if mismanaged. To mitigate against this, the IEBC has partnered with security agencies to ensure violence is curtailed and that breaches to the Electoral Offences Act are dealt with. IEBC is training security personnel to understand election laws for them to participate meaningfully.

Additional pertinent issues include the voters' register, which the IEBC is in the process of cleaning free of errors including deleting names of deceased persons and double registration. The conference was informed that IEBC would present a (cleaned-up) register to political parties and the public on 10 May 2017 for verification and thereafter produce a valid register by 10 June 2017.

The Commission was also ensuring that voters would be served effectively and efficiently at polling stations and had limited them to not more than 700 voters per station. In the just concluded voter registration exercise, 3,782,089 new voters were registered while 1 million

were transferred. Results transmission will be done from polling stations to constituencies and simultaneously to the tallying center in Nairobi. The IEBC has also developed and availed a Code of Conduct for political parties, candidates, agents and polling officials to guide their activities during the electioneering period. Mr. Chebukati, IEBC Chairperson, expressed confidence that elections would be held on the 8 August 2017 and that plans had been made to ensure that electronic equipment required are made available four months prior to the elections.

The Council of Governors

In order to make electoral dialogue more inclusive and to prevent electoral violence from recurring, Counties are engaging with IEBC in various ways; providing required support in all Wards for them to execute their constitutional mandate, offering platforms to discuss electoral issues and engaging in non-partisan voter education. For example, during the recent mass registration some counties offered IEBC support for mobilization and transport in rural areas.

Counties, through the Senate's Standing Committee on Legal Affairs and Human Rights debated Electoral Laws No.3 where they raised issue with the voters' register calling for it to be open at all polling stations to allow voters to inspect and confirm their eligibility to vote. Further, they discussed complementary mechanisms for manual voting; proposing use of electronic support systems and satellite transmitters or as in the case of Nigeria proposing Sheet cards as alternatives to Biometric Voter Register (BVR).

Ministry of Interior and Coordination of National Government

The Ministry of Interior began planning for elections last year (2016) and had analyzed previous elections, specifically 2007 to inform 2017. Standard Operating Procedures (SOPs) had been developed and shared with security agencies on potential security threats before, during and after elections. The Ministry had

also mapped out hot spots and areas likely to experience violence while at the same time unveiled the Nyumba Kumi initiative to sensitize communities on issues of security. It also went ahead to issue a Gazette notice to all criminal gangs, and confirmed that these notices would be regularly updated. Further, joint training was being conducted for all security agencies in order to have a uniform approach to security in elections.

The Ministry of Interior had adopted a multi-agency approach by liaising with stakeholders through PEACENET and Uwiano platforms. Hate speech was being closely monitored and the requisite equipment had been procured. An active engagement with media at owners and editor's level, it was noted, would also ensure that matters touching on security are highlighted and accurately reported. Additionally, there would be regular peace meetings and engagement with Governors and IEBC from sub locations to national level to sensitize the public on the need for peaceful elections. Finally, the Ministry made a clarion call for all stakeholders to embrace constitutionalism and respect for the rule of law in order to ensure peaceful elections.

The Judiciary

The Judiciary embarked on preparation for 2017 elections in 2013. The Judiciary Training Institute has been exclusively training judges and judicial officers on how to expeditiously and comprehensively hear petitions. Presidential petitions have 14 days within which they are supposed to be heard and determined, while the others have six months. The Judiciary requested Parliament to increase the 14 day period due to the amount of evidence submitted. There are also interested parties such Amicus Curiae who are allowed by law to enjoin in petitions. In 2013 for example, it took two complete days to listen to the Amicus. With regard to votes cast versus valid votes cast, the Supreme Court is in a unique position since it is not bound by its decision and can therefore calculate 50+1 votes cast.

In 2013 there were 187 petitions, which were finalized within the constitutional framework. Timelines are difficult due to the short time; research, hearing of material and how much evidence can be admitted requires more time. That notwithstanding, the Judiciary is ready and has prepared for 300 petitions.

The Office of the Registrar of Political Parties (ORPP)

The ORPP is a State office that was established in 2013. It is mandated to ensure that all political parties conform to the two-thirds gender principle. The Political Parties Act mainstreams the gender principle by recognizing gender parity, ensuring that women participate in governance, formation and management of political parties, campaigns, nominations and ultimately elections.

The ORPP made specific steps towards implementation of the gender principle through a submission to parliament to amend the Political Parties Act to ensure its effective implementation. The Act was amended to include all special interest groups. Consequently, all political parties amended their rules and regulations to ensure gender compliance and submitted them to IEBC for implementation during party primaries and nomination lists.

The conference noted that capacity building had been carried out at national and county level where Officers were stationed to monitor gender compliance by political parties during nominations. Further, the ORPP had developed checklists for compliance, which had consequently been shared with political parties. On dispute resolution, the ORPP partnered with the Judiciary and developed guidelines for political parties to entrench internal mechanisms to deal with disputes.

The State Department for Devolution

The State Department of Devolution is mandated to build capacity of devolved governance structures, implement civic education and support local economic development so that counties become self-

sustaining over time. The department has gone through a learning curve and has documented lessons learnt through enactment of laws and policies to anchor devolution. The Devolution Policy was scheduled to be launched in March of 2017. Lessons learnt and experiences gathered were inputted into the policy, which addresses; allocation of financial and human resources, institutional strengthening and how to ensure civic education and participation is anchored into the devolution agenda.

The Policy will also provide a framework for inter and intra governmental relations and engagement, will align policies towards devolved systems of government, ensure resources such as human resources are improved and capacities built, which will ultimately improve the implementation of the devolved system of government to achieve optimal service delivery. As a guide for both county and national governments, it is a key transitional instrument useful to the operations of future governments.

The State Department for Devolution rolled out County model laws that have assisted County Assemblies (CAs) in undertaking their mandate. They are provided in their generic form to allow CAs adapt them to their unique legislative proposals. A guide on the legislative process has been developed in collaboration with other stakeholders in tandem with the new constitutional order as far as transparency, accountability, participation and inclusivity is concerned.

On civic education and public participation, County Public Participation guidelines have been developed to guide citizens in holding their government to account. Other guidelines being prepared include those on dispute resolution mechanisms where consultations on alternative mechanisms are ongoing. Building capacity is continuous at county and national level with support from development partners; European Union (EU) IDEA's program and the United Nations Development Program (UNDP). The department intends to engage with stakeholders in the next six months at on how best to move forward.

11.2 Role of Academia in ensuring an increase in awareness towards issue based elections

Tribalism would likely be most felt among the ruling elite when they are sharing resources. The role of academia is to produce knowledge through books, publications, articles, journals and other resources. Beyond elections, it is proposed that political parties need not subject Governors to nominations and consider Governors serving one 7-year term for them to concentrate on delivery.

Kenya's Progress on Two-Thirds Gender Principle

On a scale of 0-10 towards achievement of the two-thirds gender principle, Kenya ranks at 4; Article(s) 27(8)¹ and 81(b)² are clear that there shall not be more than two thirds of one gender in elective or appointive bodies. The only mechanism that guarantees it is in the County Assembly Article 177(b), which assures that even if one gender is not elected, they will be nominated. The constitution and the law expressly provide for the two-thirds principle but practical application has been lacking. For example in the recent political mergers, women have not been visible in the key positions. This points to a lack of political will in enforcing the two-thirds gender principle.

The suspension of campaign financing law presents the biggest challenge in ensuring gender parity. Ceilings set by IEBC such as Ksh. 15 billion for political parties are prohibitive, lending politics to become manifestations of corruption, which excludes women who do not have commensurate purchasing power.

The 2017 general elections does not have the cover of the Supreme Court Advisory which the 2012 had- ensuring that Article 81(b) is in place. Non-enforcement of this law opens avenues for legal challenges to the outcome of the general elections on the basis of credibility. The two-thirds principle represents inclusivity in devolution, thereby ensuring fair representation of PLWDs and minorities. The IEBC, an independent body is

the enforcing agency, which should ensure parties comply with the law.

Violence has become a hallmark of Kenyan politics and is meted out on Kenyan women as a deterrence to their participation in elective politics. Electoral process encompasses campaign period. The Code of ethics requires that those who engage in violence be barred from participating in elections and a further penalty of not replacing those barred. However, this has never been enforced. Deterrent mechanisms must be enforced to the letter, including penalties such that the IEBC ensures that it protects the political space and by extension allows women to engage.

11.3 Emerging Issues

A cited research by National Cohesion and Integration Commission (NCIC) revealed a lack of cohesiveness among literate people with the illiterate being most cohesive while professors were least. Research also showed that professors employed people mostly from their communities. A call was made to intellectuals to reverse this finding. The discussion revealed that the software, which is the value system of the country is questionable and that tribalism is exacerbated by competition for resources.

Electoral violence remains a concern, with clarification sought on specific plans by the Ministry of Interior in preparing citizens for possible electoral violence. The Ministry is working towards peaceful elections and have brought on board all stakeholders (Uwiano group, National Steering Committee on Peace building and NCIC among others) to analyze potential electoral violence triggers before, during and after elections. On the overlap between the two structures of government and harmonization of peace building approaches (Ministry of Interior and NCIC), Schedule 4 of Constitution of Kenya (CoK) articulates mandates of the ministry while Governors have their own structures that allow them to carry out their mandate. There are peace

¹ In addition to the measures contemplated in clause (6), the State shall take legislative and other measures to implement the principle that not more than two-thirds of the members of elective or appointive bodies shall be of the same gender.

² Not more than two-thirds of the members of elective public bodies shall be of the same gender

committees supported by UNDP and IGAD but are not as robust as previously were.

Some voters reported that they were registered as party members without their consent, an issue the ORPP will address by availing lists of political party members to the public for verification. Any breaches in registration will be dealt with by the Act. On tenure of Office, the current Registrar will be in Office until another is appointed as articulated by the Political Parties Act.

IEBC's use of technology includes; the BVR, the Identification of Voters Kit and the Results Transmission System Device which will be in all the 44,000 polling stations. Voting and counting will be manual as stipulated by law. Only one political party has requested IEBC's support for nominations and the Commission is bound by law to provide it. IEBC will provide technical support such as ballot boxes in due time limitations and it is upon the party to finance the process. On the two-thirds principle, IEBC made contribution to Parliament in two bills, which were not passed. However, IEBC will ensure that one-third of party lists will be nominated women and these will be returned if not met. There is a possibility that the next parliament will be dissolved immediately it takes office if the gender rule is not met.

There is need for clear guidelines in the submission of electronic evidence such that video and phone recordings are admissible in Court to ensure administration of justice. The Judiciary affirmed that admission of electronic evidence will be accepted since the Supreme Court rules allow for public participation. The degree requirement for Governors will be verified by the Ministry of Education. Finally, areas such as Elgeyo Marakwet that experienced conflict during Mass Voter Registration were given special attention but the exercise is now closed for clean-up.

During elections, all other criminal and civil matters suffer and to mitigate against this the Judiciary has advertised for 50 magistrate

positions to deal with these while the older judges will address the petitions.

1. IEBC appointed an auditor but an issue was raised in court. In the unlikely event that the case is not concluded before elections, the Commission will ensure that an audit is done. IEBC's procurement has also had challenges but the Commission is positive that Section 167 of Procurement law provides room for direct procurement where necessary.
2. The Council of Governors highlighted a gap - that there were no clear and substantive procedural laws to curb run-offs.
3. Concern was raised that Civic Education has not been effectively done and there was need for IEBC to improve.
4. The 14-day period set for hearing of the presidential petition is not enough, as was evidenced in the 2013 elections where nine out of the 14 days were taken up by preparations such as filings and returns.
5. The Judiciary is limited to the seven judges in Supreme Court, who have to be present throughout during the presidential petition. Further, they have to contend with security threats and seclusion becomes important and necessary for them to prepare judgment without intimidation.
6. Institutions should set their records such as voters' register right to address the seeming insecure elections as evidenced by indicators such as hate speech, and some communities preparing to displace others or to move from their homes. The most vulnerable are elderly, women, children and disabled who must be safeguarded for the elections, especially in far flung regions not adequately covered by security personnel.
7. Political will is lacking in implementation of the two-thirds gender rule and therefore enforcement mechanisms are needed.
8. Evidence in election petitions involves ballot papers and in the previous election IEBC was expected to submit

all to the judiciary, which is a logistical challenge. Securing of ballot papers is IEBC's responsibility. In subsequent elections, the Judiciary will verify and validate material at the IEBC depot.

9. Preparedness for the assumption of office had not been addressed. A committee is addressing this gap in Kisii County through trainings.

11.4 Recommendations

1. Impartiality by government organs in their operations as indications are that upcoming elections are heightening tensions.
2. The Constitution gives IEBC powers to enforce the law and therefore IEBC through Article 81(b) should ensure compliance.
3. Political parties to take deliberate steps in ensuring women and minorities participation in their structures and election processes.
4. Capacity building- financial, institutional and human has to be strengthened to ensure requisite skills and competencies are in place to handle devolution.
5. For the IEBC to boost its undertaking of civic education.
6. Establish transition mechanisms to address the gap in assumption in office

that will be necessitated by the coming elections.

7. For IEBC and legislators to provide clear guidelines on campaign financing.
8. For IEBC to act as an enforcement agency and apply penalties on political parties, party agents and candidates who get involved in electoral violence.
9. Ministry of Interior to safeguard all Kenyans, especially the vulnerable from electoral violence.

11.5 Resolutions

1. THAT the Independent Electoral and Boundaries Commission (IEBC) undertakes its activities in a transparent manner so as to improve public trust and confidence in the institution and in the electoral process. IEBC should ensure timely procurement and deployment of technology, develop a credible voter register and a credible, inclusive electoral management process, ensure security of the voters, votes and results, in order to deliver results in a transparent, efficient and credible manner.
2. THAT both levels of government should undertake to facilitate and ensure smooth and peaceful transfer of the instruments of power after the 2017 general elections in accordance with the Constitution of Kenya 2010.



Session 10: Mr. Wafula Chebukati, Chairperson IEBC



Hon. Kalonzo Musyoka join Governors and CS Water and Irrigation Hon. Eugene Wamalwa ahead of delivering his speech to delegates



Figure H.E Benjamin Cheboi, Governor Baringo County signing a commitment to promote peace during August 2018 General Elections under UWEZO Peace Initiative.



Traditional Dancers in Galla Dinner hosted by UWEZO to promote peace during August 2018 General Elections

DELEGATES CONTRIBUTING TO VARIOUS SESSIONS FROM THE FLOOR



ANNEX 1

Joint Communiqué – CoG and Ministry of Devolution and Planning



COUNCIL OF GOVERNORS AND MINISTRY OF DEVOLUTION AND PLANNING

JOINT COMMUNIQUÉ AT THE END OF THE FOURTH ANNUAL DEVOLUTION CONFERENCE HELD FROM 6TH TO 9TH MARCH 2017 AT KENYA WILDLIFE SERVICES TRAINING INSTITUTE, NAKURU COUNTY

The Fourth Annual Devolution Conference was held between 6th and 9th March 2017 at the Kenya Wildlife Service Training Institute, Nakuru County. The main objective of the Devolution Conference was to assess the progress in implementation of the devolved system of Government as witnessed over the past four years.

The Conference provided a platform for the National and County governments, citizens, the private sector, civil society and development partners to interact and share lessons on devolution and inform the way forward for the implementation of the 2nd phase of devolution after the general elections in August 2017.

In line with the Conference theme, “Devolution Transforming lives-Tell Your Story.” The Conference participants resolved and recommended the following;

- **THAT** amendment of the Constitution to anchor 45% minimum equitable share to Counties
Action: Senate
- **THAT** State agencies, corporations and regional development authorities must be restructured to align to the devolved system of government
Action: CoG, Attorney General, Senate and Summit
- **THAT** all conditional grants must directly be disbursed to County revenue fund Accounts without being channeled to any line ministry
Action: National Treasury, Senate
- **THAT** Intergovernmental institutions must be strengthened to act independently and properly institutionalized to improve their effectiveness
Action: CoG, IGRTC, IBEC and Summit
- **THAT** National ministry department must support devolution

Action national Government.

Plenum 1: Promoting Economic Transformation through an Enabling Business Environment

1. **THAT** there is need to develop a legal framework to guide issues of multiplicity of taxes and charges within the County and trans-County to create an enabling business environment.

Action: Council of Governors, IBEC, Senate, National Treasury.

2. **THAT** County Governments should deepen mechanisms for public participation in County planning processes.

Action: County Governments, Council of Governors, Development Partners, Ministry of Devolution and Planning

Plenum 2: Agricultural transformation for food security, rural development and wealth creation

1. **THAT** in order to address food security challenges and in order to create surplus in the rural areas, there is need to allocate adequate resources for small scale irrigation, mechanization and extension sources since real transformation will be driven by smallholder farmers.

Action: County Governments, Council of Governors, Ministry of Agriculture, Livestock and Fisheries, Ministry of Industrialization, Trade and Investment.

2. **THAT** National Treasury to allocate more resources for small-scale irrigation to County Governments and for Ministry of Water and Irrigation.

Action: Treasury, County Governments, Council of Governors, Ministry of Water and Irrigation.

Plenum 3: Promoting Accelerated Investment and Access to Markets

1. **THAT** there is need to improve citizen's education on investment opportunities in each county, and to provide business development services that enable enterprises to invest in profitable innovations in the Energy sector.

Action: County Governments, National Government.

2. **THAT** there is need to ensure that Bills passed by the National assembly and the Senate do not claw back and recentralize devolved functions. For all Natural resources County Governments should get 30%

Action: County Governments, National Government, Senate, National Assembly, Ministry of Trade, Investment and Industrialization.

3. **THAT** the National Treasury should set up regulations to devolve ppp approval authorities to Counties as a means to accelerate investments in renewable energy since energy is a concurrent function.

Action: National Government.

4. **THAT** there should be additional funds for Roads as per the court order that recognised County roads.

Action. National Summit, Senate, County Governments

Plenum 4: The Potential and Opportunities for Natural Resource Management within the context of achieving sustainable development goals.

1. **THAT** there is need to build capacity of County institutions and strengthen institutions and mechanisms for planning and managing natural resources within the Performance Management framework for County Governments and avail the necessary technology to enable counties exploit natural resources in a sustainable manner.

Action: Ministry of Mining, Ministry of Lands and Physical Planning, Ministry of Environment and Natural Resources and Council of Governors.

2. **THAT** there is need to enhance collaboration with private and non-state actors for sustainable water projects across the country

Action: County Governments

3. **THAT** there is need to align National and County policies in order to ensure effective and sustainable management of natural resources. Even where the function is predominantly, the responsibility of the National Government, the structures should be devolved in order to increase the efficiency and effectiveness of service delivery

Action: National Government

4. **THAT** National and County Governments should adopt innovative ways of managing natural resources in a sustainable manner, including payment for ecosystem services, and strengthening enforcement mechanisms and develop a natural resource sharing framework to ensure that Counties and their residents benefit from the gains obtained from utilization of natural resources

Action: Ministry of Devolution and Planning, Council of Governors, Ministry of Environment and Natural Resources and Kenya Law Reforms Programme

Plenum 5: Equality and Inclusivity Development at the County Level for Sustainable development at the County level

1. **THAT** County Governments should enhance participation of women, youths and persons with disability in planning and budgeting processes

Action: Council of Governors, County Governments, National Gender and Equality Commission, Development Partners.

2. **THAT** County Governments should enhance mainstreaming and empowerment of gender policies and strategies to guide design, resourcing and implementation of programs and projects.

Action: Council of Governors, County Governments, National Gender and Equality Commission, Development Partners.

3. **THAT** County and National governments should invest in key sectors such as education, health, agriculture and ICT and take advantage of the youth bulge through strategic policies and development of structures to reap ‘demographic dividends’.

Action: Summit, IBEC, National Council for Population and Development, County Governments, Ministry of Public Service, Youth and Gender Affairs, The National Treasury, Ministry of ICT.

4. **THAT** there is need to provide more resources and attention to ECDE and Social protection for women, youth, persons with disability and marginalized groups.

Action: The National Treasury, County Governments, Council of Governors, Ministry of Education, Ministry of East African Community (EAC), Labour and Social Protection.

Plenum 6: Building Resilient and Climate Smart Cities for Growth and Sustainable Development

1. **THAT** the Urban Areas and Cities Act 2011 Revised in 2015 excludes Urban Areas that have a population of less than 10,000 in the classification criteria for Urban Areas and therefore County Governments should develop legislation to enable classification of Urban Areas with a population of less than 10,000.

Action: County Governments (County Assemblies, County Executive).

2. **THAT** The two levels of Government and the Independent National Land Commission should therefore dialogue on how to address issues in the land sector.

Action: National Land Commission, County Governments, Ministry of Lands and Physical Planning, Council of Governors, Intergovernmental Technical Relations Committee.

3. **THAT** despite Urban Areas contributing over 60% of Kenya’s GDP, there continues to be little allocation of financial resources to support Urban Planning, Management and Development by both levels of Government. Both Levels of Government should prioritize allocating more resources to support urban service provision.
4. **Action:** County Governments, Ministry of Lands and Physical Planning, Ministry of Transport, Infrastructure, Housing and Urban Development, Senate

Panel 7: Media Perspective on Devolution for Development

1. **THAT** the media should ensure a balanced and accurate reporting on the state of implementation of devolution.

Action: County Governments, Media Council of Kenya and Media Owners Association.

2. **THAT** the licensing authority should enable the county governments to establish local stations to ease communication with citizens.

Action: Ministry of Information Communication and Technology, Communication Authority of Kenya and County Governments, Council of Governors.

Panel 8: Ensuring Healthy Lives and Promoting Well-being in a Devolved System of Governance

1. **THAT** there is need for National Government to release the devolved functions of health as stipulated in Schedule Four of the Constitution of Kenya to the County Governments.
2. **THAT** the Senate needs to interrogate the budgetary allocations to health before the funds are released to the counties.
3. **THAT** in regards to specialized doctors, there is need to develop a policy that provides for remuneration based on work done.
4. **THAT** more resources and efforts be directed towards preventive healthcare other than curative healthcare; at least 25% of the total County Government budgets be allocated to health.

Action: National Treasury, National Assembly, The Senate, Ministry of Health, County Governments, Council of Governors, Ministry of EAC, Labour and Social Protection

Panel 9: Facing Corruption as a drawback to Development Agenda

1. **THAT** in order to tame corruption that undermines delivery of services, each level of government must commit to promote transparency and accountability, and adhere to Chapter 6 of the Constitution; promote public participation in prevention of corruption; and move towards corruption-free Counties and a corruption-free National Government.
2. **THAT** Counties should set up peer review mechanisms (auto-criticism) and partner with civil societies to ensure vibrant structures are put in place
3. **THAT** Counties should ensure that the data they are sending to the controller of budget are accurate

Action: Judiciary, Ethics and Anti-Corruption Commission, EACC, Auditor General, Office of the Controller of Budget).

Panel 10: Preparedness and Planning for Seamless Transition

1. **THAT** the Independent Electoral and Boundaries Commission (IEBC) undertakes its activities in a transparent manner so as to improve public trust and confidence in the institution and in the electoral process. IEBC should ensure timely procurement and deployment of technology, develop a credible voter register and a credible, inclusive electoral management process, ensure security of the voters, votes and results, in order to deliver results in a transparent, efficient and credible manner.

Action: Cabinet Secretary Ministry of Interior and National Coordination [Registrar of Persons], IEBC, Political Parties, National Gender and Equality Commission, Political Parties, Kenya Association of Persons with Disabilities.

2. **THAT** both levels of government should undertake to facilitate and ensure smooth and peaceful transfer of the instruments of power after the 2017 general elections in accordance with the Constitution of Kenya 2010.

Action: National Government, County Government and IEBC

Recommendation from the Inaugural Childrens' Devolution Conference:

1. THAT the two levels of governments should work together and facilitate implementation of the resolutions of the Inaugural Children's Devolution Conference of 27th to 28th February 2017 as outlined in the Conference Communique which is annexed to this communique, with special attention to among others;
 - a) Enhancing protection and participation of children by establishing children rescue homes and centres as well as devising mechanisms for enhancing interactions between county officials and representatives of children.
 - b) Support education programs that are inclusive especially for vulnerable children, children with disability and children from marginalized areas, and ensure that ECDE and vocational training centres have better facilities and adequate teachers.
 - c) More investment in infrastructure such as roads, bridges and alternative sources of energy such as solar and wind to improve learning environment.
 - d) More attention to environmental conservation and recycling of waste especially plastic in collaboration with children including having County cleaning days
 - e) County Governments especially Governors to take responsibility and address the issues of corruption at the County level.
 - f) County Governments recognize the protection of children with disability and undertake programs aimed at taking affirmative action to ensure equal access to services provided by County Governments.

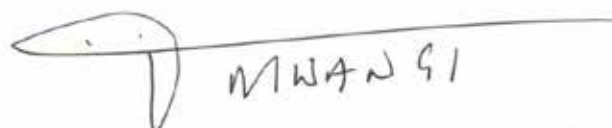
Action: Political leaders, Ministry of Devolution and Planning, County Governments, Council of Governors, Ministry of EAC, Labour and Social Protection, National Council for Children Services, Ministry of Education, Ministry of Health, Ministry of Energy and Petroleum, Ministry of Environment, Ministry of Public Service, Youth and Gender Affairs.

Signed



H.E Governor Peter Munya
Chairman, Council of Governors

9th March 2017



Hon. Mwangi Kiunjuri, EGH
Cabinet Secretary
Ministry of Devolution and Planning

ANNEX 2: SPEECHES

OPENING CEREMONY



**SPEECH BY CHIEF GUEST,
His Excellency President Hon Uhuru Kenyatta
DURING THE 4th ANNUAL DEVOLUTION CONFERENCE
ON MARCH 7TH TO 9TH 2017
AT Kenya Wildlife Service Training Institute Naivasha,
Nakuru County**

Governors, Members of Parliament, Members of the County Assembly Present, Distinguished Guests, Ladies and Gentlemen,

1. I am delighted to join you today in this great County of Nakuru. I am especially pleased to join you in celebrating the progress of devolution, and in considering how we can do even better in time to come.
2. But before we talk about all that, let me thank the people of Nakuru, as well as their county government, for welcoming us all so warmly, and for their hospitality in hosting this Conference.
3. Let me also commend the Council of Governors. In rotating the conference venue across the counties, you have shown your dedication to the principles of devolution. Asanteni.

Ladies and Gentlemen,

4. Seven years ago, we chose to transform the way we governed ourselves. Then, as now, Kenyans wanted a few simple things. They wanted to be at the centre of Government. They wanted fair access to basic services. They wanted leaders who respected their needs and choices. And they wanted honest leaders, directly accountable to them. We Kenyans disagree about many things, but I dare say that none will deny that this is what we wanted from devolution.
5. Four years ago, the Kenyan people handed me the privilege to implement this fundamental change. I am pleased to see that the institutions we set up to support the aspirations of Kenyans stand firm. Devolution is here to stay.
6. What remains is simple: we, and here I mean we leaders in particular, need constantly to ask ourselves if we have met the expectations of those who have placed so much faith in us. Are ordinary Kenyans at the heart of government? Do ordinary Kenyans have fair access to the basics? Are we honest?

7. Are we accountable to those who sent us here? To determine the success of devolution, all we need to do is answer those questions.

Fellow Kenyans,

8. For my part, I am privileged to have overseen the establishment of devolution. I am proud that we — always working together with other parts of government, and lifted by the goodwill and participation of ordinary Kenyans right across the country — have been able to change so much so quickly.

9. I want to thank both levels of Government for working so hard to make devolution a success. Let me also insist that without the commitment of ordinary Kenyans right across the country, none of us would have a success to our names. I am grateful for the work we have all done, and I am humbled by the energy and patriotism I have seen these last few years. Asanteni.

10. The effort of all must be recognized. But each of us must also account for his part. So let me make myself perfectly clear: devolution ranks at the very top of my Administration's priority list.

11. That's why we fully support it, knowing that it promises a future of shared prosperity for every Kenyan.

12. Our deeds match our words. By the time the next budget is read, we will have transferred more than a trillion shillings to the 47 county governments — at least double the constitutional minimum of 15% of shareable revenue to the counties.

13. The transition arrangements for our people, and the identification and transition of assets and liabilities, are close to complete. The facilitation of county governments has been effected through the National Capacity Building Framework for County Governments.

14. And the critical oversight functions of the National Treasury, the Senate, the Controller of Budget, and the Auditor General have ensured that systems and persons are accountable and transparent.

15. Some have been left unhappy by their recent findings of impropriety and financial mismanagement. In fact, these findings reflect the fact that the systems which track the spending of public money are in good working order. That is how we keep leaders honest and accountable. That is how we serve the Kenyans who sent us here. And that is how we make a success of devolution.

16. We have also established intergovernmental mechanisms to support devolution, and through these, we have seen better consultation and closer cooperation between the national and county governments. It would be idle to pretend that all this has been smooth sailing: we have had our disagreements; we have had our differences. But that is life in a democracy.

17. And, truth be told, working relations between my Government and the counties have been warm.

18. I am especially pleased by the spirit of cooperation between the two tiers of Government in the face of the troubling drought which parts of the country have had to endure. The infrastructure laid on by many of the counties – boreholes, water pans, ambulances, and so on – has saved lives. On the part of national government, the substantial emergency funding provided through the Ministry of Water and the Department of Livestock, and our investment

in the social safety net programme and medical infrastructure, have eased the burden of this disaster on our people.

19. In this, as in many other instances, the national and county governments are working to save lives, and to bring development, growth, and jobs.

20. Indeed, Kenyans across the country have benefited from our partnership in healthcare. Together, we have improved medical service delivery. Maternal deaths and infant mortality rates have fallen quickly, proof that the joint free maternity programme between the national and county governments works.

21. The Medical Equipment Scheme, in which nearly every county has played a part, has given Kenyans access to life-saving screenings for cancer and other diseases. We will continue to work together, because the bottom line, Ladies and Gentlemen, is that when we work together, Kenyans do better.

22. That is not to say, of course, that every challenge will fall away at once. One challenge that has persisted is the doctors' union strike.

23. We are all committed to a fair resolution to the dispute – fair to the Kenyans who pay for medical services; fair to the doctors; fair to other public servants.

24. Doctors occupy a special place in our Republic, alongside other public servants, such as the military and the police, who save and protect Kenyan lives. Doctors have earned our respect. And I want also to acknowledge that they have legitimate concerns.

25. But we also need clarity about the consequences of their strike: the better off still have access to a doctor's care, while poorer Kenyans must do without. There is no fairness in that. I know that the doctors feel aggrieved. But it is also clear to me that doctors' grievances will not be addressed by creating new grievances of their own. Quite simply: two wrongs don't make a right.

26. There is a better way to do this. Fairness and compassion are at the heart of the medical professions. But other Kenyans also have legitimate concerns. Fairness to you cannot come at the expense of fairness to other Kenyans.

27. Yours is a calling. Your duty is to serve all; to protect and care for all. My Government wants you to have the very best conditions — and not just for you, but for your patients too. Yet our aim to bring world-class care to Kenya cannot be realized immediately. We remain a developing, not a wealthy, nation.

28. Right now, it seems to me that the doctors and all those at the negotiating table should pay attention to our national circumstances. It seems to me that they should remember the higher duty to protect life. And it seems to me that it would be wise for them to be guided by patience and practicality.

29. Having said that, I want to commend the Clinical Officers and Nurses who continue to turn up to work every day. Your service is appreciated by a grateful nation.

Ladies and Gentlemen,

30. I also want to point out a big change that is going on around us. It is having a big impact on the country, counties and households. The Last Mile Project connecting Kenyan households and businesses to electricity is changing our lives. Kenyans who had never had the benefit of switching on lights in their own homes, can now flip the switch. The electricity penetration has increased to nearly 60 percent now from about 27 percent in 2013.

31. That means better results for children in our schools; it means our streets, our towns, and our homes are safer; and it means many small businesses can stay open longer. This is what transformation looks like. This is what building communities' looks like.

32. We have also managed to sharply reduce the blackouts that were once so common. More reliable access to electricity, for more Kenyans. This is benefiting county economies and development.

33. I urge all Governors and County Governments to strongly support our efforts and to help your constituents take advantage of this vital programme.

34. I also want to commend, very heartily, the good work that has been done by County Governments, the Governors and their Officials, as well as the Members of County Assemblies who have taken their work seriously. Together, you have delivered services needed by our people. On behalf of all Kenyans, I want to thank you for the good works that you have undertaken.

35. That work has gone well because, by and large, people of goodwill have accepted a basic truth: both levels of Government are distinct but complementary. The Constitution has delineated functions for our two levels of Government, and has clearly outlined the powers and operations of each. National Government has been tasked with policy formulation and standard setting; service delivery, in a number of key areas, is the province of county governments.

36. This division of roles is designed to achieve operational efficiency. We would serve Kenyans well if we respected that division of labour, and let the constitution remain our guide.

Ladies and Gentlemen,

37. Nothing truly worthwhile ever comes easy. Devolution is no exception: we have challenges with which to deal.

38. Kenya is indivisible. Out of many peoples, of different regions, and religions, different tongues and tribes, we have forged a nation.

39. And yet, time and again, we see ethnic polarisation and discrimination in some counties. There is not one county that is not multi-ethnic, and multi-religious. How can it be that some of us still refuse to embrace every Kenyan? After all, no single group has a monopoly on solutions or ideas or excellence.

40. Look. The matter is particularly pressing as the elections draw nearer. It is our duty, as leaders, to remind every Kenyan that someone who does not share your mother tongue or your religion can ably represent your interests.

41. It is our duty, as leaders, to bring Kenyans together, not to divide them. It is our duty to build our communities, and our nation, not to tear it apart.

42. So, it is particularly unpleasant to see, as the elections approach, new cases of intimidation and even violence to shape local political dynamics. Every public servant, at the county and national level, has a special responsibility to root out this sort of conduct, wherever it may be found.

43. I have pledged to do my utmost to ensure that Kenyans are protected from intimidation, incitement and violence. I think it is time for the governors to join me in quite explicitly committing to this campaign to protect Kenyans from those who would harm them.

44. The coming General Elections will be robustly contested. It is for us all to act and speak, privately and publicly, in ways that honour the country. Don't the words of the anthem we sing every day tell us that Kenya istahili heshima?

45. Do your words and actions — especially in this year — bring honour to the Republic? Kenyans, and the world, are watching us. It is time for us to show that our leadership is equal to their expectations. It is time for Kenya's leaders to truly honour the Republic.

46. For myself, and the party I lead, we look forward to a free, fair and credible democratic process. We are ready.

47. We call upon national and county officials across the country and all parties to work with IEBC in an open, transparent way that supports Kenyan democracy and does not undermine it.

48. If Kenyans give me the honour of serving as President for another term, I will accept their choice in humility.

49. It is important to say so, because it is up to us, as leaders, to lead. We are the ones who are called upon to defend our democracy.

50. So I ask you all – and not just the leaders gathered here today, but those watching or listening at home, as well as those who hope to take leadership next year –to work with the IEBC, and the relevant authorities, and to follow the law.

51. Our democracy is precious. Show Kenyans that you are worthy to lead by protecting and honouring that democracy.

52. Let me close with a tribute to a leader who honoured this Republic. I speak, of course, of the late Governor Nderitu Gachagua: a dedicated public servant, who served with distinction, and whom we mourn. May the good he did long outlive him.

53. In truth, devolution is a great journey, whose end is the freedom and prosperity of the people of this Republic. We have begun that journey, but we are not at its end.

54. I ask God's blessings, and his guidance, for all of us who have been chosen to lead our people on the journey. May He light our way. May He give us the courage always to keep going, however rocky the path.

God bless you. God bless Kenya.



COUNCIL OF GOVERNORS

REMARKS BY H.E ENG. JOHN MRUTTU, VICE CHAIRMAN COUNCIL OF GOVERNORS AND CHAIR OF THE DEVOLUTION CONFERENCE STEERING COMMITTEE

OFFICIAL OPENING OF THE 4TH ANNUAL DEVOLUTION CONFERENCE KENYA WILDLIFE SERVICE TRAINING INSTITUTE NAKURU COUNTY, 7TH MARCH 2017

Your Excellency, Hon. Uhuru Kenyatta, C.G.H, President of the Republic of Kenya and Commander in Chief of the Kenya Defense Forces

Hon'ble Mr. Arjun Ram Meghwal, Visiting Indian Minister of State for Finance representing the Prime Minister of India

Our Invited Guests from the from the Forum for Federations in East Africa

Governors Present

Cabinet Secretaries Present

Senators Present

Honourable Members of Parliament Present

Members of County Assembly Present

Ambassadors and High Commissioners Present

Distinguished delegates

Ladies and gentlemen

It with pleasure that I to welcome you to the Fourth Annual Devolution Conference whose overall theme is: **The Devolution Transformation, Devolution transforming lives, tell your story!**"

It has been four and a half years since we began the long journey of Devolution. We have in one way or another witnessed the transformation that devolution has brought upon our lives as citizens of Kenya. It has been a walk of achievements and challenges but the benefits far outweigh the challenges. Indeed, the challenges are short term and benefits are long-term. Today we reflect back on our journey as we soldier on to greater development and transformation in Kenya.

This year's Conference is a citizen oriented conference where we will hear from 'wananchi' on what devolution means for them. The Conference will also serve as a scorecard for custodians and stakeholders of devolution, especially County Governments who are constitutionally empowered to ensure that service delivery in the counties is undertaken equitably, fairly, cost effectively and profitably.

Successive Annual Devolution Conferences since 2014 have noted the enthusiasm with which Kenyans have embraced devolution. Further there have been reports on improvement of service delivery in health, water, education (ECD and Youth Polytechnics), agriculture, roads and employment among others. In the same breadth, there have been reports of challenges especially touching on issues of corruption, capacity gaps, and inadequate financial resources among others. On the overall though, the report card from all Kenyans has noted that Devolution is the future for Kenya. Therefore the theme is indeed relevant as the first chapter on devolution in Kenya is written on the pioneer devolved governments.

Consistent with the resolution of the first Devolution Conference of 2014 that the conference be convened annually, the Council of Governors, jointly with the Ministry of Devolution and Planning, the Senate and other stakeholders has organized the conferences annually and this is the Fourth Year. It gives us great pleasure to see the resolution of Kisumu in 2015 carried forth and implemented in Meru County last year and in Nakuru County once again.

The overall objective of the conference will be to safeguard the gains, enhance the understanding and appreciation of devolution as a system of governance that focuses on public accountability and learning new ways of socio-economic development and delivering services. The conference objectives are:

1. **To review the socio-economic impact of devolution over the past four years.**
2. **To discuss how devolution has been a tool for socio-economic integration in the country in promoting equity and inclusivity.**
3. **To demonstrate the achievements in adopting the “Big Bang” Devolution implementation approach over the past four years.**
4. **To identify opportunities for change, growth and enhanced cooperation in changing perspectives, changing the narrative and entrenching devolution in Kenya.**
5. **Review the financial burden in applying two thirds gender principle as opposed to an inclusive policy in an electoral system.**

Your Excellency, Hon’ble Minister, Ladies and Gentlemen

On 5th and 6th December 2016, members of County Executive Committees (CECs), representatives of National Government, Development Partners, Civil Society Organizations, Private Sector and Members of the public convened in Kericho County to reflect on the gains and challenges in delivering the promise of devolution as a precursor to the Fourth Annual Devolution Conference

The County Executive Committee (CEC) Conference made the following key observations and recommendations in line with the Clarion Call **“The Devolution Transformation”** and the Conference theme **“Devolution- Transforming Lives: Tell your story!”**

1. THAT there is a need to ensure adequate security in all polling stations and tallying centers, and create an enabling environment for citizens to effectively participate in voting for their leaders. (**Action:** Cabinet Secretary Ministry of Interior and National Coordination, IEBC, Political Parties).
2. THAT the Intergovernmental Relations Technical committee (GRTC) fast-tracks implementation of the guidelines on audit of assets and liabilities based on the inventory produced by the Transition Authority and complete the transfer of the assets to the County Governments. (**Action:** County Asset and Liability Committee, IGRTC, MODP, Senate).

3. THAT in order to increase commitment to devolution:
 - (i) There is a need to intensify efforts for enhancing intergovernmental relations through dialogue and consultations in order to resolve disputes that relate to interpretation of devolved functions. To this end, IGRTC should create awareness for citizens to raise issues for the Committee’s intervention. (**Action:** IGRTC, COG).

Prior to this the various Counties organized their County Dialogues in line with the devolved function on ensuring and coordinating the participation of communities in governance at the local level. These various initiatives provided an opportunity to develop the agenda to feed into the main conference.

Esteemed guests, last year we converged in Meru County a time almost similar to this. The Third Annual Devolution Conference outlined 18 key areas of commitment through the joint communique and the Conference reaffirmed the commitment of the National Government and the County Governments to delivering the “devolution promise” to the people of Kenya and agreed that Devolution remains the constant factor that must be implemented in The Constitution of Kenya 2010.

Your Excellency, Hon’ble Minister, Ladies and Gentlemen

The previous conferences have raised concern that devolution gains should be safeguarded through fiduciary, functional, policy and legislative intervention and ethical practice. Subsequently, through inter-governmental committees, a national county own source revenue enhancement policy is currently being developed through the leadership of the National Treasury. In addition, to guide the implementation of the devolved system of governance, a Devolution Policy has been developed and is envisioned to roll out in September 2017. Further, Through the customization of the 51 model laws developed for County Governments, Counties have passed legislation around the thematic areas of Public Participation, Ward Development, Education Bursaries, Youth, Women and Persons with Disabilities Enterprise Development, Disaster and Emergency Management, County Health Facilities, Agricultural Development Wildlife and Conservancy Management among others.

Your Excellency, Hon’ble Minister, Ladies and Gentlemen

The 3rd Annual Devolution Conference was held against the backdrop of inconsistency in the sharing of national revenues between the two levels of government and that the equitable shareable revenue to county Governments should be increased progressively. This continues to be a challenge. The proposed allocation in the 2017/18 to counties of Kshs. 291 billion is a reduction in real amounts to County Governments. With the current inflation at about 6.5 per cent, the 6.7% increment for the counties will only cover the changes in prices and thus no benefit of the increased sharable revenue will be enjoyed by the county governments. The County allocations have grown by 3.6% whereas the shareable revenue has consistently grown by 15% over the last three financial years. Allocations should be equitable as emphasized by the Constitution.

Your Excellency, Hon’ble Minister, Ladies and Gentlemen

Last year’s Conference also noted the need for National Treasury to put in place mechanism for expeditious disbursement of funds to county Governments for devolved functions to ensure uninterrupted service delivery. Whereas there has been progressive predictability on the County cash transfers, Counties continue to experience challenges of cash flow. The

law requires disbursements by 15th date of every month and the use of overdrafts from the Central Bank cover for the delays is not sustainable solution to ensure that service delivery in the counties is undertaken equitably, fairly, cost effectively and profitably

Esteemed Guests,

The 3rd Annual Devolution Conference recommended that there should be deliberate steps and measures for inclusion of women, youth and persons with disability in policy formulation and decision making in critical sectors such as agriculture and health. In the financial year 2017/18, Kshs. 2 billion shillings has been conditionally allocated to County governments earmarked for Vocational training centres targeting the youth to promote skilled workforce. Further, there is strict adherence by County Governments towards the affirmative action plan on the 30% reservation of the procurement opportunities earmarked for youth, women and PWD. The Council is currently assessing the level of uptake of this opportunity and initial reports show for example counties including Makueni have an 80% uptake of the 30% procurement opportunities earmarked for youth, women and PWD. Counties are also progressively ensuring that there is less pending bills attached to the supply of goods at the end of every financial year.

Your Excellency, Hon'ble Minister, Ladies and Gentlemen

Resolution 10 noted THAT County Government framework for civic education and public participation should be aligned with national framework for civic education and public participation. Through the leadership of the Ministry of Devolution and Planning, together with my team at the Council of Governors and development partners, civil society and all other stakeholders, The National Framework for Civic Education and the County Public Participation Guidelines were launched in April and January 2016 respectively. These guidelines do not replace the Public Participation laws already enacted by the county governments. However, they create a standard and provide ways for institutionalizing public participation within Kenya. Counties can therefore adopt the good practices to improve participation.

- i. Now, at least 30 Counties have developed policy, structures and legal framework to implement public participation;
- ii. All County Governments are undertaking civic education in close collaboration with civil society organization to promote civic awareness and public participation on financial and governance at county level

Your Excellency, Hon'ble Minister, Ladies and Gentlemen

Addressing Social inequalities in the counties through targeted allocations of funds to relevant sectors in line with the Sustainable Development Goals (SDGs) was another resolution of the 3rd Annual Devolution Conference. SDGs have been launched in the Country and have been rolled out by the County Governments. Currently, the National and County Governments have prioritized 128 indicators to support the monitoring of progress in SGs implementation. During the high level political forum held in 2016, Kenya volunteered herself to submit Voluntary National Report (VNR) on SDG's implementation progress and currently the county governments are working with the national government to compile this report for submission during the high level political forum in July 2017. The Council has further established an SDG unit and is supporting mainstreaming of SDG's in county programs

Your Excellency, Hon'ble Minister, Ladies and Gentlemen

Lastly I wish to recognise, thank and appreciate the people and institutions that continue to support devolution through their policies, skill and expertise.

We call upon every leader and citizen to promote cohesion and inclusiveness as we gear up to the 2017 general elections.

Devolution is on course. We affirm that we shall continue the unstoppable momentum to see that our Counties flourish the way Kenyans envisaged when they overwhelmingly voted for a devolved system of government that we must sustain continuous consultation and collaboration between the two levels of government. Devolution is not just a process but a novel initiative that requires personalized commitment.

I wish all of us fruitful discussions across the upcoming subthemes.

ASANTENI SANA!!!!!!!!!!!!!!



OPENING CEREMONY REMARKS
BY RT. HON. SEN. EKWEE ETHURO, EGH,
SPEAKER OF THE SENATE OF THE REPUBLIC OF KENYA
DURING THE 4th ANNUAL DEVOLUTION CONFERENCE
ON MARCH 7TH TO 9TH 2017
AT Kenya Wildlife Service Training Institute Naivasha, Nakuru County

H.E The President of The Republic of Kenya, **Uhuru Kenyatta** ;
H.E The Deputy President Hon **William Ruto**;
Visiting Dignitaries with special recognition to The Minister of the Republic of India; Right Hon. who has a goodwill message for us
The Deputy Chief Justice, **Hon Philomeno Mwilu**
The Cabinet Secretary for Devolution and Planning, **Hon Mwangi Kiunjuri**;
THE Chairman of the Council of Governors, Governor **Peter Munya**;
The Chairman of the Devolution Conference Steering Committee, **Governor Mruttu**
Hon Senators and Honourable Governors;
Speakers of the County Assemblies;
Hon Members of the National Assembly & Hon Members of the Count Assemblies
Development Partners and Members of the Fourth Estate
Distinguished guests, Ladies and Gentlemen

Good Morning, Aleikum Salaam.

Our Chief Guest, It is with great pleasure and honour that I join you with my colleagues the senators, speakers of CAs, legislators, Governors & fellow Kenyans and our distinguished visitors in this very scenic and beautiful County of Nakuru on the shores of Lake Naivasha, a fresh water lake in the great RV. W

We are here to participate in the Fourth and Final Annual Devolution Conference for the pioneering phase 1 of Devolved Governance. These Annual conferences bring all the key Devolution Institutions together as a family under one roof to celebrate Devolution. It is an opportunity to reflect on the gains, challenges and collectively do self-introspection to remove impediment that block our institutions from full realization of the potential of this our great country. It also helps us to bond, create a collective sense of unity of purpose and destiny as one indivisible nation and we only as mere facilitators. And who are we: We are the humble servants of the people since sovereign power is derived from them. We the principals of Devolution are: the Senators, Governors & their Executives and Members of the County Assemblies. I am deliberately using the word humble coz humility is a rarity in our public politics. More often than not Servant leadership is invoked as a campaign clarion call rather than what it ought to be: a prerequisite of a truly transformational & ethical leadership.

This year's celebrations include the launch of a Book on the Inaugural Speeches of the Pioneer Governors, which I have had the honour & pleasure to write the Foreword. We are also going to unveil Devolution Warriors & Award them for their commitment to entrench and deepen devolution in their various walks of life.

We deliberately chose the Theme for This year's 4th DevCon as Devolution Transforming Lives – Tell Your Story & I may add Devolution Transforming Kenya. Each one of us is expected to give our story on how devolution has transformed our lives. We are therefore here to celebrate a ***novel developmental system whose wheel has come full circle. On my own behalf and on behalf of Senators, We are glad that destiny thru our constitutional governance created this democratic institution and thrust upon our shoulders the responsibility of guarding, stewardship and being the custodians of Devolution.***

Dear Participants, Nakuru County, our host for this year's devolution conference has a rich historical, political and geographical significance in our country's development besides being acclaimed as one of the greatest places of scenic beauty on Planet Earth. Nakuru has been the hotbed of Kenyan politics starting with the election of one of the Kapenguria Six, the Hon Ramogi Achieng Ouko, Mark Mwithaga, Kihika Kimani, Kariuki Chotara and the real firebrand Koigi Wamwere to mention but a few. More applicable to this conference, It is also here in Nakuru county that the founding father of this Nation, H.E President Jomo Kenyatta immediately after independence convened a historic meeting for the colonial settlers to assure them of their security. The settlers owned huge ranches and feared for the security of their property and their own safety; They had threatened to leave Kenya. Hence, welcome to Lord Delamere estate.

The founding father in his charismatic style assured the anxious settlers that the government of Kenya under his leadership, would provide and ***guarantee their safety and security of their property and that they were free to trade and invest*** in Kenya like every other citizen. He even confirmed to some of them that may be more Kenyan than himself given their old looks. That guarantee to the sanctity of title and property rights ensured our new nation was firmly grounded on the rule of law and delivery of services & goods. It ensured our agricultural productivity remained the backbone of our economy up to date even as we expand to other sectors of our economy. Our Econ growth rate grew rapidly and remained at a high of 7%, for a whole decade. This is a figure subsequent governments are struggling to realize. It is my expectation that the double growth expected in our V2030 will be realized in the next Devolution Phase 2. The economic indicators are already promising in terms of infrastructure and improved access by the citizenry to health, water and education.

Almost 45 years later (shy of 5 months), we are meeting here to celebrate how Devolution has transformed our county thru counties. Devolution is a cog in the wheel of economic development for Kenya. Unlike previous Development efforts such as investing in high potential areas with quick returns (SP10/65), district focus strategy for rural DEVT, Renewed Econ growth SP1/86. It is a model of development that seeks to lift everybody and every part of our country from the yolk of impoverishment, underdevelopment, inequalities, marginalization & perceived neglect, etc. It ensures every county in the beloved Republic gets a minimum resource envelope to apply to its own set priorities without undue influence from the above. And It fits very well with other natl & intl obligations such as V2030 (2009 to 2030)/SP12 of 2012; SDG 2030 and Africa Agenda 2063. Devolution calls for a high level of tolerance, mutual respect and a deep sense of structured engagement in the management of our affairs in the effort to rectify the inequalities arising from historical injustices and skewed development programmes. Before 2013, decision-making and resource allocation processes were undertaken from the centre, and without any formal

participation and engagement of the people in decision-making processes that impacted their own livelihoods. Commentaries & some actors of Devolution often ignore this significant aspect of Devolution when it is clearly spelt out in the objectives and principles of Devolution. It is area that requires emphasis in the next phase of Devolution.

Your Excellency,

We are equally honoured by your attendance. As the 4th President of the Republic of Kenya, destiny thrust unto you, the historical honour of being the 1st President of our Republic to implement Devolution. Cap 11 of CK10 speaks of Devolution, Article 3 in particular calls upon all of us to Defend the CK10.

Quote THE ARTICLE. 2.1 This CK is the supreme law of the Republic & binds all persons and all State organs at both levels of govt.

2.3 The Validity or legality of this CK is not subject to challenge by or before any court or other State organ.

3. Defence of the Constitution: 3.1 Every person has an obligation to respect, uphold & defend this CK.

Your presence and participation gives the Devolution family the screaming headline of our story. It is the much needed headline as it **demonstrates your unwavering support for devolution and will doubtless enrich our deliberations and resolutions in this conference.**

Your presence tells the story of your government commitment to devolution. Your government, with the nudging of the senate has cont'd to give grants, both conditional & others.... It has now entered into partnership with the World Bank to enable counties access a \$150m programme to finance capacity building in all our 47 counties. That is Your story as the Presidency. What remains is for us as the legislature to create the enabling legal regime, which we promise to deliver before the end of this Session. Of course like any other family, there will always be family frauds, sibling rivalry, etc. This is not the day for such. This conference is meant to look at the bigger picture & especially during this formal solemn ceremony of officialdom.

Devolution has been a very challenging but exciting journey. While we have **operated with a trust deficit** among the two Houses, the CoG, as well as other key actors involved in the implementation and oversight of devolution processes, we in Kenya have demonstrated to the world that alternative systems of devolved governance that engage people **wa mashinani** always succeed. And this I can restate with pout fear of contradiction as I have travelled to selected countries. And our concept and experience is very promising. Of course like any other thing, the room for improvements is always the largest.

We have not managed the inter-institutional relations better. This is work in progress and we look forward to the IGRTC led by Prof Karega Mutai to help us in this. Meetings of the Summit need to be held regularly in order to ensure smooth and harmonious discharge of our responsibilities. Permit me at this juncture to give our special recognition and appreciation to the contribution made by some of the Independent institutions and offices created by the Constitution of Kenya, 2010 which played a key role in ensuring that devolution took root.

We must *learn to appreciate the contributions of our various institutions of governance* e.g. Our Bicameral Parliament (in spite of turf wars), the Executive, the Judiciary, the COG, The CAF, the CRA, the office of the Auditor General, the Controller of Budget and the EACC. Special recognition goes to the defunct TA, CIOC & the Ombudsman for being steadfast in mid-wifing the nascent and offering the necessary legal and constitutional technical guidance and advice that was required to make sure that the requisite structures, roles and processes were established and become

functional amidst great difficulties. To you Dr Willy Mutunga. Mr Charles Nyachae, Mr Kinuthia Wa Mwangi & Dr Amollo Otiende & the indefatigable Mr Micah Cheserem & her able Deputy Fatuma, we remain eternally grateful as the family of a Devolution for starting us well. We promise not to be the builders rejected the Corner Stone.

We must now work and **focus on improving and strengthening the relations between our various institutions** so that we achieve the functional harmony that will drive them to optimal performance and achieving their intended outputs – which they have been mandated to perform in the best interest of the Kenyan people.

The overall theme of this Conference i.e. **‘The Devolution Transformation’ and the guiding theme ‘Devolution: - Transforming Lives: Tell Your Story’** ‘aptly captures the fact that the Devolution train has left the station and is on full steam and gathering speed hurtling ahead. And my story is captured in that famous cartoon, of King Solomon & his display of wisdom, where baby Devolution was being claimed by ‘women’, and the senate was acting In Solomonic Wisdom. We saved the baby. And we have always sacrificed for this baby & we will continue to do so till the end of time.

**WELL I HAVE TOLD MY STORY AND
I LOOK FWD TO HEARING YOUR STORY.**

**LONG LIVE DEVOLUTION. GOD BLESS KENYA.
I THANK YOU ALL**

Notes:

Devolution Annual Conferences must seriously interrogate the

First: Kwale 2014

Second: Kisumu 2015

Third: Meru 2016

Fourth: Nakuru 2017

The conferences brought together representatives from both the county and national levels of government, Independent Commissions as well as the Academia, Policy Practitioners, Civil society and the Media.

What pertinent lessons have we learnt to help us set the Agenda for the next Parliament that is the 12th Parliament and 2nd County Governments?



SPEECH BY STEFANO A DEJAK, AMBASSADOR OF THE EUROPEAN UNION TO THE REPUBLIC OF KENYA, FOR THE OPENING CEREMONY OF THE FOURTH ANNUAL DEVOLUTION CONFERENCE, 7 MARCH 2017

Your Excellency, the President of the Republic of Kenya; Hon. Uhuru Muigai Kenyatta
Indian Minister of State for Finance, Hon'ble Mr. Arjun Ram Meghwal
Our generous host, H.E. the Governor of Nakuru County Kinuthia Mbugua
Your Excellencies, Governors present;
Deputy Governors;
Deputy Chief Justice, Honourable Lady Justice Philomena Mwilu
Cabinet Secretaries;
Honourable Senators and Members of Parliament present (senate and National Assembly)
Honourable Members of County Assemblies present
Ambassadors and High Commissioners Present;
Distinguished delegates
Ladies and Gentlemen;

It is my honour to speak on behalf of Development Partners in Kenya during this year's Devolution Conference.

Allow me, first of all, to acknowledge and applaud the ongoing reforms Kenya has undertaken following the adoption of the Constitution in 2010. This constitutes one of the single greatest planned transformations of a country's governance structures and it is a phenomenal achievement, something that every Kenyan should be immensely proud of.

We must keep in mind that devolution is still a recent initiative, and in any country, devolution tends to be a long drawn out process; agreeing on the principle is one thing, but working out all the nitty gritty details, and agreeing on where exactly to draw the line between the powers of the different levels of Government may take quite a few years.

The European Union has 28 Member States, and there probably are 28 different ways of how the relationships between the levels of government have been defined. The Americans have worked out yet another model, and so have the Canadians. Every country is unique. . There are many choices to be made, and there are no "rights" or "wrongs". What is important is to uphold the principles enshrined in Kenya's Constitution (Chapter 2), that states that; "**The Governments at the national and county levels are distinct and inter-dependant and shall conduct their mutual relations on the basis of consultation and cooperation**". I believe that is one of the reasons why we are here today and in the coming days, and I very much look forward to having constructive discussions.

To date, popular support for Devolution remains very high, and this is not surprising. As I travel across the country, I see how access to services has improved, and how previously marginalised areas are benefiting from increased investments and have seen their wellbeing improved. People

have become citizens, rather than subjects, and are now able to directly vote for those people affecting their daily lives.

Devolution is not without its challenges. In my own country, Italy, we started a process of reform in 1997, which gave Local Administrations unprecedented powers. However, as my country now looks back on the results we have achieved, we must note that, along with positive achievements, also challenges became apparent, and I would like to share just a few of them:

- The devolution reforms boosted the status and power of the Local Administrations political class. This in turn produced institutional conflicts and litigation between different levels of Government that did not really benefit the citizens;
- Especially in the early days, devolution created bloated administrative structures at the local level and the cost of providing services actually went up
- Nevertheless, the process brought Local communities closer to address the issues most relevant to their ordinary lives, like schools, hospitals, roads, than –as beforehand- voting along ideological lines.
- Of course, such experiences cannot automatically be transferred on to Kenya.
- As I mentioned before, in devolution there are no right or wrong choices, you must design the rules of the game based on what is in the interest of the Kenyan people. Nevertheless, based on my own experience, allow me to offer a couple of observations:
- First of all, I am happy to observe that the interaction between the different institutions and the two levels of government in Kenya is increasingly becoming more collaborative. There is real progress in some sectors – let me mention Agriculture and Health as specific positive examples – for all stakeholders to work together.
- Second, I believe Kenya is on the right track to address equity issues between and within counties by having a rules based allocation mechanism, as well as an equalisation fund. It is inevitable that there are discussions around the allocation criteria, and I am sure this will evolve further as devolution progresses. In the meantime, it is important to keep in mind that issues of regional marginalisation are not just addressed through devolution and the transfer of funds; it remains just as important for the national government to build the overarching infrastructures for economic development and create the conditions where all citizens feel included.
- Thirdly, there is room to review the efficiency and effectiveness of public spending. As devolution is taking shape, there is scope to review organisational structures and staffing levels to streamline the cost of public administration, and free up resources for service delivery and investments for inclusive economic and social development.

Moving forward, Development Partners remain strong supporters of the devolution process. While the institutional structures have been created, there is continued need to build capacity to plan, budget, and deliver services; to further clarify roles and responsibilities of key actors; to increase county capacity for revenue collection; and, as borne out by the reports of the Office of the Auditor General, generally strengthen public financial management capacities. We look to the Government of Kenya to provide guidance on where and how best to direct our support.

Looking at the year ahead, I must use this opportunity to express our desire to see peaceful and issues based campaigning, followed by free, fair, credible and peaceful elections. It speaks to the success of the devolution process that compared to 4 years ago, there now is much stronger interest in the MCA and Governor's positions.

Finally, I note that tomorrow we celebrate International Women's Day to highlight the social, economic, cultural and political achievements for women, and to accelerate action towards gender parity. In this regards, it is my hope that during the 2018 devolution conference, we shall welcome a number of female Governors to this forum, as well as large numbers of elected women MCAs, MPs and Senators!

I thank you for listening.
Asanteni sana!



SPEECH BY H.E. HON. STEPHEN KALONZO MUSYOKA AT THE 4TH ANNUAL DEVOLUTION CONFERENCE, NAKURU, ON WEDNESDAY, 8TH MARCH 2017

Your Excellencies the Governors, Senior Officials from both the National and County Governments, Representatives from Various Organizations, Distinguished Guests, Ladies and Gentlemen,

It gives me great pleasure to be with you here today. It is indeed a great moment for us all as we celebrate the gains of Devolution in our great country of Kenya. This Devolution Conference, being the last one before the General Election, is an occasion for which each and every one of us must thank God the Almighty for enabling us to realize the fruits of development that have come as a result of Decentralization.

Kenya has undergone great transformation since the advent of Devolution in 2013. Areas that had hitherto been neglected for eons of years since Independence, have seen tremendous change of fortunes. With the advent of Decentralization, Kenyans can now access essential services that initially were just but a dream for many.

Benefits of Devolution

To cite but a few examples of how Devolution has changed lives, the Wajir County Government has just built its first ever tarmac road, more than 50 years after Kenya's independence. Today, courtesy of Devolution, Wajir has more than 32 well-equipped maternity wings constructed, at least eight fully equipped new ambulances, and not less than eight new dispensaries.

Wajir County has also scored big on water, roads and other infrastructure allocations.

In Murang'a, the County Government has empowered residents through provision of milk cooling plants. The County is reaping the fruits of backing a cooperative society to drive milk production for its dairy farmers, boosting the milk output to huge quantities.

A recent report appearing in the Press indicated that the rise in milk output has lined the pockets of the county's farmers and milk transporters attached to Murang'a County Creameries with more than Sh150 million, after producers recorded high production over the past three years.

Before the advent of Devolution, farmers used to incur huge losses from spoilt milk due to lack of cooling machines.

In Turkana County, the "forgotten people" of the County view Devolution as a blessing. Decentralization has been received in the sub-counties with much appreciation due to its direct benefits to the citizens. More children are now receiving education, more health centres have been constructed, and the County is now a tourist hub, courtesy of Devolution. I believe Turkana holds a lot of promise for its residents as well as for the whole of Kenya. With the recent discoveries of oil and huge underground water aquifers, things can only get better for Turkana.

In Makueni County, 84 earth dams have been constructed to provide water for irrigation. Early Childhood Development (ECD) classes have been constructed. A fruit processing plant has been constructed at Kalamba. The construction of the plant has changed the fortunes of mango farmers who used to suffer massive losses owing to lack of market during times of glut.

I have used the four counties as examples just to highlight the success of Devolution. Granted, each and every one of the 47 counties has a story to tell about how Devolution has changed lives. Devolution was an idea that was long overdue. Had we embraced it 30 or 40 years ago, Kenya would now be a model of development in Africa if not for the world. It is not too late, though. Huge opportunities still beckon. And our future as a country looks bright.

Challenges

However, these strides on Devolution have been hindered by various factors. To begin with, the 15 per cent allocation of audited revenues to Counties is a drop in the ocean. It cannot produce the expected results. This means that Counties are often cash-strapped and unable to deliver services to wananchi.

We in the NASA Coalition promise to avail 45 per cent of audited revenues to Counties once we ascend to leadership. This will drastically empower the devolved units and ensure that Kenyans at the grassroots fully feel the positive effects of decentralization. The kind of progress envisaged after the increment of the County funds is expected to be enormous.

The second factor that hinders Devolution is the deliberate failure by the Jubilee Government to devolve all County functions.

It is worrying that Jubilee has completely refused to devolve health functions to Counties, withholding most of the cash meant for the Health sector at the Headquarters while leaving the devolved units cash-strapped.

There is also the problem of unnecessary delays by the Treasury in releasing funds meant for County governments, causing serious disruptions to service delivery. Failure to remit the monies on time not only delays service delivery and inconveniences suppliers and contractors; it also creates avenues for corruption where suppliers/contractors have to bribe County government officials to have their payments “fast-tracked.” It is vital that this loophole be sealed. Monies meant for devolved units must not be unnecessarily withheld by National Government.

But even as I fault the National Government for its errors of omission and commission, I must state here that a number of Governors and their juniors have failed Kenyans by engaging in vices that make a mockery of the Devolution dream. Massive corruption has crept up in devolved units, where funds are either out rightly embezzled, or costs for goods and services are inflated to astronomical amounts by corrupt officials in collusion with rogue contractors.

I strongly believe lifestyle audits are necessary for all National and County officials if we are to slay this dragon of corruption. But the big question is: Who will bell the cat? The Ethics and Anti-Corruption Commission (EACC)? The Judiciary? The Directorate of Public Prosecution?

For starters, the EACC may not be the best arbiter, as it appears to lack independence. Quite a number of Kenyans believe that the Commission is too close to the ruling Jubilee for comfort, hence can be used to settle scores on those who have fallen out with the ruling regime.

We in the NASA Coalition pledge to give total independence to these vital bodies so that they perform their duties without fear or favour and hence be able to deliver to the expectations of Kenyans.

Women’s Empowerment

I will not have done justice to this Conference if I do not speak about what Devolution has done to empower our mothers, sisters and daughters.

Today being International Women’s Day, it is important to list the gains that Devolution has brought to Kenyan women. These include reduced maternal mortality rates following construction

of more hospitals, health centres and dispensaries... the ongoing doctors' strike notwithstanding. Likewise, more women can now access clean water than ever before.

It is instructive to note that women form majority of the Kenyan population, with an estimated 80 per cent of them living in rural areas playing invisible national economic development roles. Conversely, men dominate leadership and key decision-making positions across board.

Kenya is a signatory to various international discrimination and gender equality conventions. These conventions include International Convention on the Elimination of all forms of Racial Discrimination that was entered into force on 4th January 1979 and Convention for the Elimination of all forms of Discrimination Against Women that was entered into force on 18th December 1979. However, despite efforts, its socio-economic and political context demonstrates some of the factors that constrain women's abilities to claim and exercise their rights and/or entitlement in leadership and decision making positions.

According to a recent report, although women make up more than 50 per cent of the Kenyan population, only 63 out of 349 Members of Parliament are elected. No women were elected as governors or senators in the 2013 elections and only 88 out of 1,450 seats in county governments are held by women.

This is a reflection of a serious under-representation of women in governance and decision making structures. It is evident that in order to achieve transparent and accountable governance, getting women empowered in social, economic and political status is key.

Without the active participation of women and the incorporation of women's perspective at all levels of decision-making, the goals of equality, development and peace cannot be achieved. Despite the constitutional requirement to ensure gender balance in the National Assembly and the Senate, the number of women MPs is discouraging to those who cherish gender parity.

On 28 April and 5 May 2016, the Kenyan National Assembly rejected the Constitution Amendment Bill (No. 4) of 2015, which sought to ensure that the National Assembly and the Senate would comprise of a membership that is not more than two-thirds of either gender.

We in NASA pledge to ensure that this grave anomaly of gender underrepresentation is not only rectified, but that the two-thirds gender rule is activated even within parliaments of devolved units. This will give Kenyan women leverage to actively take part in the nation's politico-socio-economic affairs.

We need to empower our womenfolk even more, to right the wrongs that have been committed upon them for decades. I personally commit myself towards this goal. Affirmative action is a must. But on the same vein, I urge our women to redouble efforts to ensure that they fully take part to chart Kenya's political destiny.

Once more, Ladies and Gentlemen, I congratulate you most heartily for this great moment of showcasing the benefits of decentralized government. This is just the beginning. I am optimistic that Kenya will grow in leaps and bounds. Indeed, Kenyans can now look ahead with great pride as our country soars into even greater heights of progress.

God Bless You All! God Bless Kenya!

H.E. HON. STEPHEN KALONZO MUSYOKA

LEADER, WIPER DEMOCRATIC MOVEMENT-KENYA,

AND CO-PRINCIPAL, NATIONAL SUPER ALLIANCE (NASA)



COUNCIL OF GOVERNORS

TALKING NOTES ON LAUNCH OF MAARIFA CENTRE BY HON. LADY JUSTICE PHILOMENA MWILU DEPUTY CHIEF JUSTICE DURING CLOSING CEREMONY OF THE 4TH ANNUAL DEVOLUTION CONFERENCE ON 9TH MARCH 2017

Impact of devolution: propelling devolution through knowledge sharing

1. Devolution continues to transform the lives of Kenyans by easing access to services in all Counties, going by the tremendous progress across sectors since implementation of the devolved system of governance in 2013.
2. Behind this progressive transformation, there are people, ideas and practices that define the enabling factors for the success. Although some of the breakthroughs are brought to the knowledge of the public through media, we must acknowledge that there is lack of consistency in capturing and sharing these breakthroughs, while many more stories remain hidden and untold. This effectively denies Counties the opportunity to learn from each other.
3. The Council of Governors has, in collaboration with devolution stakeholders, established Maarifa Centre to spearhead sharing of experiences, lessons and service delivery solutions on Kenya's devolution. Maarifa Centre is a knowledge sharing and learning platform for capturing of lessons and experiences from the 47 County Governments.
4. Through the Centre, the Council of Governors in collaboration with devolution stakeholders will collate, share and promote the application of best practices, experiences, lessons and innovations from all Counties in Kenya and from other countries, for the purpose of improving service delivery and influencing policies that promote devolution and welfare of citizens.
5. This is in line with Article 20 (b) of the Intergovernmental Relations Act 2012, which provides that one of the functions of the Council of Governors is to share information on the performance of Counties in the execution of their functions with the objective of learning and promotion of best practice.
6. As a show of commitment to propel devolution through knowledge, the Council has identified "knowledge-driven performance" as one of the five pillars of its Second Strategic Plan 2017-2022. Over the next 5 years, we project increased investment in the Centre in establishing data management frameworks and systems, capturing and sharing of best practices, innovations and models for service delivery under devolution. Maarifa Centre will play a key role in sourcing for and sharing credible data and evidence for promoting evidence based advocacy.

It is therefore my pleasure and honor to preside over this unique concept that will propel devolution through sharing of knowledge, and hereby declare Maarifa Centre Officially launched. Thank you.



**SPEECH BY H.E WILLIAM SAMOIE RUTO, EGH, EBS,
DEPUTY PRESIDENT OF THE REPUBLIC OF KENYA DURING THE
OFFICIAL CLOSING OF THE 4TH DEVOLUTION CONFERENCE
9TH MARCH, 2017 AT KENYA WILDLIFE TRAINING INSTITUTE
NAIVASHA, NAKURU COUNTY**

- Distinguished guests,
- Ladies and gentlemen.

It is my great pleasure to be part of this conference as it symbolizes how far we have come as a country and why it is important to celebrate the great strides we have made in the last four years. I note with pleasure the continued commitment of the institutions represented in this room today which I believe signifies the importance of continued corporation in advancing the development agenda for our country. It is a true testimony that we all have a role to play. Of course all this would not have been possible without the close corporation between National and county governments and for that I want to thank and congratulate the council of governors for providing the necessary leadership.

Ladies and Gentlemen, Article 10 of the constitution highlights sustainable development as a core value and principle for good governance. This conference has touched on various issues which are very crucial for sustained development of our country. The overarching goal of Kenya vision 2030 is to have a globally competitive and prosperous nation with high quality of life. The economic, social and political pillar of Kenya Vision 2030 are anchored on macroeconomic stability, continuity in governance reforms, enhanced equity and wealth creation opportunities for everyone. In order to achieve this we have targeted critical sectors like, infrastructure, energy, science technology and innovation, land reforms, human capacity development and security all of which are important to achieving sustainable economic growth of 10% p.a. for the next 25 years. Strides have been made towards making this a reality, but much more needs to be done to move us from the current 5.6 % growth to the desired level of growth. Ladies and Gentlemen, ours is a herculean task of providing a platform where national and county governments can work together to achieve this.

Ladies and Gentlemen, as we speak hear today, you will agree with me that devolution which is the hallmark of the 2010 constitution, is off to a promising start. Despite some challenges experienced along the way the National government with support from various institutions, has been able to oversee a smooth and timely transition of functions and resources to county government. This however is just the beginning. Our efforts must now be refocused towards sound policies and strategies for building an enterprising economy, maximizing on ICT, industrializing our production, food security and ultimately open and inclusive democratic institutions.

Ladies and Gentlemen, one such effort is the Maarifa Center which is envisaged to be an ICT backed knowledge hub through which county governments can learn through promotion of best practices in innovation, education, agriculture and good governance. Distinguished guest, sustained economic growth is almost always accompanied by technological improvements that enable people, land and existing capital to become productive. Intimately linked to technology are the education, skills and competencies necessary to exploit different opportunities presented by advanced technology. The National Government has invested heavily in technical education through funding to Vocational Training Institutions. It is my pray that as we launch Maarifa center today, that we will find ways of ensuring that this knowledge is accessible to our youth through the VTI's framework.

Ladies and Gentlemen, as I conclude, let me once again congratulate each and every one for continuing to play your part in the development of our nation. As we come to the end of the first term of the Jubilee government, we as a government are proud of our role in ensuring devolution is successful including

- a) Rolling out 2,100 KM of the National optic fiber backbone infrastructure to cover all the 47 county. Since 2014 and 41 out of 47 Counties Equipment Installation is complete (6 Counties Masarbit, Mandera, Wajir, Turkana, Isiolo, and Kajiado are ongoing). This has ensured that more counties not only have access to the internet but also a great boost to transparency and accountability of public finance management through IFMIS and other revenue enhancement systems.
- b) Through the Maternity Healthcare program launched in June 2013, the National government has disbursed over 10 billion in conditional grants to various health facilities across the counties. This commitment was informed by the shocking statistics that revealed over 6000 women were dying every year from preventable causes during pregnancy and childbirth. The program dubbed Linda Mama, has seen the number of skilled deliveries continues to rise with public health facilities currently handling over 1 million deliveries up from 460,000 before the program. In its current second phase, the program hopes to leverage on existing infrastructure in Faith Based and Private Health facilities which will see an additional 2000 facilities covered in addition to already existing public health institutions.
- c) In additional to financial support, reforms that will see greater representation of county governments in the management of public health institutions like NHIF and KEMSA have already been proposed to the senate.
- d) For 2017/18 financial year, the National government has allocated 2 billion in conditional grants to Vocational Training Collages currently under county governments. These resources will help to equip VTC's across all the 47 counties. Once fully operational the VTC's will create training opportunities for over 160,000 pupils who complete primary school level but do not join secondary schools. The training will advance job and wealth creation opportunities thus reducing unemployment among the youth currently at 40%.
- e) Through the ministry, the government has submitted proposed amendments to the senate that will see the fuel levy fund allocation to county governments increase from the current 15% to 25%. It is our hope that the county governments will complement the already heavy investment by the national governments on roads by expanding road networks under their respective jurisdictions.

All this is in addition to the financial resources allocated to counties through the constitutional allocation process which has increased progressively over the years to the current 42% (315 billion) of total revenue including 36 billion in conditional grants from the National government.

Finally, let me reiterate the commitment of the Jubilee Government to devolution which is evident not only in the resources we allocate to counties but also in our endeavor to strengthen intergovernmental institutions whose role is to ensure corporation between the two levels. We do not take your commitment to this country for granted and salute you for the good work you continue to do. I personally look forward to strengthened working relations between both levels of government as we move forward.

Ladies and Gentlemen, I thank you all for being part of this important conversation and look forward to a continued vibrant engagement as witnessed in the last four years of implementation of the devolved system of government.

With those many remarks I wish to declare the 4th Devolution Conference officially closed.

God bless you and God bless Kenya.



CLOSING REMARKS BY RT. HON RAILA ODINGA DURING THE OFFICIAL CLOSING OF THE 4TH DEVOLUTION CONFERENCE 9TH MARCH, 2017 NAIVASHA, NAKURU COUNTY

I am proud to stand before you and speak at this fourth devolution conference that also celebrates the first years of devolution.

I am aware that all of you are defending your seat in the coming elections and I wish each of your success in that endeavor. I want to believe you too wish me well in my endeavors. With that in mind, and with your permission, I intend to a little more time speaking about the next five years and what we must do together to achieve the best result.

All of you must have heard the very bitter debate on what we initially called *Majimbo*, which we later called *Ugatuji* and which is today devolution in the shape of 47 counties.

You recall the doomsday prophets predicting that Kenya was not ready for devolution, that devolution would tear the country apart and pit tribe against tribe.

Five years on, we all agree devolution has been a revolution and a force for good. Yes there are localized tensions pitting communities against each other in competition for power and resources. But we all agree that the gains far outweigh the problems.

We have not seen the secession threats that were predicted. No county is threatening to leave the union of the Republic of Kenya. Even communities that were made to vote against the Constitution of 2010 have never said their counties should be abolished to enable a return to the old central government. Like others Kenyans, they are demanding the strengthening and better management of their counties.

Devolution remains for the most popular constitutional option Kenya has embarked on since independence. I remain convinced that Kenya's future is devolved. Devolution has empowered communities and enhanced their participation in national development. Devolution has created a chance for long marginalized regions to catch up with others.

We have seen good investment especially in infrastructure, healthcare, water services, sanitation, electrification and early child education across all our counties.

The lesson is that as a Nation, We must never fear change. We must always be ready to embrace and experiment with new ideas if we are to move forward as a country. It reminds us of words of President JF Kennedy who said, **“Change is the law of life. And those who look only to the past or present are certain to miss future.”**

When we embrace devolution, we signaled our refusal to be hostage by our past. Those who look only the past and who are certain to miss the future. It is this future that I wish to speak to you about in some detail today with regard to devolution. As pioneer, you have soldiered on, counting on luck of history being on your side.

By standing firm against monumental challenges and teething problems, you planted the seed of devolution deep into the Kenyan soil as a force for good.

For the sake of our country and our people, we must make the next five years of devolution different and deeply rewarding. We must have harmony in the counties. We spent the first term wasting, energy and resources on unnecessary wars between county executives and members of the county Assemblies.

Indeed, external forces operating from Nairobi sponsored some of the wars that crippled counties. Many were fuelled by personal greed. We have spent the first term on supremacy wars between the National and the county governments.

The National Government has spent those first sitting on resources and function meant for counties. The pain of those fights has been borne by wananchi who cared the least who is greatest among us and only needed services. Counties are not going to succeed in an environment of hostility and duplication of roles.

Health has had serious challenges with regard to funding and personnel, which has given way to the current strike. This strike has dragged on because from the start, the National Government pursued a policy of imposition, not negotiation. Doctors were made to negotiate with a ministry whose word or competence they had no reason to believe in. This come on top of the refusal by the National Government to give the counties the freedom to set their priorities including whether to put money on equipment or on personnel.

“The take it or leave it” attitude employed by the National Government has only worsened a bad situation.

Doctors, like all professionals deserve respect as they struggle to deliver to citizens against great odds. In the typical style of glossing over facts in favor of propaganda, the government has characterized the strike to be entirely about pay, saying nothing about training and equipment needs. Nothing will change as long as the discredited leadership at the ministry remains protected despite its failures and corruption.

These supremacy wars must stop during the next five years of devolution. The second term of devolution must begin with a clear understanding by all that devolution is here as a right, that governors are the head of county government and that are not rivals of the head of the National Government, that powers and resources meant for devolved units are understood by all and shall be surrendered to the counties, That the entire county system now know what is to be done by who and we will not need time and money wasting benchmarking trips and that everyone reports to duty ready to deliver from day one.

In many counties, we have tried to replicate the operation and activities of the old central government, resulting in wrong priorities and a number white elephant projects. We have to accept that we cannot pursue the future by reproducing the past. Five years of experimenting are more than enough. The next five years must see the evolution of clearly conceived and

well-executed life changing programs at the grassroots. In the next five years, we must make a clean break with the past and make devolution the revolution it really is.

It is my conviction that in the next five years, we can make the new order so smooth and so lush that hardly anyone will remember the pain, the tension, the failed experiment and the wars that characterized the first five years of devolution. Devolution must deepen the miracle we all know it can deliver.

We must not take devolution as a given and a self-propelling reality. We must be prepared to undertake a thorough audit to establish what further powers and resources not currently being devolved in counties, which need to be.

As you are aware, our coalition purposes to raise devolved resources to 47% of the national revenue. We are also identifying a few other functions to be devolved. An audit would be necessary to establish new areas and the number of existing functions and resources that we need to devolve.

We have seen many hiccups paralyze critical sectors like health. For instance, governors were made to sign for health equipment that was clearly not a priority. We must seek ways to safeguard counties against such intrusions that end up turning upside down their priorities and their ability to deliver to the electorate.

Devolution was never intended to be just a tool for economic empowerment. Central as economic development is, devolution was also intended to be a tool for deepening democracy and enhancing rights and freedoms. How we have fared in this needs to be audited and appropriate actions taken.

Going forward, we must increase and strengthen public engagement on all matters around devolved units. Counties are too close to the people that we cannot afford to ignore or impose decisions on them. The desire by the people to participate in the affairs of their lives is one of the main reasons they supported the creation of county government during the review of the constitution. Counties will need to ensure that their decision making process are more open, transparent and consultative.

Our counties will need to set out clearer objectives for decisions they make and put in place mechanisms for the public to judge the impact of the decisions.

To achieve these grand goals, we must work on ensuring that devolution attracts committed leaders, real and true patriots, and not lukewarm lip service from persons whose goals are nothing but self-aggrandizement.

Protecting, broadening, deepening and strengthening devolution must therefore occupy a prominent position on the agenda of the next National Government and a special place in the thinking of the voters as we go to election in August.

Within the counties, we must begin to give serious thought to the localized conflicts and tensions fuelled by competition for resources including appointments.

We have seen the winner-takes-all problem that was initially domiciled at the national level sprout in counties, pitting minorities against majorities. We must address these by ensuring

that the inclusivity agenda is taken seriously in the counties in accordance with our constitution.

We have seen conflicts sprout over poorly defined borders between counties like Meru and Isiolo, Vihiga and Kisumu. We will need to consider the proposal by the Commission on Administrative Justice form the creation of a County Boundaries Commission to clearly mark out county borders after the elections.

Parliament will be critical to our agenda for strengthening devolution. We will need to give serious thoughts to who gets elected as MPs because they will determine how much we entrench devolution or whether devolution will last at all.

We need to know that as supporters of devolution have fought these five years to ensure it gains recognition, opponents have learnt where they lost the plot and will be looking for men and women who can gang up effectively in support of re-centralization.

It is my firm conviction that under exceptional circumstances, an extraordinary generation of leaders can improvise as they move along for the sake of their country. That is the history we must make in the next five years. I am confident that the mission of devolution will succeed in our lifetime and History will absolve so many patriots who have sacrificed their lives in this struggle to achieve devolution.



VOTE OF THANKS BY H.E AMB UKUR YATANI DURING THE CLOSING CEREMONY OF THE FOURTH ANNUAL DEVOLUTION CONFERENCE HELD IN NAIVASHA, NAKURU COUNTY ON 7TH-9TH MARCH 2017

1. The Chairman Council of Governors, H.E Peter Munya
2. Deputy Speaker of the Senate, Amb Kembi Gitura,
3. Cabinet Secretary for Devolution and Planning Hon Mwangi Kiunjuri
4. Deputy Chief Justice, Lady Justice Philomena Mwilu
5. United Nations Resident Coordinator and UNDP Resident Representative
Mr. Siddharth Chatterjee,
6. Principal of the Kenya Wildlife Training Institute, Dr Charles Musyoki
7. Excellency Governors present
8. Cabinet Secretaries present
9. Representatives from the County Executives
10. Members of the County Assemblies
11. Representatives from Government Departments
12. Development Partners present
13. Ladies and gentlemen

I want to start by recognizing and appreciating the National Government's commitment towards this year's annual devolution conference and specifically His Excellency the President Hon Uhuru Kenyatta who graciously accepted to be our Chief Guest. His commitment towards Devolution has enabled us unlock various intergovernmental challenges such as the ongoing Doctors' strike.

I must say that this year's conference has been achieved through a collaborative process involving a very committed Steering Committee led by the unwavering Rt. Hon Ekwee Ethuro, Speaker of the Senate, H.E Eng. John Mruttu the co-Chair of the Steering Committee and Hon Mwangi Kiunjuri the Cabinet Secretary Ministry of Devolution and Planning.

It is also important to convey special thanks to the Principal of the Kenya Wildlife Training Institute Dr. Charles Musyoki who has been one of the silent heroes of this conference. From the first day that we assessed this venue as a potential site for the conference he has been steadfast in ensuring that our needs with respect to hosting this conference are well taken care of. Let's give him a hefty round of applause in appreciation. Secondly we also want to thank Arch Bishop Ndingi Secondary School for allowing us to use their facility for registration even when the students were in session. Any inconveniences to the students are highly regretted.

Special gratitude goes to the conference facilitators, Prof Karuti Kanyinga and Prof Margaret Kamar who have kept us focused during the conference. They have been part of this journey since the 2nd annual Devolution Conference in Kisumu. This conference would not have been this successful without our speakers, moderators and panellists who spared their time to share with us their experience during the three days. Let's also give them a round of applause.

We all agree that the multi- agency planning committee chaired by Ms. Jacqueline Mogeni, the CEO Council of Governors did a marvellous job in ensuring that the conference was well planned and executed. They have been working tirelessly since August 2016 to put together this conference. Thank you Jacqueline and your Team. I request the team to stand up wherever they are as we give them a round of applause.

We cannot forget to mention a very important partner in this process, the County Government of Nakuru led by H.E Kinuthia Mbugua for preparing to host this conference within a very short notice. As you are all aware this conference was originally meant to be held in Narok County, however due to the large numbers of expected delegates, Mara being a conservatory was not an ideal venue due to the foreseen interference with the ecosystem. All the same special gratitude goes to Narok County, specifically to H.E Samuel Tunai for his willingness and commitment to host the conference.

Some of the other persons and institutions we would like to appreciate are; Chairmania Events, Homeboyz, The Budget Hotels Association of Nakuru, The Office of the Inspector General and Kenya Wildlife Service Wardens, the media houses, and you the delegates. Let's give ourselves a round of applause.

Indeed we have achieved a lot during the three days that we have been here. We are all in agreement that devolution is working and is transforming the lives of our citizens. We have been able to examine the key gaps in implementation of devolution that were not considered by the existing legal framework but which are critical to the success of Devolution. We have all committed ourselves to ensuring that the resolutions read out within the joint communique are implemented.

Just yesterday we celebrated the International Women's Day. The day was meant to commemorate the struggles for women's rights and celebrating the socio-economic and political achievements that women have made so far. As the Council of Governors, we applaud all the women regardless of their social status on their contribution to the success of Devolution.

I take this opportunity to once again congratulate the winners of the Devolution Warrior Awards. For the benefit of those who missed the awards the dinner, let me repeat the winners in brief.

- 1) The Devolution Warrior of the year went to the former Chief Justice, Dr. Willy Mutunga
- 2) The Service delivery award went to Beyond Zero Campaign
- 3) The Public Participation award went to The Institute of Social Accountability (TISA)
- 4) The Knowledge Management award went to Commission on Revenue Allocation (CRA)
- 5) The Gender award went to Ms. Mary Muthoni, Kenya National Chamber of Commerce
- 6) The Peace award went to Stephen Ogutu
- 7) The Media award went to The Standard Media Group

Lastly, join me in conveying heartfelt gratitude to the following partners and sponsors for their financial, technical and support in kind towards this successful conference.

- 1. Senate**
- 2. Ministry of Devolution and Planning**
- 3. UNICEF**
- 4. UN WOMEN**
- 5. UNDP**
- 6. USAID**
- 7. UKAID**
- 8. UNFPA**
- 9. COUNTY PENSION FUND**
- 10. KENYA REVENUE AUTHORITY**
- 11. TELKOM ENTERPRISE**
- 12. NHIF**
- 13. KCB BANK**
- 14. CASEWARE AFRICA**
- 15. COOPERATIVE BANK**
- 16. KenGen**
- 17. PriceWater House Cooper (PWC)**
- 18. UWIANO PLATFORM FOR PEACE**
- 19. DT DOBIE**
- 20. DELOITTE**
- 21. THE INSTITUTE FOR SOCIAL ACOOUNTABILITY (TISA)**
- 22. KEROCHE BREWERIES**

As I conclude I would like to reiterate on the need to promote peaceful campaigns during the upcoming general elections scheduled in August 2017. We must protect our people from any form of incitement.

At this juncture I would like to officially invite H.E William Ruto the Deputy President to officially close the conference.

ANNEX 3: Launch Session

OVERVIEW OF PRODUCTS TO BE LAUNCHED BY H. E UHURU KENYATTA, CGH, PRESIDENT OF THE REPUBLIC OF KENYA, AND COMMANDER IN CHIEF OF THE KENYA DEFENCE FORCES

INTRODUCTION

The Council of Governors jointly with devolution stakeholders has been developing a number of products aimed at supporting realization of the objects of devolution, with a focus on strengthening counties to effectively implement devolved functions. These products have received, and continue to benefit from the most appreciated support of diverse devolution stakeholders.

In this regard the Council is privileged to request H.E Uhuru Kenyatta, the President of the Republic of Kenya, to preside over the launch of;

- 1) COG Strategic Plan 2017-2022;
- 2) Performance Management Framework;
- 3) Maarifa Centre and lastly, and lastly;
- 4) Inaugural Speeches of the Pioneer Excellency Governors under the Constitution of Kenya 2010.

SPECIFIC PRODUCTS TO BE LAUNCHED ON 7TH MARCH 2017

The following 4 products will be launched simultaneously on one platform (Max Five-minute presentation).

First Product: COG Strategic Plan, 2017-2022

The first strategic plan of 2014-2017 covered 4 years and lapses in April 2017. Following its successful implementation, the Council has developed this second Strategic Plan, which covers a period of five years. It is informed by the experiences, lessons and challenges from implementation of the first strategic plan.

The plan coincides with yet another historic political transition and identifies the following five (5) Kenya Performance Areas (KPA), which are consistent with the vision and mandate of the Council of Governors:

- KPA 1:** Good governance
- KPA 2:** Adequate resourcing for devolved functions
- KPA 3:** Building a strong Council of Governors
- KPA 4:** Knowledge driven performance and
- KPA 5:** Sustainable intergovernmental relations

These will enable the Council to strengthen its mechanisms for supporting counties to improve delivery of devolved functions within a dynamic political environment, while at the same time safeguarding the gains accrued over the past four years of devolution.

Overall, we expect to invest more in enhancing intergovernmental collaboration for more impact, by working closely with the National Government, County governments, citizens and devolution stakeholders.

Second Product: Performance Management Framework

The Performance Management Framework is an intergovernmental, multi-stakeholder initiative. Council of Governors approved a harmonized performance management framework on 15th August 2016. The approved framework will ensure that the roll out of performance management is done in accordance with global standards and best practices.

An intergovernmental technical committee is in place and has undertaken a gap analysis which led to the review and drafting of new policies and legislation on:

- Guidelines for the preparation of CIDPs.
- Performance Contracting Guidelines.
- Guidelines for the development of County Integrated Monitoring and Evaluation System (CIMES).
- County Delivery System Handbook.
- Guidelines for Staff Performance Appraisals.
- Guidelines for Public Participation.
- Guidelines for Urban and Spatial Planning.

As we acknowledge the contribution of the diverse stakeholders and the support of development partners in facilitating development of the Performance Management Framework, we are honored to have our President launch the Framework that provides a harmonized approach to performance management in the Counties.

Third Product: Maarifa Centre

One of the functions of the Council of Governors as per Section 20 (b) of the Intergovernmental Relations Act 2012, is to share information on the performance of Counties in the execution of their functions with the objective of learning and promoting best practice.

Maarifa Centre is a knowledge sharing and learning platform that captures lessons and experiences on Kenya's devolution from the 47 Counties. The centre's vision is ***"To be Kenya's Premier Knowledge sharing and learning Platform for Effective Governance and Service Delivery for Sustainable Development"***.

Maarifa Centre is a multi-stakeholder initiative under the stewardship of Maarifa Centre Steering Committee that is chaired by the Vice Chair of the council of Governors, H.E Governor John Mruttu.

Knowledge driven performance is a key pillar in the Council's Strategic Plan 2017-2022. Through the Centre, COG will collate, share and promote the application of best practices, experiences and lessons, innovations, models for service delivery, practical solutions, ideas, facts (credible evidence) as well as knowledge on what was tried but did NOT succeed (lessons from failed initiatives). This will be sourced from all Counties in Kenya and from other countries, for the purpose of improving performance in service delivery and for influencing policies that promote devolution and the welfare of citizens.

Specific examples of innovations and best practices are:

- *the e-government and Huduma Centre model for consolidated services initiated by National Government; the UNDP-supported Biashara Centres in Taita Taveta, Kwale for supporting SMEs (as inspired by Huduma Centre model);*
- *existing private enterprise-powered on-line IT-based agribusiness solutions such as Cow Soko for selling dairy cows on-line and MShamba for providing extension services as well as market information to farmers on-line; waste management solutions such as Thika-Kang'oki Semi-Aerobic Land fill in Kiambu County; telemedicine technology that is just picking up in the health sector;*
- *automated revenue collection models adopted by diverse counties; sustainable cities model; Probase road construction technology and enterprises that link the sanitation value chain and the agriculture value chains among others.*

Fourth Product: Inaugural Speeches of Pioneer Excellency Governors

In 2013, Excellency Governors assumed office from scratch. However, through the leadership of the Pioneer Governors under the Constitution of Kenya 2010, Counties have established structures and developed policies that support devolution. In turn, they have made tremendous progress in improving service delivery and creating an enabling environment for development. To date, every county has a story to tell, for no county can be said to be worse off since devolution kicked off.

It is in this regard that the Council of Governors has published the inaugural speeches of Excellency Pioneer Governors as a fact of history, a symbol of appreciation and in honor of the selfless leaders who lay the foundation for realizing the promise of devolution in Kenya.

In pride, we salute our Excellency Governors as we acknowledge the citizens of Kenya, the Presidency, the National government, devolution stakeholders and all intergovernmental relations institutions for supporting counties to make devolution work.

It is therefore our pleasure and honor your Excellency.

End of notes

ANNEX 4: POST CONFERENCE EVALUATION QUESTIONNAIRE

The Multi Agency Devolution Conference Planning Committee involving the Council of Governors, the Ministry of Devolution and Planning, the Senate and other devolution stakeholders is grateful for your participation in the 4th Annual Devolution Conference. This brief survey seeks to gather information and feedback about the 2017 Annual Devolution Conference held on 6th-9th March 2017 at KWS Training Institute, Naivasha, Nakuru County. This will be used to evaluate the event and improve future Conferences.

Gender of respondent	Male	Female
----------------------	-------------	---------------

1. Was this conference useful to you?

	Yes	
	No	

2. How would you rate the meeting venue?

	1	2	3	4	5
	Poor	Fair	Good	Very Good	Excellent
Rating					

3. In general how would you rate the Conference?

	1	2	3	4	5
	Poor	Fair	Good	Very Good	Excellent
Rating					

4. What is your assessment on the following plenary discussions:

		1	2	3	4	5
		Poor	Fair	Good	Very Good	Excellent
Panel 1	Promoting Economic Transformation through an Enabling Business Environment					
Panel 2	Agricultural Transformation for Food Security, Rural Development and Wealth Creation					
Panel 3	Promoting Accelerated Investment and Access to Markets					
Panel 4	The Potential and Opportunities for Natural Resource Management within a Devolution Context					
Panel 5	Equality and Inclusivity for Sustainable Development at the County Level					

Panel 6	Building Resilient and Climate Smart Cities for Growth and Sustainable Development					
Panel 7	Media Perspective on Devolution for Development					
Panel 8	Ensuring Healthy Lives and Promoting Well-Being in a Devolved System of Governance					
Panel 9	Facing Corruption as a drawback to the Development Agenda					
Panel 10	Preparedness and Planning for Seamless Transition					

5. Are you satisfied with the plenary approach?

	Yes	
	No	

6. What is your assessment on the following aspects :

Poor	1.	1	2.	2	3.	3	4.	4	5.	5
	Fair		Good		Very Good		Excellent			
Registration experience										
Choice of thematic topics and plenary talks										
Documentary and sector snapshot presentations										
Social events such as the receptions and conference dinner										
Refreshments and lunch catering										
Conference organization and communications (including social media)										
Conference fees and value for money										

7. What updates on devolution would you like to receive on a regular basis?

8. Which issues of discussion would you like to be discussed in the future?

9. Which other suggestions would you give on improvement of the conference?

THANK YOU

COUNCIL OF GOVERNORS

ANNEX 5:

REPORT ON THE POST EVALUATION OF THE FOURTH ANNUAL DEVOLUTION CONFERENCE

REPORT PREPARED BY: SAMUEL MULU MUTISYA, MONITORING AND EVALUATION OFFICER, COUNCIL OF GOVERNORS

Background

The Council of Governors in collaboration with Ministry of Devolution and Planning, the Senate and various other devolution stakeholders organized the 4th Annual Devolution conference. The clarion call for the conference was **Devolution Transformation** with a guiding theme “*Devolution Transforming Lives: Tell Your Story*”

The following report outlines lessons learned, experiences and areas of possible improvements for future use.

Introduction

The results outlined hereby represent the views obtained from 402 participants, this is a 10% representative of the estimated 4,000 participants.

This gives the margin of error for the responses to be 4.65%. Consequently the confidence level for the responses would be 96.5 %.

This is consequential from the following formula; derived from the responses above, the sample size n and margin of error E are given by

$$\begin{aligned} X &= Z\left(\frac{c}{100}\right)^2 r(100-r) \\ N &= \frac{N \times}{((N-1)E^2 + x)} \\ E &= \text{Sqrt}\left[\frac{(N-n)x}{n(N-1)}\right] \end{aligned}$$

Where N is the population size, r is the fraction of responses that you are interested in, and $Z(c/100)$ is the critical value. This calculation is based on the assumption of Normal Distribution and non-bias in the distribution of the questionnaires and response from the participants.

Overall Satisfaction

The aim was to capture the perception levels of the participants in terms of usefulness based on the day-to-day application of the participants and general rating based on all aspects of a successful conference.

Ideally, the conference was to serve as a forum to take stock of the milestones that have been achieved thus far within the framework of the principles and practice of good and responsible governance. At the same time it was to provide a good opportunity to appreciate the challenges that have confronted the devolution process.

It was also a forum for the national and devolved governments to create a platform for constructive engagement, identify key areas of challenges and jointly develop mechanisms for remedial action.

The vision was for an informative conference that builds shared experiences, which culminate in the development and reinforcement of devolution values among the participants.

Based on this **96%** of the participants were in agreement the conference was useful to them.

The overall conference rating was at **3.53** and the venue rating was **3.44**.

This is an assertion of a successful conference right from planning to management of the same.

General assessment of the conference

The Clarion call of the conference is **“The Devolution Transformation”** with a guiding theme **“Devolution – Transforming Lives: Tell Your Story!”**

The following are the specific objectives:

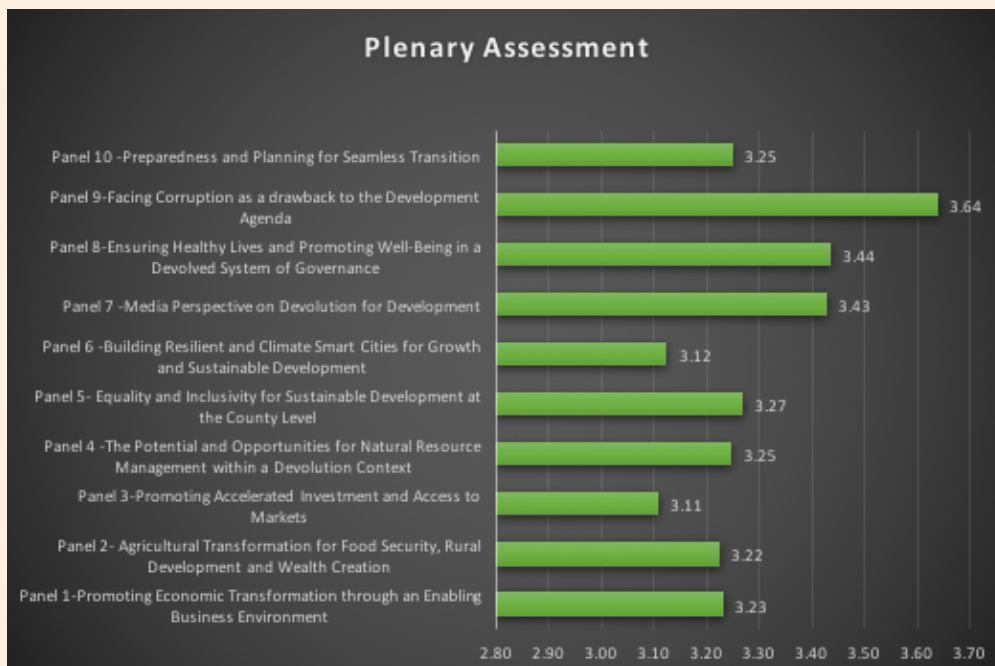
4. To review the socio-economic impact of devolution over the past four years.
5. To discuss how devolution has been a tool for socio-economic integration in the country in promoting equity and inclusivity.
6. To demonstrate the achievements in adopting the “Big Bang” Devolution implementation approach over the past four years.
7. To identify opportunities for change, growth and enhanced cooperation in changing perspectives, changing the narrative and entrenching devolution in Kenya.
8. Review the financial burden in applying two-thirds gender principle as opposed to an inclusive policy in an electoral system.

These were to be achieved based on a plenary approach which used the following modality:

1. A video/ Snapshots with Headlines for the last four years/snapshots highlighting the devolution experience for the critical sectors (e.g. health)
2. The Chair of specific committee will give a presentation based on countrywide performance & results for the past four years as a compliment to the video.
3. ‘Wananchi’ to share their experiences on how devolution has impacted on their lives.
4. A moderated plenary.
5. Wrap up by the moderator will give a summary highlighting the challenges being experienced and progress made so far.

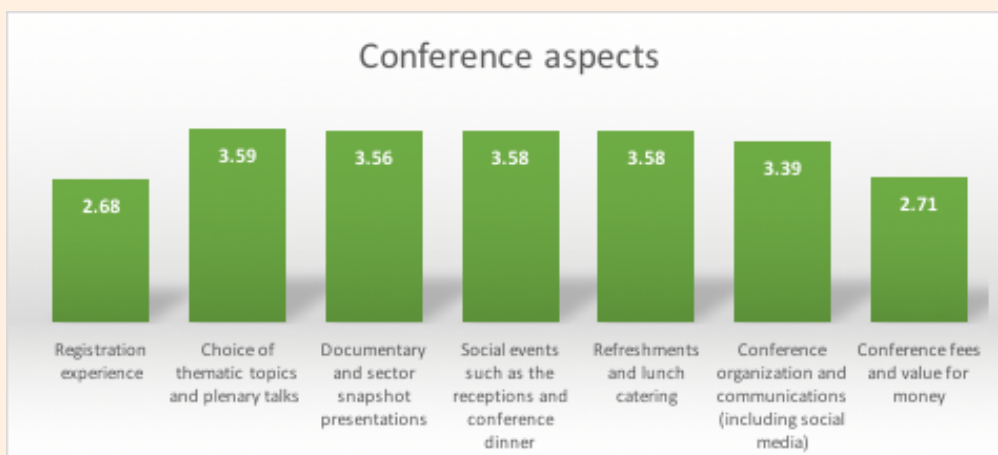
All the 10 subthemes took place as envisioned. An assessment on the plenary indicates that all the subthemes had a good rating with overall average of 3.296.

The cross-cutting sub-theme on Corruption **“Facing Corruption as a drawback to the Development Agenda”** had the highest rating of 3.64 while Infrastructure, Roads and Energy sector subtheme: **“Promoting accelerated investment and access to markets”** had the lowest rating of 3.11.



Largely the participants felt that all plenary were relevant with 77% of the participants favouring the plenary approach.

There was a general appreciation for various conference aspects except for registration and value for money for the conference fees.



There was a recommendation for the following devolution updates in future:

- Progress on execution of issues discussed e.g.: legislative proposals that enhance devolution and implementation of devolved functions especially in the agricultural and health sector.
- Challenges, technologies and success stories from different counties derived from sector programs and resolutions as well as failures and reasons for failure in promoting devolution
- Periodic statistical updates on Major County sector achievements, preferably annual.
- Food security and climate change.
- Peace and security of the common “mwananchi”.
- Resource disbursement & how the devolved functions are performing.

- Implementation of CIDPS, Annual budget reviews and audit recommendations.
- Citizen satisfaction reports on issues affecting them within different counties.
- The amount of funds set for equalization funds to the county governments and the counties that qualify for funding.
- Transfer of funds and devolved services from ministries that still cling on these services.
- Devolved functions and realignment of overlapping functions such as bursary fund, youth, women & PWD funds.
- Values, ethics and principles of good governance through domestication & institutionalization of chapter 6 of the Constitution of Kenya.
- Management of ethnic inclusivity and cohesion at county levels.

The following issues were outlined for future discussions:

- SDGs and climate change
- Relationship between the two levels of Government
- Peace and conflict resolution
- Employment of the youth at the county level. Youth empowerment at the grassroots level.
- Modalities of alignment of donor funds to county priorities. Flow of conditional grants
- The land commission issues based on mining in the county governments. The devolved funds in the health sector. The devolved funds in the road sector.

The participants recommended that making registration easier and flexible as well as ensuring the conference affordability for ease of accessibility as key to improving future conferences. They also suggested a diversified approach to showcasing devolution including concerts, devolution pageants and soccer tournaments

Conclusion

From the responses analysed it is evident that the participants benefitted from the conference. It is imperative that the suggestions outlined be captured in upcoming conferences.

The plenary approach is well appreciated and involvement of experts and implementers should continue.

Devolution conferences continue to play a key role and the appreciation has been on a high over the past few years, this modality is well appreciated. The forthcoming generation of County Governments should look into sustaining this.

ISBN 978-9966-1948-4-8



9 789966 194848



COUNCIL OF GOVERNORS

Delta Corner, 2nd Floor, Opposite PWC Chiromo Road, Off Waiyaki Way

P. O. Box 40401 - 00100 Nairobi Kenya

Tel: +254 (020) 2403313/4 | Cel: +254 (0) 729 777 281

Email: info@cog.go.ke | Website: www.cog.go.ke