



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