



REPUBLIC OF KENYA

SECTOR PLAN FOR DEVOLUTION

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STATEMENT BY THE CABINET SECRETARY THE NATIONAL TREASURY AND PLANNING

Kenya's long term development blue-print, Kenya Vision 2030, is in its third implementation phase under the Third Medium Term Plan (MTP III) 2018-2022. A total of 28 MTP III Sector Plans have concurrently been prepared through 25 MTP Working Groups and three (3) Thematic Working Groups. The Plans provide in detail policies, programmes and projects to be implemented in each sector for the period 2018-2022. The Plans also incorporate policies, programmes and projects necessary for the effective implementation of the "Big Four" initiatives namely: manufacturing and agro-processing; food and nutrition security; universal health coverage and affordable housing. Ongoing flagship projects and other priority programmes and projects carried forward from the previous Medium Term Plans will also be implemented. The Sector Plans have also mainstreamed key priorities outlined in the Manifesto of the Jubilee Government.

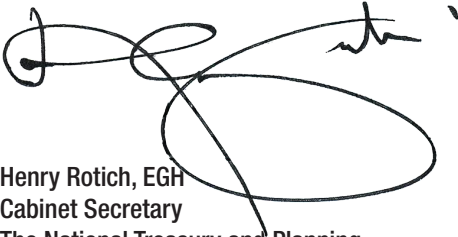
The MTP III and the Sector Plans have been prepared through a participatory and inclusive process involving representatives from the government, development partners, private sector, Civil Society, NGOs, organizations representing vulnerable groups, faith-based organizations and professional associations, among others and in line with the constitutional requirements.

The Sector Plans detail specific programmes and projects for implementation during the plan period, 2018-2022. The programmes and projects outlined in these plans will be implemented in close consultation and collaboration with county governments and in line with the Fourth Schedule of the Constitution. The Public Private Partnerships (PPPs) framework will be the vehicle through which the private sector will contribute to the implementation of programmes and projects highlighted in the plans.

The County Integrated Development Plans, County Spatial Plans and Ministries, Departments and Agencies (MDAs) Strategic Plans (2018-2022) will be aligned to the MTP III and the National Spatial Plan. Implementation of these plans will also be linked to the Results-Based Management Framework through Performance Contracts and Staff Performance Appraisal System.

A robust monitoring and evaluation framework will be put in place. In this regard, National Integrated Monitoring and Evaluation System (NIMES), County Integrated Monitoring and Evaluation System (CIMES) and the electronic Project Monitoring Information System (e-ProMIS) will be fully integrated with other governmental financial systems. This will ensure effective tracking of implementation of programmes and projects and also boost Public Investment Management.

In conclusion, I would like to appreciate the respective Cabinet Secretaries, Chief Administrative Secretaries, Principal Secretaries, staff in the MDAs and all those involved in the preparation of the Sector Plans for their valuable inputs. In addition, I commend staff from State Department for Planning led by Principal Secretary, Planning for the effective coordination of the MTP III preparation process.



Henry Rotich, EGH
Cabinet Secretary
The National Treasury and Planning

FOREWORD

Devolution Sector is pivotal for the enhancement of the country's economic growth through the unleashing of county development potentials. The Sector will play a critical role in the implementation of the government's transformation agenda.

For devolution to work, there will be need for the Constitution and critical devolution laws to be implemented efficiently. The laws include County Government Act 2012; Urban Areas and Cities Act 2011; Inter-governmental relations Act 2012; Transition to devolved government Act 2012 and Public Finance Management Act 2012. In addition to these necessary legislations, other sector-specific laws will be useful in ensuring that devolution concerns are efficiently mainstreamed within the sectors. County Governments are also expected to enact laws that are relevant to their situations including some to cater for revenue generation and utilisation.

In the operationalization of the devolved system of government, there will be need for a national policy on devolved system of government to be efficiently implemented with each stakeholder playing their roles. Intergovernmental relations, capacity building and technical support to county government will take centre stage in the Third Medium Term Plan (MTP III) 2018-2022. Governance and accountability in the implementation of devolution programmes and all related matters need to be addressed. Conflicts arising from resource allocation and utilisation concerns; politics and misinterpretation of mandates for national and county institutions based at county levels require particular attention.

The Sector Plan has taken into account views and priorities of Kenyans raised during county consultation forums. In addition, priorities outlined in the "Big Four" initiatives namely raising the share of manufacturing to 15% of GDP, ensuring food and nutrition security for all, achievement of Universal Health Coverage and provision of affordable and decent housing have been integrated into the Plan.

Over the medium term, the Government seeks to prioritize strengthening devolution by further entrenching the relevant constitutional and legal provisions as well as the development of mechanisms for the management of concurrent functions. The management and resolution of intergovernmental disputes will be addressed through the establishment of Alternative Dispute Resolution Mechanisms.

To ensure successful implementation of the Sector Plan and the activities outlined in the implementation matrix, the Sector will put in place the necessary Monitoring and Evaluation (M&E) Framework and systems including reporting formats and templates for tracking implementation.



Hon. Eugene Wamalwa, EGH
Cabinet Secretary
Ministry of Devolution and ASAL

PREFACE

This Devolution Sector Plan has been prepared through a participatory and inclusive process involving representatives from government, development partners, the private sector, NGOs, civil society, faith based organisations, professional associations, research institutions, and organisations representing women and youth, among others. Consultative meetings were held at the State Department for Devolution to initiate the process and discuss the Terms of Reference. The technical committee tasked with the preparation of this Sector Plan held two workshops, which came up with first and final drafts. The drafts were then subjected to stakeholder's validation meetings.

This Sector Plan places great emphasis on devolved government interventions which revolve around enactment and enforcement of supportive legislations to the devolved government, strengthening of governance institutions and development of policies and legislations that support inclusion, good governance, equity and efficient service delivery at county level. The implementation of this plan will require continued support from all stakeholders including other government ministries and departments, county governments, private sector, development partners, civil society and the wider public. I am hopeful that with the contribution of all stakeholders, the sector will realise its main vision of "making devolution work".

We acknowledge the support given by all the members of the Devolution Sector Working Group including Principal Secretaries and Chief Executive Officers. Development partners who participated in the work among them UNDP, World Bank, and the European Union are also highly appreciated.

Finally, we acknowledge the hard work of the technical team from various Ministries, Departments and Agencies and Private Sector Institutions that provided valuable inputs to enrich this Sector Plan.



Charles Sunkuli, CBS
Principal Secretary
Ministry of Devolution and ASALS

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LIST OF ABBREVIATIONS

ADR	-	Alternative Dispute Resolution (ADR)
AG	-	Attorney General
CAJ	-	Commission for Administration of Justice
CARPS	-	Capacity Assessment and Rationalization of the Public Service
CPSB	-	County Public Service Board
CIC	-	Commission on Implementation of the Constitution
CIDPs	-	County Integrated Development Plans
CIMES	-	County Integrated Monitoring and Evaluation System
CoG	-	Council of Governors
CoK	-	Constitution of Kenya
CRA	-	Commission on Revenue Allocation
IDEAS	-	Instruments for Devolution Advice and Support
IFMIS	-	Integrated Financial Management System
IGRTC	-	Intergovernmental Relations Technical Committee
KDSP	-	Kenya Devolution Support Programme
KLRC	-	Kenya Law Reform Commission
KNBS	-	Kenya National Bureau of Statistics
KSG	-	Kenya School of Government
MDAs	-	Ministries, Departments and Agencies
MoDA	-	Ministry of Devolution and ASALs
MTEF	-	Medium Term Expenditure Framework
MTP	-	Medium Term Plan
NACADA	-	National Authority for the Campaign Against Alcohol and Drug Abuse
NACC	-	National Aids Control Council
NCBF	-	National Capacity Building Framework
NESC	-	National Economic and Social Council
NGEC	-	National Gender and Equality Commission
NHRC	-	National Human Right Commission
NLC	-	National Land Commission
NIMES	-	National Integrated Monitoring and Evaluation System
NT	-	National Treasury
PC	-	Performance Contract
PFM	-	Public finance Management
PSC (K)	-	Public Service Commission (K)
SDP	-	State Department for Planning
SRC	-	Salaries Remuneration Commission
TA	-	Transition Authority

EXECUTIVE SUMMARY

The Constitution of Kenya ushered in a devolved system of government consisting of National and 47 County governments, which are distinct but interdependent. Article 10(2) of the Constitution prescribes national values and principles of governance, which include sharing and devolution of power. The objects of devolution as outlined in Article 174 provide the basis for Kenya's system of devolved government and the framework under which the relevant laws for the operationalisation of county governments have been enacted. It assigns exclusive and concurrent functions to the two levels of government as provided for by Article 186 and the Fourth Schedule. The Constitution has devolved power and resources thus empowering citizens to effectively participate in nation-building. The people of Kenya have been given the right to manage and shape their destiny by exercising their democratic rights both at national and county levels.

Under the Second Medium Term Plan (MTP II) 2013-2017, the devolved system of government was implemented with commendable level of success. These include operationalisation of the 47 county governments; transfer of functions to county governments; enactment of laws that guided the process; preparation of a Devolution Policy; and alignment of sectoral laws to the Constitution. In addition, key institutions and structures were established to provide guidance to devolution. Capacity building and technical support to implementers of devolution were also undertaken as well as the establishment of County Public Service Boards to guide human resource management and development.

Despite these achievements, many issues emerged that affected implementation of the devolved system of government. The issues include: policy, legal & institutional reforms; human resource management and development in the public service; centralization of services at county headquarters; linkage and synchrony of planning between national and county governments; resource mobilization and management; transfer of assets and liabilities; civic education and public participation; and security issues at county level among others.

Programmes and projects on the devolved system of government will continue to be implemented during the Third Medium Term Plan (MTP III) 2018-2022, key programmes and projects for the Sector will revolve around: enactment and enforcement of supportive legislation; strengthening governance institutions; strengthening of planning and budgeting to ensure adequate resource allocation and prudent management; enhancement of public participation and civic education; and improvement of human and technical capacities at national and county levels. In addition, citizens will be involved in social governance through participation in planning, implementation, and evaluation of key devolution sector programmes. This will be aimed at improving governance, enhancing service delivery and improving intergovernmental relations.

During the Plan period, the Sector will implement the following key programmes and projects: devolution policies and legal reviews, capacity building and technical support for implementation of devolution and strengthened intergovernmental relations structures. The Sector will also undertake programs under the following cross cutting issues: gender mainstreaming, environment and climate change, land reforms, security and HIV/AIDS, drugs and substance abuse.

1.0 INTRODUCTION

The Constitution of Kenya ushered in a devolved system of government consisting of the national and county governments, which are distinct but interdependent. The Constitution, in Article 6(1) and the First schedule specifies the territory of Kenya with 47 counties. Further, Article 174 outlines the objects and principles of devolved government and the framework for the development of the relevant laws for the operationalisation of county governments.

The Constitution assigns exclusive and concurrent functions to the two levels of government as provided for in Article 186 and the Fourth Schedule. It has devolved power and resources thus empowering citizens to effectively participate in nation building.

The devolved system of government has been implemented since 2013 with a significant level of success including operationalisation of the 47 county governments; transfer of functions to county governments; enactment of laws that guided the process; preparation of a Devolution Policy; and alignment of sectoral laws to the Constitution. Key institutions and structures were established to support devolution; capacity building and technical support to implementers of devolution was undertaken; and County Public Service Boards established to guide human resource management and development. In addition, key intergovernmental relations mechanisms and structures including the Inter-Governmental Relations Technical Committee (IGTRC) and the Council of Governors (CoG) were established and operationalised. Other institutions operationalized included the Intergovernmental Budget and Economic Council (IBEC), Office of the Controller of Budget (CoB), and Commission on Revenue Allocation (CRA).

Kenya Vision 2030 envisages a globally competitive economy, a democratic process in decision-making, more equitable allocation and distribution of resources and a high quality of life for all Kenyans. To achieve the Vision, the Sector Plan prioritizes several programmes and projects that will ensure successful implementation of devolution. These include enactment and enforcement of supportive legislation, strengthening of governance institutions, strengthening of planning and budgeting framework to ensure adequate resource allocation and management, and enhancement of human and technical capacity at national and county levels.

The Sector will support implementation of the “Big Four” initiatives namely raising the share of manufacturing to 15% of GDP, ensuring food and nutrition security for all, achievement of Universal Health Coverage and provision of affordable and decent housing. The Sector Plan also mainstreams international development commitments which Kenya has ratified including the UN Agenda 2030 for Sustainable Development Goals (SDGs) and the Africa’s Union Agenda 2063.

2.0 SITUATION ANALYSIS

The Devolution Sector Plan (2013-2017) provided a framework for operationalisation of the devolution process. Several programmes and projects including policy, legal and institutional reforms were developed to support the implementation of devolution. The achievements included the following:

2.1 Flagship Programmes and Projects

Capacity Building (Training and System Development)

The programme focused on public finance management, planning and monitoring and evaluation, human capital and performance management, intergovernmental relations, civic education and public participation. A training needs assessment was conducted to identify capacity gaps at both levels of government following which a capacity-building curriculum was developed. Subsequently, training of national and county staff, as well as non-state actors on various aspects of operationalisation and management of devolved government, was undertaken. Further, technical assistance was provided to counties on a need basis.

Civic education on devolution

Civic education was undertaken on devolution in all counties before and after the 2013 general elections. This was done through the Bridging the Divide through Accountable Governance (BDAG) project that aimed at creating awareness on the devolved system of government as well as supporting initiatives of transferring roles from the defunct local authorities to counties.

The Government rolled out the Kenya National Integrated Civic Education (K-NICE) programme in partnership with non-state actors to provide civic education to citizens. The goal of the programme was to provide an organisational framework for a sustainable national civic education that would promote collective national aspirations, enhance the participation and engagement of citizens, as well as promote responsive governance. A civic education curriculum and strategy were developed and implemented. Public participation guidelines were also developed and disseminated. In addition, a Public Participation Bill was developed.

Policy, Legal and Institutional Review

This program aimed at developing a policy, legal and regulatory framework for the implementation of devolution. The Sector developed a policy on devolution to improve implementation of the devolved system of government to achieve optimal service delivery. Laws on devolution, which include the Urban Areas and Cities Act, 2011, Intergovernmental Relations Act 2012, County Governments Act 2012, Transition to Devolved Government Act 2012, the Public Finance Management Act 2012 were also implemented. Key intergovernmental relations mechanisms and structures were also established and operationalised.

Resource Mobilization and Utilization

Both the national and county governments received their share of nationally raised revenues as stipulated in the Constitution. The counties also continued to mobilise resources to complement their equitable share allocation. A Devolution Sector Working Group was established and operationalised to improve coordination and mobilisation of resources for devolution programmes from development partners and other stakeholders.

Human Resource Management and Development

A human resource audit was conducted under the Capacity Assessment and Rationalization of the Public

Service (CARPS) to identify staffing levels and skills gap for both national and county governments. County Public Service Boards were also established to provide technical and strategic direction in human resources management and development issues.

County Infrastructure and other Facilities

All county government offices were refurbished and operationalized through the support of the Transition Authority. Functional analysis and costing were undertaken, including functions transfer and the attendant resources to undertake the functions provided. The unit costing for health, agriculture, livestock, fisheries, environment, water, natural resources, transport, infrastructure and Foreign Affairs functions were undertaken. Further, inventory of assets and liabilities of the defunct local authorities was undertaken and a report prepared. Based on the report, most assets were transferred to either level of government.

Kenya National Spatial Data Infrastructure

A National Spatial Data Plan was developed and launched to guide spatial planning at national and county levels. The construction of the Kenya National Spatial Data Infrastructure (KNSDI) Centre was initiated and geodetic reference points (pillars) were constructed in Kwale, Wundanyi, Bondo and Koibatek. The database for Nairobi was completed while preparation for Kiambu and Mombasa was initiated.

Comprehensive Data Management System

The Kenya National Bureau of Statistics in collaboration with other stakeholders prepared detailed county indicators in all the 47 counties to facilitate preparation of county statistical abstracts.

Performance Management

Guidelines for county performance management were developed and implemented by some county governments. Although the development of a performance management system is provided for under Section 47 of the County Governments Act of 2012, not all counties implemented citing various reasons including lack and or limited capacity, lack of understanding of performance management and failure to identify the drivers within the County.

Integrated Development Planning

Guidelines for preparation of County Integrated Development Plans were developed and disseminated and counties developed their first CIDPs 2013 – 2017, sectoral and strategic plans. Guidelines for mid-term reviews of CIDPs were also developed and County Planning Units established in all counties to coordinate planning and budgeting.

2.2 Other programs and projects

- Operationalization of county governments by setting up of the initial structures;
- Establishment of the Maarifa Center - an innovative knowledge management and sharing platform, which has enabled counties to share new knowledge and best practice on devolution matters;
- Implementation of the integrated basin development master plans to guide the operations of Regional Development Authorities;
- Development and roll out of County Integrated Monitoring and Evaluation System; and
- Public Financial Management reforms.

2.3 Cross-Cutting Issues

The Sector identified cross-cutting issues that needed to be addressed to reduce the unforeseen negative impact on its contribution to the country's economic growth and development. The following was achieved:

Land Reforms: Land reforms related to devolution as stipulated under Chapter Five of the Constitution were implemented including the enactment of land laws namely the Land Act, Land Registration Act and National Land Commission Act.

The Judiciary: The Judiciary decentralised its services to the counties with a view to enhancing the administration of justice and strengthening judicial institutions. High Courts were increased from 23 stations in 15 counties in 2013 to 39 stations in 38 Counties by 2017. In addition, magistrate courts increased from 109 in 2013 to 120 in 2017 while four (4) courts of appeal were established in Eldoret, Mombasa, Nakuru and Nyeri.

Gender and Equity Issues: Gender mainstreaming was conducted at county levels and counties trained on gender responsive budgeting.

Environment and Climate Change: The Kenya National Adaptation Plan 2015 - 2030, National Climate Change Action Plan 2013 - 2017, and the Green Economy Strategy and Implementation Plan were developed to help integrate environmental and climate change issues in planning. The Climate Change Act 2016 was also enacted.

HIV/AIDS: The Kenya AIDS Strategic Framework (KASF) was developed and rolled out to counties. The Plan was developed through an in-depth analysis of available data and participatory process involving a wide range of stakeholders from the government, civil society and other non-state actors.

Drugs and Substance Abuse: The National Authority for the Campaign Against Alcohol and Drug Abuse (NACADA) continued to provide preventive education, public awareness, life skills, treatment, rehabilitation and psychosocial support to the public.

3.0 EMERGING ISSUES, CHALLENGES AND LESSONS LEARNT

3.1 Emerging Issues

- Disputes between county governments over common boundaries and utilization of shared resources;
- The emergence of county economic blocks; Some counties have come together to form economic legal and institutional frameworks to harmonize and regulate the blocks;
- Proposed decentralization of resources beyond the county level: Most County Assemblies have proposed establishment of Ward Development Fund (WDF), which grants Members of County Assemblies (MCAs) powers to patronize WDF. This is against principle of separation of powers as stipulated under Article 185 of the Constitution; and
- Unharmonized fees and charges.

3.2 Challenges

- Transfer of assets and liabilities between national and county governments;
- Inadequate framework for management of concurrent functions;
- Weak intergovernmental coordination;
- Weak human resource management and development in the County Public Service;
- Shortage of professionals in specialized fields (surveyors, engineers, physical planners, health workers);
- Unharmonized terms and conditions for county public service staff;
- Unclear Management of Pension schemes for County staff;
- Development of Norms and standards for service delivery;
- Adherence to 30% inclusivity rule in the recruitment of county public staff;
- Weak linkage between national and county planning and other regional and international obligations;
- Weak management and administration of own source revenue by the county governments;
- Inadequate framework for borrowing and Public Private Partnership (PPP); and
- Insecurity in some counties arising from terrorism, youth radicalization, cattle rustling, and internecine conflicts which affected implementation of projects and programs.

3.3 Lessons Learnt

- To ensure efficient and effective service delivery, strong intergovernmental relations between the national and county governments is key;
- It is imperative to have systems and capacity in place before devolving certain functions;
- Home-grown solutions are more effective in enhancing knowledge for implementation of devolution;
- It is important to have norms and standards to guide county governments in managing the institutions; and
- Civic education on devolution is of paramount importance

4.0 PROGRAMMES AND PROJECTS 2018 – 2022

The MTP III outlines policies designed for the continued implementation of devolution with the aim of reducing poverty, strengthening service delivery and creating jobs. The following programmes and projects will be implemented during the Plan period:

4.1 Devolution Policies and Legal Reviews

This programme aims at deepening devolution. The following sub programmes will be implemented:

4.1.1 Policy, Legal and Institutional Frameworks for Devolution

The following projects will be implemented to strengthen Policy, legal and regulatory framework for devolution:

- Development of a framework to support functional analysis, unbundling, costing and transfer of functions between the two levels of government;
- Restructuring of institutions performing both County and National functions to align them with the Constitution;
- Development of guidelines on fiscal and functional decentralization of services to sub-units of counties;
- Periodic review of the devolution policy alignment;
- Gap analysis of existing legal instruments to address any gaps that hinder service delivery to the people of Kenya;
- Development of a policy on shared resources between counties; and
- Development of a policy to guide investment in sustainable management of natural resources.

4.1.2 Devolved units, Urban Planning and Management

The following will be implemented:

- Establishment of County Urban Governance and Management Systems;
- Finalization of the National Urban Development Policy (NUDP);
- Amendment and operationalization of the Urban Areas and Cities Act 2011;
- Development of regulations for the Urban Areas and Cities Act;
- Development of guidelines for demarcation/delineation of Urban Areas;
- Development of guidelines for County Spatial planning;
- Development of a Decentralization Policy to guide fiscal and functional decentralization of county sub-units; and
- Decentralization of National Government services to regions, county, and sub county levels e.g. Attorney General, Government Printer.

4.2 Capacity Building and Technical Support for Implementation of Devolution

Capacity building and technical support programme is aimed at strengthening competencies of county governments. The programme involves capacity building and technical support and embracing public participation. The following will be implemented:

4.2.1 Capacity Building and Technical Support

The sub-programme will focus on:

- Gazettement and implementation of the National Capacity Building Framework (NCBF);
- Capacity building and provision of technical support to counties through grants and training;
- Promotion of Local Economic Development (LED) in counties through implementation of the Instruments for Devolution Advice and Support (IDEAS) project.

4.2.2 Public Participation and Civic Education

The following will be implemented:

- Establishment of civic education units at the county level;
- Accreditation of civic education providers; and
- Rolling out of civic education and public participation programmes at the county level.

4.3 Planning, Budgeting, Financial Management and Resource Mobilization

The programme aims at strengthening planning, budgeting, public financial management and resource mobilization at county level. It involves the following:

4.3.1 Planning, Budgeting, and Financial Management

This sub-programme will develop a framework for integrated planning and budgeting at county level. The following activities will be undertaken:

- Development of a framework for integrated planning to ensure alignment of CIDPs and county budgets to the Vision 2030, MTPs and other national policies and strategies;
- Development of a framework to guide inter-county cooperation including formation of county regional economic blocks;
- Ensuring effective participatory budgeting, planning and financial management;
- Supporting automation of county governments by improving county public financial management; and
- Implementation of a structured system for conditional grants.

4.3.2 Revenue Allocation and Resource Mobilisation

This sub programme aims at promoting equitable sharing of revenues between national and county governments and among counties and to ensure effective resource mobilisation. This will be achieved through the following:

- Preparation and publishing of recommendations on revenue sharing between national and county governments and among counties;
- Finalization and implementation of a Policy on own-source revenues for national and county governments;
- Support to county governments on management and administration of own source revenue;
- Development of a framework for harmonization of fees and charges across counties;

- Development of a framework for resource mobilization for alternative financing of county governments;
- Development and implementation of policies targeting marginalized areas;
- Development of policy and legal framework on benefit sharing from natural resources;
- Finalization of the Policy on Own Source Revenue Enhancement;
- Enactment of the County Government Tax Regulations Bill (2016);
- Harmonization of taxes, levies and charges at County and national level; and
- Amendment of the PFM Act, 2012 to entrench the minimum threshold for Parliament to review recommendations of the CRA on revenue allocation.

4.4 Intergovernmental Relations and Structures

The objective of the programme is to strengthen intergovernmental relations and structures. It entails the following sub-programmes:

4.4.1 Inter-Governmental Relations

This sub programme seeks to strengthen coordination between institutions through the following:

- Review of the Intergovernmental Relations Act, 2012 and development of the attendant regulations;
- Development, dissemination and implementation of a Communication Strategy to support intergovernmental relations;
- Development and implementation of a framework to institutionalize alternative dispute resolution (ADR) mechanism in settlement of intergovernmental disputes; and
- Strengthening of the sectoral consultation mechanisms to support intergovernmental relations.

4.4.2 Asset and Liabilities Management

The sub program seeks to update the inventory of national and county public assets and liabilities and the appropriate transfers. It entails:

- Updating inventory of public assets and liabilities; and
- Support to the transfer of assets and liabilities to relevant institutions.

4.4.3 Monitoring and Evaluation of devolution

- Harmonization of M&E systems for the National and County Governments; and
- Development of a framework for the county data management.

4.5 Human Resource Management, Development and Service Delivery

The programme aims at strengthening public service and rationalization of human resource functions across national and county governments. It has two (2) sub-programmes namely:

4.5.1 Human Resource Management and Development

The following will be implemented:

- Implementation of the relevant Capacity Assessment and Rationalization of the Public Service (CARPS) recommendations;
- Enactment of legislation to establish the county pension scheme;
- Strengthening of the implementation of the 30 percent inclusivity rule;
- Development of a mechanism to harmonize public service management (terms and conditions, recruitment, remuneration, human resource development and mobility of staff and succession management);
- Strengthening the collaboration between Public Service Commission and County Public Service Boards; and
- Establishment of norms and standards to ensure harmony and uniformity in human resource management and performance.

4.5.2 Public Service Delivery at County Level

The following will be implemented:

- Rationalization of human resource functions, training recruitment and deployment; and
- Setting aside 1% of County budgets for research to support documentation of lessons and best practices from counties.

4.6 Development of Industrial Clusters & Product Programme

4.6.1 Industrial Clusters

This sub-programme focuses on development of industrial clusters covering various Counties based on dominant economic activities.

4.6.2 One-County-One Product

This initiative aims at promoting development of industries in each county based on products and resources potential unique to each county.

4.7 Cross-Cutting Issues

4.7.1 Gender Mainstreaming

Article 27(3) of the Constitution provides for the right to equal opportunities in political, economic, cultural and social spheres for men, women, boys and girls. In addition, SDGs Goal 5 recognises that sustainable development must operate within a peaceful environment and embrace participation of citizens in all sectors of development. In this regard, the Sector will implement the following:

- Gender mainstreaming at all levels of government;
- Coordination of the establishment of gender units at the counties;
- Strengthening Governors' Gender Round Tables (GGRTs) to engage women, youth and Persons with Disability on the impact of devolution; and
- Capacity building on Gender Responsive Budgeting (GRB) and Sustainable Development Goal 5 on gender equality;

4.7.2 Environment and Climate Change

The sector will support the implementation of the following:

- Implement the Climate Change Act, 2016 at all levels of Government;
- Mainstream adaptation and mitigation considerations in the County Integrated Development Plans (CIDPs);
- Undertake Public awareness on climate change agenda; and
- Implement Green Economy Strategy and Implementation Plan (GESIP) at both levels of government.

4.7.3 Land reforms

Land is an important resource for the economic life of majority of Kenyans. How people handle and use land resource is key to their social and economic well-being as well as the sustainable land use. While the framework for land reforms is provided in the enablers and foundations of MTP III, the Sector will implement the following:

- Develop guidelines on land survey and mapping at the County level; and
- Develop guidelines on soil and water conservation by the county governments.

4.7.4 Security

While the Constitution of Kenya (2010) locates overall management of security within the domain of the national government, experience has shown that County Governments play a critical role in finding solutions to the persistent security challenges which impact on their functions and service delivery. With the absence of an explicit constitutional provision, security is emerging as a function that requires support of both levels of governments. There is, therefore need for innovative approaches on security governance under the devolved system of government.

The Third MTP will focus on:

- Review the current National Police Service Act to incorporate County Governments in the County Policing Authorities;
- Establish and link security surveillance systems at the County level to the national security apparatus; and
- Develop a framework for joint response mechanism on security issues for both the National and County Governments.

4.7.8 HIV/AIDS, Drugs and Substance Abuse

Various programmes will be implemented to mainstream HIV/AIDS, Drugs and Substance Abuse at both levels of government.

5.0 POLICY, LEGAL AND INSTITUTIONAL REFORMS

5.1 Policy Reforms

- Development of guidelines on fiscal and functional decentralization of services to sub-units of counties;
- Development and implementation of a policy on shared resources between counties e.g. Water resources;
- Develop guidelines for county spatial planning; and
- Development and implementation of a policy to guide investment in the sustainable management of natural resources.

5.2 Legal Reforms

- Review and or develop legislation relevant to devolution;
- Review the Intergovernmental Relations Act, 2012 and develop the attendant regulations; and
- Develop legal framework on benefit sharing from natural resources.

5.3 Institutional Reforms

- Develop guidelines on fiscal and functional decentralization of services to sub-units of counties;
- Development and implementation of a framework to facilitate functional analysis, unbundling, costing and transfer of functions between the two levels of government;
- Restructuring of institutions that are performing both County and National functions to align them with the Constitution; and
- Development and implementation of a framework to institutionalize Alternative Dispute Resolution (ADR) mechanisms in settlement of intergovernmental disputes.

IMPLEMENTATION MATRIX

Programme / Project	Objectives	Expected Outputs	Performance Indicators	Implementing Agency	Time Frame (Years)	Source of Funds	Indicative Budget (Kshs. Million)				
							2018/19	2019/20	2020/21	2021/22	
Devolution Policies and Legal Reviews											
Policy, Legal and Institutional Frameworks for Devolution Devolved units, Urban Planning and Management	To deepen devolution through strengthened legal and institutional frameworks	Functions analysed, costed and transferred; Framework for concurrent functions developed	No. of functions transferred; The framework	MODA, CoB, CRA	2018-22	GoK, Donor	192	200	150	100	20
		Laws and regulations developed and amended	No. of laws and regulations	Parliament	2018-22	GoK, Donor	150	200	150	100	20
		Devolution Institutions restructured	No of institutions	MODA, IGRTC	2018-22	GoK, Donor	50	250	500	200	100
		Devolution policy reviewed	The Policy	MODA, MP&S	2018-22	GoK, Donor	10	10	50	10	10
		Guidelines on fiscal and functional decentralisation in place and implemented	The guidelines	MODA	2018-22	GoK, Donor	100	200	400	200	200
		Services decentralized	% of services decentralized	MODA, CRA	2018-22	GoK, Donor	564	592	622	653	686
		County spatial plans guideline / spatial plans developed	No. of counties with Spatial plans	MODA, MOL, Counties	2019	GoK, Donor	550	605	666	732	805
		Capacity Building and Technical Support for Implementation of Devolution Programme									
Capacity Building and Technical Support	To strengthen county government competencies	Counties' capacity built and technically supported through grants and training	No. of counties supported	MoBA MS&P, CRA, Devt Partners	2018-22	GoK, Donor	611	258	244	158	100

Programme / Project	Objectives	Expected Outputs	Performance Indicators	Implementing Agency	Time Frame (Years)	Source of Funds	Indicative Budget (Kshs. Million)				
							2018/19	2019/20	2020/21	2021/22	2021/22
		National Capacity building Framework implemented in all counties	No. of counties covered	MoDA MS&P, CRA, Devt Partners	2018-22	GoK, Donor	300	200	100	100	93
Public Participation and Civic Education	To improve public participation in county development	Public participation and Civic education programmes rolled out in all counties; Civic education providers accredited	No. of counties with programmes No. of providers	MODA, MS&P, CRA	2018-22	GoK, Donor	1269	952	714	535	402
		Civic education units established in all counties	No. of civic education units established	MODA, MS&P, CRA	2018-22	GoK, Donor	5	4	3	2	2
Planning, Budgeting, Financial Management and Resource Mobilization											
Planning, Budgeting, Financial Management	To improve county planning, budgeting and public financial management	Integrated planning framework developed and implemented in all counties. Framework for regional economic blocks developed and implemented in counties. County data management framework developed Digitized county operations	No. of counties with implementing the framework No. of counties covered No. of counties with data management frameworks No. of counties with digital platforms	CRA, NT, MODA & Non-state Actors CRA, NT, MODA & Non state Actors CRA, NT, MODA & Non state Actors CMODP, Lands	2018-22 2018-22 2018-22 2018-22	GoK, Donor GoK, Donor GoK, Donor GoK, Donor	179 121 121 1,000	197 133 133 1,100	217 146 146 1,210	238 161 161 1,331	262 177 177 1,464

Programme / Project	Objectives	Expected Outputs	Performance Indicators	Implementing Agency	Time Frame (Years)	Source of Funds	Indicative Budget (Kshs. Million)				
							2018/19	2019/20	2020/21	2021/22	2021/22
Revenue Allocation and Resource Mobilization	To promote equitable sharing of revenues between national and county governments and improve resource mobilization by counties	Recommendations on revenue sharing published	No. of publications	CRA, NT, IBEC, Deputy President	2018-22	GoK, Donor	356	392	431	474	521
		Policy on own sources revenue in place and implemented	Policy	CRA, MODA, NT, Counties	2018-22	GoK, Donor	110	121	133	146	161
		Recommendations on county governments management and administration of own source revenue made.	Recommendations report	CRA, MODA, NT, Counties	2018-23	GoK, Donor	100	110	121	133	146
		Framework for harmonisation of fees and charges across counties developed.	The framework	CRA, MODA, NT, Counties	2018-24	GoK, Donor	80	88	97	106	117
		Framework for resource mobilisation for alternative financing of county governments developed.	The framework for alternative financing	Environment, CRA, MODA	2018-25	GoK, Donor	50	55	61	67	73
Intergovernmental Relations and Structures											
Inter-governmental Relations	To strengthen intergovernmental structures and relations	Intergovernmental institutions strengthened	No. of intergovernmental institutions supported	MODA, MS&P, CRA, Development Partners	2018-22	GoK, Donor	547	585	631	686	747
		Communication strategy developed, disseminated and implemented	The Communication strategy	MODA	2018-22	GoK, Donor	23	17	13	10	7

Programme / Project	Objectives	Expected Outputs	Performance Indicators	Implementing Agency	Time Frame (Years)	Source of Funds	Indicative Budget (Kshs. Million)				
							2018/19	2019/20	2020/21	2021/22	2021/22
		Framework to institutionalise Alternative Dispute Resolution mechanism developed and implemented	The framework	MODA	2018-22	GoK, Donor	10	11	11	12	12
		Sectoral consultation forums mechanism strengthened	No. of forums held, No. of sector - reports	KSS, MODA, MP&S	2018-22	GoK, Donor	20	21	22	23	24
Asset and Liabilities Management	To improve management of public assets and liabilities	Public assets and liabilities inventory updated and digitized	The inventory	ICT, MODA, CGs	2018-22	GoK, Donor	2,632	2,895	3,185	3,503	3,854
		Assets and liabilities transferred to relevant institutions	No. of assets transferred and liabilities settled	MODA, CGs	2018-22	GoK, Donor	9	10	11	12	13
Monitoring and Evaluation of devolution	To harmonize M & E systems across governments	M&E systems for the National and County Governments harmonized and implemented	No. of MCDAs with operationalised M & E systems (CIMES and NIMES)	CRA, NT, MODA & Non state Actors	2018-22	GoK, Donor	2,000	2,200	2,420	2,662	2,928
Human Resource Management, Development and Service Delivery											
Human Resource Management and Development	To improve human resource capacity for effective service delivery	County performance management framework implemented	The county performance management framework	SPM, PSC, CPSB	2018-22	GoK, Donor	50	55	61	67	73
		Rationalization and retention of county staff policy developed	Rationalisation and retention of staff policy	SPM, PSC, CPSB	2018-22	GoK, Donor	50	55	61	67	73
		County pension scheme established and operational	The Pension scheme	SPM, PSC, CPSB	2018-22	GoK, Donor	20	22	24	27	29
		Norms and standards developed	Norms and Standards documents	SPM, PSC, CPSB	2018-22	GoK, Donor	100	110	121	133	146

Programme / Project	Objectives	Expected Outputs	Performance Indicators	Implementing Agency	Time Frame (Years)	Source of Funds	Indicative Budget (Kshs. Million)				
							2018/19	2019/20	2020/21	2021/22	2021/22
		Partnerships established	The partnerships	SPM, PSC, CPSB	2018-22	GoK, Donor	50	55	61	67	73
		30% inclusivity rule implemented	Women to men ratio County Public Service (%)	SPM, PSC, CPSB	2018-22	GoK, Donor	12	13	15	16	18
Public Service Delivery at County Level	To improve Service Delivery at County Level	Human resource functions Rationalized; 1% of County budgets allocated to research	No. of functions rationalized; Proportion of County Budgets allocated to research	County and GoK	2018-22	County and GoK					
Development of Industrial Clusters & Products											
Industrial Clusters	To improve regional industrialization and productivity through harnessing dominant product base	County specific industries developed	No. of County specific industries	County and GoK	2018-22	County and GoK	1,000	1,000	1,000	1,000	700
One-County-One Product	To promote counties productivity and diversification through comparative product and resource base	Inter county industries promoted	No. of intercounty industries	County and GoK	2018-22	County and GoK	200	300	200	300	200
Cross-Cutting Issues											
Gender Mainstreaming	To ensure effective participation of both genders in development	Gender issues mainstreamed; Gender units established in all counties	No. of Gender policies fully implemented; No. of counties with gender units	Sector Stakeholders	2018-22	GoK, Donor	10	11	12	13	15

Programme / Project	Objectives	Expected Outputs	Performance Indicators	Implementing Agency	Time Frame (Years)	Source of Funds	Indicative Budget (Kshs. Million)				
							2018/19	2019/20	2020/21	2021/22	
Environment and Climate Change	To improve awareness on environmental management and climate change issues	Environmental and climate change concerns mainstreamed	No. of climate change sensitization forums held	Sector Stakeholders	2018-22	GoK, Donor	20	22	24	27	29
Land Reforms	To develop guidelines on land survey, mapping and use	Guidelines on land survey and mapping developed and implemented	The land survey a mapping guidelines	Sector Stakeholders	2018-22	GoK, Donor	78	86	94	104	114
Security	To develop and implement a collaborative framework on security at national and county levels	Collaborative framework on security developed and implemented	The collaborative framework	Sector Stakeholders	2018-22	GoK, Donor	150	165	182	200	220
HIV/AIDS, Drugs and Substance Abuse	To mainstream and implement HIV/AIDS, Drugs and Substance Abuse programmes at both levels of government	HIV/AIDS, Drugs and Substance Abuse programmes mainstreamed	No. of HIV/AIDS policies/plans mainstreamed	Sector Stakeholders	2018-22	GoK, Donor	120	132	145	160	176
GRAND TOTAL							12,548	13,377	14,247	14,468	14,737

MONITORING AND EVALUATION MATRIX

Sub Programme / Project	Objectives	Outcomes/Outputs	Indicators	Baseline	Yearly Targets					Responsible Agency
					2018/19	2019/20	2020/21	2021/22	2021/22	
Devolution Policies and Legal Reviews										
Policy, Legal and Institutional Frameworks for Devolution	To deepen devolution through strengthened legal and institutional frameworks	Functions analyzed, costed and transferred;	No. of functions transferred	10	10	11	12	13	14	GoK, Donor
		Frameworks for concurrent functions developed	No. of frameworks	1	3	4	5	5	6	GoK, Donor
		Laws and regulations reviewed	No. of laws reviewed	51	65	75	80	85	90	GoK, Donor
		Devolution Institutions restructured	No. of regulation reviewed	1	3	4	5	6	6	GoK, Donor
		Devolution Institutions restructured	No. of institutions restructured	1	2	3	3	4	4	GoK, Donor
		Devolution policy reviewed	The Policy	1	1	1	1	1	1	GoK, Donor
		Guidelines on fiscal and functional decentralization in place and implemented	The guidelines	1	1	1	1	1	1	GoK, Donor
		Services decentralized to county and sub-county levels	% of national services decentralized	60	70	70	70	80	90	GoK, Donor
			% of county services decentralized	10	50	55	60	70	80	GoK, Donor
		Devolved units, Urban Planning and Management	To improve urban governance	County spatial plans guideline / spatial plans developed	No. of counties with Spatial plans	5	20	25	35	40
Capacity Building and Technical Support for Implementation of Devolution										
Capacity Building and Technical Support	To strengthen county government competencies	Counties' capacity built and technically supported through grants and training	No. of counties supported	0	47	47	47	47	-	GoK, Donor
		NCBF reviewed and implemented	The reviewed NCBF	Draft	1	1	1	1	1	1

Sub Programme / Project	Objectives	Outcomes/Outputs	Indicators	Baseline	Yearly Targets				Responsible Agency
					2018/19	2019/20	2020/21	2021/22	
Public Participation and Civic Education	To improve public participation in county development	Civic education and public participation programmes implemented in all counties	No. of counties benefiting from the programme	47	47	47	47	47	GoK, Donor
		Civic education providers accredited	No. of civic educators providers	0	50	-	-	-	GoK, Donor
		Civic education units established in all counties	No. of civic education units established	30	17	-	-	-	GoK, Donor
Planning, Budgeting, Financial Management and Resource Mobilization									
Planning, Budgeting, and Financial	To improve county planning, budgeting and public financial management	Integrated planning developed and implemented in all counties	No. of counties with CIDPs	47	47	47	47	47	GoK, Donor
		Framework for regional blocks developed and implemented	No. of counties with work plans	47	47	47	47	47	GoK, Donor
		County data management framework developed	The framework for regional blocks	0	1	-	-	-	GoK, Donor
		Digitized county operations	No. of counties with data management frameworks	0	10	15	25	35	47
Revenue Allocation and Resource Mobilization	To promote equitable sharing of revenues between national and county governments and improve resource mobilization by counties	Recommendations on revenue sharing published	No. of publications	-	1	1	1	1	GoK, Donor
		Policy on own sources revenue in place and implemented	The policy	1	1	1	1	1	GoK, Donor
		Recommendations on county management and administration of own source revenue made	Recommendations report	-	1	1	1	1	1

Sub Programme / Project	Objectives	Outcomes/Outputs	Indicators	Baseline	Yearly Targets					Responsible Agency		
					2018/19	2019/20	2020/21	2021/22	2021/22			
		Framework for harmonization of fees and charges across counties developed	The framework	-	1	-	-	-	-	GoK, Donor		
		Framework for resource mobilization for alternative financing of county governments developed	The framework	-	1	-	-	-	-	GoK, Donor		
Intergovernmental Relations and Structures												
Inter-governmental Relations	To strengthen intergovernmental structures and relations	Intergovernmental institutions strengthened	No. of intergovernmental institutions supported	3	6	8	9	9	9	9	GoK, Donor	
		Communication strategy developed, disseminated and implemented	Communication strategy	-	1	-	-	-	-	-	GoK, Donor	
		Framework to institutionalize Alternative Dispute Resolution mechanism(ADR) developed and implemented	The ADR mechanism	1	1	1	1	1	1	1	1	GoK, Donor
		Sectoral consultation forums- strengthened	No. of sectoral forums; No. of sector reports	18	20	21	24	25	25	25	25	GoK, Donor
Asset and Liabilities Management;	To improve management of public assets and liabilities	Public assets and liabilities inventory updated and digitized	The inventory	1	1	1	1	1	1	1	GoK, Donor	
		Assets transferred to relevant-institutions and liabilities cleared	% of assets transferred, Liabilities settled	-	10	20	40	60	100	100	GoK, Donor	
Monitoring and Evaluation of devolution	To harmonize M & E systems across governments	M&E systems for the National and County Governments harmonized and implemented	No. of MCDAs with operationalized M & E systems (CIMES and NIMES)	3	15	20	25	35	47	47	GoK, Donor	

