

**SPEECH BY THE CABINET SECRETARY MINISTRY OF DEVOLUTION AND ASAL DURING THE OFFICIAL OPENING OF INTERGOVERNMENTAL RELATIONS WORKSHOP HELD AT THE GRAND ROYAL SWISS HOTEL, KISUMU ON 3<sup>RD</sup> DECEMBER, 2018.**

Honorable Governors

Honorable Senators

Honorable Members of Parliament

Honorable Members of the County Assemblies

The Intergovernmental Relations Technical Committee

Development Partners

Distinguished Guests

Ladies and Gentlemen

1. It is an honour for me to join you here today and address this distinguished gathering, **one of its first kind**, that is considering the **current status of intergovernmental relations in the country and our vision moving forward**. Let me take this opportunity to express my appreciation to the Chairman and the entire IGRTC team for their efforts in organizing this workshop.
2. We are now in our sixth year of implementing the Constitution. I am proud to state that we have made commendable progress in implementing devolution and in particular, improving Intergovernmental Relations between the National and County governments. This success has been as a result of concerted efforts by both the national and

county government due to the realization that **cordial relations is a prerequisite to implementation of the country's development agenda.**

3. The path to success has not been entirely smooth and there were occasions in the formative stage of devolution where relations between the national and county governments faced some challenges.
4. We have now gained considerable experience in the implementation of the devolved system of government. This therefore, is an opportune time for us to take stock of our experiences in the management of intergovernmental relations. As we all appreciate, the successful implementation of various national and county government policies and programmes is dependent on **an effective system of intergovernmental relations that facilitates harmony between the two levels of government.**
5. The performance of functions by one level of government has a big impact on the manner in which the other levels performs. This is recognized and addressed by the constitution in Article 6(2) which requires the two levels of government to conduct their mutual relations on the basis of **consultation and collaboration.**
6. A key objective of intergovernmental relations is to **promote the national development agenda.** As you are all aware, the national government has identified the **Big Four Agenda as priority areas to guide the development agenda of the country during the third Medium Term Plan period 2018-**

- 2022.** The identified areas focus on key basic needs that are critical to the uplifting of the standard of living of Kenyans.
7. The prioritized areas are **affordable and decent housing, affordable healthcare, food and nutritional security, and employment creation through manufacturing.** These are devolved functions and their effective implementation will require close consultations and synergy between the national and county governments.
  8. **Harmonious Intergovernmental relations will play an important role on realization of the Big Four Agenda.** In this regard my Ministry will facilitate the interactions between the two levels of government through convening various intergovernmental sector forums where policy and technical consultations and cooperation will be coordinated.
  9. The Constitution in the Fourth Schedule, assigned the National Government the responsibility of Policy and Legislation. In this regard, the Ministry developed the **Policy on Devolved System of Government in 2016.** The policy addresses emerging institutional, intergovernmental and resource issues with a view to improving the implementation of the devolved system of government and to achieve optimal service delivery. The Policy therefore aspires to have a devolved system of government that is responsive to the needs of the citizens.
  10. The Ministry is in the process of reviewing the County Government Act and Intergovernmental Relations Act.

11. With regard to the Intergovernmental Relations Act, interactions with various stakeholders has revealed the **need to relook into the overall architecture of the Act with a view to determining whether the current intergovernmental institutions, their roles and responsibilities, and the consultation processes are effective in the furthering the concept of cooperative government.** Various emerging intergovernmental relation issues that are a hindrance to intergovernmental relations, and those that provide a learning experience have been considered during the review process of the Intergovernmental Relations Act.
12. In the course of the first administration of the county governments, we experienced a **number of challenges that need to be addressed** if we are to make county governments more effective in the discharge of their constitutional mandate. We have also experienced several **success stories in various fields of county management which need to be recognized** and concretized as reference points for peer learning and for building our knowledge management of county governments.
14. The relationship between the Executive and Legislative arms of county governments have particularly been of concern as this determines how effectively a particular county will undertake its responsibility. **The integration of public participation in the management of county affairs is critical** in creating a sense of ownership within the

population. **These are some of the areas that are being considered in the review of the County Government Act.**

15. The review of both Acts is ongoing and is expected to be **finalized by the end of January, 2019**. This will culminate in the two draft Bills to be presented to stakeholders for validation.
16. Upon enactment of the bills into law, the Ministry will embark on **developing the requisite Regulations** in order to facilitate the implementation of the new laws.
17. The Ministry in collaboration with county governments is in the process of developing a **policy and legal framework** that will lay the foundation for the **establishment and operations of Regional Economic Blocs**. The economic blocs have the ability to unlock the great economic potential inherent in our counties. By their very nature, the **economic blocs are intergovernmental structures** that, of necessity, require effective intergovernmental relations to facilitate their operations. The Ministry is leading the process as part of its responsibility to develop the appropriate environment for counties to thrive.
18. In order to support the county governments in discharging their mandate, the Ministry, in collaboration with key stakeholders including the county governments, developed the **National Capacity Building Framework** to guide the

manner in which capacity building would be undertaken at the counties. Further the Ministry, through the **Kenya Devolution Support Programme**, is supporting all counties through **Capacity and Performance Based Grants** in Public Finance Management, Planning Monitoring and Evaluation, Human Resource and Performance Management, and Civic Education and Public Participation. Through the **Instrument for Devolution Advice and Support (IDEAS) Programme**, the Ministry is supporting fifteen counties to undertake **Local Economic Development Projects**.

19. While we have made progress in nurturing the devolved system of government, I am aware that there are some **pending transition matters** which are hindering county governments from exploiting their full potential. These **residual functions** were to be finalized during the transition period. The Ministry will collaborate closely with the institutions involved to ensure that any **residual functions are finalized expeditiously**. Of critical concern is the completion of unbundling of all functions assigned to county governments which currently ongoing under the leadership and guidance of Intergovernmental Relations Technical Committee. Am glad to learn that the Verification and Validation of Assets and Liabilities of defunct Local Authorities is complete and awaiting presentation to IBEC.
20. Going forward the Ministry will focus on the following areas which are considered critical in supporting devolution: -

- Development of regulations for both the County Government Act and Intergovernmental Relations Act.
- Implementation of the Alternative Dispute Resolution Regulations.
- Development of management framework for concurrent functions.
- Review and alignment of sector laws with the spirit of devolution.
- Development of Regulations for Intergovernmental Sector Forums
- Development of a framework for establishment of Intergovernmental Units in both MDAS and County Governments

21. As a country, we chose the path of devolution. As a Ministry we have and will continue to play our role of providing **policy direction and the requisite legislative framework** to support the performance of county governments. We will continue to support the counties through capacity building and technical assistance. The performance by counties have been impressive though challenges still remain.

22. With the various strategies developed by the Ministry, and guided by the Policy on Devolved Government and with effective Intergovernmental Relations, I am confident that the devolved system of government will **continue delivering the dividends** that Kenyans expected when they adopted the new constitution.

23. With this remarks I now wish to declare the Intergovernmental Relations workshop officially open.

**Thank you**