



COUNCIL OF GOVERNORS

## **CONCEPT NOTE FOR THE DEVOLUTION CONFERENCE 2023**

**Theme:** 10 years of devolution: The Present and the Future.

**Sub-theme:** Driving Transformation from the local level: County governments as the Centre of economic development.

**Objective:** Reflect on the 10 years of devolution and explore locally and internationally recognized methodologies for strengthening systems to enhance transformational service delivery in Counties

**Date:** 15<sup>th</sup>-19<sup>th</sup> August 2023

**Venue:** Uasin Gishu County

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## 1.0 INTRODUCTION

The Constitution of Kenya establishes two levels of government - the National Government and forty-seven (47) County Governments. The primary objective of decentralization is to devolve power, resources, and representation down to the local level. Specifically, the objects of the devolution of government in Kenya were to promote the democratic and accountable exercise of power; foster national unity by recognizing diversity; give powers of self-governance to the people, and enhance the participation of the people in the exercise of the powers of the State and in making decisions affecting them, and recognize the right of communities to manage their affairs and further their development

The constitution assigned the County Governments exclusive functions solely under their control. Further, it defined concurrent functions under the jurisdiction of each level of government and residual functions that are not defined as falling under the jurisdiction of either the national or the county government.

Following the general elections in March 2013, which saw the election of County Governors and Deputy Governors and Members of County Assemblies, the County Governments became operational. Since then, County Governments have continued to oversee constitutionally assigned duties that formerly fell under the purview of the national government, including the provision of health care, early childhood education, urban development, water and sanitation services, agriculture services, and county road maintenance, among others. The first cycle of the county governments was important for laying the groundwork by establishing the basic administrative structures, passing necessary laws and policies, preparing the first county plans and budgets, and transitioning the old institutions, such as the former 175 local authorities.

In the last ten (10) years, County Governments have provided a platform for harnessing new opportunities to address the development problems by planning, coordinating and assigning resources and driving the transformative agenda in a decentralized approach. County Governments have continued to deliver services to Kenyans in line with the assigned functions. While the devolved system of government is now a decade old, the journey that Kenya and Kenyans have traveled through ever since the adoption of devolution is laced with successes, challenges, and opportunities that have helped to deepen devolution further.

The gist of the devolution chronicle has been effective service delivery to the populace. The devolved governments have taken government services closer to communities, promoting easier

accessibility, effective service delivery, and customized services to meet the citizens' needs. Further, devolution has actualized effective and efficient performance management tools that have improved the implementation of development plans and service delivery plans. Frameworks such as County Spatial Plans, Sector plans, County Integrated Development Plans (CIDP), Annual Development Plans (ADPs), and Urban Areas Plans have guided the County Governments in achieving notable milestones now celebrated at this conference. County Governments have also institutionalized further decentralization by establishing sub county, ward and village offices, establishing urban area governance institutions and establishing semi-autonomous county government entities including water companies, enterprise development corporations and revenue management authorities.

After the promulgation of the Constitution of Kenya in 2010, the country has held three general elections in 2013, 2017, and recently in 2022. The country has continued to witness peaceful transition of political power at the national and county levels. This has created an enabling environment for continuity of service delivery and allowed county governments to evolve and become more responsive and accountable for delivering the devolution dividend to Kenyans.

## 1.1 BACKGROUND

Over the last nine years, the Council of Governors has hosted seven (7) Annual Devolution Conferences in various parts of the country, which have generated conversations around certain thematic areas of concern to the Counties, nationally and globally. Lessons are drawn from the discussions that inform National and County governments' actions. The conferences have attracted National and International delegations that have come to learn about issues regarding the transition to a devolved system of government and appreciate the impact that devolution has had on the people of Kenya. Due to their international nature, the conferences have each attracted over 5000 delegates.

The conferences have had different themes, as enumerated below:

- a. The first conference, held in Kwale County, was **“One Year into Devolution: Celebrating the Milestones, Confronting the Challenges.”**
- b. The second conference, held in Kisumu County, was **“Celebrating the Gains of Devolution.”**
- c. The third conference, held in Meru County, was **“The Promise of Devolution: Consolidating the gains and looking into the future”**
- d. The fourth conference, held in Nakuru County, was **“Devolution - Transforming lives: Tell your story!”**

- e. The fifth conference, held in Kakamega County, was "**Sustainable, productive, effective and efficient governments for results delivery.**"
- f. The sixth conference, held in Kirinyaga County, was "**Deliver. Transform. Measure. Remaining Accountable.**"
- g. The seventh and final annual devolution conference, held in Makueni County, was "**Multi-Level Governance for Climate Action.**"

The conferences resulted in the development of communiqués that were tracked and implemented. Some of the strategic interventions because of the conferences include strengthening legislation and policy for devolution, good governance, adoption of a performance management framework for enhanced service delivery, county commitment to climate action, and strengthened intergovernmental relations among others.

During the 7<sup>th</sup> annual and final devolution conference, it was agreed that the conferences would be hosted after every two years marking the end of the era of annual conferences. This was to ensure that all the stakeholders had sufficient time to fully implement the resolutions that emanate from the important international event as it was realized that one year was a short period to action and track the commitments made by the different institutions represented.

## 2.0 PURPOSE AND JUSTIFICATION OF THE DEVOLUTION CONFERENCE 2023

The Devolution Conferences recognize the tremendous progress in the fourteen (14) devolved functions and their supportive elements in the performance and exercise of those functions. Reflecting on the devolution pathway, the conferences present an opportunity to paint the picture of the journey encompassing the history, clamor of devolution, successes, challenges, lessons learned, gaps, and opportunities. Further, as a baseline for the future trajectory and a transformative devolution space, the devolution conference auspiciously captures the lessons, voicing the citizenry's perception and institutionalization of devolution that will inform concrete resolutions for deepening and safeguarding devolution.

The Devolution conference is an important event as it provides a platform through which all stakeholders in the devolution space evaluate the performance of both levels of government on matters of policy, legislation, accountability, good governance, and service delivery, among others. It also provides an opportunity for sharing challenges, opportunities, and best practices from a local and international perspective.

Given that devolution is almost a decade old, there is a need to take stock of the journey devolution has traveled since its inception, with a focus on amplifying the successes, identifying the harnessed and missed opportunities, understanding the challenges, and potential threats that may slow down the progress towards further decentralization.

Therefore, the Devolution Conference provides a chance for the sub-national governments to critically examine the last ten years of devolution and what the future looks like with County governments being at the center of economic development while driving socio-economic and political transformation from the local level. This, therefore, calls for a platform for sub-national levels of government to discuss, share, and learn from each other and strengthen engagements and partnerships with different stakeholders, including the national government, to further deepen devolution and achieve the devolution dream of an equitable society. The conference will also provide a platform to explore the existing opportunities in the digital ecosystem that can help accelerate and optimize service delivery efficiency to improve public services to the people.

Also, with technology progressively advancing and the call to promote digital inclusion for job creation and improving efficiencies, there is a need to explore untapped opportunities in the digital space that offers huge potential and numerous opportunities for the growth of the digital economy in counties and Kenya. The conference will also focus on the importance of an inclusive approach to devolution that promotes the economic and social inclusion of marginalized groups, including the youth, women, persons with disabilities, and other minorities in the counties. This approach will not only benefit individuals but will help deliver inclusive and sustainable economic growth across the Country.

**3.0 MAIN OBJECTIVE**

The overall objective of the conference is to reflect on the 10 years of devolution and explore locally and internationally recognized methodologies for strengthening systems to enhance transformational service delivery in Counties.

**3.1 Specific Objectives of the Devolution Conference**

The specific objectives of this conference will include the following:

1. To enable County Governments to discuss strategies for effectively deliver transformative services to citizens.

2. To identify opportunities for change and enhanced cooperation in changing perspectives and entrenching devolution in Kenya.
3. To deliberate on the voices of the children of Kenya on devolution.
4. To reflect on the progress made in the implementation of devolution in the last 10 years.
5. Provide a platform for the government, development partners, private sector, civil societies, and philanthropy organizations to commit to strategies for local economic development.

### 3.2 Expected Outputs

- 1) A joint communique amongst stakeholders for implementation.
- 2) Best practices models on impactful service delivery methodologies identified and documented.
- 3) Conference report.

## 4.0 PROPOSED CONFERENCE FORMAT

- **Pre-Conference Activities:** The following activities will be undertaken as curtain-raisers before the main conference:
  - a) Children’s conference to be held on 3<sup>rd</sup>-6<sup>th</sup> July 2023. The Children’s conference will be aligned with the theme of the devolution conference and provide an opportunity for the children from all the forty-seven counties to air their voices on the impact of devolution. The children will come up with a communique that will be presented at the main conference.
  - b) Tree-Growing -In a bid to support the president’s vision of growing 15 Billion trees by 2032, Council of Governors will embark on a tree growing exercise as one of the activities to be carried out before the conference. Each of the 47 Counties will grow at least **100,000 trees**. There will be **200** ceremonial tree seedlings grown by the President, Deputy President, Governors, Senators, and other invited guests on **16<sup>th</sup> August 2023 at the Arboretum, Eldoret**.
  - c) **Athletics and Football** - The athletics and the football events will be held on **15<sup>th</sup> August, 2023** at Kipchoge Keino Stadium The following will participate in the event: Men and Women professional athletes, Governors, Senators, Members of the County Assemblies, Cabinet Secretaries, Principal Secretaries, host County, invited guests and the COG secretariat.

- **High-level Panel discussions**: The conference shall adopt the **dialogue approach** through panel discussions followed by plenary engagements. The panels shall comprise Senior National and County Government Officials, Development partners, the private sector, and the public.
- **Main Plenum discussions**

The main plenum will be attended by all the participants. The plenum will be officially launched by the President and will focus on the following issues;

**a) Effective Service Delivery**

Service delivery has been a key principle of devolution. Over the last decade, county governments have revolutionized service delivery in their respective regions. The devolved units have provided a closer access gateway to public services to the common citizen. The reach of devolution in service delivery has been immense ranging from the provision of community health services to local administration and agricultural extension services.

Reflecting on the progress made in service delivery, it is clear that devolution has enhanced public service delivery. It is important to celebrate these key milestones as we strategize on the way forward. The plenum will discuss the successes of devolution in effective service delivery in the health, agriculture, urban planning and trade sectors. The plenum will also identify areas of improvement to enhance service delivery in the future.

**b) Digitalization**

Technological advancement in the 21<sup>st</sup> Century has impacted every aspect of society. There is no doubt that technology will continue to shape the world in the foreseeable future. County governments have leveraged digital tools in the execution of their mandate. Digital tools such as health information systems, digital surveillance in agriculture, Land information management system, digitalized licensing platforms and satellite have been essential operationalization of devolution. Digitalization provides limitless potential in the execution of the devolved functions.

The plenum discussion will provide a forum for counties to share the best digital tools that have effectuated the operationalization of devolution. Additionally, the discussions will identify how counties can adopt technologies to enhance data sharing, and data management and use data to adopt data-driven policies. Further, the plenum will deliberate on; the implications of data privacy



laws, risks associated with the adoption of digital tools and the potential of national and inter-county fibre –optic networks in enhancing devolution.

### **c) Innovation and Performance Management**

Since the inception of devolution, innovation has been important for counties to overcome unforeseen challenges and be resilient in the face of these hurdles. The aspect will evaluate how the County governments have come up with innovative solutions to enhance performance management in the last 10 years. The discussion will centre on the novel ideas adopted by counties to improve performance management.

### **d) Affirmative Actions**

This aspect will evaluate various affirmative action programs implemented by County Governments and their significance in eliminating historical discrimination and injustices against women, minorities, youth, and PWDs, among others. Further, conversations about the economic empowerment of marginalized groups will be initiated in the plenum.

### **e) Good Governance and Accountability**

Good Governance and accountability of the devolved governments are important to ensure the efficiency and effectiveness of devolution. In the spirit of democracy, county governments are supposed to be accountable to the citizens. The plenum will initiate a dialogue on the subject matter to identify the level of good governance, integrity accountability in the county governments.

### **f) Strengthening Intergovernmental Relations**

Cooperation between the two levels of government is critical to ensure the successful implementation of devolution. The plenum will discuss how intergovernmental relations can be strengthened to promote devolution.

- **Sector breakaway sessions:**

Four sector breakaway sessions shall be convened each day to discuss various achievements, challenges, and the future of devolution in critical sectors while mainstreaming the current government's priorities. The concurrent sessions shall be held separately and have a moderator pose questions to the panelists. A plenary shall be opened for participants to give their views on the discussed subject matter. The participants shall engage professional facilitators/moderators in dialogue toward identifying solutions and making prepositions for the way forward. The sub-

themes will be mixed (sectoral based and include cross-cutting issues e.g., technology and innovation, performance management, knowledge management, etc.

- **Exhibitions:** The conference shall also have an open exchange of experiences through exhibitions and available opportunities for direct interaction.
- **Registration:** The Participants attending the conference will register and pay registration fee to participate.
- **Devolution Warrior Award:** This will recognize individuals who have played an exemplary role in supporting devolution over the last 10 years.

The panel modality shall include the following:

1. A video/Snapshot with Headlines on the impact of devolution in the specific sector or sub-theme.
2. Paper presentation/ sharing of best practices on 10 years of devolution
3. A moderated plenary.
4. Wrap-up by the moderator will give a summary highlighting the challenges being experienced and the progress made so far.

## 5.0 PROPOSED SUB-THEMES FOR BREAKAWAY SESSIONS

The sub-themes and sector programs for the breakaway sessions will be developed jointly by sector stakeholders. The sub-themes will include the following:

### Urban

**Sub theme:** The Constitutional right to housing; a reflection of the past 10 years of devolution.

**Objective:** To take stock and look ahead to unlock access to affordable, green and resilient housing through innovation

### Health

**Sub theme:** Celebrating a Decade of County-Led Health service Delivery: lessons for the future

**Objective:** Repositioning Primary Health care as a driver for Universal Health Coverage and economic growth

### Trade development and Industrialization

**Sub-theme:** Investing for a Resilient Future, Lessons from the past: Strategic Investment as a Driver of Sustainable Economic Growth and Development

**Objective:** To unlock the economic potential of counties through strategic positioning as investment destinations, while drawing upon lessons from the past for informed decision-making and sustainable development

### **Blue Economy**

**Sub theme:** Exploring the economic opportunities in the blue economy sector for inclusive growth and benefits for local communities: Reflecting investments in the next 10 years

**Objective:** To discuss strategies that will ensure that these benefits are distributed equitably, promote job creation, and address social and economic inequalities

### **Agriculture**

**Sub-theme:** Strong food systems for food security and inclusive growth: Reexamining the County agriculture sector transformation in the last 10 Years.

**Objective:** To discuss a pathway for transforming county food systems to achieve food sovereignty and industrialization in Kenya

### **Natural Resource Management**

**Sub-theme:** Leveraging NRM for a Sustainable Development Pathway and Green Economy transition in Counties.

**Objective:** To reflect on the achievements of devolution over the past 10 years and explore ways to leverage natural resources management to transition the Kenyan Counties to a green economy

### **Youth**

**Sub-theme:** Empowering Youth for Inclusive Economic Growth: The Role of the Bottom-up Economic Transformation Agenda in Kenya

**Objective:** To reflect on the progress made in empowering youth through skills development, entrepreneurship, talent management and innovation while leveraging current opportunities to create a sustainable future in Kenya

## **Health:**

**Sub theme:** Celebrating a Decade of County-Led Health service Delivery: lessons for the future

**Objective:** Digitizing Health to the last mile for economic growth

### **6.0 RESOURCE MOBILIZATION STRATEGY**

The Council will engage possible partners from the National Government, Development partners, Private Sector and Non-State Actors. The Council will further hold donor round table meetings with DPs, the Private sector, civil society, and philanthropy to gather feedback for inclusion in the programme and partner on the different sessions. Stakeholders in childcare and development will support the children's conference. Different sponsorship packages will be provided for partners.

### **6.0 LIST OF PARTICIPANTS**

To have robust engagements, the Council of Governors seeks to invite representatives of County Governments, National Government institutions, Parliament, Judiciary, Civil Society Organizations, media, religious institutions, sub-national Governments from Africa and other regions, development partners, academia, private sector practitioners, and other Governments that have a devolved system of government like Kenya. This approach will facilitate the exchange of experiences and potential learning from each other and provide a platform to develop practical solutions that can be employed to achieve critical objectives.

Representatives of development partners and the private sector will be encouraged as a follow-up to the conference to identify ways to partner on the implementation of the agreed actions in the form of specific knowledge exchange among participants, capacity building, or technical cooperation.

To get the children's voices from the devolution conference, the children will be represented by their president, Governor and Deputy Governor elected by Children during the children's Conference.

### **7.0 EXHIBITION BOOTHS BOOKING**

#### **Objectives of the Exhibition**

The exhibition is aimed at achieving the following objectives:

1. To showcase best practices and innovations.
2. To promote knowledge sharing and learning amongst various practitioners, County Governments, and the public.
3. Facilitate Communication of the various products and emerging trends

### **Approach**

A total of 300 booths will be secured and an online platform created to enable interested stakeholders to book their preferred booths at a cost of KShs.50,000 per booth on a first come first serve basis.

## **8.0 DURATION AND SCHEDULE OF CONFERENCE**

The Conference shall be held from 16<sup>th</sup> to 18<sup>th</sup> August 2023 in Uasin Gishu County.

The conference schedule is as follows:

- i) Arrival and collection of registration badges on 15<sup>th</sup> August 2023.
- ii) Devolution Tournament and Athletics on 15<sup>th</sup> August 2023.
- iii) Ceremonial tree growing exercise 16<sup>th</sup> August 2023
- iv) Official Opening of the Conference 16<sup>th</sup> August 2023
- v) Conference Days 16<sup>th</sup> to 18<sup>th</sup> August 2023.
- vi) Official Closing Ceremony and signing of Commitments 18<sup>th</sup> August 2023.
- vii) Departure 19<sup>th</sup> August 2023.