



DEVOLUTION & PUBLIC FINANCE

PRESENTATION TO UON ADMINISTRATION STAFF
AT UON RRI WORKSHOP ON 2010 CONSTITUTION
IMPLEMENTATION
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TEAM MEMBERS



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Focus of the presentation



- * The rationale for Devolution
- * Principles of devolved government
- * Structures and governance of devolved government
- * Functions of County Executive
- * Citizen's participation
- * Women and representation
- * Youth
- * Marginalised groups
- * Legislations and Marginalised groups
- * Emerging issues
- * Role of the University
- * Conclusions



Context and Rationale for Devolution



- i. The 2010 Constitution sought to reform governance and enhance equitable development
- ii. Premised on dealing with past challenges of centralization including
 - * Bad Governance & politics of exclusion, Inequitable distribution of resources
 - * Poor service delivery and
 - * Lack of citizen participation in their own governance



Principles of Devolved Governance



- i. Devolution is guided by principles of:
 - * Democracy and separation of power
 - * Affirmative action
 - * Reliable revenue for effective service delivery
 - * Consultation and Cooperation
- ii. Aim of Devolution is to realise Objects set out in Art. 174 of Constitution
- iii. Focus must be on redressing challenges of centralized system and delivering services to the people



Article 174: Objects of Devolution



- I. Promote democratic and accountable exercise of power; foster unity in diversity
- II. Self-governance and enhanced public participation in governance
- III. Protect and promote minority rights
- IV. Ensure equity in sharing of national and local resources
- V. Facilitate decentralisation of state organs and services; easy availability of services and promote social & econ Dev.
- VI. Enhance checks and balances



Structure & Governance of Devolved Units



i. Executive Arm of County Government

- * Headed by the governor and the deputy.
- * Executive Committee members
- * County Public Service as hired by County PSB

ii. County Assembly which is composed of

- * Elected & Nominated Members
- * The Speaker

iii. Judiciary, Security and some national institution are not devolved

- * All national Institutions are supposed to decentralize services.



Role of County Executive



- i. Governor and Deputy elected by residents and are required to have University Degree
 - * Governor to nominate county executive (consider community & cultural diversity; not more than 2/3 gender; minorities & marginalised)
 - * county assembly to approve.
- ii. Role of County Executive include:
 - * Implementing County legislation
 - * Implement within the County, national legislation as required



Role of County Executive Cont.



- * Manage and coordinate functions of the County administration and its departments;
- * Supervise administration and delivery of services in County within decentralised units
- * Prepare proposed legislation for County Assembly consideration;
- * Provide County Assembly with full regular reports on matters relating to the County



Functions of County Gvt



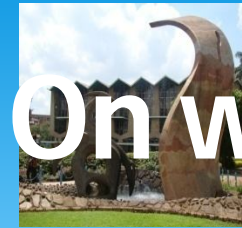
- * The 4th Schedule provides for the functions of County Governments in 14 areas including:
 - I. Agriculture; County health services; Control of air pollution; cultural activities; County transport;
 - II. Animal control and welfare; Trade development; County planning & Dvt; Pre-primary education;
 - III. County public works; Fire fighting & disaster Mgt
 - IV. Control of drugs & pornography
 - V. Implementing national Gvt policies on environmental conservation
 - VI. Coordinating community participation in governance



Citizen's Participation



- i. It is provided that citizens participate in many areas including:
 - * Decision making processes in all stages of development
 - County Integrated Development Plans;
 - County Sectoral Plans;
 - County Spatial Plans; &
 - Cities and Urban Areas Plans
- ii. Counties to establish and facilitate county citizen fora at all levels of gvt within county



On women and representation



- * Article 177 1 (b) under membership of the county assembly provides that the county assembly must take on board ***The number of special seats necessary to ensure that no more than two thirds of the membership of the assembly are of the same gender.***
- * The provision allows for the women's advancement in local politics and provides a training ground for leadership and participation at National level
- * The County Government is critical in its role as a service provider and point of access to the political system and is therefore a key area for women's political empowerment.



On The Youth



- * Affirmative action for youth in particular is recognized because of the general practice in our communities where the youth are often kept outside the decision making bodies thereby denying the rich and diverse views and experience of the youth in policy formulation and implementation.



Representation of Marginalised Groups

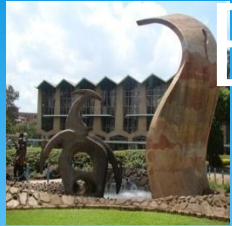


- * Constitution creates avenues to guarantee inclusivity and diversity in county representation.
 - Special seats for women, youth ,PWDs and marginalised groups in county assembly
 - County executive to reflect community and cultural diversity and adhere to affirmative action
 - Appointments to county public service adhere to meet const principle of equality special opportunities for minorities and marginalised groups

Legislation on Marginalised Groups at Counties



- * Article 197 (1) also requires that not more than two thirds of the members of any county assembly or county executive committee shall be of the same gender
- * Parliament required to enact law to ensure that the community and cultural diversity of a county is reflected in its county assembly and county executive committee
- * Parliament to enact legislation to ensure mechanisms are in place to protect minorities



Emerging Issues & Key Challenges



- * Unbundling of functions
- * Intergovernmental relations
- * Financial management
- * Capacity of County Governments
- * Citizen Participation
- * Implementation of affirmative action for marginalised groups
- * Service Delivery
- * Electoral system
- * Transition



Role of University



- * Objective voice informed by research & knowledge
 - Emerging issues require effective M&E & research
- * UoN contribution to the implementation of the constitution
 - i. Focus on research that can inform the legislation, service delivery, the rights based approach to constitution implementation
 - ii. Review curriculum to realign with the constitution
 - iii. Generation of training materials
 - iv. Training in response to county needs(curriculum content)
 - v. Provision of advisory services through Advisory Notes & Consultancy Services
 - vi. Decentralization of university services in line with the concept of devolution



Conclusions



- * Shifting to a new form of governance is a complex matter
 - Requires objective non partisan approach which UoN should provide;
 - * A developmental approach with ability to objectively assess each step of implementation before contributing is required;
 - Balancing academic and action research
 - Identifying critical points of entry for effective policy input & influence
- * Remaining true to UoN overall vision and mission

