


# The ten-point model county award criteria scheme:


A human rights centred framework on devolved governance





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## INTRODUCTION

The Kenya Human Rights Commission (KHRC) is a premier and flagship non-governmental human rights and governance institution in Africa that was founded in 1991 with a vision to Secure Human Rights States and Societies. Towards this, the KHRC is implementing a project titled: 'Towards A Human-Rights Centred Devolved Governance'; that aims to ensure that the devolved governance system is enhanced and accountable in the delivery of services and protection of human rights. 

It is on this basis that the KHRC has applied the existing legal frameworks (Constitution, statutes and treaties) and best practices and experiences to formulate and publish the "Ten Point County Award Criteria and Award Scheme". Each of the ten human rights and governance obligations identified below will be assessed against five legal and operational indicators or milestones.

### a) Definitions

The concept 'model' is used here as an adjective to mean 'worthy of imitation', and as a verb, it means: 'to make or construct a descriptive or representational form of' or 'to plan, construct, or fashion in imitation of'<sup>2</sup>. On the other hand, a County Government is a form of a local government. The county government mainly serves as an extension of the state government.

The Constitution of Kenya, 2010 creates a decentralized system of government wherein two of the three arms of government; namely the Legislature and the Executive are devolved to the 47 Political and Administrative Counties as provided for under Article 6 and specified in the First Schedule. Moreover, Section 2 of the County Governments Act No. 17 of 2012 defines a County Government to mean the county government provided for under Article 176 of the Constitution<sup>2</sup>.

1 See: "Model Definition" in [dictionary.search.google.com](http://dictionary.search.google.com). Site visited on January 8, 2015.

2 <http://kenyalaw.org/kl/index.php?id=3979>. Site visited on January 8, 2015.

In addition to this, Article 6 of the Constitution provides for the relationship between the national and county levels of government, including the devolution of services provided by a national state organ.

The primary objective of decentralization is to devolve power, resources and representation down to the local level. To this end, various laws have been enacted by Parliament to create strategies for the implementation framework and the adoption on which objectives of devolution can be achieved<sup>3</sup>.

With these considerations the derived meaning of this term based on the above separate definitions above, a 'Model County' is a 'local or county government that meets the prescribed attributes or values and therefore worth of emulation or imitation'.

#### **b) Human Rights Framework from the Constitution**

The Constitution and legal frameworks<sup>4</sup> on devolved governance capture attributes and values in different Articles and Sections, respectively<sup>5</sup>. Chapter 11 of the Constitution for instance, provides for Devolved Government. Article 174 provides for the objects of devolution, Article 175 provides for the principles of devolved government and Article 176 provides for county governments.

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3 <http://kenyalaw.org/kl/index.php?id=3979>

4 Legal frameworks: Basic Education Act (No. 14 of 2013); Constituencies Development Fund Act (No. 30 of 2013); County Government Act (No. 17 of 2012); Division of Revenue Act (No. 31 of 2013); Intergovernmental Relations Act (No. 2 of 2012); National Government Co-ordination Act (No.1 of 2013); Public Finance Management Act (No. 18 of 2012); Transition County Allocation of Revenue Act (No. 6 of 2013); Transition to Devolved Government Act (No. 1 of 2012); Transition County Appropriation Act (No. 7 of 2013); Urban Areas and Cities Act (No. 13 of 2011); National Land Commission; National Security Act; Public Procurement and Disposal Act among others. For details visit: <http://kenyalaw.org/kl/index.php?id=3979>. Most of the National Laws and Policies have a thematic/ sector bearing on County Governments.

5 KHRC decided to use the constitutional and other legal provisions at national, regional and international levels for they provide clear obligations and accountabilities to different state and non-state actors in the governance of state affairs at all levels.

Most importantly, Article 10 of the Constitution provides for the National Values and Principles of Governance that bind all state organs, state offices, public officers and all persons. It gives direction on how any of them applies and interprets the Constitution, enacts, applies or interpreters any law; or implements public policy decisions, including actors involved in devolved governance.

The values preserved include: patriotism, national unity, sharing and devolution of power, the rule of law, democracy and participation of the people; human dignity, equity, social justice, inclusiveness, equality, human rights, non-discrimination and protection of the marginalised; good governance, integrity, transparency and accountability; and sustainable development.

Furthermore, Chapter 4 of the Constitution enshrines a progressive Bill of Rights that entails Civil and Political Rights, Economic, Social and Cultural Rights, Equality and Non-Discrimination among others. The Constitution directs that the Bill of Rights is the framework for social economic and cultural policies at all levels of governance, including at County levels.

Other Chapters such as those dealing with Land and Environment; Leadership and Integrity; Legislature, Executive, Judiciary, Public Finance, Public Service, National Security and Constitutional Commissions have provisions that apply to Human Rights and Devolved Governance, thus forming additional attributes on the Model County Framework.

The Model County framework will also rely on international human rights principles and standards from treaties that Kenya has ratified, and which article 2(5) of the Constitution is clear to form part of the laws of Kenya. It will also utilize the global rankings of rights to access such as the United Nations Human Development Index (HDI).

On public participation especially in the budget process, the model will make use of the ratings under the Annual Open Budget Survey and the African Parliamentary Index (API) for both citizen participation and the legislative oversight. Reference will also be made to the Transparency International Annual Corruption Perception Index and Social Rights as an indicator of citizen participation, transparency and accountability.

**i. Synopsis of the Ten-Point Award Criteria and Expected Results** 

It is on this basis that the KHRC has applied the afore-mentioned existing legal apparatus (Constitution, statutes and treaties) and best practices to formulate and publish the following 'Ten-Point County Award Criteria and Award Scheme':

1. Public Participation and Access to Information;
2. Equality and Non-Discrimination;
3. Economic and Social Rights and Development;
4. Integrity, transparency and accountability;
5. Access to Justice and Security;
6. Tax justice, Fiscal Prudence and Trade Development;
7. Natural Resources Governance;
8. Other Fundamental Rights and Freedoms;
9. Devolution of Power;
10. Monitoring and Evaluation Tools.

Each of the ten human rights and governance obligations identified above will be assessed against five legal and operational indicators as follows:

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The Framework is therefore a KHRC initiative that meant to recognize and reward counties and institutions that perform better in delivery of human rights and services or in other words delivers improved access to rights through human rights based approach to development and within the following outcomes:

**Outcome 1:** Devolved Governance is adopted by non-state actors to monitor the delivery of services.

**Outcome 2:** Devolved Governance adopted by state actors in service delivery.

The framework stems from the KHRC initiative: 'Towards A Human-Rights Centred Devolved Governance' that aims to ensure that the devolved governance system is enhanced and accountable in the delivery of services and protection of human rights.

The framework and criteria is informed by the KHRC's extensive expertise on human rights and devolution issues; initiatives and experiences from other organizations and jurisdictions and the input and buy-in from the different stakeholders involved in devolution<sup>6</sup>.

This framework will be used as a capacity building, policy engagement, bench marking and monitoring tool by both the state and non-state actors<sup>7</sup> on devolved governance issues at the county, national, regional and international levels.

The KHRC will use the framework to train different state institutions; civil society and community based organizations, as well as monitor and compile cumulative quarterly reports to be used in holding national and county governments to account.

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6 For instance the validation meeting KHRC co-hosted with the Transitional Authority and Council of Governors at the Sawela Lodge in Naivasha on 4-5 September 2014. This led to buy-in from Kenya National Commission on Human Rights, Department of Justice, Directorate of Cohesion and The Commission on Administrative Justice on the Human Rights and Governance Framework and will use this tool to monitor access to various rights and parameters in the model.

7 For instance some Constitutional Commissions and independent offices are working on ways of tracking county issues/ obligations falling within their mandates.

These outputs would be consolidated into an annual report that would form the basis for the “Annual Model County Award Scheme” and advocacy that is meant to coincide with the President’s and Governors’ Annual Reports as stipulated in Articles 132 and 183 of the constitution respectively. It will also inform the reports to and engagements with the regional and international human rights instruments and actors.

## ii. The Ten-Point Model County Award as a Human Rights Centred Framework on Devolved Governance

### 1. Public Participation and Access to Information:

Public participation is the direct influence and involvement of citizens and other stakeholders in governance ON matters that affect their lives. Participation therefore is regarded as a process, space and capacity for citizens and other actors to exercise their rights.

Since the sovereign power to make decisions rests with the people, they have a right to participate in the key decision making processes especially at county levels. The Constitution provides for these in Articles 10, Chapter 8, 11 and 12). Moreover, Article 35 provides for Access to Information (a critical facilitator to public participation).

It is therefore important to assess the extent to which citizens are accorded meaningful opportunities in decision making and the extent to which such platforms inform public policies.

The following issues are therefore critical in assessing the compliance of counties and other institutions around this variable:

- Is there a policy on public participation? Has the CEC developed a Freedom of Information (FoI) policy? Has the MCA legislated on a county level Freedom of Information law?

- Where and how are announcements made? Is it through media that people can easily access such as announcements in churches, mosques, markets, school functions, health centres etc.; or through newspaper adverts and gazette notices?
- Do the leaders and public officers listen to the people? Are there opportunities in each meeting not only for the leader to speak but also to listen to the people?
- To what extent has the County created laws to ensure civic education and awareness pursuant to Section 101 of the County Government Act?
- With regard to the 4th Schedule, has the County ensured and coordinated the participation of communities in governance? Are there platforms for effective engagements with the citizenry, civil society, professionals, media, business community, faith-based organizations among others?

### 2. Equality and Non-Discrimination:

Article 10 of the Constitution provides for inclusivity, equality, non-discrimination and protection of the marginalized groups at all levels of decision making. In this context, equality entails the full and equal enjoyment of all rights and fundamental freedoms.

Article 27 provides that every person is equal before the law and has the right to equal protection and equal benefit before the law. It also provides 17 grounds for which the State shall not discriminate directly or indirectly.

Finally, Articles 53, 54, 55, 56 and 57 elaborates rights for the special interest groups as children, persons with disabilities, youth, minorities and marginalized groups and older members of the society respectively.

It is important to assess the extent to which counties foster equality as a fundamental freedom and protects the rights of the marginalized communities. The following issues are therefore critical in assessing the compliance of counties and other institutions around this variable:

- Has the county developed a legal framework on equality and non-discrimination?
- Are marginalised groups (women, youth, PWD, youth) and minorities (non-dominant ethnic groups in the county) represented in the Executive (County Executive Committee, public service); and in the Legislature (the County Assembly) as anticipated in the Constitution and other laws?
- Are marginalised and minorities participating in decision and budget making processes such as – Development of County Integrated Development Plans, Spatial Plans, Budget Making among others; Are they treated in the same way as persons from the dominant and privileged groups?
- Does the allocation of resources and diversity issues within the Counties? Is county leadership using ethnicity, clanism and cronyism in allocating resources and employment opportunities?
- Pursuant to the Procurement Regulations, does the County provide 30% of opportunities for entities set aside for youth, women and persons living with disabilities<sup>8</sup>.

This is a cross cutting indicator. It is also important to ascertain the extent to which other constitutional and legal obligations on equality and non-discrimination are integrated in other sectors and operations of the County Government.

### 3. Economic and Social Rights and Development:

The Constitution provides in Article 43 for the highest attainable standards of health; accessible and adequate housing; reasonable standards of sanitation; freedom from hunger and access to adequate and quality food; clean and safe water of adequate quantities; social security and education.

It is important to assess the extent to which the programmes of the county governments are geared towards addressing the development needs of the local people.

<sup>8</sup> Section 7, Public Procurement Preference and Reservation Regulations, 2013. Available at: <http://www.ppoa.go.ke/downloads/Regulations/Legal%20Notice%20No%20114%20-%2018th%20June%202013%20-%20Procurement.pdf>

The following factors are therefore critical in assessing the compliance of counties and other institutions around this variable:

- What are the 3 key development priorities within the county-education, water, health, food, social security, workers? How much funds are allocated for each of identified high priority social services and sectors?
- How is the prioritization and allocation of county resources especially between the developmental and recurrent costs and expenditures? To what extent is the County involved in non-developmental projects?
- Does service delivery take into account standards to ensure Accessibility, Acceptability, Adequacy, Affordability, Adaptability and Quality (5A+Q)?
- Do the local departments and ministries have service charters? Considering time taken, quality and cost, is it now easier to access these services? Do citizens feel that they can get service from government offices even without 'knowing someone'?
- Are counties exploring other options of resource mobilization, beyond what is received from the national government? Are CDF, poverty eradication and the other decentralised funds by national government being used to perform any of the functions allocated to county governments under schedule 4? If so, are these funds working in synergy or conflict with the functions that a governor is performing?

### 4. Integrity, Transparency and Accountability:

Integrity is the adherence to moral and ethical principles; soundness of moral character; honesty. Transparency means condition for a free and open exchange whereby the rules and reasons behind regulatory measures are fair and clear to all participants.

Accountability is answerability, blameworthiness, liability, and the expectation of account-giving. This will entail social and political accountability.

Articles 10, 73, 232 etc. of the Constitution provides clear provisions on these. These principles are critical especially in the realization of public participation; protection of human rights and people centred development at county levels.

It is therefore important to assess the extent to which the principles of integrity, transparency and accountability better the delivery of human rights and social services at county levels.

The following issues are therefore critical in assessing the compliance of counties and other institutions around this variable:

- Are there persons who have been elected or nominated into the County Assembly or appointed into the County Executive Committee or public service who have questionable integrity<sup>9</sup>?
- Do county leaders and officers provide selfless services solely on the public interest as demonstrated by honesty and declaration of any personal interest that may conflict with their duties?
- Has the County established the laws and institutions to deal with financial management and corruption issues? Have all state and public officers serving at county level signed and publicised wealth declaration forms?
- How is sourcing for services undertaken? Does the County comply with the established procurement and accountability procedures? Has it established Tender Committees and Disposal Committee within its members of staff?
- Are the MCAs, CECs and service providers open to public scrutiny? Are there reported or pending cases of irregularities?

#### 5. Access to Justice and Security:

Access to justice is the ability of people to seek and obtain a remedy through formal or informal institutions of justice for grievances in compliance with

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<sup>9</sup> For instance that has been found culpable by judicial or administrative processes for misappropriation of public funds or related integrity questions?

human rights standards. Access to justice involves normative legal protection, legal awareness, legal aid and counsel, adjudication, enforcement, and civil society oversight.

Access to justice supports sustainable peace by affording the population a more attractive alternative to violence in resolving personal and political disputes. Access to security entails the degree of resistance to, or protection from, harm. It applies to any vulnerable and valuable asset, such as a person, dwelling, organization, community or nation.

The provisions of Articles 29, 47, 48, 49, 50 and 51; and Chapters 10 on Judiciary and Chapter 14 on National Security respectively of the Constitution are relevant to this component. While Article 48 provides that the State shall ensure access to justice for all persons and, if any fee is required, it shall be reasonable and shall not impede access to justice, Article 29 guarantees freedom and security of every person.

While most of justice and security apparatus falls within the national government, it is critical to assess the extent to which such rights/services are devolved and enjoyed by people at the county level.

The following issues are therefore critical in assessing the compliance of counties and other institutions around this variable:

- What are the most common incidents of crimes, conflicts and insecurity within the county? What is the root cause of the incidents? How many men and women were killed, injured and value of property destroyed?
- What is the capacity of both the local and national security apparatus in resolving the county level crimes and conflicts? What is the distance to the police station or any other state security apparatus?
- What are common mechanisms for seeking justice and addressing emerging disputes? How long does it take for justice to be delivered within the local courts and other justice mechanisms?

- Has the County established a functional and diversely constituted Security Board as expected in the National Police Service Act?
- Do you have functional and effective Court Users Committee? Do you participate in the Court Users Committees?

#### 6. Tax Justice, Fiscal Prudence and Trade Development:

Tax Justice is seeking to restore the taxes to whom they are due. Fiscal Prudence refers to the diligent spending of financial resources. Trade Development covers the initiatives and regulations expected to support business and investment within Counties pursuant to the Fourth Schedule of the Constitution.

Chapter 12, - Articles 201-203,209,210,212, 217 and 219 of the Constitution provide for these.

Chapter 6 deals with Leadership and Integrity and expects selfless service based solely on the public interest. Chapter 12 puts emphasis on open, participatory, accountable, prudent and responsible use of public money and resources.

It is therefore important to assess the extent of effectiveness and prudence in county governance, for better delivery of social services and human rights.


The following issues are therefore critical in assessing the compliance of counties and other institutions around this variable:


- Is there tax regime or legal framework at the county level? Is it effective? Is everyone who should be paying taxes actually paying them?
- Is the taxation system fair i.e. do those with higher earning pay higher taxes? Are tax reliefs, rebates, subsidies and incentives available to all? Are corporate entities paying taxes proportionate to the profits they get from exploiting the county's resources?
- How is the County coordinating trade development and regulation including markets, trade licences, fair trading practices, local tourism and cooperative societies?
- What initiatives is this County making to attract local and foreign investors and


negotiate trade agreements? Has the County developed plans on Business and Human Rights?

- To what extent do trade development initiatives adhere to human rights and corporate accountability standards in respect to the rights of workers and local community and the interests of the County and National Governments?

#### 7. Land Rights and Natural Resources Governance:

Land is defined broadly in the Constitution to mean all the resources-including the environment and natural resources based on, under and over the surface of the earth. Natural resources are defined as the physical non-human factors and components whether renewable and non-renewable including-sunlight, surface and underground water, forests, bio-diversity and genetic resources; and rocks, minerals, fossil fuels and other sources of energy. 

The Constitution provides for accountable governance and sustainable management of such resources in Article 10, Chapters 4, 5 and 6 among others. Article 60 provides that such resources shall be held, used and managed in a manner that is equitable, efficient, productive and sustainable and in accordance with the set principles. Article 42 provide for the right to a clean and healthy environment. 

It is therefore important to assess the extent to which the management of such resources has enhanced security of land rights, sustainability, equity and productivity within counties. 

The following issues are therefore critical in assessing the compliance of counties and other institutions around this variable:


- Are there county laws, policies and structures for governing land and natural resources-including environmental issues? Are there effective County Land Boards and Environmental Management Committees?
- How are does the County manage land, environment and natural resources? How are resources that cut across counties (e.g. rivers, game reserves) being utilized and shared?
- To what extent has the County Government controlled air pollution, noise pollution, undertaken land survey and mapping and implemented national




policies on natural resources and environmental conservation, including soil and water conservation, forestry etc.

- Do minorities and other marginalized and vulnerable groups (women, youth, PWD, IDPs, youth, squatters, forest dwellers, people with mental illnesses etc.) have access to land/ enjoy secure land rights?
- Is there a framework for ensuring equitable sharing of benefits accruing from the land based/ natural resources? Who is deriving such benefits from resources exploited in this county? Public; private and community land?

#### 8. Other Fundamental Rights and Freedoms:

This entails the Freedom of Conscience, Religion, Belief and Opinion; Freedom of Expression; Freedom of the Media; Freedom of Association; Right to Assembly, Demonstration, Picketing and Petition and Freedom of Movement and Residence within the counties as provided in Sections 32, 33, 34, 36, 37, 38 and 39 of the Constitution. 

It is therefore important to assess the extent to which other rights and freedoms are protected and promoted for better governance and development administration across the counties. 


The following issues are therefore critical in assessing the compliance of counties and other institutions around this variable:


- To what extent are people, individually or in community, able to manifest any religion or belief through worship, practice, teaching or observance, either in public or in private?
- The extent to which one is able to seek, receive or impart information or ideas, undertake artistic creativity and enjoy academic freedom without resorting to propaganda of war, incitement to violence, hate speech or advocacy for hatred.
- Extent of freedom and independence guaranteed to and enjoyed by the electronic, print and all other types of media within the County.
- The extent to which people within the County are able to form, join and participate in the activities of an association of any kind and also form, participate in or campaign for a political party or cause.

- The extent to which people are accorded the right, peaceably and unarmed, to assemble, to demonstrate, to picket, and to present petitions to public authorities within the County.

#### 9. Devolution of Power:

Devolution of power is a movement to place governmental power in the hands of elected or appointed managers operating at a level closer to the beneficiaries of government actions. It is the dispersion of decision making governance closer to the people. Chapter 11 and the 4th Schedule of the Constitution and Articles 48,50,51,52, 53 and 54 of the County Government Act (No. 17 of 2012) provides for the mechanisms of undertaking these.

The Constitution and other legal frameworks anticipate the Transition Authority to expedite and complete the unbundling and transfer of functions to counties. Towards this, Counties are expected to be endowed with the requisite systems and resources to undertake their mandates. 

It is therefore important to assess both the extent of devolution as well as the capacities of county government and the effectiveness of the devolved system in general. 

The following issues are therefore critical in assessing the compliance of counties and other institutions around this variable:

- Is the County government now performing all the functions allocated to counties Under Schedule 4 of the Constitution<sup>10</sup>? Is the County government now receiving all the funds for the functions assigned to it under schedule 4 of CoK, 2010?
- Has the County created relevant positions and departments with sufficient staff, skills and competencies? Is the County involved in any leadership wrangles?
- Has the County Public Service Board put in place the various institutions for service delivery from the County, Sub-county, and Ward to Village levels?

<sup>10</sup> E.g. Is the County government the one providing water to homes and charging for it?; running ECDs; running level 1-4 hospitals and dispensaries; supervising agriculture, livestock and fisheries officers; nurses in these hospitals etc.

- Is there adequate training on their legislative and oversight role? How many laws and policies passed and to what extent do they comply with Constitution and other national, regional and international legal frameworks?
- How is the County working with the national state institutions - ministries, departments, agencies, commissions and independent offices to ensure effective devolution of services? How is the county partnering with others? Is the County involved in any disputes over boundaries and resources with others?<sup>11</sup>

### 10. Monitoring and Evaluation Process:

Monitoring is the systematic and routine collection of information from projects and programmes for four main purposes:

- To learn from experiences to improve practices and activities in the future.
- To have internal and external accountability of the resources used and the results obtained
- To take informed decisions on the future of the initiative.
- To promote empowerment of beneficiaries of the initiative.

Monitoring is a periodical task that begins in the planning stage of a project or programme. Monitoring allows results, processes and experiences to be documented and used as a basis to steer decision-making and learning processes. Monitoring is checking progress against plans. The data acquired through monitoring is used for evaluation.

Evaluation is assessing, as systematically and objectively as possible, a completed project or programme (or a phase of an ongoing project or programme that has been completed). Evaluations appraise data and information that inform strategic decisions, thus improving the project or programme in the future. Evaluations should help to draw conclusions about five main aspects of the intervention: relevance, effectiveness, efficiency, impact and sustainability.

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<sup>11</sup> The latest report by the Transitional Authority indicates that 16 out of 47 Counties are involved.

It is important therefore to assess the frameworks used in measuring the compliance with the set plans and policies and the social impact of the project implemented and services delivered.

The following issues are therefore critical in assessing the compliance of counties and other institutions around this variable:

- Has the County formulated the County Strategic Plan, County Integrated Plans and Annual Plans? To what extent has this been participatory? How do these plans and targets comply with provisions of the Constitution, other laws and Vision 2030?
  - Does the County have in place an implementation matrix and a monitoring and evaluation framework to measure the performance in service delivery? What are the key considerations in the preparation and dissemination of the Annual State of County Report by the Governor?
  - To what extent is the county utilizing and optimizing on the resources allocated from the national government among other sources? Does the County conduct a public expenditure tracking survey and are the findings and recommendations shared with the devolution platforms?
  - Does the county have performance contracts and appraisals for its employees? How are they formulated and implemented?
  - Has the County created the M&E Directorate (MED), to ensure inclusion and implementation of the County M&E Guidelines?
  - Are there follow-up and complaint mechanisms over anticipated and envisaged public decisions? What is the intervention of the relevant state and non-state institutions on emerging M/E issues (county, national etc.)?
- iii. Related Initiatives and Case Studies
- This framework considers other complimentary mechanisms initiated by the Law Society of Kenya, the Institute of Certified Public Accountants, Public Procurement and Oversight Authority and experiences from other organs.

#### a) Law Society of Kenya's Legislative Initiative at County Levels<sup>12</sup>

The Law Society of Kenya has established the LSK Devolution and Legislation Committee which has 11 National Representatives, and Mr. David Meroka appointed as its chair. This committee is tasked with supporting the county governments in drafting legislation that is in line with the Constitution and does not conflict with the national and other county government laws, including advice on contemporary drafting language and content. The committee will have 89 lawyers to represent different counties in the county sub-committees<sup>13</sup>. Conclusively then, with due regard to the provisions of chapter 11 of the Constitution of Kenya and in light of the above, LSK initiative would fit the context of a model county as described herein.

#### b) Institute of Certified Public Accountants' Financial Management Frameworks for Counties<sup>14</sup>

The Institute of Certified Public Accountants of Kenya undertook a baseline study on the county public financial management systems in support of the implementation of devolution in Kenya. The survey focused more on public finance management systems adopted by the County Governments.

It proposes policy recommendations and proactive measures for possible adoption for effective implementation of devolution and improved service delivery. The survey further sought to comparatively analyse the performance of county human resources; examine the roles and interrelationships between County and National Government institutions and; evaluate the participation of the citizens and private sector in county governance.

The study sampled seventeen (17) counties categorized under urban and rural counties; four (4) constitutional offices whose mandates touch on devolution; and a representative sample of the citizens across the selected counties. A

12 <http://www.lsk.or.ke/index.php/component/content/article/1-latest-news/500-lsk-forms-devolution-committee>

13 <http://www.capitalfm.co.ke/news/2014/11/lsk-forms-team-to-help-counties-draft-sound-laws/>

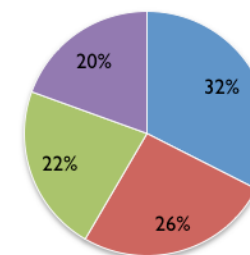
14 <http://www.icpak.com/attachments/article/533/Devolution%20Baseline%20%20survey%20report.pdf>

triangulated approach was adopted in the methodology to gather and collate data.

Survey questionnaires, key informant interviews, Focused Group Discussions, and general observations were used in gathering primary data. A desktop review was also carried out considering reports from various government departments and entities, scholars, Independent Commissions and offices to gather the secondary data. Data analysis was done using MS Excel and Statistical Package for Social Scientists (SPSS). The following is the summary of the key findings and policy recommendations from the baseline study:

#### Priority Issues in County Development

■ Infrastructure development ■ Health ■ Water & sanitation ■ Education



Despite the fact that Education is majorly a National Government function, fifteen percent (15%) of the counties sampled prioritized it.

#### c) A Case Study of Lombardy- a Model County in Italy

Lombardy is considered one Europe's leading examples of devolution in practice. It is among Italy's 20 regions, each of which has a sub-national (regional) government under a legal framework that has been a result of piecemeal amendment of the Italian Constitution from the 1970's.

Unlike in Kenya where the Constitution guarantees devolution, Italian regions have had long struggles for reform before power was devolved from central government to the regional governments. Despite these challenges, Lombardy

has managed to be a leader in Europe and is now admired as a hub for new industries such as IT and fashion as well as being the main export zone in Italy.

It has emerged as a model due to among other reasons its strategic location, good management of its resources, openness and inclusion of all stakeholders in governance, and a philosophical reliance on the principal of subsidiarity. There are lessons from Lombardy and elsewhere that Kenyans can learn during the transition to devolution.



### ACKNOWLEDGEMENTS

The KHRC appreciates the fact that this document has gone through many stages and officers. We take this opportunity to thank all the staff and interns who have participated in its development. Moreover, we thank the different stakeholders-both the state and non-state actors for their comments and inputs. We applaud Samwel Oyomo (Programme Advisor-Devolved Governance; Davis Malombe (Deputy Executive Director) and Nduta Kweheria (the immediate former Programme Manager-Economic and Social Rights Programme) for the conceptualization, authorship and publication of the document.

We salute Atsango Chesoni, the KHRC's Executive Director for providing the requisite strategic support and leadership in the development and dissemination of this framework. Moreover, we acknowledge Elizabeth Kariuki (Programme Manager Economic and Social Rights Programme) for the technical leadership and oversight in the development and production of the document. We also appreciate Audrey Wabwire (Communications Manager), for her technical oversight in the editing, publication and dissemination processes.

We wish to thank the Danish Embassy (through the Drivers for Accountability Programme); the Norwegian Embassy and Trocaire for supporting the development and publication of this framework. However, this document does not in any way capture the views and opinions of the said development partners.

The KHRC takes full responsibility in respect of the contents therein. For comments and further information do not hesitate to contact us via:



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