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REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT | SECOND SESSION

THE SENATE

REPORT OF THE INAUGURAL HIGH-LEVEL MEETING BETWEEN THE
SENATE AND THE COUNCIL OF GOVERNORS

COG

Recommended for approval
for tabling -

J
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NAKURU COUNTY,
15TH - 18TH JUNE 2023

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ABBREVIATIONS AND ACRONYM

CoG	Council of Governors
EAC	East African Community
HLM	High-Level Meeting
IGRTC	Inter-governmental Relations Technical Committee
KEMSA	Kenya Medical Supplies Authority
NHIF	National Health Insurance Fund
NHIF	National Hospital Insurance Fund
SMART	Specific, Measurable, Achievable, Relevant and Time-Bound
UNICEF	United Nations Children's Fund
WFD	Westminster Foundation for Democracy

CHAPTER ONE: PRELIMINARIES

1.1 INTRODUCTION

1. The inaugural High-level Meeting between the Senate and the Council of Governors (CoG) was convened at the Great Rift Valley Lodge in Naivasha, Nakuru County, from 15th to 18th June 2022. i
2. The importance of the meeting was to review the ten years of progress in the implementation of devolution, with a particular focus on addressing emerging challenges impeding service delivery towards robust social protection programs.
3. The meeting was to provide an opportunity to foster collegiality between the Senators and the Governors for enhanced service delivery in the devolved units. The meeting brought together Senators and Governors representing **42 counties** across the country (*see Annex 1*).
4. In attendance were development partners, including representatives from the Government of Sweden, the United Nations Children's Fund (UNICEF), and the Westminster Foundation for Democracy (WFD), who also supported the meeting.

1.2 BACKGROUND

5. The inaugural meeting was held against the background that devolution is in its tenth year of implementation. The Constitution of Kenya (2010) established two distinct and interdependent levels of government, ushering in a framework for devolving public resources to the 47 counties. In this regard, citizens were placed at the center of governance.
6. The Constitution envisions that through cooperation and consultation, the devolved governments promote Democracy and accountability, foster national unity and diversity, empower citizens and allow for participation in nation-building, ensure equitable sharing of national and local resources, facilitate the decentralization of state organs, their functions, and services, and enhance checks and balances.

7. The theme of the High-Level Meeting (HLM) was *"Enhancing Collegiality between the Senate and the Council of Governors: Opportunity for Stock-taking ten (10) Years into Devolution"*. The two-day meeting, therefore, sought to achieve the following goals: -

- (i) Recognize the contributions of the devolved units and their position as vital drivers for adequate social protection and transformative development as envisioned by the Constitution 2010;
- (ii) Accelerate and support coordination between the Senate and the CoG; Further devise ways of fostering inter-governmental relations between the national and sub-national level and, by extension, the County Executive, Assemblies, and County Public Service Boards with an objective of seamless service delivery within the devolved units;
- (iii) Identify gaps in policy, legislation, and institutional mechanisms impeding inter-governmental relations, oversight, and service delivery within devolved units and explore opportunities for SMART solutions for accelerated services;
- (iv) Build momentum in exploring actionable solutions in addressing funding challenges affecting service delivery in devolved units amidst the current shrinking resource envelope and
- (v) Share county experiences in all aspects to foster collegiality between the Senate, CoG, and

8. The discussion of the HLM centered around the three strategic and thematic themes: -

- (i) pending policy and legislative frameworks and possible mechanisms to support the devolution process, including the unbundling of functions;
- (ii) Inter-governmental relations between the two levels and diagonally between counties and
- (iii) Oversight in devolved units, including emerging challenges of pending bills and inadequate and delayed financing.

9. This report is, therefore, a summary of the deliberations of the two-day meeting that culminated with a joint communique (see *Annex 2*) between the Senate and the CoG.

CHAPTER TWO: MEETING PROCEEDINGS AND DISCUSSIONS

2.1 SESSION ONE: OPENING REMARKS

10. The opening session of the HLM was facilitated by H.E. FCPA, Ahmed Abdullahi, Governor of the county Government of Wajir, and Vice Chairperson of the CoG. The session began with welcome remarks by Ms. Mary Mwititi, the CEO of the Council of Governors, with several speakers lined up to offer their introductory remarks.
11. Other presenters who extended their gratitude for the HLM meeting included the following: H.E. Susan Kihika as the host governor, Sen. (Dr.) Boni Khalwale, CBS, MP, in his capacity as the Senate Majority Whip and Senator of Kakamega County, acknowledged the timeliness of the HLM mainly post the impeachment process, which has resulted in tensions between the Senate and the Governors. He further acknowledged that such meetings are an opportunity for stocktaking with the objective of addressing the emerging issues vital in shaping the future of devolution.
12. Some of the notable challenges highlighted as impediments to the successful realization of devolution include a lack of legal framework to unbundle and transfer functions and costing between the national and devolved governments, unrealistic county revenue forecasts, county government high dependency on national allocations, breach of procurement and public finance laws, delay in disbursement of funds from the national government, and implementation of the Equalization Fund.
13. Sen. Tabitha Karanja, MP, the Senate Deputy Majority Leader and host Senator, also acknowledged the transformative path ten years into devolution. She lauded devolution as a platform for counties to create and implement adaptive development programs, tailor-made and adapted to meet their specific needs, which brings honor to the residents of the county. Acknowledging the relevance of the theme of the meeting, the Senator underscored the significance of collaboration and coordination between the two institutions, which she argued must work together to forge a more robust and more effective partnership as custodians of devolution. She reiterated the need for the Senate and CoG to advance progress, address challenges faced

by the counties and their governments, harmonize policies, and facilitate the sharing of best practices for the benefit of all Kenyans.

14. H.E. FCPA Fernandes Barasa, OGW, the co-chair of the HLM steering committee and Governor of Kakamega County, reiterated sentiments by the earlier speakers, particularly noting that the grey areas in the implementation of devolved governance have been mishandled in the past owing to poor relations between senators and governors. The Governor, therefore, called for the devising of strategic measures critical in safeguarding the gains of devolution, strengthening the financing of devolution, identifying legislative gaps, and improving collegiality between the Senators and the Governors.
15. He added his voice to the issue of collegiality as raised by previous speakers and spoke on behalf of Sen. Justice (Rtd.) Stewart Madzayo, CBS, MP, Minority Leader and Senator for Kilifi County, Sen. Enock Wambua, the Deputy Minority Leader, referred to Article 6(2) of the Constitution. The provision posits that governments at the national and sub-national levels are distinct and interdependent and shall conduct their mutual relations based on consultation and cooperation for the provision of quality services to the citizens, which should be the basis of collegiality.
16. He reminded the participants that the Senate has a constitutional obligation to represent, serve, and protect the interests of the counties and their governments. He noted the significant efforts in progressively increasing the allocation of resources to the counties for improved devolution performance and enhanced accountability by the Senate. Like previous speakers, he reiterated the persisting challenges faced by devolved units and concluded by calling for cooperation from the Governors during oversight, as this was for the betterment of the citizens.
17. The matters of intergovernmental relations and the role of the Senate in safeguarding the interest of the devolved units were also elaborated by H.E. Anne Waiguru, EGH, Chairperson, Council of Governors, and Governor of Kirinyaga County. She asserted that strengthening such relations, in addition to enhancing oversight and financing of devolved units, requires robust policy and legislative frameworks.
18. She lauded the significant progress made across various devolved sectors, attributing it to the concerted efforts by devolution stakeholders despite the

rough transition process marred by low and delayed funding, duplication of roles between the two levels, and gaps in laws and regulations. She, therefore, implored the Senators and Governors to draw on each other's mandates, bridge the gap, build consensus, and institute key policy and legal reforms on strategies to enhance coherent relationships between the national and sub-national to guarantee seamless service delivery in the devolved units.

19. Echoing the words of J.K. Rawlings, "We are only as strong as we are united and as weak as we are divided," the chair concluded her remarks by appreciating the strong partnerships with other development partners, including the Swedish government, UNICEF, and WFD in their support for devolution programs, particularly social protection activities. She urged the Senators and Governors to continue with the path of unity.
20. Ms. Annika Otterstedt, Head of Section for Kenya Development Cooperation, Embassy of Sweden in Kenya, was present and shared with the participants the Swedish model of social protection, its impact on social security, social health insurance, and social welfare system for all citizens and immigrants who are guaranteed basic living standards.
21. In view of social protection programs as 'equalizers,' she alluded that national and county governments are critical avenues for the same. She also referred to Mombasa, Wajir, Garissa, and Tana River Counties, which participants heard had demonstrated efforts to invest in social protection programs. She expressed optimism regarding the momentum set to spur intergovernmental relations between the two levels of government, arguing that such a stand will guarantee the Senate's protection of devolution. She, therefore, hoped that the focus of the HLM would incorporate a perspective that speaks to the social sectors and social protection programs in particular, as these sectors significantly impact children, women, families, and communities.
22. The emergent issue of lack of collegiality between the Senate and the Council of Governors in the last two terms was also expressed by Sen. Aaron Cheruiyot, MGH, MP, Majority Leader and Senator for Kericho County, and Sen. Kathuri Murungi, MGH, MP, Deputy Speaker of the Senate and Senator for Meru County. They expressed confidence that HLM will offer a window for consultative dialogue between the two institutions.

23. Expressing similar sentiments on the challenges, the majority leader highlighted the following challenges as critical: balancing the resource allocation and management, low collection of Own Source Revenue by county governments, unrealistic revenue projections, pending bills, and inadequate and untimely release of the equitable share funds which adversely affect operations in the devolved units. He, therefore, urged governors to devise SMART strategies and actionable solutions to ensure effective and efficient delivery of services in the devolved units.
24. Specifically, he proposed the issuance of a devolution bond to address perennial delays in the disbursement of funds and to ensure services at the county level remained uninterrupted. Additionally, the deputy speaker called for continuous and objective assessment of the gaps and overlaps in functions with the aim of achieving coherence, resilience, and agility in the implementation of devolution. As such, he implores Senators and Governors to work in harmony and adopt proactive, deliberative, and consultative approaches to finding viable and sustainable solutions to these challenges.
25. The Rt. Hon. Amason Jeffah Kingi, EGH, MP, and Speaker of the Senate, officially opened the meeting by reiterating the sentiments of the earlier speakers. Specifically, the Speaker called upon the participants to engage in candid, open, and objective conversations on the persisting challenges and evaluation of the impact of devolution in the last decade. Acknowledging the paradigm shift brought about by devolution, he elaborated on the unique opportunities for socio-economic transformation, particularly for the previously marginalized areas, in terms of roads and infrastructure, healthcare, primary education, investor-friendly business environment for upcoming businesses, and supply of water and sanitation services among others.
26. With respect to legal frameworks, the Speaker alluded to the County Governments (Additional Allocations) Bill, 2022 (assented into Law), the County Government (Revenue Raising Process) Bill, 2022, and the National Rating Bill, 2022, which were under consideration and which are vital to unlocking the resources meant to spur service delivery across devolved units. Augmenting the point on collegiality between the Senate and the CoG, the Speaker ended with the sentiments of an American industrialist, Henry Ford:

"Coming together is a beginning, staying together is progress, and working together is success."

2.2 SESSION TWO: STRENGTHENING INTER-GOVERNMENTAL RELATIONS: ENHANCING COOPERATION BETWEEN THE SENATE AND COUNTY GOVERNMENTS

27. The session on inter-governmental relations and enhancing cooperation between the Senate and the county governments and within respective devolved units was chaired by Sen. (Prof.) Margaret Kamar, EGH, MP. The speakers in this session comprised of
28. Sen. (Capt.) Ali Ibrahim Roba, EGH, MP, Co-chair of the HLM Steering Committee, Chairperson of the Standing Committee on Finance and Budget, and Senator for Mandera County, Sen Beatrice Ogolla, MP (on behalf of) Sen. Catherine Mumma, MP, vice chairperson, Standing Committee on Devolution and Intergovernmental Relations and H.E. Kenneth Lusaka, EGH, Governor of Bungoma County.
29. The three speakers articulated issues concerning how the vertical and horizontal relationships can be enhanced for the sake of devolution. The session benefited from the experience of H.E. Kenneth Lusaka, EGH, Governor of Bungoma County, as the first Governor of Bungoma, later as the Speaker of the Senate, and currently serving a second term as Governor.
30. The Governor observed that summons by the Senate were grossly misunderstood by both the senators and governors, thereby hampering the oversight process. He, therefore, urged both parties to address the already existing perceptions and mindsets that have led to mistrust and subsequently undermined the legitimacy of the process. The Governor further alluded that this would improve intergovernmental relations and, as such, cannot be legislated, and urged senators and governors to have goodwill to enhance the implementation of devolution.
31. To enhance the inter-governmental relations, the speakers were unanimous and called for objective oversight by the Senate. The Senate was called upon to step up and ensure that oversight is backed by evidence. Further deliberations on the use of evidence in decisions resulted in governors being

urged to embrace the use of technology in enhancing service delivery. The use of evidence was highlighted as a basis to ensure that county governments have credible, up-to-date data and information in their possession on all relevant county indicators across all sectors, including baseline data for planning and budgeting purposes.

32. The Speakers further emphasized the need for mutual respect, consultation, and cooperation between the two levels of government as envisioned in the Constitution. Participants noted that the Constitution 2010 also envisioned the sharing of political, administrative, legal, and fiscal authority and responsibility between the two levels of government.
33. Referring to the frameworks on inter-governmental relations, Sen Beatrice Ogolla, MP, opined that gaps and grey areas exist regarding functions and powers of devolved units and hence the need for clarity and unbundling.
34. In this respect, the participants noted that the Committee on Devolution and Intergovernmental Relations was in the process of reviewing several pieces of legislation, including the County Government Act 2012 and the Intergovernmental Relations Act 2012. Further, the County Boundaries Bill is under consideration in the Senate, and these efforts aim to align the provision with the current realities of the devolved system of governance.

2.3 SESSION THREE: POLICY LEGISLATION ON DEVOLUTION: ASSESSING LEGISLATIVE GAPS TO STRENGTHEN DEVOLUTION

35. The session on policy and legislation on devolution and assessing the legislative gaps to strengthen devolution provided the participants with an opportunity to reflect on practical and actionable solutions.
36. The session commenced and benefited from the expertise of Dr. Mutakha Kangu, a consultant whose focus was answering the question of policy and legislative gaps. He acknowledged the current state of affairs, which he attributed to the incomplete unbundling of the functions prior to the expiry of the constitutional terms of both the Transition Authority and the Commission for the Implementation of the Constitution (CIC).
37. However, the participants noted that the Intergovernmental Relations Technical Committee (IGRTC) had convened a multi-agency meeting with

participation from both levels of government to build consensus and that the Senate has a critical role to play in providing leadership on the matter. As such, Dr. Kangu proposed that -

- (i) ITGRC to issue a new legal notice that revokes all the earlier ones so that all information on unbundled functions is found in one document
- (ii) Senate summons IGTRC and the relevant national government offices to have a deeper understanding of where they have reached in the unbundling process and recommend that they take the new approach to facilitate the process.
- (iii) Senate initiates a comprehensive review of all relevant legislation to harmonize and align them to address the gaps and contradictions.
- (iv) Alternatively, in accordance with Articles 6 and 189 of the Constitution, 2010, which provides for cooperative governance, a joint committee be formed between the two levels of government to develop the relevant legislation.
- (v) The Senate initiates an amendment to the Commission of Revenue Allocation Act, 2012 to ensure that all revenue collected nationally is shared as intended in line with Articles 201, 202, and 203 of the Constitution 2010, indicating that the current position is that revenue raised through charges imposed by some state corporations were excluded from the national revenue and the consolidated fund.
- (vi) The State Corporations Act should be amended to curtail the executive powers to establish state corporations as state corporations continue to exercise already devolved functions. He further opined that an independent entity should be established following public participation to discharge the functions that involve both levels of government.

38. Supporting the position that the Executive continues to claw back devolution by allowing state corporations to undertake devolved functions, the presenters noted that this denies the counties the much-needed corresponding resources that would otherwise follow the functions. They were, therefore, unanimous on the importance of unbundling, costing, and financing devolved functions, quoting Christine Lagarde, who said '*unless we get complete fiscal devolution, then devolution is not devolution.*'

39. Participants' deliberations on ways to forestall the risk of the county governments experiencing paralysis in terms of service delivery, it was suggested that a framework that would offer lending services to county governments be put in place to ensure that services continue regardless of delays in exchequer releases.
40. Other presenters who engaged the participants in answering the question on which way regarding policy and legislative gaps were H.E. Mutula Kilonzo, Jr, Governor of Makueni County and Chair of CoG Committee on Constitutional, Legal and Intergovernmental Affairs, H.E. Muthomi Njuki, EGH, Governor of Tharaka Nithi County and Chair, CoG Health Committee and H.E. George Natembeya, Governor of Trans Nzoia County. Others were Sen. Fatuma Adan Dullo, CBS, MP, Senator for Isiolo County, Sen. Julius Murgor Recha, MP, Senator for West Pokot County, and Chairperson, Committee on Labour and Social Welfare.
41. The discussion also centered around the existing gaps in the pending question of the unbundling functions and how this is impacting service delivery across all sectors and primarily the devolved functions. From the onset, it was felt that the setback was occasioned by a systemic failure as there exists a weak link between the Summit, IGTRC, and the county governments, mainly because the CoG Secretariat is yet to be anchored in Law. As such, the Senate was charged with fast-tracking legislation that would address the loophole.
42. With respect to health, participants noted that the limited resources to counties continue to affect health services as county governments allocate more than 30 percent of total budgets to the health sector. It was expressed that even though county governments are responsible for county health facilities and pharmacies, promotion of primary health care, and disease surveillance, among others, the national government continues to perform these functions through state corporations, resulting in duplication of efforts and pilfering of resources.
43. Participants noted that the National Syndemic Diseases Control Council and the Pharmacy and Poisons Board are classic examples of state corporations continuing to perform devolved functions. The concern is that the minimal role of the county governments in regulating the health profession and issuance of

licenses to practitioners implies that the regulation of pharmacies is not adequate due to inadequate capacity by the national government, hence resulting in the uncontrolled mushrooming of the same.

44. Participants also heard that county health service delivery is hampered by the skewed processing of reimbursements by the National Health Insurance Fund (NHIF). The assertion was that counties provide 70 percent of the healthcare services through the county health service and the integrated health system.
45. However, the state corporation prioritizes private health facilities at the expense of public facilities, thereby choking the county health system of resources to replenish its health products and supplies and offer quality health care. Similarly, the deliberations around health products and supplies revealed that county governments account for up to 90 percent of all purchases from the Kenya Medical Supplies Authority (KEMSA). However, county governments had only one out of nine nominees on the Board, leading to a skewed decision-making process. It was therefore felt that the number of board members nominated by the county governments be representative of its scope and enhance transparency and efficiency in the delivery of health supplies in county public hospitals.
46. In terms of trade and economic opportunities in the counties, the position was that county governments were not taking advantage of the robust growth in the counties and existing markets. Specifically, county governments were accused of not tapping into the licensing opportunities that existed at that level.
47. A case in point is when county governments are not involved in the registration and licensing of irrigation schemes and have marginal representation in NHIF, even though agriculture and health functions are devolved functions.
48. The independence of the county assemblies was also deliberated. Participants agreed that the effective discharge of the constitutional mandate to oversight the county executives is being hampered by the lack of separation of power that has been accentuated by the county resources allocated by the Executive.
49. It was therefore felt that gaps in addressing the legitimacy of the county institutions like the CoG secretariat County Assemblies Forum (CAF) ought to be addressed through the legal framework. Additionally, the participants

observed that the delay in the transfer of assets from the national to county governments continues to impede the reconciliation of fixed assets at the sub-national level.

50. With respect to social programs and social protection, participants agreed that despite the challenges witnessed following devolution, there was significant improvement in the standards of living and service delivery across counties. Further, issues related to county workers and unfair labor practices continue to be on the rise.

51. Participants were, therefore, called upon to address the challenges affecting sectors across all counties from a broad perspective. Tangible solutions entail addressing the gaps in policy and legislation, which will subsequently reshape intergovernmental relations and also open up opportunities for resources to trickle down to the periphery.

52. The following emerging issues and concerns were raised during the following deliberations of the two sessions of the HLM: intergovernmental relations and policy and legislation -

- (i) A proposal to amendments relevant legislation to provide for separate treasuries for the national and the county governments or to increase the independence of the treasury at the national level to guarantee fairness and equitable distribution of resources;
- (ii) A proposal to merge the bi-annual Devolution Conference and Legislative Summit into a single event as the issues discussed and expected outcomes were similar;
- (iii) Calls for a framework for structured engagements between the Senate and CoG;
- (iv) There is a need to strengthen the capacity of Members of County Assemblies' oversight;
- (v) Senate is encouraged to apply summons sparingly and as a last resort and to accord governors sufficient time to appear before its Committees. Further, such prerogatives should be accompanied by clear and comprehensive expectations to minimize repeat calls and make the environment less intimidating for better outcomes;
- (vi) Calls for periodical meetings between the Standing Committees of the Senate and the sectoral Committees of the CoG to address the emerging

issues within the sectors as and when they emerge. Further, in the longterm collegiality requires proactive engagement between both parties, particularly with respect to the governors;

- (vii) There is a need for sustainable modalities to address the underperformance in the collection of Own Source Revenue, including the development of a legal framework to facilitate the same and the standard automation of the financial systems.
- (viii) Calls for change of perception with respect to governors appearing before the Senate. In the same vein, Senators were called to undertake their oversight role objectively, fairly, and without vested interests;
- (ix) A proposal to incorporate CAF in subsequent HLM as a commitment to enhance collegiality between the Senate, county executives, and county assemblies;
- (x) Calls to shift focus during oversight from a financial and compliance audit towards a performance-oriented audit to ensure value for money and determine whether projects implemented have yielded the desired results;
- (xi) Clarity on timelines for the complete transition to accrual-based accounting to facilitate consolidation of financial statements, allowing governors to submit accounts at once;
- (xii) Calls for solutions to the perennial delays in the disbursement of funds to the counties, a scenario that has occasioned low absorption rates and pending bills in the counties have occasioned.
- (xiii) The timely passage of the County Government (Additional Allocation) Bill to ensure timely disbursement of grants which would otherwise lapse;
- (xiv) Fasttrack the consideration and passage of the County State Officers Pension Bill and the National Resource (Benefit Sharing) Bill to establish a system of benefit sharing in natural resource exploitation between the county governments and the national government. Further input on the proposed Bill on the procedure for removal from office by the impeachment of governors, deputy governors, Members of county executive committees, and speakers of county assemblies by the governors will be beneficial.
- (xv) Addressing the unpaid remittances by the national treasury of in lieu rates amounting to Kshs.13 billion to enhance revenue collection and service

delivery at the devolved level.

- (xvi) Call for county governments to fully adopt the Integrated Financial Management Information System (IFMIS) in order to automate procurement and payment processes for increased visibility of their transaction and enhanced accountability and transparency.

CHAPTER THREE: RESOLUTIONS AND WAY FORWARD

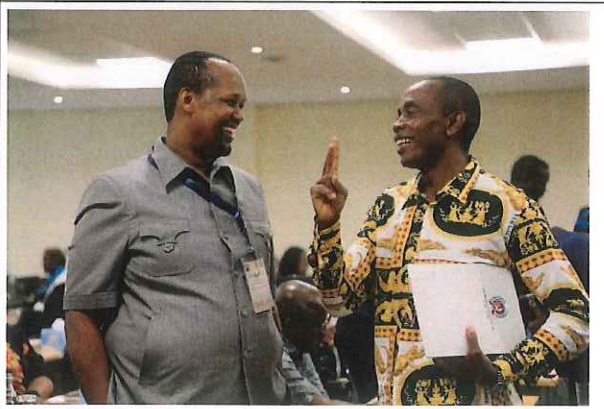
SESSION ONE: OPENING REMARKS				
Topic	Resolution	Office in charge	Timeline	
1.	Strengthening collegiality between the Senate and the CoG	Director, Speaker's Office/ Director. Senate Liaison Office	The HLM between the Senate and the CoG be convened annually	June, 2024
2.	Delays in County disbursement	Standing Committee on Finance and Budget	The Senate and the CoG engage the National Treasury to introduce a Devolution Bond.	December, 2023
SESSION TWO: STRENGTHENING INTER-GOVERNMENTAL RELATIONS: ENHANCING CONSULTATION AND COOPERATION				
3.	Weak link among the devolution actors	Standing Committee on Devolution and Intergovernmental Relations	The Senate fast-track legislation to anchor the CoG's secretariat in Law.	December, 2023
4.	Aligning legislation and Policy Priorities	Director, Speaker's Office/ Director. Senate Liaison Office	Senate and CoG to identify priority legislation for enactment during the parliamentary term.	January, 2024

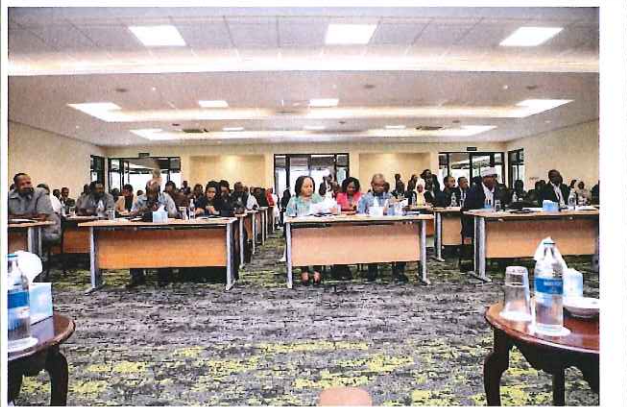
5.	Aligning functions and resources	Engage the national government to finalize the transfer of functions and subsequent resources to the county governments.	Standing Committee on Devolution and Intergovernmental Relations	September, 2023
6.	Strengthening relations between the Senate and CoG	Establishment of a Liaison Committee between the Senate and CoG at the leadership level supported by a technical committee	Director, Speaker's Office	September, 2023
SESSION THREE: POLICY LEGISLATION ON DEVOLUTION: ASSESSING LEGISLATIVE GAPS TO STRENGTHEN DEVOLUTION				
7.	County governments and the legislative process	Periodic meetings between the Standing Committees of the Senate and their counterpart Committees of the CoG	Chairpersons of Senate Committees	Continuous
8.	Regional Development Act and the State Corporations Act and the duplication of the functions	Review of respective legislation to restructure these institutions and align them with the devolved system of government	Standing Committee on Devolution and Intergovernmental Relations	February, 2024
		Initiate amendments to the State Corporations Act to address the illegalities.	Standing Committee on Devolution and Intergovernmental Relations	February, 2024
9.	Equitable share of revenue	Amend the County Allocation of Revenue Act to address the computation of shareable revenue to include revenue derived from state corporations.	Standing Committee on Finance and Budget	February, 2024

10.	Incomplete process of unbundling, costing, and transfer of functions to the county governments	The Senate to – a) engage the IGRTC on a proposal to issue a comprehensive gazette notice that incorporates earlier issued ones b) follow up with the relevant Ministries and agencies of the national government to fast-track the completion of the transfer of pending functions and resources to the county governments	Standing Committee on Devolution and Intergovernmental Relations	September, 2023
11.	Transfer of assets from the national government to the county governments	The Senate and the CoG to engage stakeholders, including developing an appropriate legislative framework to facilitate the completion of the transfer of assets to the county governments	Standing Committee on Devolution and Intergovernmental Relations	February, 2024
12.	Disproportionate representation of the counties in the Boards of state corporations performing devolved or concurrent functions	The Senate to initiate amendments to increase the representation of the county governments in the Boards of KEMSA and the National Syndemic Disease Control Council	Standing Committee on Health	February, 2024
13.	Processing of reimbursements by the National Health Insurance Fund (NHIF)	The Senate to enact legislation mandating the NHIF to prioritize the processing of reimbursements to public health facilities	Standing Committee on Health	September, 2023
14.	Benefit sharing from Natural Resources	The Senate is to fast-track the development of laws to support benefit sharing with	Standing Committee on National Security,	September, 2023

		Countries on revenue generated from natural resources.	Defence, and Foreign Relations	
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ANNEXURES

Annex 1: List of participants

Annex 2: Joint Communique of the HLM

Annex 3: Concept note and program of the HLM

