

# THE COUNCIL MONTHLY



Governors group photo following the signing of IPAs for County Aggregated and Industrial Parks (CAIPs) at CoG offices in Nairobi

## GOVERNORS, DP GACHAGUA CLASH OVER EL-NINO FUNDS: COUNTIES SIGN IPAs FOR KEY PROJECTS



CoG chair H.E. Anne Waiguru (Right) and the CS Trade and investment Rebecca Miano (Left) during signing of CAIPs

together in order to intensify response strategies to mitigate against the complex risks arising from the heavy rains and flooding in addition to the existing humanitarian challenges” noted the Council of Governors Chair H.E Anne Waiguru while addressing the press on 22nd November 2023.

This pronouncement came even as the Deputy President, while addressing the Development Partners Forum at his Karen residence, stated that County Governments were expected to use emergency funds in their coffers or reallocate money within their budget for intervention and mitigation measures against El Nino. This contradicts his earlier assurances that adequate funds had been disbursed to the counties.

Governor Waiguru further added that Counties were owed a total of Kshs. 62.58 Billion from the equitable share, a situation that has further compounded El –nino response and mitigation measures in devolved units.

Nandi Governor Stephen Sang echoed these sentiments adding that the heavy rains had left innocent victims dead, thousands of families displaced and property of immense value destroyed.

The Council of Governors (CoG) has refuted claims by Deputy President Rigathi Gachagua that County Governments have received approximately kshs. 10 billion for El Nino preparedness and mitigation, saying no funds have been sent to counties.

“We take the position that such public utterances are against the spirit of cooperative and collaborative Governments as envisioned under the provisions of Article 6(2) of the Constitution. In such times, we call upon the two levels of Government to come

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H.E. Nathif Adam Jama, EGH (left) and the CS Trade and Investment Rebecca Miano (left) during signing of CAIPs

As at 4th December 2023, 27 counties were owed Ksh.19.64 billion for October 2023 allocations and 47 Counties were owed Ksh.32.76 billion for November 2023 allocations. The total arrears amount to Ksh.52.40 billion.

The governors' press briefing was preceded by the signing of Intergovernmental Partnership Agreements (IPAs) for the County Aggregation and Industrial Parks (CAIPs) projects by 18 County Governments and the Ministry of Investment, Trade and Industry.

Pursuant to the agreement, the National Government shall transfer Kshs. 250 Million to each County Government as conditional grants in accordance with the Public Finance Management Act while County Governments shall allocate matching funds to the tune of Kshs. 250 Million to the project.

The CAIPs project, to be completed within 3 years, is envisaged to reduce post-harvest losses, boost production, aggregation, value addition, market linkages and industrialization, promote entrepreneurship and create millions of jobs.

"This project will accelerate inclusive and sustainable development of industries that will drive the country's socio-economic growth and improve the lives and livelihoods of the people we serve. We will work in collaboration with the National Government, private sector and other investors to facilitate the implementation and realization of CAIPs," noted

**We wish to clarify County Governments have not received any allocation from the National Government towards El Nino effects mitigation measures yet 37 Counties are affected**

**H.E. Anne Waiguru**

support the This agreement community health strengthens partnerships provision of quality healthcare

attainment of Universal Health Coverage. provides a framework for the financing of services for a period of 3 years and further between both levels of government in services to all Kenyans.

## COUNTY BOSSES CONVENE ANNUAL RETREAT IN NAROK TO REVIEW THE STATE OF DEVOLUTION AND EVALUATE PROGRESS MADE IN PAST YEAR

Governors on 6th November 2023 held an annual retreat in Maasai Mara, Narok County with a view to reflect on the current state of devolution since its inception in 2013, achievements made, challenges encountered in the last one year and strategize on how to strengthen devolution going forward.

Themed "Reflect, Realign and Review", the two-day retreat provided an opportunity to assess the weaknesses, strengths, opportunities and threats of devolution as well as deliberate on how to better engage other stakeholders including National Government, civil society and the private sector.

"We will be looking at the various functions that we carry out, which are still outstanding and need to be transferred to the Counties, and resourcing of the functions from development partners, National Government, equitable share and conditional grants. We will also discuss how we can effectively deliver services according to the citizens' expectations," noted Council of Governors (CoG) Chairperson H.E Anne Waiguru while addressing members of the press during the meeting.

"Among other issues that we will be deliberating on is the catastrophic effects of the El-Nino rains that are causing havoc in many parts of the country particularly parts of North Eastern and Coastal regions. We need to find solutions to the challenges that our people are facing," added the CoG Vice Chairman and Governor of Wajir H.E Ahmed Abdullahi.

Governors, led by the Chairs of the 18 technical committees of the Council, dissected some of the key issues affecting various devolved sectors with the aim of enhancing service delivery at the local level and coordination across sectors between both levels of government and the Senate.

It was resolved as follows: Parliament to expedite the enactment of the Impeachment Procedures Bill; the Council Governors to work in collaboration with the Executive to expedite implementation of the resolutions



CoG Vice Chair H.E FCPA Ahmed Abdullahi flanked by Governors during a press briefing after annual retreat

made during the retreat and IBEC meetings; County Governments to advance strategies for conservation of environment and sustainable use of natural resources including protection of wildlife migration corridors, and the planting of trees in line with the President's 15 billion tree growing initiative; the National Assembly to urgently repeal Sections 191 A to 191 E of the PFM Act which has put in place bureaucratic procedures requiring the signing of specific IPAs by County Governments to access each of the Conditional Grants, and in the interim allow a 2-year waiver on the same.

Further the County Bosses called for: the allocation of Ksh.250 Million grant by the National Government to the remaining 29 Counties through the Supplementary Budget in the FY 2023/24 for implementation of the County Aggregation and Industrial Parks (CAIPs);



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H.E Susan Kihika(left), H.E. Muthomi Njuki(Right) during the Governors retreat at Narok County

fast-tracking of the signing of financing agreements for negotiated programmes such as KUSP II to facilitate inclusion in the Additional Allocation Bill 2023/24; speedy finalization of unbundling, costing and transfer of all devolved functions and; the reconvening of the El Nino Response and Mitigation Committee to supplement the financing of the interventions being undertaken by Counties in response to the ravaging El Nino Rains.

**“The Council of Governors remains committed to promoting good governance, accountability and transparency with a renewed focus on delivering tangible and impactful results that will spur the transformative growth of Counties,”**

**H.E. Anne Waiguru**

## REFLECTING ON PARTNERSHIPS AND CHARTING THE FUTURE OF DEVOLUTION

The Council of Governors Resource Mobilization Committee on 29th November held a consultative meeting with Development partners at the Safari Park Hotel in Nairobi. The objective of the meeting was to take stock, address challenges, and draw strategies on how to better coordinate and support counties' development agenda.

The meeting brought together key stakeholders, including chairs of the Legal and Intergovernmental Committee, H.E Mutula Kilonzo Jr, Chair of the Finance and Economic Affairs Committee, H.E Fernandes Baraza, and Chair of the Resource Mobilization and Partnerships Committee H.E Cecily Mbarire. and H.E James Orengo. Other County leaders included Deputy Governor of Kiambu and Nairobi City Counties.

**We are here to renew commitments to governance, accountability, and transparency in the running of devolved units**

**H.E. Cecily Mbarire**

ship for and is well guided (EDC) of Ownership of Kenya; Focus on results; Transparency and Accountability to each other and Inclusive Development Partnerships.

Acknowledging that devolution has reached its 10+ year mark, the Chair emphasized the importance of collective efforts in achieving effective development principles.

“We are here to take stock of what we have been able to achieve together, cut out our priorities for the present, and renew commitments to governance, accountability, and transparency.” Said Governor Cecily Mbarire.

Speaking during the meeting H.E Cecily Mbarire noted that Kenya is a signatory to the Global Partner-

Effective Development Cooperation (GPEDC) by the four Effective Development Principles of development priorities by the Government of Kenya.



Chair Resource Mobilization Committee H.E Cecily Mbarire speaking during partners meeting at safaripark hotel

The Head of Development Cooperation European Union, Ms. Irene Giribaldi, shared strategic policy interventions that Counties and the Council could deploy for enhanced efficiency, timeliness, and accountability. This included drawing inspiration from successful models in other jurisdictions.

Speaking on behalf of the CoG Chairperson, the CoG Whip Governor Stephen Sang', emphasized the commitment of the Council to efficiently and effectively implement joint programs, remain accountable for allocated resources, and monitor Development Partners' programs to ensure impact at the grassroots.

A critical aspect discussed was the financial support from Development Partners. The Finance and Economic Affairs Committee Chair, H.E Fernandes Barasa, delved into the challenges faced by County governments in funds flow, including late passage of critical laws and inconsistent funds flow frameworks. The call for a holistic review of the conditional grants funds flow framework was made, with a plea for alignment with the County Governments' budget calendar.

“We have scenarios where funds are sometimes disbursed directly from the National Treasury and others through the line ministries creating unnecessary delays. Further, some development programs by Counties and development partners are not aligned with the budget cycle. These need to be aligned to the budget calendar for seamless flow of funds.” Said Governor Barasa.

The emerging issues related to bureaucratic red tape and amendments to the PFM Act, 2012, were highlighted. The Council of Governors urged the Development Partners to align with the County Governments' budget calendar, review the conditional grants funds flow framework, and provide direct support to the Council of Governors Committees.



David Gosney, Missions Director - USAID Kenya speaking during partners meeting at safaripark hotel



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Governors and partners meeting to discuss on issues devolution

Another significant discussion centered around the engagement structures for development cooperation. The importance of involving County Governments in program conceptualization and aligning them with the County Integrated Development Plans (CIDPs) was stressed. The non-operationalization of Sections 191A to 191E of the PFMA raised concerns, with proposed solutions including strengthening resource mobilization departments at the county level and direct engagements between Development Partners and County Governments.

Throughout the meeting, there was a recurring theme of collaboration and gratitude. Participants expressed their commitment to working together, learning from the past, and addressing challenges collectively. The Council of Governors extended their sincere thanks to Development Partners for their support over the past decade, emphasizing the impact on the lives of citizens across all 47 counties.

The collaboration between the Council of Governors and Development Partners remains a crucial aspect of this journey, paving the way for a more impactful and inclusive future.

## COUNTIES PAINTING A GREAT PICTURE ON INCLUSIVITY IN PUBLIC SERVICE

County Governments continue to embrace diversity as evidenced by the recently released NCIC report on Ethnic Diversity audit in the County Public Service (CPS).

The Audit was undertaken to ascertain the progress made towards attaining inclusivity in employment post-10 years of devolution, in line with the County Governments Act No. 17 of 2012, and other legal provisions on enhancing inclusivity and diversity in the workplace

The report indicates that already 13 Counties adhere to Section 65(1) (e) of the County Government Act, emphasizing the need for diverse representation in entry-level positions. Marsabit County was singled out as the most inclusive County in Kenya with 30 ethnic communities represented in their CPS.

“I thank the Marsabit County Public Service Board for ensuring inclusivity in the County’s public service. We made it clear from the beginning that the resources available in the County shall be shared equitably to every community in the County,” Said Governor Mohamud Ali.

“I also thank the people of Kenya for the deliberate decision to usher in Devolution that has ensured that resources go closer to the people. Because of Devolution, resources can now reach every Kenyan in Every corner. I call upon the NCIC to extend the research on Ethnic inclusivity at the National public service so that we are able to also award the most inclusive Ministry.” Added Governor Mohamud.



Marsabit Governor H.E Mohamud Mohamed Ali during the awards

Counties command a big workforce of 184,826, of which 53% (98,001) are female while 47% (85,644) are male. Nairobi City is the biggest employer with a workforce of 13,513, followed by Kakamega (7,087), Bungoma (6,477), Kisii (5,965), Machakos (5,777) and Nakuru (5,681) in that order. It is also worth noting that counties have managed to bring on board only 1.13% (2,087) employees with disability.

Speaking on behalf of the Council of Governors Chair, the Marsabit Governor stated that the Council of Governors has worked hard in recent years and strived to make sure that the 47 counties are more ethnically representative of the people they serve and that everyone has fair opportunities to work, develop and progress.

“Counties have implemented affirmative action programs and policies designed to address historical imbalances and promote equal opportunities for all its citizens irrespective of their ethnic background. Community engagements through barazas and other public fora have created spaces for people from diverse ethnic backgrounds to interact, share experiences and appreciate the diversity of our country” Said Governor Mohamud.

The Ethnic & Diversity Audit of the County Public Service Report, 2023, not only applauds the commendable efforts of Counties in embracing diversity but also highlights the areas that demand further attention. It stands as a testament to the strides made in fostering inclusivity over the past decade, yet serves as a call to action for continued efforts to ensure equal opportunities for all citizens, irrespective of their ethnic background. The journey towards a truly inclusive and representative public service continues, and it is incumbent upon both County and National levels to uphold and build upon the progress achieved thus far.



Chair NCIC REV. Dr Simon Kobia speaking during the meeting



## ISIOLO COUNTY LEADS PEERS IN DRAFTING CHILD PROTECTION POLICY

In a significant stride towards prioritizing child welfare, the County Government of Isiolo, under the Department of Gender, Culture, and Social Services, has initiated the development of the Isiolo County Child Protection Policy 2023-2027. This endeavor aligns with the Children Act No. 29, 2022, specifically acknowledging the crucial role of County Governments in child protection within Sections 61, 62, and 63.

In late November this year, the County took a proactive step by organizing a sensitization and consultation forum with County Executive Committee Members (CECMs) and Advisors for the Executive Office of the Governor. The goal was to deliberate on the draft policy, laying the foundation for robust child protection measures in the county.

Addressing the forum, Isiolo Deputy Governor Dr. James Lowasa emphasized the responsibility of both parents and leaders in ensuring the well-being of children. He highlighted the need to shield children from abuse, harmful cultural practices, violence, inhumane treatment, exploitative labor, and the dangers of over-exposure to digital technology.

Dr. Lowasa expressed concerns about the adverse effects of prolonged screen time on children, asserting that Governor Guyo's administration is committed to promoting and protecting children's rights.

"We owe it to our children to create a conducive growing environment. We have to both as leaders and parents reduce the screen time for our children as this is leading to increasing cases of virtual autism," asserted Lowasa, adding that children have lost soft skills such as communication with parents because of spending long hours on digital screens



*CoG Director legal Committee Irene Ogamba speaking during the meeting*



*Isiolo Deputy Governor Dr. James Lowasa speaking during the meeting*

He affirmed the allocation of necessary resources for the effective implementation of the Child Protection Policy.

County Secretary Dade Boru echoed these sentiments, noting the prevalence of harmful cultural practices, early marriages, Female Genital Mutilation (FGM), and drug abuse among school-going children in Isiolo County. The urgency of the child protection policy was underscored by these concerning issues.

CECM Aileen Kajuku emphasized the need for a conducive environment for children, lamenting the neglect and exposure to domestic violence that some children endure. She stated that the county government's decision to develop a Child Protection Policy is a response to the prevailing challenges faced by children in the region.

Irene Ogamba, Director of Legal Services for the Council of Governors, emphasized the critical role of County Governments in child protection. She highlighted the necessity of establishing legal frameworks to guide the design, implementation, and oversight of child protection programs, emphasizing the paramount importance of respecting children's rights.

The event was attended by CECMs Dr. Lawrence Mwongela (Trade and Tourism) and Ali Wario Sarite (Water, Environment, and Climate Change), as well as several advisors from the Executive Office of the Governor and the Deputy County Secretary.

Notably, once enacted, the Isiolo County Child Protection Policy will make Isiolo the pioneer county to have such a framework in place. The process has received financial support from UNICEF Kenya, with technical assistance provided by Governor Abdi Guyo's administration, the National Council for Children Services, and the Council of Governors. Isiolo County's commitment to prioritizing child protection sets a noteworthy precedent for other regions to follow suit in safeguarding the welfare and rights of their youngest residents.

## DATA PRIVACY IN THE 21ST CENTURY ERA: CoG STAFF SENSITIZED ON ALL THINGS DATA PROTECTION IN KENYA

In the wake of the digital transformation across various sectors of the economy, data management, including processing and utilization is an integral component of any organization's activities, no matter how big or small they are. Additionally, the benefits of data-driven decision making are immense and can significantly impact planning as well as the growth trajectory of your business

It is against this backdrop that the Council of Governors (CoG) ICT & Knowledge Management Committee in collaboration with the Office of Data Protection Commissioner (ODPC) on 20th November 2023, held a sensitization meeting to equip CoG staff with key insights on the need for data privacy and data protection in Kenya.



*CoG staff engaging in activities during sensitization on data protection*



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“As digitalization increases, so does the risk of your personal and institution data. As an institution, you should ensure that activities including CCTV surveillance and photography are carried out in compliance with the laws set by the office of ODPP” noted Mr Momanyi, an officer from the ODPK while undertaking the staff training.

The session highlighted data protection laws and regulations, data breach prevention and response, secure data handling practices and best practices for data protection compliance.

The team was taken through ways in which personal data is collected and used without the consent of data owners. For instance, you sometimes receive messages on your phone informing you about certain products in the market, a service or an event. How, you often wonder, do senders of such messages get your numbers?

When you enter a building, and you supply your name, ID number and phone details, do you also consent to your information being used in any other way, other than the reasons for giving your details? Is it legal for a building management to require your personal information to allow you access to that building? Does it bother you that your personal information is accessible and used without your consent? These are some of the simple yet crucial aspects that you need to consider when it comes to data protection.

Article 31 of our Constitution safeguards the right to privacy. It provides that every person has the right to privacy, which includes the right not to have their person, home, or property searched, their possessions seized, information relating to their family or private affairs unnecessarily required or revealed, or the privacy of their communications infringed.

It was highlighted that the right to privacy is embedded in the Data Protection Act, 2019 (the “Act”) which is based on the



Data privacy and protection expert Mr Momanyi during the staff sensitization session

idea that every human should have space to develop autonomously, have the liberty to interact with others, free from oppressive State intervention and extreme uninvited interference by other unwelcome individuals.

On data protection, there are basic principles that ought to be considered. First, personal information should not be collected if there is no reasonable justification given for the same. If it is collected, it must be used only for the purpose for which it was collected, and must not be revealed to others, in a way that makes it possible to connect the information to the person it is about without that person’s consent.

The Act and regulations have tried to address some of the problems that members of the public have been experiencing. For instance, commercial use of personal data to target marketing is regulated, and messages telling people they can opt-out of receiving marketing communications must be very clear, and the process is free and simple.

## UGATUZI CORNER

### COUNTIES FETED IN 4TH HUDUMA OMBUDSMAN AWARDS



Muranga Governor H.E. Irungu Kangata (Left) and CS public service, performance and delivery management Hon Moses Kuria (Right)

Governors on 23 November 2023, attended the 4th edition of the Huduma Ombudsman awards at the KICC grounds in Nairobi. The awards are aimed at celebrating outstanding individuals and institutions who have contributed to improved Public Service Delivery by deepening and strengthening administrative justice and Access to Information.

Under the Ugatuzi Award Category, the following County Governors were feted:

H.E Gladys Wanga, Governor, Homabay County; H.E Cecile Mbarire, Governor, Embu County; H.E Mutula Kilonzo Junior, Governor, Makueni County; H.E Dr. Francis Irungu Kang’ata, Murang’a County

Under the GIZ Good governance programme, the following County Executives and County Assemblies were feted for voluntarily complying with the requirements of the Commission’s reporting framework on resolution of public complaints and implementation of citizen’s service delivery charters for the FY 2022/2023. County Executive: Bungoma, Siaya, Elgeyo Marakwet, Kisumu, Vihiga County Assembly: Vihiga, Siaya, Bungoma, Kisumu



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# THE IMPACT OF THE MACHAKOS YOUTH DROP-IN CENTRE ON MENTAL HEALTH AND WELL-BEING



The advent of the COVID-19 pandemic exacerbated existing societal issues, notably witnessing an increase in both Gender-Based Violence (GBV) and adolescent pregnancies across numerous Counties. Machakos County recorded 4,000 cases of teenage pregnancies during the pandemic period, a situation which posed a significant threat to the mental well-being of numerous adolescents, leading to heightened risks of suicidal thoughts, abortion-seeking behavior and increased demand for counseling services.

Machakos County lacked a dedicated space for youth to convene, share experiences, and receive guidance from qualified psychiatrists and counselors. Moreover, many youths exhibited reluctance to visit hospital drop-in centers for HIV testing, expressing a preference for locations outside the hospital compound where such services could be accessed. For GBV survivors, particularly those in early marriages, there was a lack of awareness regarding locations where they could seek help and counseling.

To address this challenge, the Machakos County Government, in collaboration with the Red Cross, established a Youth Drop-In Centre within the Machakos Youth Centre. This facility provides counseling sessions, HIV testing, cancer screening and a range of structured conversation-oriented events, including coffee talks. The strategic placement of the Drop-In Centre within the Machakos Youth Centre aims to create an environment where young individuals can access a variety of services conveniently in one location.

The Machakos Youth Centre offers complimentary computer classes to students, with mandatory attendance at coffee talks, where youth engage in discussions on various topics affecting them. To support the mental health of the youth, the County has deployed two medical professionals, a doctor and a level 5 psychiatrist to provide free counseling sessions for those unable to afford such services. Further, the Youth Drop-In Centre is staffed with a social welfare officer who addresses GBV-related cases.

In response to the growing demand from both youth seeking counseling and the community at large, the County has taken a proactive step by establishing a GBV shelter which serves as a referral point for victims, offering additional care and protection.

The Drop-In Centre within the Machakos Youth Centre has led to increased HIV testing rates by 35% among teenagers through discreet gaming opportunities. Regular engagement in mental health discussions, both in-person and via online sessions has fostered awareness and open dialogues. Additionally, the cancer screening facility has facilitated early detection of cervical cancer signs among teenage girls. Under the supervision of the Social Welfare County Officer, teenagers facing GBV cases receive comprehensive care, including hospital referrals and protection measures.

## KEY EVENTS OF THE MONTH





## KEY EVENTS OF THE MONTH



# 48 Governments 1 Nation