

# **IMPLEMENTATION OF POLICIES AND PROGRAMS UNDER DEVOLVED SYSTEM OF GOVERNMENT**

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# Presentation outline

- **Introduction**
- **Constitutional and Legal basis for Transfer of Agriculture Functions to the County**
- **Implementation of project/programmes at the county level**
- **Implementation Challenges**
- **Way forward**

# Introduction

- **Devolution is emotive subject**
- **Draws interest from all stakeholders in equal measures**
- **The Constitution of Kenya: has caused a paradigm shift in implementation of programmes**
- **The Constitution is read heuristically - one section is read together with other sections to convey both the letter and the spirit in laying out implementation strategies**
- **Implementation of projects and programs to be contextualized within the Constitution of Kenya,2010**
- **Projects and Programmes are implemented to address 4 broad areas for smallholder development:**
  - Creation of enabling environment (through policies, legal & regulatory frameworks)**

# Introduction

## **-Increase in agricultural productivity and production**

**(Strengthen research, technology development and transfer; promote access to inputs and financial services; pest and disease control; reduce post harvest losses; address effects of climate change)**

## **-Enhancement of National Food and Nutrition security**

**(Establishment of strategic food reserve and trust fund; agriculture Insurance)**

## **-Improvement of market access and trade**

**Establish National Commodity Exchange and Warehouse Receipt System; promote agribusiness, value addition and product development)**

## **- Strengthen institutional capacity**

**(Institutional reforms; information and communication management, data management; monitoring and evaluation)**

**(Implementation of these programmes are at the County level; 90 % of agriculture functions are devolved)**

## **CONSTITUTIONAL AND LEGAL BASIS FOR TRANSFER OF DEVOLVED AGRICULTURE FUNCTIONS**

- **Article 4 : the sovereign power of the people is exercised at two levels - the national and county level.**
- **Article 6(2) : the governments at the two levels are distinct and inter-dependent and shall conduct their mutual relations on the basis of consultation and cooperation.**
- **The distinctness is exemplified by constitutionally defined powers, functions and sources of revenue**

## **CONSTITUTIONAL AND LEGAL BASIS FOR TRANSFER OF DEVOLVED AGRICULTURE FUNCTIONS**

- **Section 15 of 6th Schedule to CoK: All functions belong to the National Government which transfers them to the counties in phases for a period of three years**
- **Article 190 : the National Government is mandated to facilitate and build the capacities of County Government before and after the functions are transferred**
- **Transition to Devolved Governmetn Act, 2013: Parliament to legislate to make provision for phased transfer of functions**

# **CONSTITUTIONAL AND LEGAL BASIS FOR TRANSFER OF AGRICULTURE FUNCTIONS**

- **Article 186: functions and powers of the National and County governments are as set out in the Fourth Schedule.**
- **The Fourth Schedule: lists specific functions allocated to each level of government.**
- **Listing are in general terms: Ministry has unbundled the functions**

## **TRANSFER OF FUNCTIONS**

- **Article 187 : provides that a function or power of a government at one level may be transferred to government at another level by agreement between governments**
- **Arrangement shall be put in place to ensure that the resources to perform the function or exercise the power are transferred**



## **THE 4TH SCHEDULE ASSIGNS FUNCTIONS TO THE NATIONAL AND COUNTY GOVT'S**

- **The functions need to be unbanded for example:**
  - **What are the functions assigned under “county Agricultural services”?**
  - **What happens to functions not mentioned in the constitution(residual)?e.g. External Policy Relations?**
  - **What are the parameters for sharing concurrent functions? e.g. Disaster Mgt., Food Security, Pests and Disease Control**

# **PRINCIPLES GUIDING FUNCTIONAL ANALYSIS AND COMPETENCY ASSIGNMENT**

## **Policy Formulation, Regulation, Standard vis-a-vis Implementation**

- **This principle draws a distinction between policy and standardization functions on the one hand, and implementation functions on the other.**
- **The Ministry is assigned and performs the functions of formulating policy and setting national standards; while the County level and any other lower levels of government are assigned and perform mainly implementation functions**

# A function: discrete set of activities carried out in the delivery of a service

## **FUNCTION**

## **National Agriculture Extension Program Components**

## **EXTENSION SERVICE PROVISION**

**Identify priorities for extension support**

**Research and development of farming techniques**

**Print resource materials**

**Employ extension officers**

**Train extension officers (run training colleges)**

**Purchase seed and tools for demonstration farms**

**Provide buildings for farmer training**

# Unbundling ensures clarity about funding mechanism

National Agriculture Extension Program Components	National (policy)	County (implementation)
Identify priorities for extension support	X	
Research and development of farming techniques	X	
Print resource materials	X	X
Employ extension officers		X
Train extension officers (run training colleges)	X	X
Purchase seed and tools for demonstration farms		X
Provide buildings for farmer training	X	X

**UNBUNDLING**

# **National Functions**

## **Key Functions of the three State Departments at National Level:**

- **Policy Formulation**
- **Setting of Standards**
- **Capacity Building**
- **Monitoring Policy implementation**

## **AGRICULTURE DEVOLVED (COUNTY) FUNCTIONS**

- Provide agricultural extension services/farmer advisory services**
- Develop and implement programmes in the agricultural sector to address food security in the counties**
- Construction of grain storage structures**
- Enforce regulations and standards on quality control of inputs, produce and products from the agricultural sector**
- Avail farm inputs such as certified seeds, fertilizer and other planting materials (cassava cutting, potato vines etc) to farmers**
- Develop programmes to intervene on soil and water management and conservation of the natural resource base for agriculture**
- Promote market access for agricultural products**
- Provide infrastructure to promote agricultural production and marketing as well as agro-processing and value chains**

# **AGRICULTURE DEVOLVED FUNCTIONS**

- **Policy and legislation formulation, review and implementation**
- **Organization and management of agricultural resources at the Counties**
- **Facilitation of research-extension-farmer and other stakeholder linkages**
- **County level pest and disease control**
- **Promotion of post harvest management practices**

# **AGRICULTURE DEVOLVED (COUNTY) FUNCTIONS**

- **Water harvesting and management**
- **Generation of county level research priorities**
- **County specific disaster management**



# **NATIONAL LEVEL GOVERNMENT PROGRESS IN KEY AREAS**

# INSTITUTIONAL REFORM

- **Facilitate and create institutions to enable National Government to: deliver on its mandate**
- **Support County Governments in contributing towards attainment of national food and nutrition security**
- **Staff and equipment are devolved to the county( based on Transition Authority guidelines and gazette notice No.116 of 9 August,2013**
- **The Ministry is restructured to enhance service delivery in a devolved dispensation**
- **A framework for cooperation and coordination between the National Government, Development Partners and Counties is developed to enable smooth implementation of existing projects and programmes and to anchor future ones at County levels**

# **POLICIES, PROGRAMMES AND PROJECTS COORDINATION FRAMEWORK**

- **Agriculture Sector Intergovernmental Consultative Forum Established:** For Coordination & Harmonization of activities between National and County Governments
- **Transformation Initiative Established:** For Sector wide Coordination of projects and programmes
- **Inter-Governmental Thematic Working Group established:** for policy coordination, extension service, agricultural engineering, crop and agribusiness development

## **LEGAL AND POLICY FRAMEWORK**

- **Agriculture, Fish and Food (AFFA) Act, 2013: Rules and Regulations for the Act is prepared; Board is established**
- **However Fish has now pulled out of AFFA following establishment of Fisheries Management and Development Bill, 2014. The bill was published under Kenya Gazette supplement No. 45 (National Assembly Bill No 18 of 4 April, 2014) (undergone second reading in national assembly)**
- **KALRO Act, 2013, Board is established**
- **KEPHIS Act, 2014, under implementation**
- **Oil and Nut Crops policy waiting for County consultations**
- **National Livestock Bill, 2014, development on going**
- **Warehouse Receipt System (WRS) bill, 2014 (undergone two readings in national assembly -for receipts, post harvest management and commodity exchange**

# Policy frameworks

- **National agriculture policy**
- **Urban and peri-urban agriculture policy**
- **National irrigation and drainage policy**
- **National Tea Industry policy**
- **National emerging crops policy**
- **Oil and nut crop development policy**
- **Soil fertility policy**
- **Root and tuber crop policy Cereals policy**
- **Warehousing Receipt System policy**
- **Organic agriculture policy**
- **Agro-chemicals policy**
- **Pest control products policy**
- **Sugar Industry policy**

## **Challenges**

- **There are still no changes in prioritization, planning and implementation of projects and programmes**
- **No linkage between the County Integrated Development Plans and National Medium Term Plans**
- **National and County level goals are not harmonised: meetings between Council of Governors and Ministry officials**
- **Inadequate farmer participation - ASDSP is attempting to bridge this gap**
- **County governments complementation: Fish, Cotton value chains in Lake region counties; Coffee and Green beans value in Mt Kenya region; Milk value chains in Rift Valley region**

# **IMPACT OF LOCAL REVENUE COLLECTION ON SMALLHOLDERS**

- **Agricultural Growth Rate: 2.8% ( Economic Survey, 2015)**
- **Farmer registration by AFFA for taxation is being contested**
- **Taxing of chicken**
- **Cess on Tea, Milk, Sugarcane and Coffee**

## **FINANCING OF AGRICULTURE AT COUNTY LEVEL**

- **Variation notable from County to county: Highest in Muranga County and lowest at Kilifi County**
- **Financing of agriculture not adequate: Lowest in the list of county priority**



# **REALITIES, AND CHALLENGES OF DEVOLUTION AND WAY-FORWARD**

- **Inadequate consultations in major decisions**
- **Undefined levels of engagement at the interface between National and County staff (Disconnect)**
- **Communication: Through Council of Governors Copied to Devolution Ministry and Transition Authority**
- **Impact on job: staff insecurity, impeachment**
- **Illegality of Liaison offices: Being re-established under the County Commissioner**

## **CHALLENGES CONT'**

- **Residual functions: Food security, who's responsible?**
- **Implementation of National programs by counties, but mgt by National Government**
- **Enforcement of Nationally set guidelines, standards, regulations**
- **Compliance**
- **Devolved functions are being destroyed: Changing farmers training institutions into University colleges; Farm machinery for Road construction**

## **CHALLENGES CONT'**

- **Lack of functional financial system**
- **90% of County budgetary allocation is on Reccurent expenditure (Bench marking, “sitting” allowance**
- **No linkage between the National and 47 County level development plans**
- **Focus on short term goals**
- **Inadequate reference to National policy documents (MTP, vision 2030)**
- **Inadequate leadership for devolved system**
- **MCA's are a disaster: custodians of county development agenda**

# WAY-FORWARD

- **Regular Meetings with Governors**
- **Harmonization of working relationship**
- **Communication strategy to be improved**
- **Alignment of CIDP and the MTP**

**END**

**THANK YOU**