



REPUBLIC OF KENYA

**REMARKS BY HIS EXCELLENCY, WILLIAM
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COMMANDER-IN-CHIEF OF THE DEFENCE
FORCES OF THE REPUBLIC OF KENYA DURING
THE BIENNIAL DEVOLUTION CONFERENCE**

AUGUST 16TH, 2023

**ELDORET SPORTS CLUB, UASIN GISHU
COUNTY**

Distinguished Guests;

Good morning;

- 1.** I am delighted to be with you here today, as we commemorate the 10th anniversary of the most transformative achievement of the radically progressive Constitution that the people of Kenya gave to themselves 13 years ago, this same month.
- 2.** Our country's Constitution-making journey covers many historic milestones of the struggle for a new dispensation of true political, social and economic freedom, and our collective quest as a nation to complete the journey began by our forefathers who fought valiantly to resist colonial rule, as well as our brave freedom fighters who sacrificed immensely to win sovereignty for our nation.
- 3.** In this journey, the people of Kenya engaged each other across the country with courage and determination, and negotiated relentlessly on the understanding that a new national governance paradigm was absolutely inevitable.
- 4.** As we reflect and reminisce about Constitution-making, one thing becomes clear: in all the bargaining, horse-trading, deal-making and consensus-building that went into the various processes, which contributed to the development of the drafts that formed the basis of the ultimate document, the citizens of Kenya were emphatic, persistent and unequivocal about one thing; that decentralization, sharing and devolution of power and resources was both overdue and non-negotiable.



- 5.** As the Latin proverb goes, the voice of the people, is the voice of God. Based on this unambiguous imperative from the people, leaders exercised very limited authority to debate and negotiate the modalities of instituting effective devolution that would actualize the people’s most cherished aspirations. In other words, the question was never whether devolution would happen, but only in what form.
- 6.** The drive to devolve stemmed from the bitter experience of extractive colonial institutions, which invested heavily in the White Highlands and brutally neglected everywhere else. This practice found expression in the national economic planning and development policy promulgated shortly after independence, which formalized inequalities and marginalization and led to the emergence of zero-sum politics and gross inequities in the allocation of public resources.
- 7.** This resulted in underdevelopment and economic stagnation, weakening of nationhood through strained bonds of cohesion and common endeavour and a torn social fabric. Kenyans knew what the problem was, as well as its causes. This is the reason for the unanimous insistence on decentralization and sharing across the country.
- 8.** I therefore recall engaging with my parliamentary colleagues over a protracted period about how many levels of decentralization there would be and how many territorial or geographical units of devolved governance we would need. Some people wanted four levels of governance, while others preferred only two. An ambitious middle ground proposed three levels.



- 9.** Similarly, reluctant devolutionists campaigned for eight units to coincide with the administrative provinces, whereas others wanted 14 regions. Yet others demanded numbers varying between 24 and 56.

- 10.** What was no longer subject of controversy nor subject of canvassing was the principle and object of devolution. The people had been clear. On 27th August, 2010, Kenyans ratified a Constitution, which embedded devolution into the very definition of our Republic under Article 6, that describes the territory of Kenya not only in terms of its boundaries, but also according to counties. In Article. 10, the Constitution also highlights sharing and devolution of power, democracy and participation of the people as well as equity, social justice, inclusiveness, non-discrimination and the protection of the marginalised as national values and principles of governance with peremptory implications for the exercise of constitutional authority by any person at any place and time.

- 11.** Counties are therefore intrinsic to the Constitution and proper definition of the Republic of Kenya. They exist to serve as platforms for the actualisation of the sovereignty of the people in several fundamental ways. They make state power more democratic and accountable, and promote unity through diversity by arbitrating between competing political impulses towards disintegration on one end and over-centralisation on the other.

- 12.** Devolution also restored to the people their powers of self-governance and promoted their participation in the exercise of the powers of the state and in making of all decisions that affect them. Under devolution, our communities regained the right to manage



their own affairs, while the interests and rights of minorities and marginalized could no longer be ignored.

- 13.** Article. 174 (f) of the Constitution sets out what the Chair of the Council of county Governors, Hon, Anne Waiguru correctly referred to as the role of county governments as the last-mile implementers of critical development agendas, including the AU's Agenda 2063 and the UN Sustainable Development Goals, Vision 2030 and even the Bottom-Up Economic Transformation Agenda. It states that one object of the devolution of government is to promote social and economic development and the provision of proximate, easily accessible services throughout Kenya.
- 14.** A further object of devolution, often experienced through the functions and proceedings of the Senate, is the equitable sharing of national and local resources throughout Kenya, as is that of enhancing checks and balances and the separation of powers.
- 15.** To remove any doubt as to what Kenyans really wanted to do with devolution, the Constitution sets out one object of devolution to be that of facilitating the decentralization of state organs, their functions and services, from the capital of Kenya.
- 16.** By design, devolution was destined to instigate unprecedented transformative change in every part of our political, governance and developmental reality. It recalibrated our democracy, development and re-oriented policy-making by simply redefining what was at stake at all times and handing power to the people in their greatest number.



- 17.** This change was dramatic, and a change management framework was essential to the smooth transition into the brave new world. Despite the efforts of the Transition Authority and the Commission for the Implementation of the Constitution, the inauguration of devolution a decade ago, was a fairly noisy and messy affair.
- 18.** Executives at both levels could not agree on mandates, each suspicious that the injury of losing functions would inevitably be followed by the insult of losing funding. Legislatures too had their friction. At the same time, county assemblies and executives had many a disagreement over respective authority and limits, while at the national level, the Senate and the National Assembly engaged in a tug-of-war over oversight and budget-making mandates, even as both eyed the national executive with restless suspicion.
- 19.** Every pronouncement by the CIC seemed to favour one side, even when the Constitution was clear, and many disagreements ended up before the courts of law. The Council of Governors quickly emerged as a forceful champion of quick and total devolution, challenging elements in the national government, which were still reluctant to let go of many powerful functions.
- 20.** Those were hard times. But they were also times of fast learning and quick adaptation to relentless change. We discovered the limits of adversarial competition and zero-sum contests and recognized the power of alternative dispute resolution and patient consensus building. Article 189 began to take the shape of a very inspired godsend, while the intergovernmental frameworks – Inter-governmental Budget and Economic Council and the Inter-governmental Summit- revealed their value.



- 21.** Once everyone was finally clear that there really were no losers or winners in the transformation, and that devolution and Kenyans had won, leaders at both levels of government finally got round to recognizing the brilliant genius of the people of Kenya in never once doubting the power and promise of devolution.

- 22.** Devolution has grown tremendously in a decade. It has matured from a delicate fledgling with limited institutional capacity to administer resources, provide services and generate own revenues, to fully operational governments touching the lives of people at the grassroots, undertaking ambitious development programmes and driving economic growth. There remains much more to do, and many shortcomings are still evident, but only a seriously inattentive person would say, today, that devolution has had no impact in any part of Kenya. Very often, many of the positive outcomes of devolution are evident to those who have observed our rural areas and formerly remote and neglected regions over time.

- 23.** I am particularly encouraged by what we have achieved in the areas of health, agriculture, education, infrastructure and trade development during 10 years of devolution.

- 24.** It is true that devolution has encountered setbacks owing to poor coordination, administrative rigidities and inefficiencies, which have suppressed effective performance. At the same time, there remain capacity shortfalls which also contribute to sub-optimal performance and, frequently poor to absent implementation of policies, programmes and projects.



- 25.** It cannot be denied that on the whole, the management of the equitable allocation framework can do with timely and more efficient administration. Delays in disbursing allocations to counties have tremendous negative effects which cascade all the way to the households at the grassroots, leading to poor outcomes in many sectors. There is no excuse for this, and we simply have to do better.
- 26.** It is for this reason that for the first time since the advent of devolution, the inaugural disbursement of equitable allocation to counties under the Kenya Kwanza administration was implemented in full and on time.
- 27.** At the same time, we gave a commitment to support the Bottom-Up Economic Transformation Agenda, by promoting stronger performance at the grassroots through collaboration with county governments and enhancing the equitable allocation to county governments from Ksh 370 billion in the 2022/23 financial year to Ksh 385.4 billion in the 2023/24 financial period. The Equalisation Fund was also allocated KSh8.3 billion, an increase of KSh1.2 billion in the same period.
- 28.** We made a firm commitment to the people of Kenya to strengthen devolution by implementing specific interventions. First, we undertook to transfer all outstanding functions constitutionally earmarked to be performed by counties.



- 29.** Secondly, we pledged to implement a framework that ensures that national agencies carrying out devolved or shared mandates operate under a funding-followed-functions principle with respect to devolved functions.

- 30.** Additionally, we promised to support county governments in improving their capacity to generate their own income and reduce over-reliance of transfers from national government.

- 31.** Further, we vowed to ensure that shareable revenue is transferred to counties in a timely and predictable manner, and in accordance with the law.

- 32.** Finally, we undertook to transfer funds owed to beneficiary communities under the mining act 2016 and the Petroleum act 2019, and to collaborate with counties to increase the capacity of such communities to benefit from extractive resources.

- 33.** We recognize that the bottom-up economic transformation agenda will achieve its highest potential and lift up the highest number of people if we focus thoroughly on collaboration with county governments in order to empower them as the stewards of development at the grassroots, or the bottom, as it were.

- 34.** I recognize the merit in demands for increased allocation of shareable revenue to the counties. I also realise that even if devolution is, by law a two-tier affair, it should, in practice reach the lowest and smallest possible unit of political organization.



Under the principle of subsidiarity, the ward must in time become a central driver of bottom-up economic transformation. I am in support of taking devolution to its fullest extent.

- 35.** I thank the Council of Governors for the well-organised format of this conference that has enabled us to participate meaningfully and optimally in various thematic modules of interest. I have noted with appreciation that the themes resonate strongly with our bottom-up economic transformation agenda, and I am highly encouraged by the focus on such critical areas as agriculture, health, housing, trade, sustainable natural resource management, blue economy as well as youth empowerment.
- 36.** I further commend the organisers for the clarity of purpose, with which they developed the headline themes. It is time for us as a country to shift into the next gear in implementing devolution over the next decade. The authors and beneficiaries of devolution, who are also our sovereign employers, demand and deserve the highest possible value for their resources, which must be delivered without fail.
- 37.** It is therefore time to take measures to enhance efficiency and effectiveness, and ensure that with respect to every policy, programme and project, the highest standards are achieved consistently. Inevitably, this requires us to finally usher in performance management for high quality and sustainable service delivery in our counties. We know from experience that a robust performance management framework has enabled us implement the Vision 2030 and achieve other ambitious targets with greater efficiency. We have a duty to deliver the same benefits in our counties.



- 38.** The next phase of implementing devolution also requires us to think long and hard about the most fundamental variable in all development agendas: resources. Over-dependence on allocations is beginning to unfairly constrict the frontiers of productive possibility for the devolved unit and severely limit their horizons of transformation.
- 39.** We see counties as the most sustainable drivers of shared prosperity and bottom-up economic transformation. Our partnership with counties in implementing aspects of our agenda has enabled us accomplish a lot of positive outcomes, and outlined great possibilities for future partnership.
- 40.** The micro, small and medium-sized enterprise sector, jua kali and other informal hustles, agriculture, livestock, fisheries and bee-keeping and other economic activities can be transformed by increased support from county governments into sustainable pathways to higher earnings, wealth creation and poverty reduction.
- 41.** The emergence of regional economic blocs and other inter-county collaborative mechanisms to kick-start broad industrial activity are a highly promising development. The possibility of consolidation and joint exploitation of opportunities also makes it possible to package competitive opportunities for local and international investors.
- 42.** All these opportunities have significant positive implications for country revenues, and therefore, revenues available for counties to implement transformation on a more ambitious scale.



- 43.** Of course, I must not forget to acknowledge the role played by development partners, local and international investors, philanthropies, civil society and other action groups as well as well as volunteers and well-wishers who continue to support devolution and devolved governments.
- 44.** One of the purposes of devolution was not only to enhance participation and inclusion by promoting diversity, it was to make sure that marginalized communities and minorities are also represented and have opportunities to participate and benefit from it. We must therefore remain vigilant to ensure that this critical imperative is realized, and to be ready to undertake robust affirmative action to protect women, youth, the disabled as well as minorities and the marginalized.
- 45.** In her clarion call to champions of devolution, the Chair of the Council of Governors enumerated various challenges faced by devolved governments, and her assessment is fairly well considered. It is important that we endeavour to resolve these challenges and I believe that a number of commitments and interventions I canvassed above go some way to address them.
- 46.** One item was conspicuously absent from the Chair's list. It is well-known, has a long pedigree and an equally formidable legacy of devastation. Kenyans agonise continuously over it, and would like to witness decisive actions to bring it to an end. It is poor governance and, specifically, corruption, manifested through incompetence, negligence, poor professional standards, inefficiency, waste, mismanagement and theft.



- 47.** I am happy that the plenum sessions set our good governance practices as one focal area for the attention of this conference, because I have made my commitment to good governance and, in particular, decisive action against corruption, quite clear.
- 48.** On the 10th anniversary of devolution, we must use this 8th Devolution Conference to speak emphatically to an issue that must disturb all of us. As far as I can tell, it was never the spirit or intent of the people of Kenya to devolve corruption, mismanagement and malpractices to the counties. Yet many counties have evolved into notorious epicentres of wanton looting, with everyone, from governors and county executive to junior officers implicated in a wild free-for all at the expense of essential service delivery.
- 49.** Many innocent Kenyans are victimized, underserved or altogether neglected on a daily basis because of this devolved criminality. Counties must not become drivers of scandal, incubators of graft or embezzlement hubs. The people of Kenya deserve better, and they must be rid of this reckless betrayal. We must liberate devolution from corruption.
- 50.** For this reason, we shall treat corruption at all levels of government as a high priority law enforcement issue requiring expeditious and decisive response. Regardless of position, office or other status, any person implicated in the loss of public funds, whether in the national or devolved government, must encounter the punitive consequences of their actions in full. I expect the agencies concerned to move with speed and attend to the many cases of corruption that are festering in many counties, including this one.



51. I wish to submit to this conference that we have a proven hack; a smart solution to kill the two birds of poor governance and efficient service delivery with one stone. That hack is digitization and automation. I therefore encourage you to embark on the journey of integrating digital solutions and ICT to service delivery and project implementation.

52. Finally, I commend many counties that have responded positively to my call to collaborate in implementing effective climate action in various parts of the country, especially through tree planting, as well as programmes and projects to restore depleted or degraded landscapes and ecosystems. Climate action and environmental conservations must be seen to be an integral component of transformation. It is also an opportunity for inter-governmental cooperation.

I wish you all highly productive deliberations during this devolution conference, and look forward to receiving a briefing on all the outputs of fruitful sessions. **I declare the 8th Devolution conference officially opened.**

**Thank you.
God Bless Kenya.**

