

Report on Visit to the Council of County Governors (CoG)

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Date: May 29, 2025

Acknowledgements

I would like to express my sincere gratitude to the Senate Liaison Office for providing me with the invaluable opportunity to undertake this visit to the Council of County Governors (CoG). My special thanks also extend to Miss Eunice Nabkoi and Mr. Collins Injera, OGW for facilitating our visit and for their guidance. My appreciation also extends to the management and staff of the CoG for their welcoming reception and for facilitating insights into their critical role in Kenya's devolved governance structure.

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Acronyms and Abbreviations

- **CoG:** Council of County Governors
- **MDAs:** Ministries, Departments, and Agencies (National Government context)
- **CEO:** Chief Executive Officer
- **IPA:** Intergovernmental Relations Act
- **PFM:** Public Financial Management

Executive Summary

This report details a one-day observational visit to the Council of County Governors (CoG) on April 24, 2025, conducted as part of my Senate internship. The visit aimed to provide a deeper understanding of the CoG's fundamental role in Kenya's devolved governance system, its mandate, and its operational dynamics. The report outlines the CoG's establishment under the Intergovernmental Relations Act, 2012, and its crucial functions in fostering inter-county cooperation, advocating for devolved units, and engaging with the National Government. Observations from the visit highlighted the CoG's central coordinating role, its structured approach through various committees, and its symbiotic relationship with the Senate in safeguarding county interests. The report also addresses prevailing challenges within the devolved system, such as funding issues and legislative overlaps, alongside opportunities for strengthening devolution. Recommendations are provided to enhance the collaborative efforts between the Senate and the CoG, thereby reinforcing the gains of devolution.

1.0 Introduction

This report documents a one-day observational visit undertaken by myself, to the Council of County Governors (CoG) on April 24th, 2025. The primary objective of this visit was to gain a comprehensive understanding of the CoG's role, mandate, and operational mechanisms within the framework of Kenya's devolved system of government. As an intern with the Senate, the visit was particularly pertinent, given the Senate's constitutional mandate to protect the interests of counties and devolution. Insights gained during this engagement are intended to enrich my understanding of intergovernmental relations and the intricacies of devolved governance.

2.0 Overview of the Council of County Governors (CoG)

The Council of County Governors is a pivotal institution in Kenya's devolved governance structure, serving as the collective voice and coordinating body for the 47 county governments. Its establishment was a direct consequence of the 2010 Constitution's promulgation, which ushered in a new era of decentralized governance.

2.1 Historical Background and Establishment

The Council of County Governors was formally established under Section 19 of the Intergovernmental Relations Act (No. 2 of 2012). This Act provided the legal framework for fostering cooperation and consultation between the national and county governments, and among the county governments themselves. Prior to its formal establishment, the concept of a coordinating body for governors emerged from the initial practicalities of implementing devolution, as counties sought a unified platform to address common challenges and articulate shared interests. The CoG began its operations shortly after the first general election under the new constitution in March 2013, with its initial leadership tasked with setting up foundational structures.

2.2 Mandate and Core Functions

The CoG's mandate is deeply intertwined with the constitutional principles of devolution, aimed at bringing governance closer to the people. Its core functions include:

- **Consultation and Information Sharing:** Providing a forum for county governments to consult, share information, and exchange experiences on matters of common interest, including best practices in governance and service delivery.
- **Advocacy for Devolved Units:** Championing the interests of county governments at the national level, particularly in policy formulation, resource allocation, and legislative processes that impact devolution.

- **Capacity Building:** Assisting county governments in building their capacities for effective service delivery, good governance, and financial management.
- **Coordination of Inter-County Activities:** Facilitating collaboration among counties on cross-cutting issues, joint projects, and resolution of inter-county disputes.
- **Dispute Resolution:** Playing a role in the resolution of disputes between counties, or between a county government and the National Government, as provided for in the Intergovernmental Relations Act.
- **Liaison with National Government:** Engaging with national government organs, including Parliament, line ministries, and constitutional commissions, on policies, legislation, and implementation frameworks relevant to devolution.

2.3 Organizational Structure and Key Committees

The CoG is composed of all 47 county governors, with a Chairperson elected from amongst them to provide leadership. The CoG operates with a structured framework supported by a dedicated Secretariat, headed by a Chief Executive Officer (CEO). The Secretariat is responsible for the day-to-day operations, research, policy development, and logistical support for the Council.

Crucially, the CoG also functions through a network of Sectoral Committees. These committees are typically aligned with thematic areas mirroring those of the National Government ministries (e.g., Agriculture, Health, Finance and Economic Planning, Education, Lands, Infrastructure, Environment, Trade, Water, etc.). These committees serve as technical forums where governors with similar portfolio responsibilities can:

- Deliberate on specific sector challenges and opportunities.
- Develop common positions on policies and legislation.
- Share experiences and best practices relevant to their sectors.

- Engage with relevant national government ministries on sector-specific issues.

This committee structure allows the CoG to address the diverse and complex needs of devolved functions comprehensively and in a coordinated manner.

3.0 Observations from the Visit (April 24, 2025)

My one-day visit to the Council of County Governors on April 24, 2025, provided a valuable experiential learning opportunity regarding the operational environment and strategic significance of this intergovernmental body. While the visit afforded a general overview rather than an in-depth departmental immersion, several key impressions were formed.

3.1 Operational Environment

The CoG Secretariat appeared to be a dynamic hub of activity, reflecting its pivotal role in coordinating the interests of 47 diverse county governments. The layout suggested an emphasis on collaboration and communication, necessary for an organization that acts as a central advocacy and coordination point for devolved units. The staff observed were engaged in various activities related to policy research, inter-county meeting preparations, and communication with county liaison offices. The overall environment underscored the complexity and multi-faceted nature of managing intergovernmental relations.

3.2 Role in Inter-County Coordination

The visit reinforced the understanding that the CoG is fundamentally designed to foster unity and coordinated action among counties. Though I did not witness a full Council meeting, the preparatory work and internal discussions observed within the Secretariat indicated the significant effort involved in harmonizing county positions on national policies, legislative proposals, and resource allocation. This coordinating role is essential in presenting a formidable and unified voice for counties in their engagements with the National Government and other stakeholders.

3.3 Engagement with the Senate

My key area of interest was the CoG's relationship with the Legislature, particularly the Senate. It was clear that the CoG maintains a continuous and strategic engagement with

the Senate, given the latter's constitutional mandate to protect county interests. The CoG actively participates in legislative processes through:

- **Submitting Memoranda:** Providing detailed positions and recommendations on Bills originating from either house of Parliament that affect counties.
- **Testifying Before Committees:** Governors or CoG representatives frequently appear before Senate committees (e.g., Finance and Budget, Devolution, Public Accounts) to provide insights on financial disbursements, implementation of devolved functions, and other policy matters.
- **Policy Dialogue:** Engaging in ongoing dialogue on national policies that have implications for county governments, such as those related to intergovernmental fiscal transfers or sector-specific policies.

This collaborative, yet sometimes contentious, relationship is vital for ensuring that legislation and national policies align with the spirit and letter of devolution, and that counties' voices are heard and considered in national decision-making.

4.0 Challenges and Opportunities for Devolution

The Council of County Governors, while instrumental in safeguarding devolution, operates within a dynamic and often challenging environment. The visit and background research highlighted several key challenges and corresponding opportunities for strengthening devolved governance in Kenya.

Key Challenges:

- **Inadequate and Delayed Fiscal Transfers:** A persistent challenge for county governments is the timely and adequate disbursement of equitable share of revenue from the National Treasury. Delays and insufficient allocations hinder counties' ability to plan, implement projects, and deliver services effectively, often leading to pending bills.
- **Legislative Overlaps and Role Ambiguity:** Despite constitutional clarity, there remain instances of overlapping mandates and legislative ambiguity between national and county governments, leading to disputes and inefficiencies in service delivery in certain sectors.
- **Capacity Gaps:** Some county governments continue to face challenges in human resource capacity, technical expertise, and institutional frameworks, which can impede effective governance and project implementation.
- **Inter-County Disputes:** While the CoG works to resolve them, occasional inter-county disputes over resources, boundaries, or service provision can arise, requiring concerted mediation.
- **Coordination Complexity:** Managing the diverse interests and priorities of 47 distinct county governments, while presenting a united front, can be a complex coordination challenge for the CoG.

Opportunities for Strengthening Devolution:

- **Enhanced Intergovernmental Dialogue:** The CoG serves as an established platform for dialogue, offering opportunities to resolve disputes and foster harmonious relations between national and county governments. Continued and structured engagement can lead to better policy coherence.
- **Capacity Building Initiatives:** Collaborative efforts between the CoG, national government agencies, and development partners can bolster the institutional and human resource capacities of counties, leading to improved service delivery.
- **Legislative Review and Harmonization:** The ongoing interaction between the CoG and Parliament (especially the Senate) presents an opportunity to review and harmonize legislation to eliminate ambiguities and ensure full fidelity to the devolution framework.
- **Fiscal Decentralization Reforms:** Continued advocacy by the CoG, supported by the Senate, for reforms in fiscal decentralization can ensure predictable and adequate funding for counties, empowering them to meet their constitutional obligations.
- **Peer Learning and Best Practices:** The CoG is uniquely positioned to facilitate peer learning among counties, allowing successful models in service delivery, revenue generation, and governance to be replicated across the country.

5.0 Conclusion and Recommendations

5.1 Conclusion

The visit to the Council of County Governors provided a profound understanding of its indispensable role in steering Kenya's devolved governance system. As the primary advocacy and coordinating body for county governments, the CoG acts as a vital bridge between the national and sub-national levels, ensuring that the voice of counties is heard and their interests are protected. While the promise of devolution remains strong, significant challenges, particularly fiscal constraints and legislative overlaps, continue to test its implementation. Nevertheless, the CoG's structured engagement with the Senate and other national actors represents a crucial pathway for overcoming these hurdles and realizing the full potential of decentralization for the benefit of all Kenyans.

5.2 Recommendations

Based on the insights gained from the visit and background research, the following recommendations are proposed to further strengthen the collaborative relationship between the Senate and the Council of County Governors, thereby fortifying the objectives of devolution:

1. **Strengthen Legislative Review Processes:** The Senate and the CoG should establish more formalized and consistent mechanisms for joint review of Bills impacting counties. This could involve regular technical workshops or dedicated liaison committees to ensure county perspectives are robustly integrated before legislation is enacted.
2. **Advocate for Predictable Fiscal Transfers:** The Senate, in its oversight role, should continue to strongly advocate for the timely and adequate disbursement of funds to county governments from the National Treasury, as advocated by the CoG. This financial predictability is crucial for counties' effective planning and service delivery.

3. **Support Capacity Building Initiatives:** The Senate Liaison Office, in collaboration with the CoG, could explore opportunities to support capacity-building initiatives for county assemblies and executives, drawing on the expertise within both institutions to enhance governance and legislative oversight at the county level.
4. **Facilitate Dispute Resolution:** Given the CoG's role in dispute resolution, the Senate should actively engage with the CoG in resolving intergovernmental disputes, ensuring that mechanisms provided for in the Intergovernmental Relations Act are effectively utilized to prevent escalation.
5. **Promote Best Practices and Peer Learning:** The Senate could partner with the CoG in disseminating best practices and successes observed in various counties, perhaps through joint publications or forums, to encourage peer learning and replication across the country.

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