

Transition Authority

The Transition to Devolved Governments Act, 2012



Transitional Framework Clauses and Impact on the Devolved Governments and Health Systems

Presentation During the Health Sector
Consultative Meeting at Hilton Hotel

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Presentation Outline



- Who is the Transition Authority (TA)
- Our Mandate
- Key Deliverables in Phase I
- Our Plan: Where Are We?
- Eight Point Transition Road Map
- Health Sector Related Issues
- Implementation Challenges
- Conclusion

WHO ARE WE?



- A statutory body with a constitutional mandate of facilitating and coordinating the transition to the devolved system of government in Kenya pursuant to the provisions of the Transition to Devolved Government Act 2012 and Section 15 of the Sixth Schedule to the Constitution of Kenya 2010



MEMBERSHIP

- 1. A chairperson and eight (8) other members competitively recruited, appointed by the President in consultation with the Prime Minister and with the approval of the National Assembly**
- 2. Secretary/ CEO – (Ex-Officio)**
- 3. Six (6) Principal Secretaries**
- 4. Attorney General (Ex-Officio)**

Our Mandate



“facilitating the realization of a devolved system of government through effective and efficient coordination of the transition process.”



PHASED OUT IMPLEMENTATION OF DEVOLUTION – KEY DELIVERABLES

The functions of the Authority are categorized into Phase I and Phase II activities and winding up phase. The Act Sec 7 (1-3 and 4th Schedule) further provides for the phased transfer of function to the County Government.

- ❖ Phase I is the time of operation of the Authority from its inception to the date of the first general election.
- ❖ Phase II is the period of three (3) years after the first general election.
- ❖ Phase III is winding up of the Authority and handed over to the Intergovernmental Relations Secretariat.



PHASE I ACTIVITIES

July 2012 – February 2013

- 1. Facilitate and coordinate the transition to devolved system of government as provided under section 15 of the Sixth Schedule to the Constitution of Kenya**
- 2. Facilitate the analysis and the phased transfer of functions provided under the Fourth Schedule of the Constitution to the national and county governments [7(2) a] of TDGA**
- 3. Determine the resource requirement for each of the functions [7(2) b] of TDGA**
- 4. Develop a framework for the comprehensive and effective transfer of functions as provided for under section 15 of the Sixth Schedule to the Constitution [7(2) c] of TDGA**

PHASE I ACTIVITIES

July 2012 – February 2013



- 5. Facilitate the development of the budget for the county governments during Phase I of the transition period**
- 6. Establish the status of the ongoing reform process, development programmes and projects and make the recommendation on the management, reallocation or transfer to either level of government during the transition period [7(2) d (ii)] of TDGA**
- 7. Prepare and validate an inventory of all the existing assets and liabilities of the government, other public entities and local authorities.**

PHASE I ACTIVITIES

July 2012 – February 2013



8. **Make recommendations for the effective management of assets of the national and county governments**
9. **Provide mechanisms for the transfer of assets which may include vetting the transfer of assets during the transitional period**
10. **Develop the criteria as may be necessary to determine the transfer of functions from the national to county governments, including**
 - **Such criteria as may be necessary to guide the transfer of functions to county governments and**
 - **The criteria to determine the transfer of previously shared assets, liabilities and staff of the government and local authorities**

PHASE I ACTIVITIES

July 2012 – February 2013



- 11. Carry out an audit of the existing human resource of the government and local authorities**
- 12. Assess the capacity needs of the national and county governments**
- 13. Recommend the necessary measures required to ensure that the national and county governments have adequate capacity during the transition period to enable them undertake their assigned functions**
- 14. Coordinate and facilitate the provision of support and assistance to the national and county governments in building their capacity to govern and provide services effectively**

PHASE I ACTIVITIES

July 2012 – February 2013



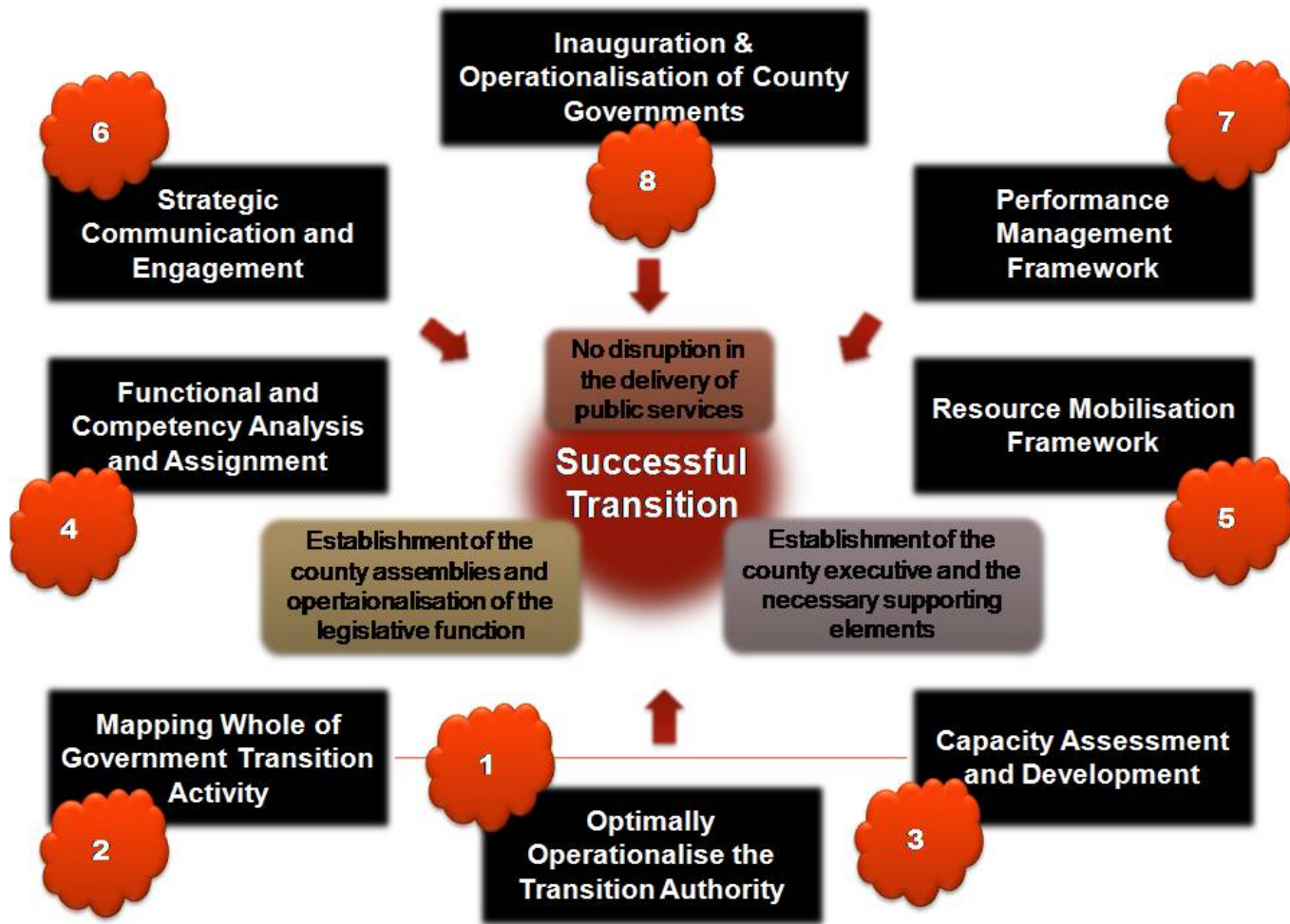
- 15. Advise on the effective and efficient rationalization and deployment of the human resource to either level of government**
- 16. Submit monthly reports to the Commission for the Implementation of the Constitution (CIC) and the Commission on Revenue Allocation (CRA) on the progress in the implementation of the transition to the devolved system of government**
- 17. Submit quarterly reports to the President, Parliament, CIC and CRA on the progress in the implementation of the transition to the devolved system of government**
- 18. Perform any other function as may be assigned by the national legislation**

What is our plan?



- Developed a Road Map that establishes the broad path that we shall follow to deliver on the fifteen (15) deliverables key to the achievement of our mandate and the success of the transition process

Transition to Devolved Government Roadmap



Eight Point Transition to Devolved Government Road Map



- **Optimal Operationalisation of the Transition Autho.**
- ***Mapping the Whole of Government Transition Activities***
- **Capacity Assessment and Development**
- **Functional Analysis, Competency Assignment and Costing**
- **Resource Mobilization**
- **Strategic Communication and Engagement**
- **Performance Management Framework**
- **Inauguration and Operationalization of County Governments**



Transition Authority: Work Plans

3. Functional Analysis Competence Assignment and Costing

- Develop guidelines on functional and competence assignment (unbundling)
- Undertake costing of functions
- Hold public forums and engage expert groups in validating the functional and competence assignment and costing
- Develop initial county budgets
- Develop initial transitional plan
- Coordinate MDAs to develop sectoral legislative and policy papers on functional assignment



Transition Authority: Work Plans

5. Capacity Assessment And Development

- Audit of Assets and Liabilities of national government, Local Authorities and other state agencies – Review existing data
- The Audit of Human Resources in national government, Local Authorities and other state agencies
- Carry out audits and verify audit reports
- Capacity building programmes



Transition Authority: Work Plans

6. Transition Arrangements to County Governments – Linkages Parliament

- Preparation for installation of the county governments
- Setting up of the county public service boards
- Setting up of the county the county assembly service boards

Health Sector Related Transitional Issues



- Submission of on-going devolution initiatives
- Proposed policy paper and Health Laws
- Provincial Hospitals – National or County Governments (What is the implications for counties hosting these hospitals?)
- County' s ability to attract and retain staff
- Concept of funds follows functions -Service delivery

Health Sector Related Transition Issues



- Any guidance on how pharmaceuticals should be handled in the devolved governments?
- How will current donor support be managed?
Refer to [7(2) d (ii)] of TDGA
- How the authority will be planning for asset inventories at the counties - complementing effort through the Services Availability and Readiness Assessment Mapping (SARAM).

Health Sector Related Transition Issues



- At what point will the authority be able to define readiness of counties?
- Where will the money for the counties that are not ready be held?
- Any emphasis on utilizing other capacities in the FBO/private sector?
- What happens to county functions that are not adequately financed to pay all the staff? Will counties be forced to retrench?



IMPLEMENTATION CHALLENGES

- **Serious time constraints**
- **Lack of infrastructure – in some Counties**
- **Little understanding of the concept of devolution by the citizens**
- **Euphoria and worries**
- **Turf ring-fencing**
- **Possible vested interests and resistance**

CONCLUSION



Retain fidelity to the Constitution of Kenya 2010 in exercise of our functions and powers as provided under Section 7 and 8 of the TDG Act respectively. This will ensure successful devolved governance system that heralds better services at the Counties.



Thank You