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THE STATUS OF THE AGRICULTURAL SECTOR AFTER DEVOLUTION TO COUNTY GOVERNMENTS

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WPS 68/2015

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Tegemeo Institute of Agricultural Policy and Development is a Policy Research Institute under Egerton University with a mandate to undertake empirical research and analysis on contemporary economic and agricultural policy issues in Kenya. The Institute is widely recognized as a centre of excellence in policy analysis on the topical agricultural issues of the day, and in its wide dissemination of findings to government and other key stakeholders with a view to influencing policy direction and the decision making process. Tegemeo's empirically based analytical work, and its objective stance in reporting and disseminating findings has over the past decade won the acceptance of government, the private sector, civil society, academia, and other stakeholders interested in the performance of Kenya's agricultural sector.

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List of abbreviations

AMS	Agricultural Mechanization Services
ATC	Agricultural Training Centres
ASCU	Agriculture Sector Coordinating Unit
CDA	County Director of Agriculture
CDF	Constituency Development Fund
CEC	County Executive Committee
CG	County Government
CIDP	County Integrated Development Plan
CPSB	County Public Service Board
CO	Chief Office
COB	Controller of Budget
COG	Council of Governors
CRA	Commission for Revenue Allocation
DAC	District Agricultural Committee
DAEO	District Agricultural Extension Officer
DAO	District Agricultural Officer
DDC	District Development Committee
DFRD	District Focus for Rural Development
FEW	Field Extension Worker
GDP	Gross Domestic Product
KNBS	Kenya National Bureau of Statistics
LATF	Local Authority Transfer Fund
LG	Local Government
MCA	Member of County Assembly
MDP	Ministry of Devolution and Planning
MoALF	Ministry of Agriculture Livestock and Fisheries
MTEF	Medium Term Expenditure Framework
MTP	Medium Term Plan
NGO	Non-Governmental Organisation
PDA	Provincial Director of Agriculture

SMS	Subject Matter Specialist
SSA	Sub Saharan Africa

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Executive Summary

The agriculture sector has over the years been the largest contributor to our country's economic growth. In recent years, the sector has undergone a number of institutional changes – the most significant one being transfer of majority of the national government functions to the county governments in 2013. We conducted a study to understand how the sector has adjusted to these changes, specifically in structure, planning and coordination provisions at the county level and the level of financing to the sector.

We purposefully selected 16 counties across the regions in the country for our analysis. We held qualitative interviews with County Executive Committee members for agriculture, Chief Officers, and County Directors of Agriculture in these counties. We deliberated on issues such as: policy communication, coordination and implementation; financing of the agriculture sector; planning, linkages to national plans and targets; and requirements including human capital required for successful realization of goals all at the county level.

We find that planning was done with a lot of emphasis on the constitutional requirement of public participation. Although funding for the sector in many counties had increased, the share in total budget was still low. Old problems such as late receipt of funds still exist especially at sub county levels, and the current budgeting system at the county level needs to be strengthened. Communication channels between the national and county governments were very long and bureaucratic in the first year, but improved in the second year. Coordination both between the two levels of government and among county governments was still weak and more could be done to improve this. Key institutions such as the Intergovernmental Technical Relations committee took long to set up, although the ministry now has a secretariat for intergovernmental relations.

County governments took up a number of projects that were previously funded by the national government and in some cases initiated a number of new projects. However, in some cases, we found duplication of project between the national and county governments.

Key challenges for the sector include harmonization of activities between the two levels of government, strengthening the planning and budgeting processes, legislating the required laws at the county level, attaining synergy among counties, strengthening key activities such as

extension and the development of value chains. Another key challenge remains the handling of human resource. In some cases, staff from the national governments were absorbed by county governments, while in most cases, county governments hired new staff. External challenges facing the sector such as low productivity, disease outbreaks, and adverse weather will have to be tackled more effectively and efficiently by the county and national governments for the sector to sustain the growth recorded in recent years.

1. Introduction

Good governance is often seen as a key ingredient to economic development. Key institutions such as the World Bank have developed governance strategies [1] that clearly outline the importance of governance on development and poverty reduction (Bank, 2012). Recognizing the citizen's right to participate and actual involvement in the planning, implementation and oversight of resource allocation for public goods and services is seen as an effective way to achieve good governance. In sub Saharan Africa (SSA) decentralization and devolution of public services is the most common approach used to achieve good governance. In the agricultural sector, the articulation of smallholder households in governance would not only improve accountability but also lead to greater delivery of agricultural public goods (Poulton & Kanyinga, 2014).

Over the years, different administrations in Kenya and SSA have made several attempts at decentralising public services.[2] The main aim was to have a planning process that was responsive to the desires and aspiration of the citizens. However, decentralization process has elicited mixed results. Key challenges included resource mobilization, allocation and utilization, poor coordination between these decentralised structures and the central government structures and lack of commitment both politically and administratively.

In 2010, Kenya made one of the most significant adjustments on the national governance framework by promulgating a new constitution which established a two-tier system of a national government and 47 county governments. The main objective behind this change was to improve access to public services and improve citizens' participation in governance and development through devolution. Essentially, improve on the previous decentralization process that had existed in earlier attempts. Key improvements under the new governance system included the transfer of administrative functions and mandate from the national government to county governments. These functions had been previously carried out by departments and ministries. Under this system, county governments have now been allocated significant responsibilities in

[1] Such as the anticorruption and governance strategy of 2012

[2] These include Julius Nyerere's reforms in 1972 in Tanzania, Nigeria's switch to the federal system in 1976, Kenyatta's administration's Special Rural Development Program in 1968, Moi's administration District Focus for Rural Development Strategies in 1983 and Local Authority Service Delivery Action Plan Program in 1998 and Kibaki's administration Constituency Development Fund Program in 2003.

agriculture, health, trade, roads, county planning among other functions (Republic of Kenya, 2010).

In the agricultural sector, the national government is mandated with agricultural policy while county governments are responsible for crop and animal husbandry, livestock sale yards, county abattoirs, plant and animal disease control and fisheries. The constitution allows for a transition period of three years from the date of promulgation (August 2010) when it is expected that the legislations and regulations for implementation of the constitution would have been enacted. Subsequently, a number of legislations to support the devolved structure were enacted. These included the Transition to Devolved Government Act, 2012; County Government Act, 2012; Urban and Cities Act, 2011; Intergovernmental Relations Act, 2012; National Government Coordination Act, 2012; Public Finance Management Act, 2012; and the County Government Public Finance Management Transition Act, 2013. The constitution provides for a phased transfer of powers from the national government to the county governments in a period of not more than three years from the date of the first elections under the constitution. During this period, the national government shall: Firstly, facilitate the transfer of power by building the capacity of county governments to govern effectively and provide the services for which they are responsible. Secondly, establish the criteria that must be met before particular functions are devolved to county governments to ensure that county governments are not given functions which they cannot perform, and thirdly, permit the asymmetrical devolution of powers to ensure that functions are devolved promptly to counties that have the capacity to perform them and no county is given functions that it cannot perform.

The first elections were conducted in March, 2013, paving way for the formation of devolved governance structures i.e. county governments and county assemblies. After taking office, county governments have been establishing the requisite departments and have seen majority of the functions transferred to them. From 1st July 2013, county governments took over the majority of the functions listed in the fourth schedule, among them all the listed functions in the agricultural sector.

The importance of the agricultural sector in the country cannot be over emphasized. The sector has for the last four decades been the largest sector contributor to the country's Gross Domestic

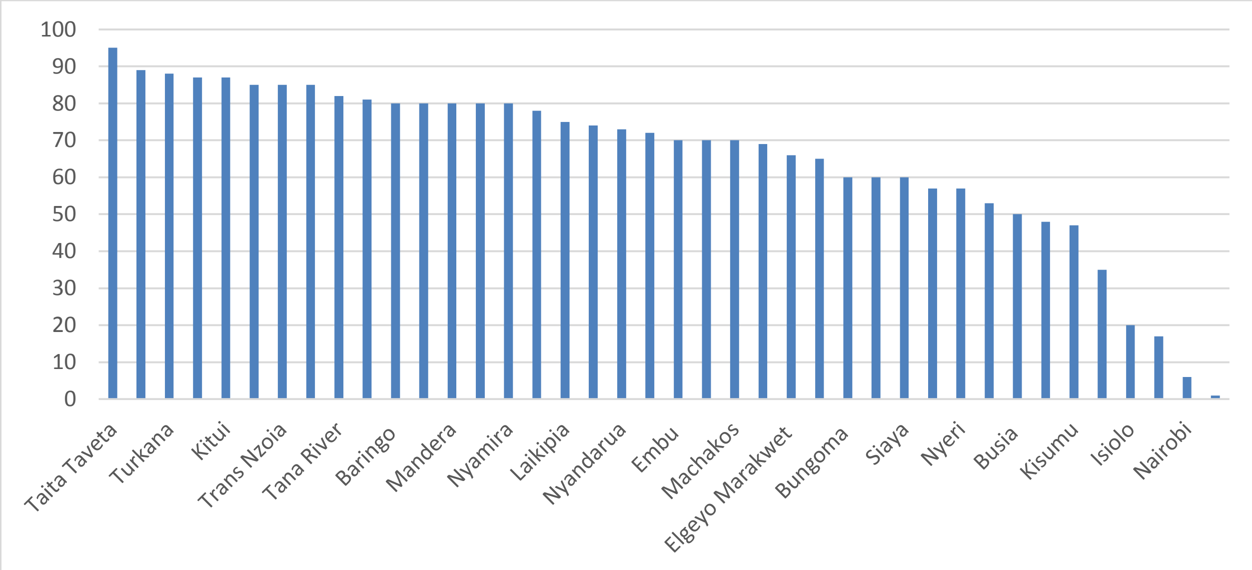
Product (GDP). The sector contributed 26.3% and 27.3% to the country's GDP in 2013 and 2014 respectively (KNBS, 2015). Additionally, the sector accounts for approximately 60% of export earnings, and is a source of 18% of the country's formal employment and about 60% of the informal employment (MoALF, 2015). Figure 1 shows the agriculture sector contribution to household's income by county in 2013. On average, the sector accounted for 66% of the total household's income in the country.

The Kenya Vision 2030 envisages an annual economic growth rate of 10%. The sector will play a major role to realise this goal. In the previous plan period, the average annual growth rate was 2.18% against a target of 6.4% (MDP, 2014). It is important to note that in this period the agricultural growth rate peaked at 10% in 2010 only to fall sharply to 2.9% in 2012. In the current plan period, the sector has been targeted to grow at an average annual growth rate target of 6.5%.[3]

These changes in the governance structure are expected to have major implications for the agricultural sector. The county governments are now expected to be the key drivers of growth in the sector. Key research question is whether the performance of the sector will improve under the devolved structure that allows for regions to prioritise their goals. We set out a study with the main objective of understanding how the sector has adjusted after devolution of functions to the county governments. This brief discusses the key implications of devolution for the sector. We contrast the current governance structure with the previous one highlighting challenges that are arising in the implementation of the new structure. We make recommendations for improving the performance of the sector under the county governments in relation to areas such as policy coordination, agricultural funding, human capital, and farm productivity.

[3] This target is unlikely to be reached with the sector attaining growth levels of 5.2 % in 2013, 3.5 % in 2014 and projected 3.5% in 2015.

Figure 1: Agriculture sector contribution to household Incomes



Source: CRA, 2013

1.1 Objectives

The current study was therefore undertaken in order to understand how the sector has adjusted following the devolution of functions to county governments. Specifically, we look at the structure of the agricultural sector, policy communication and coordination mechanisms, financing, county development planning, policy and structural adjustments made within the sector to undertake the new mandate as envisaged in the constitution. The study also analysed the challenges under the new system and sought to provide the way forward given the bottlenecks.

Specifically the study sought to:

- Understand the governance structure after devolution to county governments in the sector
- Establish how the sector's policy communication, feedback mechanisms and regulation processes have shaped up after devolution to county governments
- Establish the coordination mechanisms in the sector between the national government and the county government and among the county governments
- Understand the impact it has on the implementation of agricultural programs and projects.

- Assess the levels of funding for the sector and bottlenecks in the funding system at the county level
- Establish challenges experienced in the sector after a year in the devolved system

The rest of the paper is organised as follows: section two discusses the methodology used in the study. Section three discusses the findings on the agricultural sector before and after devolution to county governments; section four highlights the conclusion that draws out the lessons, best practices and changes while section five provides recommendations.

2. Methodology

Our study looks at the status of agricultural sector in terms or organization, planning and coordination and financing to the sector. We divide the study into two parts. In the first part, we focus on organization, planning and coordination within the sector. For this part of the study, we purposively select sixteen counties out of the forty seven counties and carry out a qualitative study on the areas mentioned earlier. The counties were spread along four regions namely Western, Rift valley, Central and Eastern as shown in Table 1. The four regions are representative of the high and medium potential agricultural areas and the political voting patterns during the past elections.

Table 1: Counties Visited in this study

Western	Rift Valley	Central	Eastern
Siaya	Trans Nzoia	Nyandarua	Makueni
Kisumu	Uasin Gishu	Nyeri	Machakos
Kisii	Bomet	Kirinyaga	
Migori	Narok		
Vihiga	Nakuru		
Kakamega			

In the second part of the study, we analyse how county governments have allocated their budgets with a keen interest on allocation to the agriculture sector. The data for this analysis came from the printed budget estimates for county governments published by the Commission for Revenue Allocation (CRA) in 2013/14 and Controller of Budget (COB) in 2014/15.

In all the areas visited, a checklist was used to obtain both qualitative and quantitative information through direct face to face interviews with key informants in the Ministry of Agriculture, Livestock and Fisheries (MoALF). The officers interviewed included a combination of the following:

i. County Executive Committee Member for Agriculture,
ii. Chief Officer for Agriculture,
iii. Liaison Officer,

iv. County Director: Agriculture, Livestock production, Fisheries, Veterinary services, Cooperatives.

We reviewed literature on government planning and budgeting mechanisms, annual reports as well as assessing the County Integrated Development Plans (CIDP) and the county staff rosters for the counties visited.

3. Findings

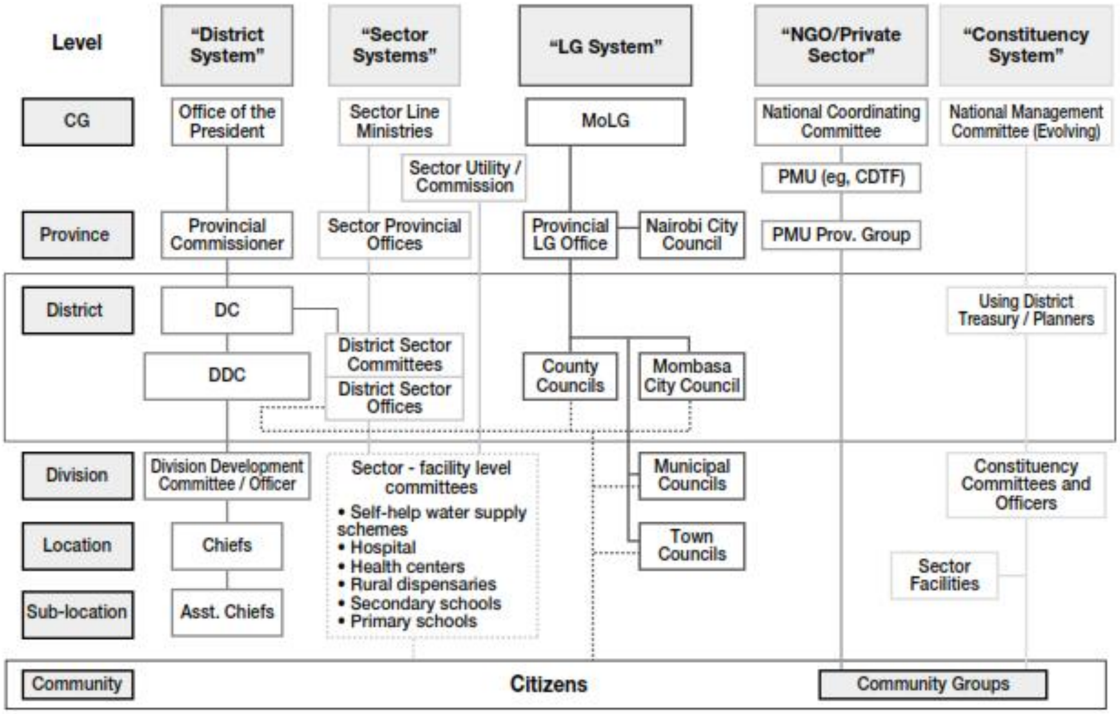
In this section, we discuss the status before and after the devolution of functions in the sector to county governments. Our discussion is based on the following themes: policy formulation, coordination, and communication, identification, financing and implementation of projects and programs.

3.1. Centralised Governance System

Planning and Identification of Priorities

The national government had set up a decentralization structure aimed at ensuring efficiency in service delivery at local levels. Key strategies to achieve this include the adoption of the District Focus for Rural Development (DFRD) strategy in 1986. The strategy, which also adopted a multi-sectoral approach, was a response to decentralise development planning and have carried it out in an integrated manner and was basically following a bottom-up approach. Figure 2 shows the government systems in the decentralized structure where the main focus was the district level.

Figure 2: Government system before devolution to county governments



DC: District Commissioner, DDC: District Development Committee, MoLG: Ministry of Local Government, PMU: Project Management Unit

Source: JICA, 2008

In this structure, the development committees at various levels are key in the identification and prioritization of development activities. The District Development Committees (DDCs) which drew membership from a wide range of stakeholders were responsible for planning and coordination of development programs and projects. The DDCs had a number of subcommittees for specific subject matters e.g. education, health, agriculture and land among others. Below the DDC's were the divisional development committees (sub-DDCs) which mirrored the district level. The next tier was the location development committees then the sub-location development committees which were the lowest level. Both the location and sub location level committees were grassroots committees and were responsible for articulating the community's priorities.

The sub-location and location committee meetings were open to the public. Community participation in the sub-DDCs and DDCs was through representation by representatives elected in the lower committees. The bottom up approach was to have communities identify development priorities at the sub-location and location levels. The priorities would be done in the next tier after having received technical input. At the DDC level, there would be much scrutiny by technical experts before being tabled for adoption. The district plans would then be shared with headquarters (ministries) and would inform the national development plan.

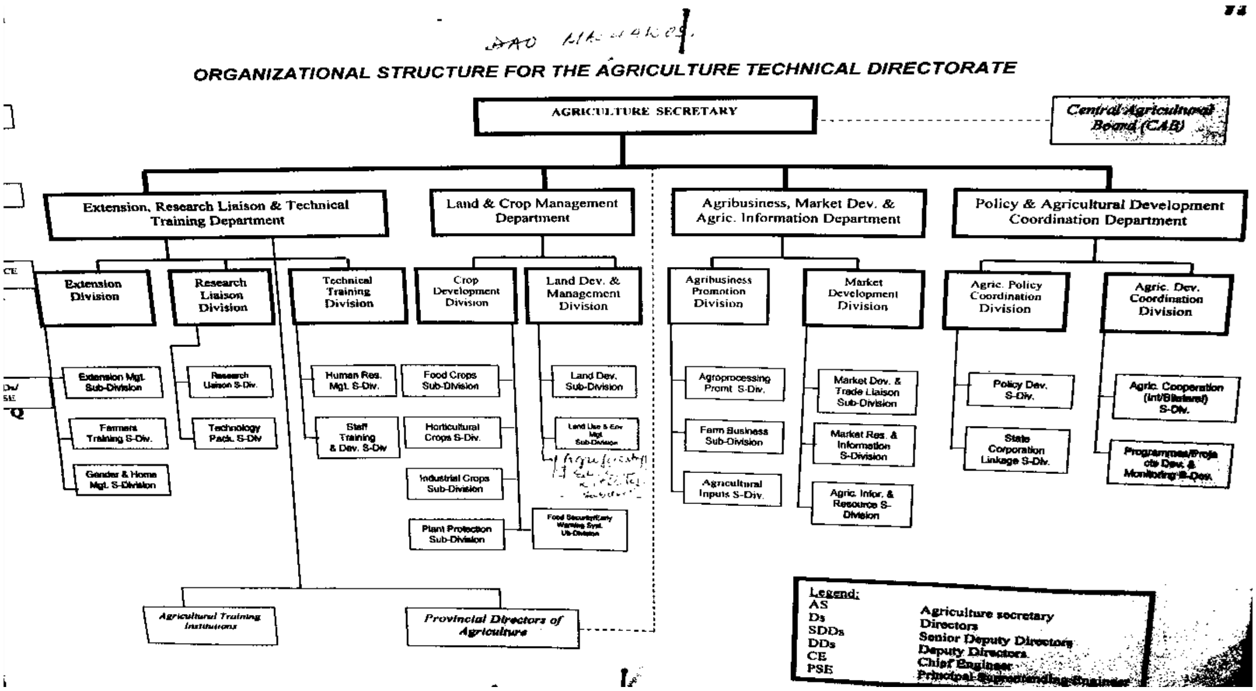
However, in practice, this was not the case as projects and programs continued to be identified and prioritised at the national level with little input at grassroots levels. Additionally, there was a big mismatch between funding and identified priorities at the grassroots. Other challenges that faced the decentralised system were: elite capture, non-representation especially of the minorities including vulnerable groups, weak coordination mechanisms especially between the national and decentralised structure.

Agricultural Coordination under the Centralised Government System

The organizational structure in the agriculture sector mirrored the national government structure before devolution to county governments. Figure 3 shows the organizational structure at the ministry headquarters for the technical departments in the ministry of agriculture[4] in the last administration before the transition to county government. The Agricultural Secretary was the top most technical officer other than the Permanent Secretary. The top leadership in the ministry had the Permanent Secretary who was the accounting officer in the ministry and the Assistant Minister and Minister both appointed by the President, but were politicians i.e. Members of Parliament. This scenario was also replicated in the ministry of livestock and the ministry of fisheries development.

[4] The ministry of agriculture has over the years been merged and separated with various departments such as livestock and fisheries depending on the ruling administration. Currently, it is combined with livestock and fisheries.

Figure 3: Organization structure of the technical arm at the ministry headquarters



At the decentralised level, there was the provincial level, in the case of agriculture headed by the Provincial Director of Agriculture (PDA). As explained earlier, the focus of development was at the district level. The provincial level's major role was to coordinate the districts and act as a link between the district and the ministry headquarters. The structure at the decentralised level was similar to the one at the ministry's headquarters (Figure 4). There were subject matter specialists at the province, district and division levels. However, in many cases, the districts and division levels were understaffed and not all positions were filled as was to be expected.

Policy Formulation, Communication and Linkages between HQ and Decentralised Levels

The Ministry headquarter was in charge of policy formulation and coordination. Most policy communication was done through letters and circulars. Other modes of communication used for coordination purposes were emails and telephones. There were a number of reports that were submitted to the headquarters and were used to inform policy decisions. These reports included annual and quarterly reports, monthly food security situation reports, specific subject matter related reports, and M&E reports among others. Communication between the headquarters and the decentralised levels was direct and frequent. The communication channel followed the structure shown in Figure 5 i.e. a circular for a given policy would be communicated from the Permanent Secretary, to the respective directors of the subject matter divisions/directorates at the headquarters, then to the field offices. The reverse channel would be followed when communicating from the decentralised levels to the Ministry headquarters, with a notable exception that some communication would flow from the district level directly to the headquarters but with copies to the provincial level.

Figure 4: Organization structure at decentralised levels

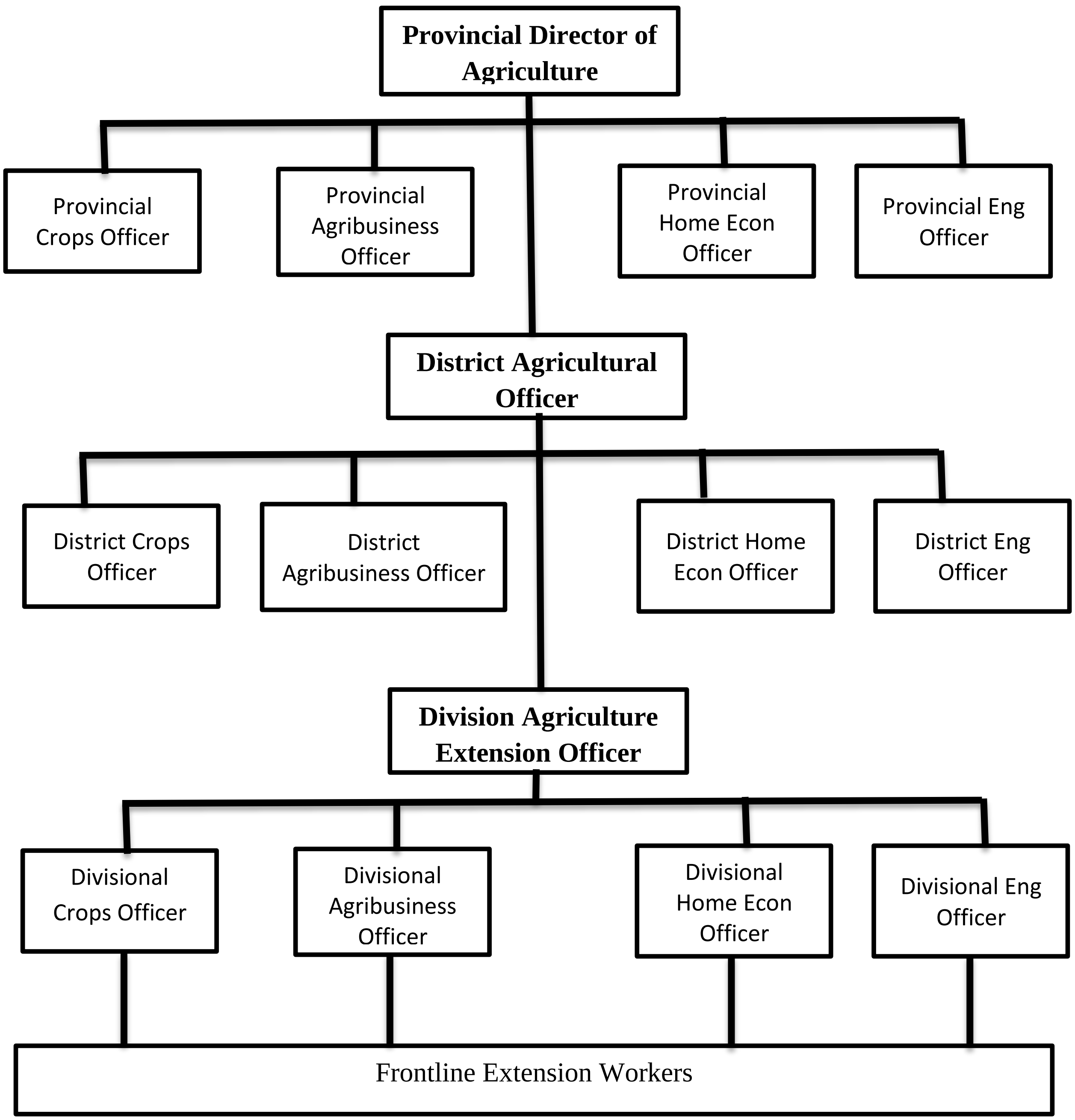


Figure 5: Communication Channel before Transitioning to County Governments

Note: PS (Permanent Secretary), AS (Agriculture Secretary), D (SMS) Director for Subject Matter Specialists), PDA (Provincial Director of Agriculture), DAO (District Agricultural Officer), DAEO (Division Agriculture Extension Officer), FEW (Frontline Extension Workers)

Planning and Identification of Projects

At the grassroots' levels, planning in the sector was in line with the established decentralised structure i.e. through the DAC and DDC. The DACs was the coordinating body at the decentralised level, and proposals were approved by the DDC. At the national level, planning was done through the sector wide approach. As mentioned earlier, a key planning challenge was that although the decentralised system was meant to be a bottom-up system, many times it operated in the reverse direction. The districts prepared their own plans, which in many cases were unique. The national plan, which ideally was expected to reflect an assembly of the district plans, was most often different.

The key policy documents in the sector were prepared in line with the national policy documents. In 2008, the country adopted a long term development blue print, the Kenya Vision 2030, which is implemented in five year Medium Term Plans (MTP). Subsequently, the sector which had its long term policy document, the Strategy for Revitalization of Agriculture (SRA) 2004-2014, was changed to suit this planning process. The agriculture sector developed the Agricultural Sector Development Strategy (ASDS) 2010-2020 as its long term policy document. In addition, the sector has the medium term agriculture sector plans that are in line with the MTPs of the Vision 2030. At the decentralised level, each district prepared its own District Development Plan (DDP), which ran for a period of five years. The agriculture sector formed one of the chapters of the DDPs and was expected to inform and guide implementation of sector activities at the decentralised level.

In the last term under the decentralised system, the Agricultural Sector Coordination Unit (ASCU) was established to coordinate the planning process especially in the delivery of the Agriculture Sector Development Strategy (ASDS). ASCU was to be decentralised to the district to mirror the national level, however, this did not happen fast enough and was overtaken by the transition to the county government system.

Budgeting and Flow of Funds

The government budget system is based on the Medium Term Expenditure Framework (MTEF). The MTEF process was identified as the best way to link planning and budgeting and ensure that resources were utilised in the priority areas. At the national level, the MTEF process was followed and worked very well. Through the sector groups, ministries met, identified priorities and allocated resources. However, at the district level, the process was disjointed and funding rarely reflected planning at the decentralised level. Once the budget was passed, funds would flow from the ministry of finance to respective ministries. The ministry would then release funds to the decentralised levels accompanied by authority to incur expenditure. At the district level, lower levels i.e. the division and location would be funded through imprest.

The decentralised levels received funding for recurrent activities and for development activities. As earlier mentioned, one of the key challenges was that funding received at the decentralised levels rarely matched the plans but reflected what had been prioritised at the national level to be implemented at the grassroots levels. In the end, it was always the case that officers at the decentralised level ended up implementing priorities identified at the national level (top-down instead of bottom up) because those priorities were funded.

3.2. Devolved Governance System

Organization Set up under the Devolved System

The constitution defines the roles of county governments in the fourth schedule with key responsibilities in agriculture, health, planning, trade, transport and infrastructure development. Development of policy and national planning is the mandate of the national government. County governments are expected to implement these policies at the county level. Ultimately, both levels of government implement the same vision for the country.

At the national level, ministries, departments and agencies carry out the functions of the national government as stipulated in the constitution. For some key functions such as security, the national government is in charge of these functions even in the counties. To oversee the daily running, each ministry is headed by a cabinet secretary. Each ministry also has a principle secretary who is the administrative head and accounting officer for the department, although the number of principle secretaries varies for different ministries. At the county level, the daily running of the county government is the mandate of the governor and his deputy supported by a County Executive Committee (CEC). A CEC member is in charge of the operations of any given department. Therefore, the new government structure based on our interpretation is shown in Figure 6. One significant change from the previous system is that departments at the county and national level are no longer directly linked. However, to facilitate working between the two levels of government, the constitution and the subsequent Acts provide for how the two levels of government interact.

The intergovernmental relations Act, 2012 provides for a framework for consultations and cooperation between the two levels of government. The Summit, which comprises of the President, Deputy President and all the governors is the top most organ for ensuring that there is coordination and cooperation between the two levels of government. The Council of Governors (COG) is expected to provide a framework for coordination, cooperation and consultations among counties. These two institutions are supported by the intergovernmental relations Technical committee which is supposed to replace the Transition Authority after expiry of the transition period as stipulated in the constitution.

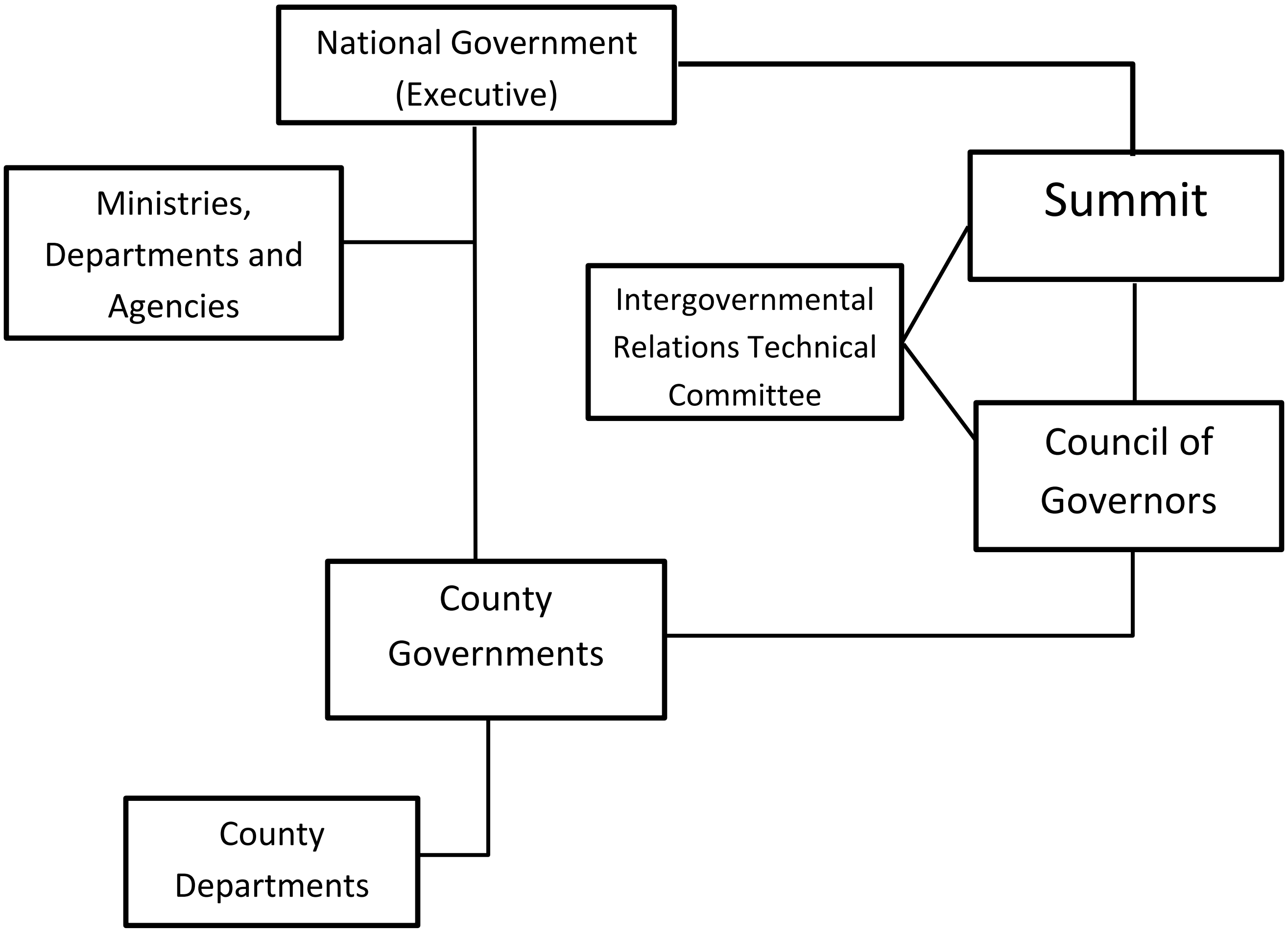
Structure of Agriculture sector after Devolution to County Governments

We discuss the structure of the agricultural sector at both the national level and the county level and also establish the level of interaction between the two levels in the sector.

National Level

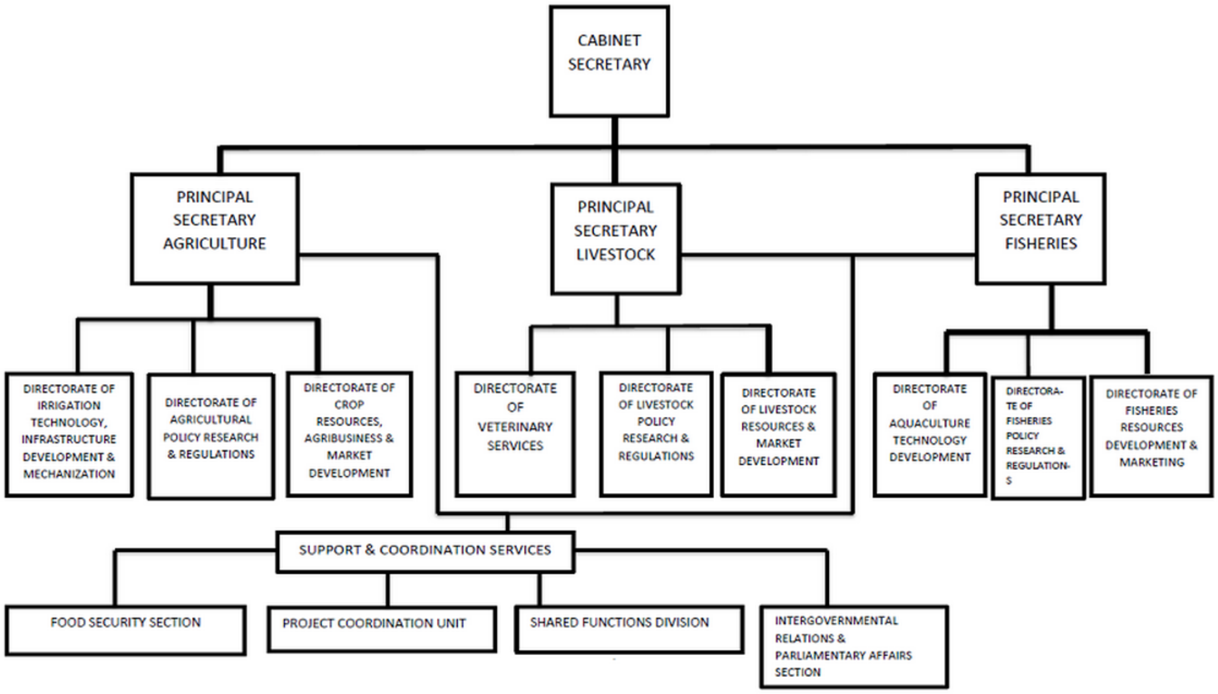
Figure 6 shows the interaction between the two levels of governments. In the transition period, the Transitional Authority is the body that was charged with transfer of functions to county governments. However, the Authority does not have a coordination mandate which is given to the Inter-governmental Technical Relations Committee (IGTRC) which takes over the Authority once the transition period is over. The overarching coordination organ is the summit comprising of the head of state and all the governors. The IGTRC therefore operationalizes policies approved by the Summit ensuring harmony between the two levels of government.

Figure 6: Government Structure after Transition to County Governments



At the national level, the agriculture sector falls under the ministry of agriculture, livestock and fisheries, which is headed by a Cabinet Secretary (CS). The CS is appointed by the President and approved by parliament to be the overall leader at the ministry. Under the CS, the ministry has two Principal Secretaries (PS) one in charge of agriculture and the other livestock and fisheries. The PSs are public servants nominated by the Public Service Commission and appointed by the President with approval of the National Assembly to be the day-to-day administrators of the agriculture sector. Figure 7 shows how the sector is organised at the national level.

Figure 7: Structure of the agriculture sector at the national level

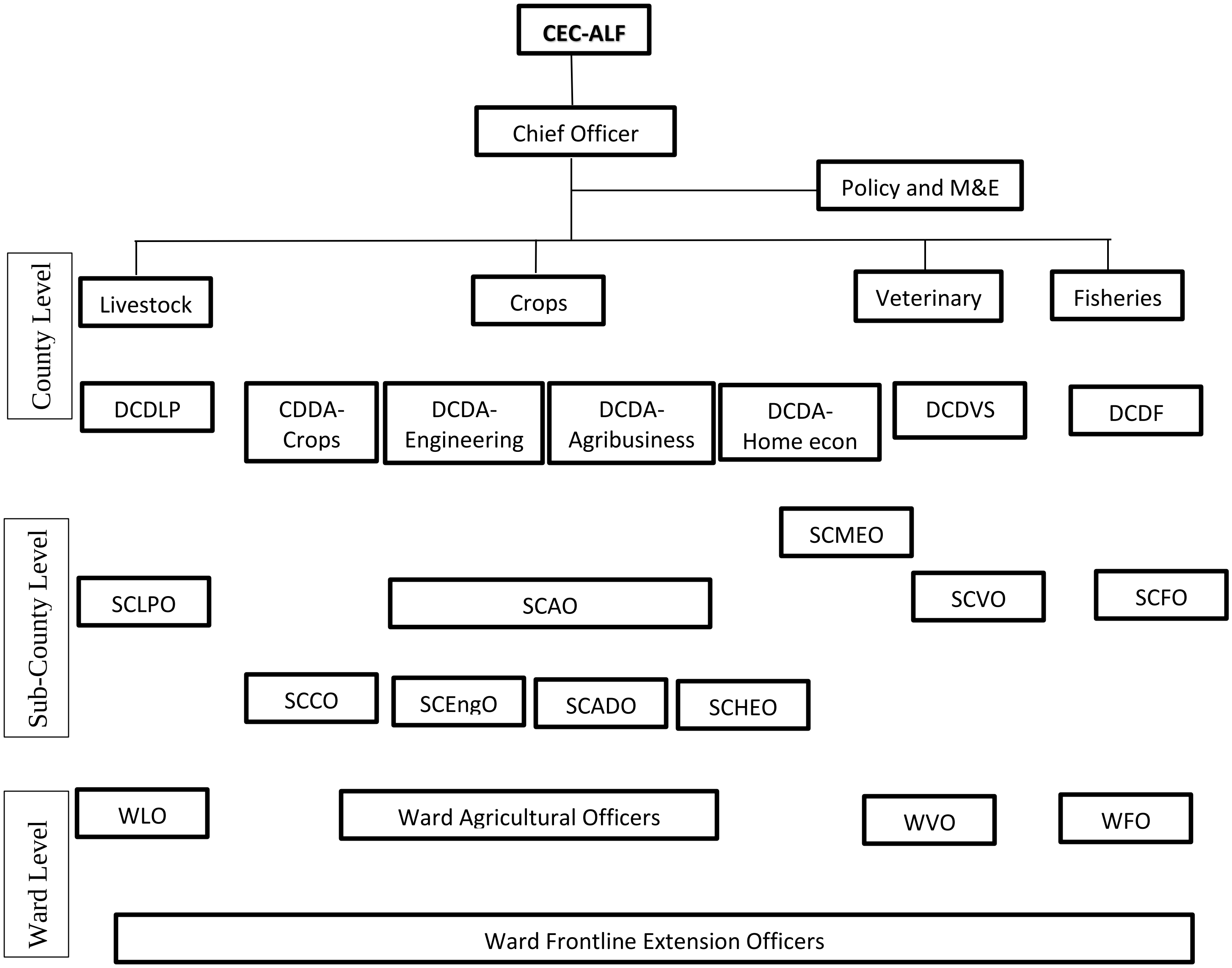


Source: MOALF, 2015

County Level

In most counties, the agriculture sector is set up similarly with the national level, i.e. agriculture, livestock and fisheries and veterinary services departments in the agriculture sector department. Variations to this set up is the inclusion of cooperatives under the agriculture department. The naming of the department differs by county. The departments are headed by a CEC member who reports to the governor, with a Chief Officer who is the administrative head and accounting officer for the department. In most counties, the department has one Chief Officer although some counties have more than one as in the case of Trans-Nzoia County which has two, one in charge of agriculture, and the other for livestock and veterinary services. Under the Chief Officers are County Directors in charge of the directorates in the department. Figure 8 illustrates an organogram of the sector departments at the county level based on practice by some counties. In the figure, we have used four directorates which was a common feature in the counties visited.

Figure 8 Structure of the agriculture sector at the county level



The number of directorates in the department differs by county. However, majority of the counties have four specialised directorates: agriculture, livestock production, veterinary services and fisheries. In some counties, cooperatives is the fifth directorate. In Figure 8, there are five director positions: the County Director of Livestock Production (CDLP) is in charge of the livestock directorate, the County Director of Agriculture (CDA) is in charge of crop production directorate, County Director of Veterinary Services (CDVS) is in charge of the veterinary directorate, County Director of Fisheries (CDF) in charge of fisheries directorate and a director in charge of policy and monitoring and evaluation. Of these directorates, agriculture is the largest and has a number of divisions headed by deputy directors. The divisions are based on subject specialization. The most common divisions were under the agriculture directorate were crops, agribusiness development, engineering and home economics.

Below the county, are the sub county level officers[5]. The sub county organization closely mirrors the county level structure. There is a Sub County Livestock Production Officer (SCLPO), a Sub County Agricultural Officer (SCAO) in agriculture, a Sub County Veterinary Officer (SCVO) in veterinary, a Sub County Fisheries Officer (SCFO) in fisheries and a Sub County Monitoring and Evaluation Officer (SCMEO). Similar to the county level, agriculture has a number of subject matter divisions each headed by a sub county officer i.e. a Sub County Crops Officer (SCCO) for crops, Sub County Engineering Officer (SCEO) for Engineering, a Sub County Agribusiness Development Officer (SCADO) for agribusiness development and a Sub County Home Economics Officer (SCHEO) for home economics. Below the county are ward level officers for each specialised department. The ward level officers are in charge of frontline extension workers based at the location level.

Planning and Identification of Projects

At the national level, planning and identification of projects is same as before devolution to county government. We have the second MTP which is the second in the series of MTPs for implementing the Kenya Vision 2030. For the agricultural sector, there is the ASDS and the Agriculture sector plan for the MTP. However, the case for devolved levels has now changed significantly.

County governments are required to prepare CIDPs, which are five year plans that outline their development agenda. The process followed in the preparation of CIDPS was that community meetings were held throughout each county to collect the views and aspirations of the communities. These were then drafted into the CIDP document with a team led by the planning department and officers from technical departments. The CIDP was the tabled to the CEC and once approved, it was forwarded to the County Assembly for debate and approval.

Most of the counties visited had either finalised or were finalizing their CIDPs. The CIDPs are prepared consultatively with communities and other stakeholders present in each county. They

[5] Sub Counties are former Districts

outline the development objectives being pursued by the county governments proposing programs and projects that will contribute towards the realization of these objectives. The plans are also linked to national planning documents such as the Medium Term Plans and the Vision 2030.

The CIDP captures plans for all sectors in the county. Based on the study of the CIDPs for the various counties visited, it was noted that the agriculture sector had more or less similar plans. Among the major plans initiated by county governments include:

- Farm input subsidy programs
- Investment in soil sampling and analysis
- Promotion of horticultural crops (bananas, passion fruit, potatoes, avocadoes etc.)
- Investment in value addition (milk coolers, fruit processors, mills etc.)
- Investment in farm mechanization e.g. tractor hire services
- Promotion of poultry, apiculture and fish farming following the ESP (economic stimulus program) model
- Revival and expansion of animal health services like dips
- Investment in irrigation, drainage and water harvesting
- Revival and strengthening of farmer cooperatives

The national government has been implementing several agricultural programs and projects before devolution. All on-going programs which address food security funded by both national government and donor partners are expected to continue until the scheduled completion dates. Some programs where the national government was responsible were handed over to the counties but a few are still being coordinated by the national government across most of the counties visited. These include:

- Njaa Marufuku Kenya - expected to be completed in 2015
- Fertilizer Subsidy Program
- Agricultural Sector Development Support Program (ASDSP) – expected completion in 2022

- Smallholder Horticulture Empowerment and Promotion Unit Project (SHEP UP) – expected completion in 2015
- East African Agricultural Productivity Program (EAPP) – expected completion in 2017
- Kenya Agricultural Productivity and Agri-business Program (KAPAP) – expected completion in 2014
- Smallholder Horticulture Marketing Programme (SHOMAP) - expected completion in 2015
- Small-scale Horticulture Development Project (SHDP) expected completion in 2015
- Smallholder Dairy Commercialization Programme (SDCP)
- Sustainable Smallholder Irrigation Development and Management in Semi-Arid Lands (SIDEMAN-SAL)
- ASAL-based Livestock and Rural Livelihood Support Project (ALLPRO) - expected completion in 2015

New programs being implemented by the national government at the county level were the e-extension program.

Programs inherited by counties from the national government include:

- Farm Input Access Services,
- A.I. Services, Animal and Health services,
- Agricultural Mechanization Services (AMS),
- Extension services
- Training and revival of Agricultural Training Centres (ATCs)
- Water harvesting for Irrigation.
- Maize grain drying services
- NAAIAP - Renamed to Farm Input Support (FIS)
- Stocking and Restocking of fish ponds
- Dip Revival Program

A notable issue across counties was that county governments seem to prioritize the same areas. For instance, almost all counties visited had prioritized promotion of horticultural crops even when it is clear that they were targeting the same market. This could potentially lead to frustrations on the part of farmers when the expected gains are not realized due to oversupply of a commodity that is perishable. Under the former governance system, this was not an issue as identification of projects, their prioritization and coordination was done centrally. In the current set up, counties are not talking to each other, or if they do, then there is lack of coordination even when addressing similar issues. The inter-governmental relations committee is the identified institution to address this. However, until it is operationalized, these will be a sticky problem for county governments.

In the preparation of the CIDPs, counties placed more emphasis on community participation which is a constitutional requirement. Many of the technical officers reported not to have been involved in the planning process from the beginning. In majority of the counties for instance, the processes were led by the Members of County Assembly (MCAs). This potentially raises issues about separation of functions. All CIDPs must be approved by the County Assembly. Therefore, full participation of MCAs in project identification is likely to bias the process since they will also approve the document in that it hinders a healthy debate on the priorities identified. In some counties, we observed that the key debate was on the division of projects to each administrative area.

Policy Formulation, Communication and Coordination between National and County Governments

Immediately after county governments took office, the ministry headquarters (national level) were communicating directly to staff at the county level. However, new regulations were issued from the Ministry of Devolution and Planning (MDP) with new rules for communication to county governments. As per the directive, any communication to the county governments from the national level (ministries) would have to go through the channel shown in Figure 8.

With no clear link between the national and county governments, MoALF deployed Liaison Officers in each county to perform this role. This initiative was not well received by county governments. In addition, the roles of the liaison office was not defined nor was it facilitated. As a result, the officers were turned away in some cases, and those who are still in the counties are working in other capacities e.g. ASDSP coordinators.

Figure 9: Channel of communication between MoALF and county governments

Currently, when MoALF wishes to write to the County Department of Agriculture, the communication should go through MDP and the CoG. At the CoG, the letter is forwarded to the committee of agriculture who then forwards the communication to respective Governors. The letter on arrival at the governor's office is then forwarded to the CEC who forwards it to the Chief Officer then to the Director of Agriculture. In many cases, the letter gets to the CEC from the Governor through the County Secretary.

The communication channel from the counties to the national government was noted to be shorter with information compiled at the sections being sent to the directors who verify and send to the respective CO. The CO then sends the information to the national government and with copies to the CEC and the Governor.

Our observation from the counties visited was that this new channel was bureaucratic and inefficient. Most of the time, communication was always received late. It was also observed that the frequency of communication between the ministry headquarters and the department at county level had significantly reduced. Currently, county governments are only sharing the food security reports on a monthly basis. The coping mechanism employed is to directly contact officers at the county level as the official communication follows the channel shown in figure 6.

Budgeting and Flow of Funds

It was commendable that counties have adopted program based budgeting system, the model used by the national government. In this system, each section and directorate prepares a budget for the prioritised programs/projects that would be funded within a given financial year supported by a work plan. The budgets are then consolidated at the ministry level. Funding ceilings for each sector or ministry are provided by the county budget committee. The committee receives and adjusts the budgets for the different ministries, then presents the budget document to the county assembly. At the assembly, the budgets are scrutinized, debated, adjusted and adopted.

Once the budget has been passed, the county funds the different ministries. Currently, the funds are released on a monthly basis to the ministry which then splits the money between the directorates. The sub-counties are funded through an AIE system. Wards also access funds from the sub-counties. This system of monthly release of funds is thought not to be effective since the released money is too little to operationalize any meaningful activity. The released money is thus mainly used in recurrent expenditure and in some cases lies unutilized.

One of the weaknesses was observed when the budget was forwarded to the county assembly for approval. We noted cases where the county assembly made irrational cuts or reallocations. These often resulted in some key activities such as provision of extension services being grounded due to removal of key items from the budget. In one particular example, fuel was removed entirely from the budget hence implying that the Extension Officer had no facilitation to visit farmers.

County bills for the Agriculture sector

As envisaged in the fourth schedule of the Constitution, the county governments are expected to implement the national government policies to the extent that the policies relate to the county. Both the national and county governments are also expected to promote the implementation of agricultural policies and measures aimed at promoting, supporting and enhancing productivity in the sector. Each county government has the responsibility of ensuring uniformity with the national standards in the agricultural sector through its legislation. The counties are also expected to act in accordance with national policy guidelines.

Most of the counties have started drafting relevant bills that touch on agriculture ready to be presented to the County assemblies for deliberations and approval. Examples of these bills include:

- Animal and health disease control bill in Uasin Gishu
- Farm input subsidy and supply bill in Trans Nzoia
- Potato standardization and packaging bill in Nakuru
- Agricultural boards and committees bill in Kisii
- Agriculture mechanization services bill in Siaya

County Staffing

The county governments are permitted under the constitution to employ staff and have established county public service boards for this purpose. The national government has staff at the county level who have been working prior to the establishment of the county governments. Currently, negotiations on who will have the responsibility over the staff are on-going. More importantly, it will be clear to have a clear reporting and feedback mechanism between the two levels of government.

All the counties visited had insufficient number of both technical and support staff across all the directorates in the agriculture sector, hampering the responsibility of carrying out the tasks that the sector intends to fulfil. Worst affected are the directorates of livestock, veterinary services and fisheries that face serious staff shortages at the county, sub-county and ward levels. In some cases, lack of infrastructure (office space or transport) within working stations has made it difficult for officials to provide services to the farmers, which might have repercussions on food security in the future.

Majority of the staff were inherited from the national government and are now seconded to county level for a period of three years. Others were employed by the county governments through county public service boards, while some were absorbed from the local councils. Due to the way in which the staff were hired, coupled with salary delays, county staff have expressed dissatisfaction and low morale. There is need, therefore, to rationalize and align the staff issues.

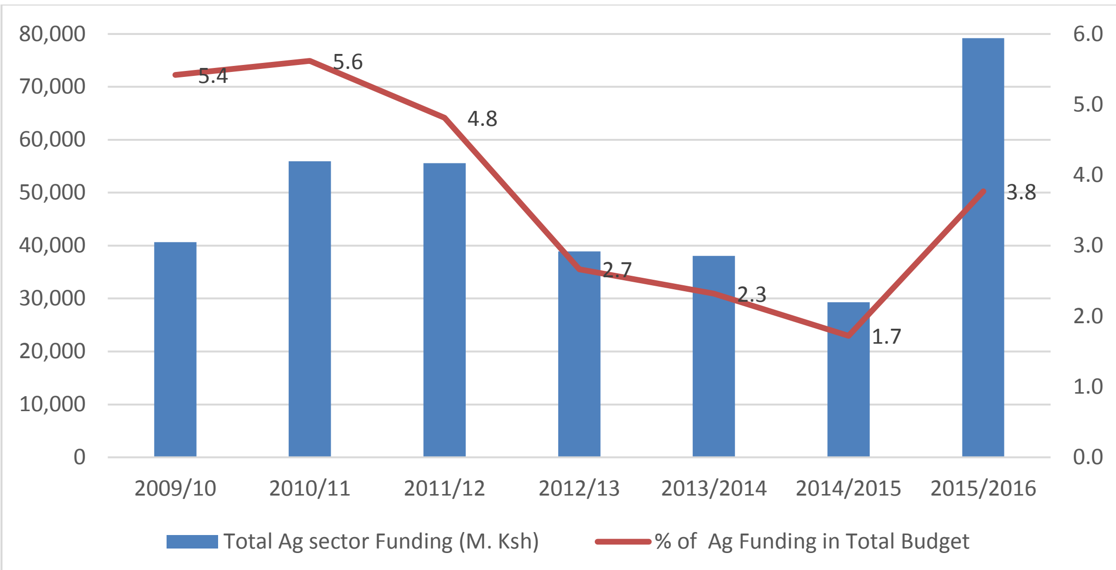
3.3.Agricultural Reforms

The recent reforms in the agricultural sector may cause overlaps of functions with the county governments. The commencement of the Agricultural Fisheries and Food Act (AFFA) Act, 2013 and the Crops Act, 2013, establishes semi-autonomous government agencies which are controlled by the national government but with functions, some of which are assigned to county governments, an example being the extension services. The duplication of roles among key bodies in the sector does not bode well for coordination of activities within the sector. There is urgent need to amend these key laws and eliminate any inconsistency thereof.

3.4. Agriculture Sector Funding

The funding allocated to the agriculture sector in the county has been increasing as shown in Figure 10. In the first year under the devolved government system, the funding allocated to the sector improved marginally. However, despite this increases, the share of funding in the total budget is still low. Figure 10 shows that the share of funding to the agriculture sector funding in total budget has been declining.

Figure 10: Trends in agriculture sector funding and share of agriculture budget in total Budget



Source: National Treasury, 2015

At the devolved levels, the level of funding has improved significantly compared to the funds spent in the sector under the centralised government system. This is expected because under the current system, county governments have more responsibilities in the sector including salaries for staff which were previously managed at the ministry headquarters.

Additionally, it is expected that counties will be the new engine of growth not only in the country but also in the sector. As shown earlier (Figure 1), majority of the households in the counties with the exception of about five counties still have the agricultural sector as the highest contributor to household's incomes. If this objective is to be achieved, then the sector will require investments to revolutionise agriculture towards more commercially oriented agriculture that will have significant multiplier effects on other sectors most notably trade and industry sectors.

Figure 11 shows that county governments which are still laying their foundations and institutions for governance, rely heavily on the national government allocations as a source of revenue. This impacts the programs initiated by county governments since at the inception phases, they mainly perform the functions formerly undertaken by the national government. If county governments are able to do this efficiently, then this would free resources to be utilised in other areas.

Figure 11: National government allocation as a percentage of total county government revenue by county

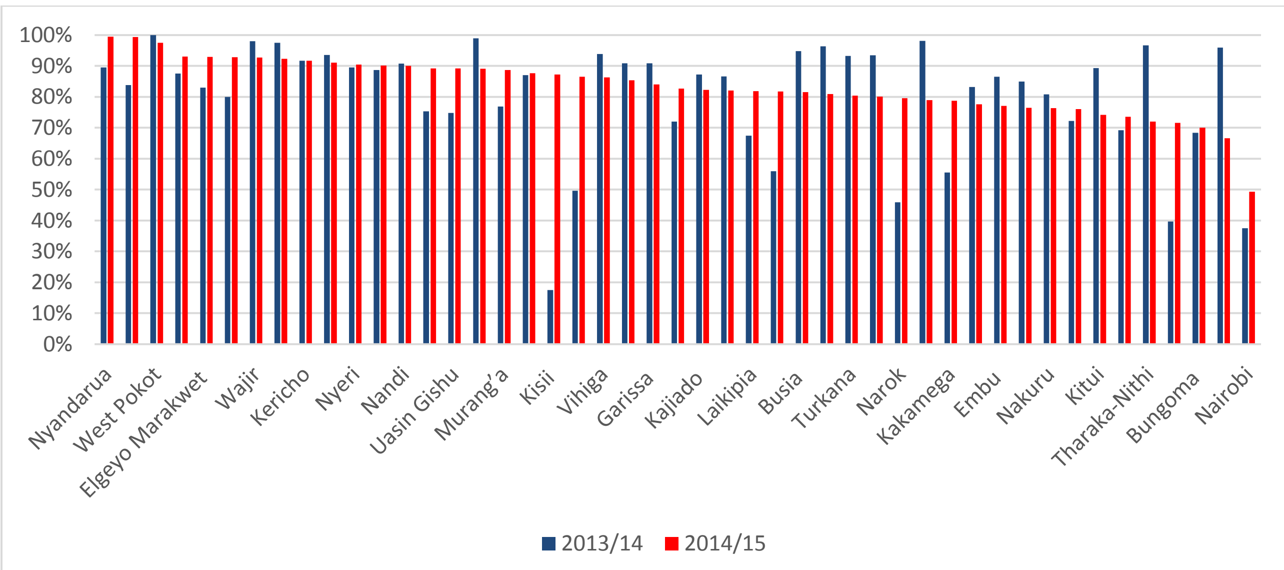
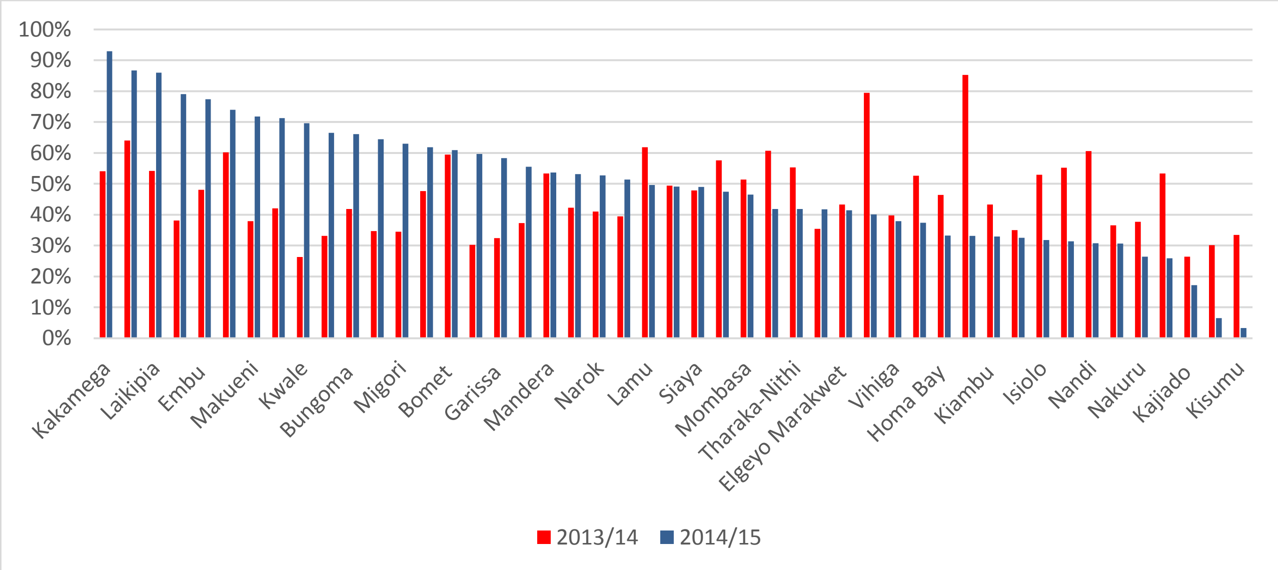


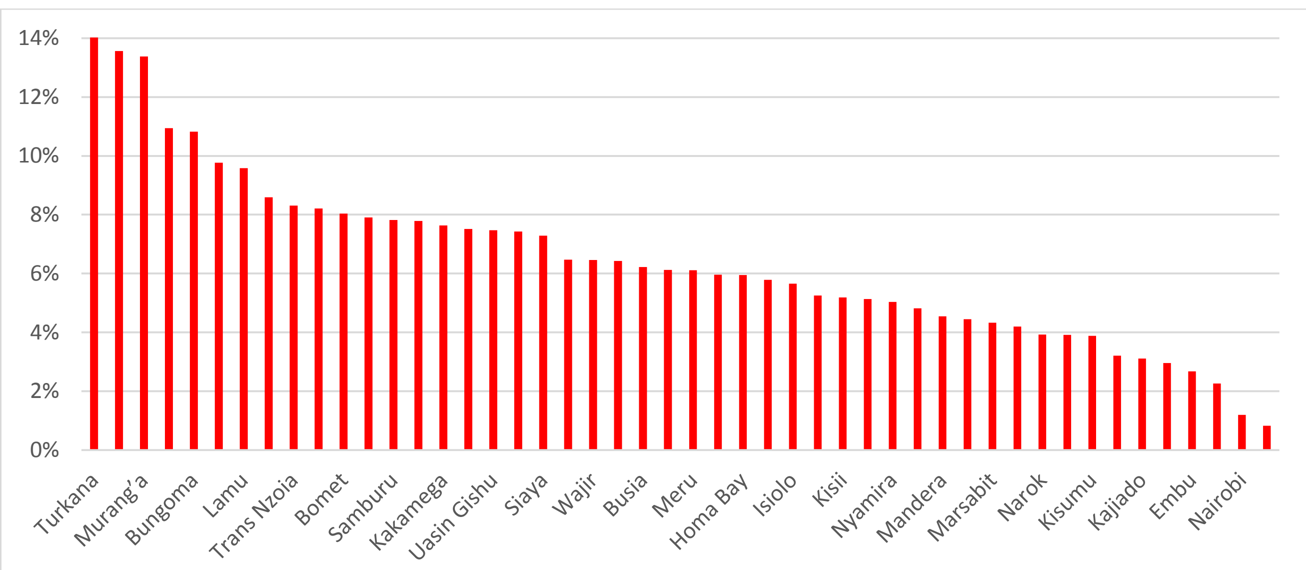
Figure 12 shows the development expenditures as a percentage of the total budget by counties. In 2013/14, county governments allocated an average of 46 per cent to development expenditure. This improved to 50 per cent in 2014/15. This is quite commendable given that only four and five out of 47 counties allocated their development expenditure below 30 per cent (minimum required under the Public Finance Management Act, 2012) in 2013/14 and 2015/16 repectively. It is expected that during the formative years, many county governments will allocate a portion of their revenues to non-core expenditures for setting up institutions at the county level.

Figure 12: Development expenditure as a percentage of total county expenditure by county



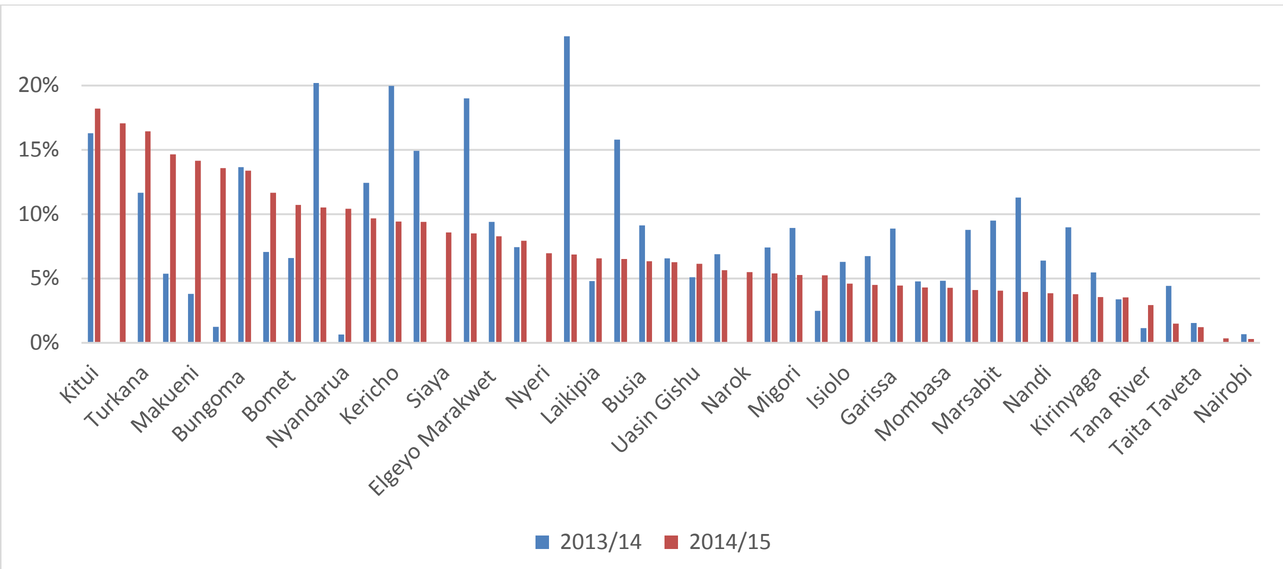
In the 2013/14 financial year, county governments aggregated their recurrent budgets under the county executive (governors office). In the subsequent year, counties allocated to the sector an average of six per cent of their total budget to the sector. Five counties had allocated ten per cent or more of their budget to the sector. On the other hand, 26 counties had allocated shares below 6 per cent with the lowest (Taita Taveta) only allocating one per cent.

Figure 13: Agriculture budget as a percentage of total budget in 2014/15 by county



In 2013/14, county governments allocated an average of eight per cent of their total development budget to the agricultural sector. In central Kenya for instance, Nyeri and Muranga counties did not allocate any development expenditure to agriculture, while Nyandarua County only allocated one per cent of the development budget to agriculture. In 2014/15 this share fell to seven per cent. A number of counties such as Kitui, Turkana, Makueni and Muranga had large shares of development budgets because the irrigation component was budgeted under the agricultural sector. Figure 14 shows the variation between the two years in the share of the development budget for the agticultural sector in total development budget.

Figure 14: Agriculture sector development budget as a percentage of the total development budget by county



The funding levels to the agricultural sector are not consistent with heavy reliance on the sector. This implies that either the agricultural sector is not a priority at the moment, or these counties expected that the national government will continue to fund the sectors capital projects in their counties. Possibly, these counties are also not fully aware of what they should budget for.

The allocation in 2013/2014 financial year by county governments showed a preference to develop infrastructure. Investment in infrastructure such as roads, bridges, and markets is expected to boost performance of the agricultural sector through opening up access to markets, reduction in transport cost for farm produce and improve market linkages. In 2014/15, the health sector followed by education sector received the largest shares of the county budget.

However, there is need to prioritise key areas that have continually constrained farmers. These include addressing the challenges related to low productivity such as: adoption of requisite technologies, access to clean planting material, and crop and livestock diseases. Other challenges include high cost of inputs and the high cost of credit.

4. Conclusion

Following the devolvement of majority of the functions in the agricultural sector to county governments, it is important to take stock of what has happened and use this to build on the future. This will ensure that we track the implementation process at both the national and county governments and provide feedback on the status and take remedial action where necessary. We discuss the main lessons and challenges facing the agricultural sector as:

- **Transition process to county governments**: County governments took over functions in the sector before they were ready. The constitutions and transition Acts recommend that the national government builds the capacity for county governments as well as assess their preparedness before handing over the functions.
- **Organization:** County governments have established the sector departments in a similar way as the national government. In most counties we visited, the department had the agriculture, livestock, fisheries and veterinary departments under the CEC for agriculture. Some counties have moved ahead in the process of institution building and are establishing the structures that will help them deliver on their mandate. Other counties are still finding their footing and their structures are yet to be developed. This is good for coordination especially between the national and county governments.
- **Planning and coordination**: The key planning document at the county level is the CIDP. The CIDPs were developed with a major emphasis on community participation. In some counties, these overshadowed technical input in the CIDP development process. Although, there has been mentions of collaboration between county governments, there was little evidence of these in the planning documents. Additionally, the institutions charged with coordination between the two levels of governments are yet to be set up. Participation of the technical officers in the development of CIDPs is important to ensure that programs that are planned for implementation are sound both technically and financially. In addition, it is important to ensure that the programs address the key causes of development challenges and are not used to paper over the issues. In the sector, there is need to ensure that the chapters on agriculture are consistent with the key planning documents at the national level such as the ASDS.

- **Communication:** Currently, the communication between the national and county governments takes a long time and is rigged with bureaucracy. Communication between county governments is also minimal.
- **Budgeting:** The budgeting process is weak at the county level and there has been cases of manipulation during the approval processes. At the national level, the sector approach through the MTEF is strong but this is clearly weak at the county level. County governments have done well to allocate the minimum threshold by the constitution to development expenditure in their first year.
- **Financing:** More funding was allocated in the first year to the agricultural sector at the county level. However, funding to the sector is still low and there is need to enhance this given the functions that are being implemented at the county level. County governments are still establishing the institutions and infrastructure to support flow of funds such as sub county treasuries. The county governments rely heavily on national government disbursements to finance their activities and this affects the timing of resource availability for departments in the sector. In the first year, the spending patterns were not likely to be different from the period before devolution to county governments.
- **Implementation of Programs:** There was little activity in the sector in the first half of the year. This was occasioned by a number of factors which were not unexpected taking into account the transition process. We randomly interviewed a number of farmers, and while this is not a representative sample, they collaborated our findings from interviews with technical officers. There was little activity especially in provision of extension services in the first year after devolution to county governments. Many counties had input supply programs. In some counties, we found that these programs were in direct competition with similar programs from the national government. In other counties, these were complementary to the national government programs. There was a big gap in the formulation of legislation in regards to the functions of the sector at the county levels mainly due to weak capacity at the sector departments and county assemblies.
- **Human resources:** The national government staff working at the county government are yet to be officially handed over to county governments. County governments have in the meantime started their own recruitment processes which are not harmonised with the national government. Additionally, there is mistrust between staff hired by the county

government and staff from the national government with the latter feeling that the former is favoured by the political environment which heavily influences the recruitment process. Facilitation such as office space, stationery is also lacking and the situation is worse at sub county and ward levels. There is a serious staff shortage in the sector especially for livestock, fisheries and veterinary departments. Altogether, the non-facilitation, shortage of staff and uncertainty in career development has negatively affected staff morale. It is necessary to keep staff motivated to improve their productivity which will greatly benefit farmers.

5. Recommendations

Poverty and food insecurity are the top most challenges that Kenya as a nation has to deal with decisively. Agriculture is one of the sectors identified as having the potential to alleviate these problems and put the country in the correct accelerated path for development. This is what was envisaged in the Vision 2030, the blue print for the nation's development. The Country chose the devolved system as it was seen as a catalyst towards realization of Vision 2030. There is therefore need to track the implementation of the governance structure and to draw lessons and improve performance of the system to achieve the intended results. We therefore recommend the following:

- There is need to prioritise capacity building and capacity development for county governments to effectively discharge their functions. Key among this is the setting up of an organizational structure for the sectors especially in counties where this is yet to take root. Additionally, these efforts should also be extended to the county assemblies and ensure that they too are able to discharge their constitutional mandate.
- There is need to establish more efficient communication systems among county governments and between county governments and the national government in the sector.
- Technical input in the planning process is importatnt and should be emphasized. Additinally, there is need to seperate the oversight and implementation role in the planning process. There is also need to review the CIDPs to make them realistic and specific to the objectives that are being pursued in the planning period.
- There is need for counties to prioritise the agricultural sector not only for food production, but also as an important contributor to income and employment. Counties should demonstrate this by increasing the allocation to the sector.
- Address the Human Resource challenges including harmonization of the recruitment process for county governments to be similar to national governments. Subsequently, there is need to recruit more staff especially for livestock, fisheries and veterinary department.
- Strengthen planning & budgeting processes by increasing the technical input in planning process and making use of available data to plan and allocate resources.

- Operationalize mechanisms to improve coordination between National Government and County Governments and among County Governments e.g. Inter-Governmental Technical Relations Committee.
- Harmonize legislation to remove overlaps between the National Government and County Governments.
- Fast track the draft and legislation of laws at the county level that operationalize the devolved agriculture sector functions.

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Appendix

Fourth Schedule (Constitution of Kenya, 2010)

DISTRIBUTION OF FUNCTIONS BETWEEN THE NATIONAL GOVERNMENT AND THE COUNTY GOVERNMENTS

Part 1—national Government

1. Foreign affairs, foreign policy and international trade.
2. The use of international waters and water resources.
3. Immigration and citizenship.
4. The relationship between religion and state.
5. Language policy and the promotion of official and local languages.
6. National defence and the use of the national defence services.
7. Police services, including—
    (a) the setting of standards of recruitment, training of police and use of police services;
    (b) criminal law; and
    (c) correctional services.
8. Courts.
9. National economic policy and planning.
10. Monetary policy, currency, banking (including central banking), the incorporation and regulation of banking, insurance and financial corporations.
11. National statistics and data on population, the economy and society generally.
12. Intellectual property rights.
13. Labour standards.
14. Consumer protection, including standards for social security and professional pension plans.
15. Education policy, standards, curricula, examinations and the granting of university charters.
16. Universities, tertiary educational institutions and other institutions of research and higher learning and primary schools , special education, secondary schools and special education institutions.
17. Promotion of sports and sports education.
18. Transport and communications, including, in particular--
    (a) road traffic;
    (b) the construction and operation of national trunk roads;
    (c) standards for the construction and maintenance of other roads by counties;
    (d) railways;
    (e) pipelines;
    (f) marine navigation;
    (g) civil aviation;
    (h) space travel;
    (i) postal services;
    (j) telecommunications; and
    (k) radio and television broadcasting.
19. National public works.
20. Housing policy.
21. General principles of land planning and the co-ordination of planning by the counties.

22. Protection of the environment and natural resources with a view to establishing a durable and sustainable system of development, including, in particular--

(a) fishing, hunting and gathering;
(b) protection of animals and wildlife;
(c) water protection, securing sufficient residual water, hydraulic engineering and the safety of dams; and
(d) energy policy.

23. National referral health facilities.
24. Disaster management.
25. Ancient and historical monuments of national importance.
26. National elections.
28. Health policy.
29. Agricultural policy.
30. Veterinary policy.
31. Energy policy including electricity and gas reticulation and energy regulation.
32. Capacity building and technical assistance to the counties.
33. Public investment.
34. National betting, casinos and other forms of gambling.
35. Tourism policy and development.

Part 2—county Governments

The functions and powers of the county are--

1. Agriculture, including—
   (a) crop and animal husbandry;
   (b) livestock sale yards;
   (c) county abattoirs;
   (d) plant and animal disease control; and
   (e) fisheries.
2. County health services, including, in particular—
   (a) county health facilities and pharmacies;
   (b) ambulance services;
   (c) promotion of primary health care;
   (d) licensing and control of undertakings that sell food to the public;
   (e) veterinary services (excluding regulation of the profession);
   (f) cemeteries, funeral parlours and crematoria; and
   (g) refuse removal, refuse dumps and solid waste disposal.
3. Control of air pollution, noise pollution, other public nuisances and outdoor advertising.
4. Cultural activities, public entertainment and public amenities, including--
   (a) betting, casinos and other forms of gambling;
   (b) racing;
   (c) liquor licensing;
   (d) cinemas;
   (e) video shows and hiring;
   (f) libraries;
   (g) museums;

(h) sports and cultural activities and facilities; and

(i) county parks, beaches and recreation facilities.

5. County transport, including--

(a) County roads;

(b) street lighting;

(c) traffic and parking;

(d) public road transport; and

(e) ferries and harbours, excluding the regulation of international and national shipping and matters related thereto.

6. Animal control and welfare, including--

(a) Licensing of dogs; and

(b) facilities for the accommodation, care and burial of animals.

7. Trade development and regulation, including--

(a) Markets;

(b) trade licenses (excluding regulation of professions);

(c) fair trading practices;

(d) local tourism; and

(e) cooperative societies.

8. County planning and development, including—

(a) Statistics;

(b) land survey and mapping;

(c) boundaries and fencing;

(d) housing; and

(e) electricity and gas reticulation and energy regulation.

9. Pre-primary education, village polytechnics, home craft centres and childcare facilities.

10. Implementation of specific national government policies on natural resources and environmental conservation, including--

(a) soil and water conservation; and

(b) forestry.

11. County public works and services, including--

(a) Storm water management systems in built-up areas; and

(b) water and sanitation services.

12. Firefighting services and disaster management.

13. Control of drugs and pornography.

14. Ensuring and coordinating the participation of communities and locations in governance at the local level and assisting communities and locations to develop the administrative capacity for the effective exercise of the functions and powers and participation in governance at the local level.