



COUNCIL OF GOVERNORS
PRESS STATEMENT ON CRITICAL ISSUES AFFECTING COUNTIES
12th July 2018

Members of the media,
Citizens of Kenya,
Ladies and gentlemen,

On Monday 9th July 2018, the Council of Governors addressed the media on pertinent issues affecting counties and in the past few days, Governors have been unfairly targeted and attacked by various stakeholders and the public over the statement. We stand by all the issues raised in the previous statement and we would also like to say the following on emerging issues:

1. That, whereas the Senate plays the oversight role, they are not mandated to do budgeting for counties. With regard to the capping on the official Governors' residences, it is ill informed for the Senate to reject the cost proposals shared by counties and putting a ceiling of up to Sh.45 million to construct Governors official residence. These are not personal residences but state properties, it is imperative to recognize that counties are different and therefore have diverse needs as well as resources.
2. That, whereas Boresha Maisha, a health advocacy organisation, in association with the Kenya Medical Practitioners and Dentists Union (KMPDU) are advocating for the Health function to be returned to the National Government, Health is largely devolved, and for this to happen, a referendum must take place. Furthermore, the Constitution at Article 187 spells out an elaborate procedure for the transfer of functions and powers between the two levels of government. Both the State of Nation and the State of Devolution Addresses highlight the successes witnessed in the health sector and counties have invested heavily on this sector bring current status despite the inadequate finances. The Council of Governors

is prepared to defend this function and will not tolerate any institution that will attempt to sabotage counties and devolution. Instead of having a discussion of how to revert some health components back to the National Government, the Senate and the National Assembly should be addressing how to adequately fund County Health Services so that Counties can optimally deliver on the same. There is need to also have a comprehensive debate on how to deal with the National Government agencies and state corporations that continue to receive colossal budgets to perform County functions. These must be restructured and funding redistributed back to the County health functions. The strides that have been made in the health sector since 2013 cannot be ignored, what needs to be done now is to capacitate Counties, both financially and human resource-wise to enable them bolster the achievements on the ground.

3. On the ongoing debate on the immunity of Governors, it is worth making clear that Governors are not in any way calling for non-prosecution of economic and financial crimes. Indeed, good governance, integrity, transparency and accountability are national values and principles entrenched in our Constitution. The Council of Governors is saying, the war on corruption must respect the existing laws and laid down legal procedures should be followed. Arraigning a governor in court and denying him or her bail so as to attract media and public attention is completely unnecessary and in bad faith. Such actions are meant only to emotionally charge the public. The Governor is a representative of the people in his/her County and the head of Government. He or she is elected by those people. Undoubtedly, where the public trust is broken by the said Governor, action must be taken. However, that action must remain respectful of the existing laws. Governors are not accounting officers. The war on graft will lose credibility and legitimacy if it continues in its current form. Corruption is a dragon that should be slayed with respect to the law and not public lynching.

Signed
H.E. Josphat Nanok
Chairman
Council of Governors