POLICY BRIEF

Strengthening Policy and Legislative Financing in FCDC Counties

Lessons from County Expenditure on Policy and Bills Development (2018–2022)

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Executive Summary

Strong public policies and legislation are the foundation of effective county governance. They provide the legal and institutional framework through which county governments plan development, deliver public services, manage natural resources, regulate investments, and promote accountability. An analysis of expenditure on policy and legislative development across the ten Frontier Counties Development Council (FCDC) member counties reveals that although counties collectively invested approximately KES 2.12 billion in developing policies and legislation between 2018 and 2022, this represented only 0.48 percent of the total county budgets amounting to approximately KES 439.9 billion over the same period.

The study further demonstrates considerable disparities in county investments. Turkana County invested approximately KES 888 million in policy and legislative development, while several counties invested less than KES 100 million over the five-year period. These variations suggest that despite facing similar governance and development challenges, counties have not accorded equal priority to policy development. The findings therefore point to the urgent need for counties to increase investment in policy formulation, institutionalize evidence-based policymaking, and strengthen collaboration among FCDC member counties to accelerate sustainable development across Northern Kenya.

Why This Matters

The Constitution of Kenya assigns county governments responsibility for critical devolved functions including agriculture, livestock development, water, health, county planning, trade, natural resource management, and local economic development. Effective delivery of these functions depends on the existence of clear policy frameworks, enabling legislation, implementation regulations, monitoring systems, and institutional guidelines that provide direction for planning and implementation. Without these governance instruments, county programmes often become project-driven rather than policy-driven, making them less sustainable and weakening accountability. Strong policy and legislative frameworks provide continuity in governance, improve resource utilization, enhance institutional coordination, and ultimately lead to better service delivery for citizens.

Key Findings

The analysis reveals that county governments continue to invest relatively little in policy development despite its strategic importance. During the five-year review period, the ten FCDC counties collectively received approximately KES 439.9 billion in budget allocations, yet only KES 2.12 billion was dedicated to policy and legislative development, representing just 0.48 percent of total county expenditure. This demonstrates that policy development remains significantly underfunded despite being fundamental to effective governance and sustainable development.

The study also found significant variations in expenditure among counties. Turkana County recorded the highest investment at approximately KES 888 million, followed by Tana River County with KES 366.8 million and Mandera County with KES 260 million. Garissa and Wajir invested moderate amounts of KES 145 million and KES 128 million respectively. In contrast, Samburu, West Pokot, Marsabit, Isiolo and Lamu invested comparatively lower amounts, ranging between KES 42.5 million and KES 95 million. These differences indicate varying levels of institutional commitment and technical capacity for policy development across the region.

Another notable finding is that policy development activities were heavily concentrated during the early years of the review period. Most counties invested substantially between 2018 and 2020, after which expenditure declined considerably. This trend suggests that counties initially focused on establishing foundational policy and legislative frameworks following devolution before shifting their attention towards implementation. However, policy development is not a one-off activity. Counties must continuously review, update and strengthen their policies to respond to emerging challenges, changing development priorities, and evolving legal and institutional environments.

The study further established that counties concentrated their investments in sector-specific policies. Significant efforts were directed towards agriculture, livestock development, water resources management, climate change, rangeland management, environmental conservation, disaster risk management, governance, public participation, information and communication technology, gender equality, human resource management, and investment promotion. While these investments demonstrate recognition of the importance of sectoral governance, the scope and depth of policy development varied considerably among counties.

Implications for Frontier Counties

The findings have important implications for governance and development across Northern Kenya. Limited investment in policy development weakens the ability of county governments to implement programmes consistently, enforce regulations effectively, attract investments, coordinate institutions, and monitor development outcomes. Counties with inadequate policy frameworks are likely to experience fragmented implementation, reduced efficiency, and lower returns on public investment.

The study also highlights the vulnerability of counties to political transitions. Where comprehensive policy and legislative frameworks are absent, development priorities often change with successive administrations, resulting in discontinuity, loss of institutional memory, and inconsistent implementation of long-term development programmes. Strong policies help institutionalize development priorities beyond political cycles and provide continuity in governance regardless of changes in leadership.

Furthermore, the findings reveal missed opportunities for regional policy harmonization. Many of the challenges facing FCDC counties—including livestock mobility, drought management, water governance, climate resilience, community land management, natural resource governance, and peacebuilding—transcend county boundaries. Nevertheless, policy development has largely occurred independently within individual counties rather than through coordinated regional approaches. Greater collaboration among counties would improve policy coherence, reduce duplication, and strengthen regional responses to shared challenges.

The report also underscores the importance of strengthening evidence-based planning. Counties need stronger policy research, monitoring, and evaluation systems to ensure that policies are informed by credible data, regularly reviewed, and adjusted based on implementation experience and emerging evidence. This would significantly improve policy effectiveness and development outcomes.

Opportunities for FCDC

The Frontier Counties Development Council is uniquely positioned to become the regional centre of excellence for policy coordination and legislative development. Given its regional mandate and convening power, FCDC can play a leading role in harmonizing policies across member counties, providing technical assistance in policy formulation, facilitating peer learning and exchange of best practices, developing model policy templates, strengthening policy research, establishing a regional legislative knowledge hub, and coordinating engagement with national institutions and development partners. By assuming this leadership role, FCDC can significantly improve the quality, consistency, and effectiveness of policy development across the frontier counties.

Policy Recommendations

1. County governments should progressively increase budget allocations dedicated to policy formulation, legislative drafting, policy review, and implementation frameworks. Greater investment in policy development will strengthen governance systems, improve service delivery, and enhance accountability while providing the legal and institutional foundation necessary for sustainable development.
2. Each county should establish or strengthen dedicated policy and research units responsible for policy analysis, legislative drafting, regulatory impact assessments, implementation monitoring, and periodic policy reviews. Institutionalizing these functions will enhance the technical quality of policy development and reduce reliance on external consultants while strengthening county capacity.
3. County Executives and County Assemblies should strengthen collaboration throughout the policy development cycle to accelerate legislative processes, improve policy quality, and ensure timely enactment and implementation of county legislation. Stronger collaboration between these institutions will reduce delays and improve governance outcomes.
4. Policy development should be firmly anchored in evidence generated through research, county statistics, monitoring systems, citizen feedback, and lessons from

programme implementation. Evidence-based policymaking will improve policy relevance, effectiveness, and responsiveness to the needs of citizens while promoting efficient use of public resources.

5. County governments should strengthen structured public participation by engaging communities, civil society organizations, pastoral institutions, women, youth, and the private sector throughout the policy development process. Broad stakeholder participation enhances policy ownership, legitimacy, and successful implementation.
6. Every county policy should include clearly defined performance indicators, implementation plans, periodic review mechanisms, and monitoring and evaluation frameworks. These elements will enable counties to track implementation progress, measure results, identify challenges, and continuously improve policy effectiveness.
7. FCDC should institutionalize regular peer learning forums that enable counties to exchange experiences, share innovations, and adopt successful policy approaches developed by other member counties. Such collaboration will promote regional policy harmonization and strengthen collective capacity across the frontier counties.
8. Finally, development partners should continue supporting counties through investments in policy research, legislative drafting, institutional capacity strengthening, policy implementation, and knowledge management. Strategic partnerships will help counties develop stronger governance systems capable of addressing the complex development challenges facing the ASAL region while accelerating progress toward sustainable and inclusive development.